

**OXFORDSHIRE COUNTY COUNCIL**  
**TOWN AND COUNTRY PLANNING ACT 1990**

**APPLICATION BY:**            **Mr & Mrs Purewal**

**PROPOSAL:**                    **Erection of 4no. dwelling houses with associated  
garages, access and landscaping**

**LOCATION:**                      **The Old Vicarage  
Fringford Road  
Caversfireld  
OX27 8TH**

**PLANNING INSPECTORATE REFERENCE:**            **APP/C3105/W/20/3246723**

**CHERWELL DC REFERENCE:**                            **19/02075/F**

**STATEMENT ON BEHALF OF THE LOCAL HIGHWAY AUTHORITY,  
OXFORDSHIRE COUNTY COUNCIL**

**PRESENTED BY:**                **Roger Plater BSc CEng FIHE  
Transport Planner  
Transport Development Control  
Oxfordshire County Council  
County Hall  
New Road  
Oxford OX1 1ND**

## **1. PERSONAL STATEMENT**

1.1 My name is Roger Plater. I am employed by Oxfordshire County Council (OCC) as a Transport Planner in the Transport Development Control team. I have been working in this role for the past 3 years 8 months.

## **2. INTRODUCTION**

2.1 The appeal relates to Cherwell District Council refusing to grant planning permission for the erection of 4no. dwelling houses with associated garages, access and landscaping.

## **3. RELEVANT PLANNING HISTORY**

3.1 It is noted from the Officer Report that planning applications were submitted and refused in 1988 (CHS.646/88) and 1993 (CHS.452/93). The former application was dismissed at appeal.

3.2 Highway safety was not given as a reason for refusal of either of the two planning applications.

## **4. PLANNING APPLICATION 19/02075/F**

4.1 The application for full planning permission, which is the subject of this appeal, was submitted to the Local Planning Authority (LPA) on 26<sup>th</sup> September 2019.

4.2 The proposal was for the erection of four dwellings (2 no. 3-bedroom and 2 no. 4-bedroom) with associated garages, landscaping and a new access to Aunt Ems Lane.

4.3 The planning application was accompanied by Drawing No. 4176-P-03 Rev. A which illustrated the proposed site plan and layout. The new access was to be at the western corner of the site, leading into a driveway that would serve all four houses.

4.4 Based on these submitted documents and a desktop review, informed by pre-application advice given, OCC as Local Highway Authority (LHA) made their recommendation of a refusal on 5<sup>th</sup> November 2019.

4.5 The LPA's decision to refuse the planning application was reached by Delegated Decision and the Decision Notice given on 25<sup>th</sup> November 2019.

## **5. POLICY CONSIDERATIONS**

### **5.1 National Planning Policy Framework (February 2019)**

108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

.....

b) safe and suitable access to the site can be achieved for all users;

109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

### **5.2 Cherwell Local Plan 2011 – 2031 Part 1**

*Policy ESD 15: The Character of the Built and Historic Environment: New development proposals should....*

*Promote permeable, accessible and easily understandable places by creating spaces that connect with each other, are easy to move through and have recognisable landmark features*

## 6. REFUSAL REASON

6.1 There were two reasons for refusal of the application, one of which was on the basis of an objection from the LHA as well as being contrary to Policy ESD15 of the Cherwell Local Plan Part 1 and Government guidance contained within the NPPF

6.2 The LHA recommendation was:

*Access is proposed to be taken from Aunt Ems Lane, just inside the 40mph speed restriction zone. It is likely that vehicles approaching from the west would exceed 40mph in the location of the proposed access as they enter the 40mph stretch.*

*The site layout plan does not show the full extent of the visibility splay to the west of the site access, nor does it indicate the dimensions of the visibility splay. The length of splay required to the west must be based on a speed survey at the location of the proposed site access and the visibility splay cannot extend over third party land. It may be possible to achieve the required visibility splay within the highway boundary however the current application has not demonstrated this. On this basis the county council must object to the application as it currently stands.*

*Notwithstanding the above, a Section 278 Agreement would be required in order to undertake the required alterations to the highway, including the site access junction, connecting footway, relocation of existing road signs and clearance of vegetation for improved visibility. Should permission be granted a condition is requested to secure these works.*

*The layout within the site and provision of parking and cycle storage is acceptable.*

## 7. SITE LOCATION AND DESCRIPTION

7.1 The site which is the subject of this statement is located at the eastern end of Aunt Ems Lane, which connects the B4100 at its western end to the Fringford Road (Ref. Fig. 1).

