

**Site Address: KM4 South West Bicester  
Development Site, Wetherby Road,  
Bicester**

**15/00920/F**

**Ward: Ambrosden and Chesterton District Councillor: Councillor Lynn Pratt**

**Case Officer: Linda Griffiths Recommendation: Approval**

**Applicant: Bovis Homes Ltd**

**Application Description: To provide a new temporary access road off Middleton Stoney Road to access the building compound, car parking and materials storage serving KM4 parcel**

## **1. Site Description and Proposed Development**

- 1.1 This application relates to the development at South West Bicester which is situated between the Middleton Stoney Rd. and Oxford Rd. The whole site was granted outline planning permission subject to conditions and a Section 106 Agreement in June 2008 for up to 1585 dwellings, education, health village and supporting infrastructure. Development began in 2010.
- 1.2 This submitted application seeks full planning permission for the construction of a temporary construction access from the Middleton Stoney Road to serve development parcel KM4 which is currently being built out by Bovis Homes. Construction vehicles are currently gaining access to this development parcel through the South West Bicester development itself.
- 1.3 The proposed access is 7.0m wide with 6m turning radii. A 10m length of existing hedgerow will need to be removed to create the access. Gates will be set back into the site to prevent access outside of construction hours.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letter, site notice and notice in the local press.

Correspondence has been received on behalf of the Kingsmere Residents Association committee which fully supports this application as the temporary road access to the Bovis areas would avoid further exposure of residents in existing homes on Whitelands Way and Ascot Way to dust, mud and fumes from HGVs and other vehicles visiting the site.

## **3. Consultations**

- 3.1 Bicester Town Council: objects to this application on safety grounds with access being off of the Middleton Stoney Road. Would prefer to see access coming off Vendee Drive or going through Whitelands Way and coming round would be a safer option.

## **Cherwell District Council Consultees**

- 3.2 Arboricultural Officer: No objections in principle, the 10,0m section of hedgerow

proposed for removal is in poor condition and in need of rejuvenation anyway. There are no individual trees of value within this section of hedgerow so I have no concerns there either.

Mitigation, when appropriate should be in the form of replacement hedgerow (50% Crataegus, 30% prunus spinosa, 10% Illex, 5% Rosa, 5% Hazel) comprising of feathered specimens (1-1.5m in height) staggered plantings at 50cm spacings for instant effect. Rabbit guards and mulch bedding required.

The hedgerow should also contain 2 No 14-18cm Quercus robur planted at 5.0m spacing.

Timescales for replacement planting should also be provided. A condition regarding landscaping is recommended.

3.3 Landscape Officer: No objection as long as the temporary road surface, constructor's compound and hedgerow are reinstated in the appropriate manner to CDC approval-details of which to be forwarded to the LPA for consideration. Subsoil de-compaction and ground de-contamination of chemical spillage are important for the future use, landscaping/tree planting etc. on site topsoil stored and spread in accordance with BS 3882:2007 Specification for topsoil and requirements for use.

3.4 Ecology Officer: No comments received

### **Oxfordshire County Council Consultees**

3.5 Highways Liaison Officer: No objection subject to conditions

It is considered that the proposed temporary access for KM4 on Middleton Stoney Road will operate safely. A temporary access (just to the east) for an earlier phase of the Kingsmere development operated for between 18 months and 2 years before the Shakespeare Drive main access roundabout was opened. There were no reported injury accidents at or in the vicinity of that temporary access. Since that road was closed, a 30mph speed limit has been introduced on Middleton Stoney Road. Bearing that in mind and the details that have been submitted this new temporary access is considered to be acceptable. This is despite the fact that a westbound bus stop is located immediately to the east of the proposed access. Buses only currently run twice an hour during the daytime Monday to Saturday. This is not sufficiently frequent for it to pose a real risk to safety, particularly given the predicted low volume of traffic that will be using the construction access.

However, in order to ensure that the access works as safely as possible, the county Council believes that a routing agreement for HGVs should be in place to minimise any possible negative effects of the junction and the HGV's using it on road safety and traffic congestion. This could ensure that HGV' only turn right in or right out of the access and that onward journeys from the site are on the most suitable parts of the local road network – considered to be Vendee Drive. This will be agreed before works start.

A S278 traffic calming scheme consisting of speed cushions will be constructed on Middleton Stoney Road in the near future to reinforce its new lower speed limit. This will further ensure that the temporary access will operate safely.

3.6 Drainage Officer: No comments received

## **4. Relevant National and Local Policy and Guidance**

### **4.1 Development Plan Policy**

#### Adopted Cherwell Local Plan (Saved Policies)

Saved Policy C31 seeks to exercise control over development to ensure that it is appropriate for its location, compatible with the area and will not cause an unacceptable level of nuisance or visual intrusion in respect of the character of the area.

