

**Site Address: Land adjacent to Shipton
Road Shipton on Cherwell**

15/00394/F

Ward: Kirtlington

District Councillor: Cllr Holland

Case Officer: Shona King

Recommendation: Approval

Applicant: Pye Homes Ltd

Application Description: Temporary haul road for 2 years

Committee Referral: Member Request

Committee Date: 21 May 2015

1. Site Description and Proposed Development

- 1.1 The application site lies to the east of the built up edge of Woodstock on the eastern side of a bridle way that forms the boundary between West Oxfordshire and Cherwell.
- 1.2 Consent is sought for a haul road for a period of two years to serve a housing development within West Oxfordshire which was granted planning permission in February 2015. The haul road is to run from Shipton Road crossing bridleway 342/3 and into an open field using an existing gateway. The haul road is then to run northwards for a distance of approximately 195m before re-crossing the bridleway and entering the construction site.

2. Application Publicity

- 2.1 The application has been advertised by way of a site notice and press notice. The final date for comment was the 4th May 2015.

12 letters have been received. The following issues were raised:

- Questions validity of site notice
- History of housing development which is to be served by the haul road
- Highway safety
- Safety of users of the rights of way
- Cost of works
- Environmental impact
- Impact on the living amenities of nearby properties
- Contravenes NPPF with regards rights of way
- Description of the development questioned
- Impact on horse riders/horses using the bridleway

3. Consultations

- 3.1 Shipton on Cherwell Parish Council: Shipton on Cherwell and Thrupp Parish Council meets irregularly, so a full Parish Meeting has not been able to discuss this Application. Unfortunately a quorum of Councillors is not available (holidays), but I have spoken to 2 parish Councillors.

The position of the Parish Council is to support Woodstock in it's desire to have the Application 'called in', and not left to a delegated Officer decision.

- 3.2 Woodstock Town Council: RESOLVED (unanimous) that:

1. Woodstock Town Council strongly objects to this planning application as the cost will be astronomical, the immediate environmental impact will be severe, the breach of the

bridle way will deprive walkers of a treasured amenity and there is an unquantifiable risk that the temporary road will become permanent, thus causing further visual and environmental damage.

2. If, notwithstanding this Woodstock Town Council recommendation, Cherwell District Council gives consent, we recommend them to take full account of the content of the letter from Mr M S H Price to the Head of Protection and Development Management dated 13th April 2015 about the routing of the road.
3. This matter should be considered by the full planning sub-committee and not delegated to a planning officer as it is too important.

3.3 West Oxfordshire District Council: No comment to date

Cherwell District Council Consultees

3.4 Landscape Officer: The vehicular use of the temporary haul road and construction traffic will have a two year term construction impact on users of the adjacent PROW. Therefore the area immediately east of the road is to have the stripped topsoil stockpiled and graded to the appropriate profile with a double row, native hedge planted on top, as whips, 1 apart, with mulch mats and rabbit guards. The planting is to be maintained for the period of operation, 2 years. Fast growing silver birch, cherry and alder are to be planted.

The root protection area (in accordance with BS5837) of the structural vegetation to the west is to be marked out on site and protected with secure fencing during the construction of the road.

The land to be de-compacted and reinstated to agriculture, along with the replacement planting of any native trees, shrubs and hedgerows lost to the formation of the constructor's access, north and south.

3.5 Environmental Protection Officer: No objections

Oxfordshire County Council Consultees

3.6 Highways Liaison Officer: It is understood that the County's Public Rights of Way Officer is to recommend a condition which protects the status of the existing Public Right of Way.

In terms of traffic generation and impact there is likely to be an insignificant effect on the adjacent highway network as a result of the proposal and as such Oxfordshire County Council as Local Highway Authority hereby notifies the District Authority that they do not propose to object to the grant of permission i.e. there are no objections to the proposal from a traffic and highway safety point of view subject to the following conditions:

1. Other than the approved access no other means of access for construction traffic whatsoever shall be formed or used between the land and the highway. The proposed use shall remain for a maximum period of 2yrs for construction traffic purposes only.