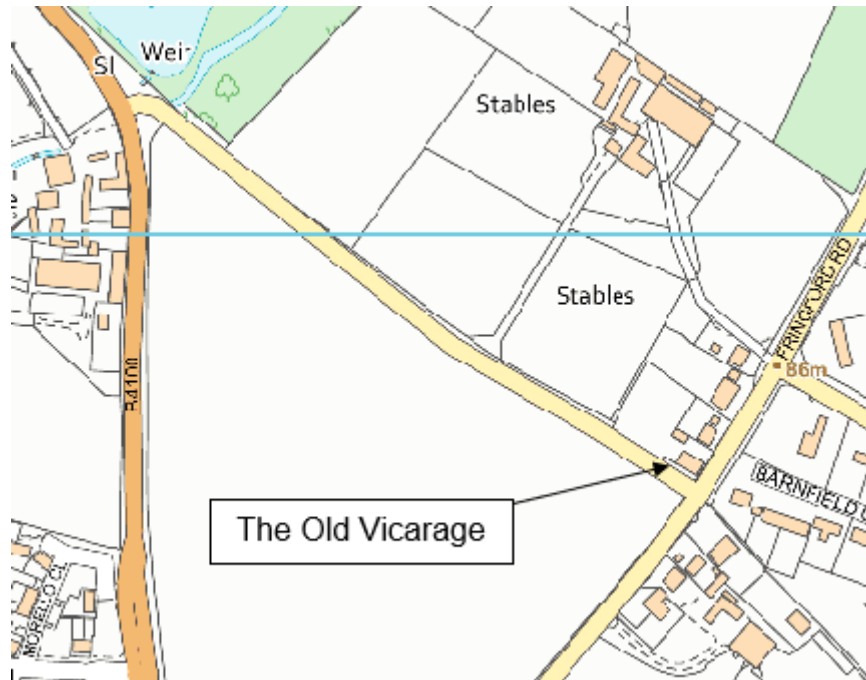


Fig. 1 Site Location Plan

7.2 Aunt Ems Lane is a two-way road, with a centreline only as part of the markings at the priority junction with Fringford Road (Fig. 2).



Fig. 2 Looking north-west along Aunt Ems Lane, with the site behind the grass verge on the right



Fig. 3 Looking south-east along Aunt Ems Lane, with the site to the left

7.3 There is a 7.5 tonne weight restriction and no streetlighting on Aunt Ems Lane.

7.4 The national speed limit (i.e. 60mph) applies from the B4100 junction to a point roughly coinciding with the western extent of the development site, where it becomes 40mph up to the Fringford Road junction, as can be seen in Fig. 3 above.

## **8. THE PROPOSED DEVELOPMENT**

8.1 The proposed development of four dwellings is illustrated in Fig. 4 below.





Fig. 4 Proposed development, showing relative locations of existing and proposed accesses

8.2 The new development access to Aunt Ems Lane would be approximately 40m along the road from the existing access serving The Old Vicarage.

## 9. THE LOCAL HIGHWAY AUTHORITY'S CASE

9.1 The highway reason for objection is given in Sect. 6.2.

9.2 At present, there is extremely restricted visibility from the proposed access location because of the dense vegetation within the highway verge, as can be seen in Fig. 5 below. This photograph was taken approximately 2.4m back

from the edge of the carriageway, which is the point at which the visibility splay would be based.



Fig. 5 View from proposed access

9.3 The LHA made it clear in the pre-application advice that the visibility splay must be determined in accordance with the requirements of the Design Manual for Roads and Bridges (DMRB). This is acknowledged in section 4.36.1 of the Planning Statement.

9.4 The location at which a south-eastbound vehicle first comes into view would be well within the national speed limit zone, meaning that it may legally be travelling at up to 60mph. Hence, a speed survey is required to ascertain the appropriate speed (the 85<sup>th</sup> percentile of the sample) to design the visibility splay, but this has not been conducted.

9.5 As an example, if the 85<sup>th</sup> percentile was determined to be as low as 40mph, the visibility splay would need to be 103m, according to the DMRB. It is not certain that the required visibility splay can be achieved within the highway boundary.



9.6 The LHA recommendation included the text *“It may be possible to achieve the required visibility splay within the highway boundary however the current application has not demonstrated this. On this basis the county council must object to the application as it currently stands.”*

9.7 Drawing No. 4176-P-03 Rev. A does show a red dashed line (as can be seen in Fig. 4) which is assumed to indicate a vision splay. However, there are no dimensions given, and the full extent to the north-west is not included. Nor is there any attempt to justify the length of the splay.

9.8 For this reason, the LHA has objected to the application as there will be no guarantee that an adequate visibility splay can be achieved to the north-west, resulting in a risk to highway safety.

## **10. COMMENTS ON THE APPELLANT’S GROUNDS OF APPEAL**

10.1 With reference to section 3.33 of the Statement of Case, it is confirmed by the LHA that the visibility to the east (towards Fringford Road) is acceptable.

10.2 Sections 3.34 and 3.35 make subjective comments regarding vehicle speeds on Aunt Ems Lane. This is not satisfactory to calculate the dimensions of a visibility splay, as measured data from a speed survey is required.

10.3 The LHA did request a condition regarding full details of the access (including vision splays to be informed by speed surveys) to be applied *should permission be granted*. In no way does this imply that the LHA considers the highway reason for refusal relating to visibility splays can be overcome, as intimated in section 3.37.

10.4 If it was clear that an appropriate visibility splay could be achieved and this was demonstrated, then it would be acceptable to the LHA. However, this is not the case with this application.

## CONCLUSION

Taking the above facts into consideration, I strongly support the Local Planning Authority's decision to refuse planning permission for the erection of four dwelling houses. It is considered that the application has not established that an adequate visibility splay is achievable and, therefore, has not demonstrated it will meet the NPPF criteria of a **safe and suitable access** without **an unacceptable impact on highway safety**. You are respectfully urged to dismiss this appeal in the interests of both highway safety and convenience.