Saved Policy C28 seeks to ensure acceptable standards of design appropriate to its location

### **4.2 Other Material Policy and Guidance**

#### National Planning Policy Framework

#### Submission Cherwell Local Plan 2015

The Submission Local Plan has been through public consultation and was submitted to PINS 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 the 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 22<sup>nd</sup> August to 3<sup>rd</sup> October 2014. The Examination reconvened and closed in December 2014. The Inspector's Report was published 12<sup>th</sup> June 2015. The report has been considered by Officers and is to be presented to Members at a meeting of Full Council on 20<sup>th</sup> July 2015. Although the Submission Cherwell Local Plan does not yet have development plan status, it is a material planning consideration and due weight can be afforded to relevant draft policies, in accordance with paragraph 216 of the framework.

## **5. Appraisal**

### **5.1 The key issues for consideration in this application are:**

- Relevant Planning History
- Residential Amenity
- Visual Amenity
- Highway Safety

#### **Relevant Planning History**

### **5.2 This application relates to the new development at South West Bicester which is situated between the Middleton Stoney Rd. and Oxford Rd. The development at South West Bicester was granted outline planning permission subject to conditions and a Section 106 Agreement in June 2008 for up to 1585 dwellings, employment, education, health village and supporting infrastructure (06/00967/OUT refers). The development was a strategic allocation in the non-Statutory Cherwell Local Plan under Policy H13. The Design Code was produced following the granting of outline planning permission was approved in July 2008.**

### **5.3 The proposal relates to the development of land parcel KM4 which is located at the northern end of the development adjacent to the Middleton Stoney Road boundary.**

Reserved matters consent for the residential development of this parcel was granted to Bovis Homes in November 2014 (14/01054/REM refers). Construction of the dwellings on this land parcel have begun, however, construction traffic is currently passing through the existing occupied development. Complaints have been received from existing residents concerning noise and dust from the construction vehicles passing very close to the fronts of their properties. This temporary construction access is proposed to avoid construction traffic having to pass through the existing completed development.

### **Residential Amenity**

- 5.4 As stated above, the main reason for requiring a temporary construction access to the Middleton Stoney Road is to ameliorate the impact of the current construction vehicles, delivery and personnel passing through the completed and occupied part of South West Bicester.
- 5.5 The main impact of the use of this temporary construction access will be on the occupiers of properties immediately opposite in Tubb Close whose rear gardens back onto the Middleton Stoney Road. No representations have been received from the residents of those properties in this respect. During the consideration of the application further information was sought in respect of the likely traffic movements created by the proposal. Predicted traffic flows are not exceptionally large and potential amenity issues can be overcome by the use of conditions. Issues of noise and disturbance can also be resolved more quickly and efficiently through the Environmental Health legislation should such a problem arise. Furthermore, when construction initially started on this South West Bicester site, the old farm access which was located just to the east of this access point was used by construction traffic and there is already traffic noise generated by vehicles along the Middleton Stoney Road.
- 5.6 On balance therefore, having regard to the above, the proposed temporary construction access to serve this development parcel is unlikely to result in unacceptable levels of noise and disturbance to existing residents and therefore have a significant adverse impact on their residential amenity and is therefore acceptable in this respect.

### **Visual Amenity**

- 5.7 The proposal would essentially be seen in conjunction with the development occurring on the site and would have minimal visual and landscape impact from the surrounding area and within the street scene over and above that already experienced in conjunction with the development of South West Bicester as a whole.
- 5.8 In terms of the loss of the existing hedgerow, the 10 metre long section which it is proposed to remove is in a poor condition and in need of rejuvenating and infilling with additional planting. There are no individual trees of any value within this section of hedge and no objections are raised by the Council's landscape or arboricultural officers. It is considered that the removal of this section of hedging and the replanting of this section with new hedging and trees will benefit the locality in the long-term resulting in a more appropriate species rich section of hedging to the benefit of the street scene and ecology.

### **Highway Safety**

- 5.9 Following the receipt of additional plans and information, the Highway Authority raises no objections to the proposal in highway safety terms. During the initial construction of the wider South West Bicester site, and prior to the construction of the new roundabout to the Middleton Stoney Road, the former farm access to the east of this

new access point was used by construction traffic. This track now forms part of the green infrastructure through the development and is currently being landscaped by the main developers, Countryside Properties, and is therefore not available for use by Bovis Homes to access this land parcel. During that time there were no reported injury accidents at or in the vicinity of that temporary construction access. Since that time, the speed limit has also been reduced to 30mph along the Middleton Stoney Road.