Reason: In the interest of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

2. Prior to the commencement of the development hereby approved, full specification details of the proposed road including construction, surfacing, layout, drainage and relationship to the existing 'Public Rights of Way', shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the road the development shall be constructed in accordance with the approved details.

Reason: In the interest of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

3. Development shall not commence until a Construction Management Plan (CMP) has been submitted and approved in writing by the Local planning Authority. The CMP shall include details of the phasing of development and construction activities within each phase; a construction method statement; consultation and communication with residents of adjacent and surrounding properties; locations on site for the parking of vehicles for operatives and visitors, and for the loading and unloading of plant and materials; locations on site for the storage of plant and materials; the erection and maintenance of any securing hoarding fencing; wheel wash facilities; the hours of construction works traffic on the highway including delivery traffic which must be outside of peak school drop off/pick up times. The CMP shall be implemented in full during the entire construction phase of this development.
 4. The proposed new road shall be kept free of obstructions at all times and used only for the specified purpose.
- 3.7 OCC Rights of Way Officer:

It is clear from the plans that the implementation of this Haul Road will have a large impact on what is a popular and aesthetically pleasing rights of way network. Nevertheless the current plans have been designed in consultation with the Countryside Access team.

It is important the applicants provides the right levels of mitigation in order to provide a safe and useable rights of way network for the two year period that the haul road is intended to be in operation.

Some of this detail is not clear within the application, therefore to focus on this, the Countryside Access response will be split into two sections, the Shipton road entrance and site entrance.

Shipton Road Entrance

Where the haul road intends to begins off the Shipton road, it immediately crosses footpath 5 close to the point where bridleway 3 exits. The designs indicate that the haul road is to be fenced for safety purposes on its western side, by the use of Heras fencing and a gap left to provide for public footpath 5 on its legal alignment. I would ask that a gap is left of no less than 4 metres within the fencing and it would also be preferable that some fencing is provided of perhaps a less intrusive nature in order to try and reduce the visual impact that this will have for the 2 year period of operation.

Where footpath 5 crosses the haul road, a marked pedestrian crossing will be installed allowing pedestrians and site traffic to be well aware of each other's presence visually, I would ask that the appropriate signage be installed in addition to this.

Site Entrance

The haul road intends to cross the bridleway with barriers being installed either side. Free passage on bridleway 3 north / south and bridleway 5 to the east will remain unaffected unless site traffic is crossing.

The barriers are intended to be opened to obstruct the bridleway temporarily whilst the site traffic enters. Whilst this is acceptable, it is important that these are manned throughout operation to make sure that members of the public are inconvenienced for as little time as possible.

It is important that bridleway 2 coming from the East is safely accommodated. This is so those entering onto bridleway 3 have some shielding from approaching site traffic. The reasons for this, is that the sudden arrival of those in high visibility clothing, along with one or more large vehicles, could be enough to agitate a horse, whilst it negotiates itself onto bridleway 3 to head north or south. I would ask that appropriate signage is included on the haul road to warn drivers of the public rights of ways presence when they approach.

Finally it is important that a photographic record is taken of the surface condition prior to the installation of the haul road. This is to make sure that on restoration, the route is returned to its previous condition

Therefore in summary the Countryside Access team has no objection to this application. However we would ask that a condition is added with respects to the mitigation measures highlighted.

‘ The road layout, all fence alignments, gaps within fencing and appropriate signage are to be approved by the Countryside Access team prior to construction taking place ‘

Reason: to make sure that the public rights of way are provided for on their correct alignment and that all the appropriate safety measures are in place so members of the public can continue to use the affected routes without inconvenience

- 3.8 County Archaeologist: The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

C28: Layout, design and external appearance of new development

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Submission Local Plan (October 2014)

Submission Local Plan (October 2014) (SLP) has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation, from 22nd August to 3rd October 2014. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The examination reconvened and closed in December 2014 and the Inspectors report is likely to be published in May 2015.

5. Appraisal

5.1 The key issues for consideration in this application are:

- Planning history
- Impact on the visual amenities of the area
- Impact on highway safety
- Impact on the Public Rights of Way

Planning history

5.2 There is no planning history for the application site itself however permission was

granted for a site in West Oxfordshire that the haul road is to serve. The development for 58 dwellings, with access through a further housing development known as Randolph Avenue, was approved in February 2015 under application reference 13/0982/P/FP. The site lies to the northern end of the proposed haul road.

- 5.3 The permission was subject to a number of conditions one of which sought the submission to and approval by West Oxfordshire District Council of a Construction Method Statement This required provision for:
- i. The parking of vehicles for site operatives and visitors
 - ii. The loading and unloading of plant and materials
 - iii. The storage of plant and materials used in constructing the development
 - iv. The erection and maintenance of security hoarding including decorative displays
 - v. Wheel washing facilities
 - vi. Measures to control the emission of dust and dirt during construction
 - vii. A scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii. The details to ensure that construction operations do not damage the hedgerow, trees, reptiles, badgers, newts or nesting birds as may be present on site.

The reason given for the condition was to safeguard the character and appearance of the area, living conditions, biodiversity and road safety.

- 5.4 As part of the discussions with West Oxfordshire to discharge the condition the applicant's agent has stated in the planning statement that it was agreed that the most appropriate means of accessing the site was to construct a temporary haul road in the adjacent field to ensure that disturbance to existing residents would be minimal during the construction phase of the development.

- 5.5 Planning permission is required for the haul road rather than it being dealt with under the discharge of the condition because the haul road lies in Cherwell District.

Impact on the visual amenities of the area

- 5.6 The proposed haul road will be screened in views from the west by the existing vegetation along the bridleway which is to be retained. The application has been amended omitting heras fencing from the eastern side of the haul road reducing the visual impact from the east.

- 5.7 In your officer's opinion it is considered that the visual impact will not be so significant to warrant refusal of the application. It is recommended that any consent is subject to conditions requiring the reinstatement of the field and any vegetation that is lost as well as the surfaces of the bridleway/footpaths if damage occurs.

Impact on highway safety

- 5.8 The Highway Authority is satisfied that the haul road will not result in any significant detriment to highway safety. They have recommended the imposition of conditions and these are set out below.

Impact on the Public Rights of Way

- 5.9 The applicants' agent has stated that the haul road is to be closed by barriers except when lorries are due and a banksman will supervise all movements in order to protect users of the footpath network. Also the route of the footpaths/bridleway will be protected with fencing for the duration of the consent.

- 5.10 The County Council Rights of Way Officer has raised no objection to the application subject to a condition requiring mitigation measures to be approved prior to construction taking place. They have stated that additional signage is required warning drivers of the presence of the public rights of way on approaching the site as

well as appropriate fencing, pedestrian crossing and protection of the bridleways. They have also requested that a photographic record is made of the condition of the surface of the right of way so that on restoration it can be returned to its previous condition.

5.11 These conditions are set out below.

Ecology

5.12 The proposed haul road will result in the loss of vegetation at the southern and northern ends of the haul road where it crosses the bridleway. However the extent of the loss is minimal and it is considered that the development will not have a significant impact on habitat. The applicant submitted an ecological survey for the housing site and reptiles were found along the eastern and north eastern boundaries of the site and as such it is recommended that conditions are attached to any consent to ensure that protected species are not harmed.

Other issues

5.13 The description of the development has been questioned. The word temporary is acceptable as if the road was to become permanent further planning permission would be required.