- 5.10 There is a bus stop which has been installed in conjunction with the South West Bicester development just to the east of the proposed temporary access. However, buses currently only run twice an hour during the daytime Monday to Saturday, and the Highway Authority do not consider this to be sufficiently frequent for the position of the temporary access to pose any real risk to safety, particularly given the predicted low volume of traffic that will be using the construction access.
- 5.11 However, in order to ensure that the access works as safely as possible, the County Council believes that a routing agreement for HGVs should be in place to minimise any possible negative side effects of the junction and HGVs accessing and egressing the site on road safety and traffic congestion. This would ensure that HGVs only turn right or left out of the access and that onward journeys from the site are on the most suitable parts of the local road network. This will be agreed by condition prior to the commencement of the construction of the new access.
- 5.12 The new access will be 7 metres wide with 6 metre radii. The existing drainage ditch will be piped for this small section to prevent the discharge of water onto the public highway. Vision splays of 2.4m x 43m are shown in both directions which is acceptable to the highway authority. Signage is proposed to the Middleton Stoney Road, as requested by the Highway authority to warn users of the road of the construction access and to make construction vehicle drivers aware of the access point. Post and board fencing is propose to the sides of the access to prevent vehicles from overriding the verge and adjacent drainage ditch.
- 5.13 There are no public footpaths on this side of the Middleton Stoney Road within the vicinity of the proposed access so pedestrian safety will not be compromised. Having regard to the above, the proposal is not considered to be detrimental to highway or pedestrian safety and is therefore acceptable for a temporary period as proposed.

#### **Engagement**

- 5.17 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 seeking to work with the applicants to ensure all the relevant information has been submitted to enable due consideration of the proposal and the efficient and timely determination of the application.

#### **Conclusion**

- 5.19 Having regard to the above, it is considered that the proposal for a temporary construction access to serve land parcel KM4 as proposed is acceptable and is in accordance with the Development Plan policies and Government guidance within the National Planning Policy Framework.

**6. Recommendation**

**Approval**, subject to the following conditions:

1. That at the expiration of 2 years from the date hereof, the use of this temporary construction access shall be discontinued, and the land reinstated as highway verge with hedge planting in accordance with a scheme, full details of which shall first be submitted to and approved in writing by the Local Planning Authority. Full details of the remediation and reinstatement works, which shall include a new hedge to the Middleton Stoney road, shall be submitted no later than 18 months from 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 in full within 6 months of the cessation of the use of this temporary construction access. Any tree, shrub or planting which, within a period of five years from the completion of the remediation works, die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason: In view of the special circumstances of the case and in the interests of the visual amenities of the locality and interests of highway safety in accordance with Policy C28 of the adopted Cherwell Local Plan and Government advice within the National Planning Policy Framework.

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms and drawings numbered 30472 KM4 Rev A Site Location Plan; BICE-5-1002 Vehicle Swept path Analysis; BICE-5-1003 Swept Path Analysis; BICE-5-1001 Rev H Site Compound layout Plan and BICE-5-535 Rev A Temporary Construction Access off Middleton Stoney Road.

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

3. The access hereby approved shall be constructed and used only in association with the construction of the approved dwellings on land parcel KM4 under application number 14/01054/REM, as outlined in red on the location plan, drawing number 30472 KM4 Rev A, only, and for no other purpose whatsoever.

Reason: In the interests of the visual amenities of the locality and highway safety and to comply with Policy C28 of the adopted Cherwell Local plan and Government guidance within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

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

5. Prior to the commencement of the development hereby approved, a routing

agreement for HGVs using the access, intended to minimise the impact of its operation in the immediate vicinity and on the wider network, shall be submitted to and approved in writing by the Local Planning Authority

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

6. Prior to the commencement of the development hereby approved, a plan showing signs (i) warning all road users of the presence of Heavy Goods Vehicles using the entrance and (ii) advising Heavy Goods Vehicle drivers to turn left out of the site entrance only shall be submitted to and approved in writing by the Local Planning Authority. The signage as agreed shall be erected prior to the access being first brought into use and removed from the site within 1 month of the cessation of the use of the access.

Reason: In the interests of highway safety and the amenities of the locality and to comply with Government guidance within the National Planning Policy Framework

7. That prior to the commencement of the development, a dust management plan, to include the provision of vehicle wheel washing, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be brought into use and thereafter complied with during the use of the construction access.

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

8. Prior to the commencement of the development hereby approved, full details of the proposed fencing either side of the access shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be installed in accordance with the approved details prior to the access being first brought into use and shall be removed from the site upon cessation of the use of the access.

Reason: In the interests of highway safety and in the interests of the visual amenities of the locality and to accord with Policy C28 of the adopted Cherwell Local Plan and Government advice within the National Planning Policy Framework.

#### **Planning Notes**

1. PN22
2. PN24
3. PN26

#### **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 by seeking to work with the applicants to ensure that all the necessary information is submitted within the necessary timescales to enable the application to be properly considered and determined within the timescales.