5.14 The impact on the living amenities of the nearby dwellings is a consideration however the development which the haul road is to serve has been granted planning permission and the alternative to access the site during the construction phase would be through Randolph Avenue. This would have a greater impact on the living amenities of those properties. When finished the access to the housing estate will be through Randolph Avenue.

Engagement

5.15 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the approval of development that accords with sustainable development principles as set out in the NPPF.

Conclusion

5.16 To conclude it is considered that the proposed haul road will not result in any significant detriment to the visual amenities of the area, nor to highway safety. The measures proposed to protect the rights of way are considered to be appropriate and the development will not result in any significant inconvenience to the users of the rights of way in the area.

6. Recommendation

Approval, subject to the following conditions:

1. At the expiration of two years from the date hereof the use of the haul road shall be discontinued and the land shall be restored to its former condition on or before that date.

Reason – This consent has only been granted in view of the special circumstances of the proposal and because the haul road is not suitable or necessary for permanent retention and in order to comply with Policy C31 of the adopted Cherwell Local Plan and government guidance contained within the National Planning Policy Framework.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application Form, site plan and drawing no.12-1162 07

P06.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. That the haul road hereby approved shall be constructed and used only in association with the development approved under West Oxfordshire District Council's application reference 13/0982/P/FP only and for no other purpose whatsoever. Use of the haul road shall cease upon the completion of the development of that application site.

Reason - This consent has only been granted in view of the special circumstances of the proposal and because the haul road is not suitable or necessary for permanent retention and in order to comply with Policy C31 of the adopted Cherwell Local Plan and government guidance contained within the National Planning Policy Framework

4. Prior to the commencement of the development hereby approved, full specification details of the proposed road including construction, surfacing, layout, drainage and relationship to the existing 'Public Rights of Way', shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the road the development shall be constructed in accordance with the approved details.

Reason: In the interest of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

5. Development shall not commence until a Construction Management Plan (CMP) has been submitted and approved in writing by the Local planning Authority. The CMP shall include details of the phasing of development and construction activities within each phase; a construction method statement; consultation and communication with residents of adjacent and surrounding properties; locations on site for the parking of vehicles for operatives and visitors, and for the loading and unloading of plant and materials; locations on site for the storage of plant and materials; the erection and maintenance of any securing hoarding fencing; wheel wash facilities; the hours of construction works traffic on the highway including delivery traffic which must be outside of peak school drop off/pick up times. The CMP shall be implemented in full during the entire construction phase of this development.

Reason – In the interest of highway safety, to ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan and to comply with Government guidance contained within the National Planning Policy Framework.

6. Full details of the position of the protective fencing along the eastern edge of the site shall be submitted to and approved in writing by the local planning authority. The fencing shall be sited outside the root protection areas of the hedgerow/trees in accordance with BS 5837:2012 and all subsequent amendments and revisions. The fencing shall be erected in accordance with the approved details prior to the commencement of the development and retained in situ during the construction and use of the haul road.

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the

interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7. Full details of the remediation and reinstatement works which shall include replanting of the gaps where hedgerow/trees are to be removed shall be submitted within 18 months of the date of this permission to be approved in writing by the Local Planning Authority prior to those remediation works commencing. The approved scheme shall be implemented within 6 months of the cessation of the use of the haul road.
8. Prior to construction details of the road layout, all fence alignments, gaps within fencing, pedestrian crossing over the haul road, how the barriers are to be manned and appropriate signage shall be approved in writing by the Local Planning Authority and before the first use of the road the development shall be constructed in accordance with the approved details.

Reason – To make sure that the public rights of way are provided for on their correct alignment and that all the appropriate safety measures are in place so members of the public can continue to use the affected routes without inconvenience and to comply with guidance contained within the National Planning Policy Framework.

9. Prior to the commencement of the development a photographic record shall be taken of the surface condition of the route of the haul road in order that on restoration the route is returned to its former condition.

Reason - in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Planning Notes

1. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way through the approval of development that accords with sustainable development principles as set out in the NPPF.