

From: Plant, Tom - Communities <Tom.Plant@Oxfordshire.gov.uk>
Sent: 12 March 2021 15:22
To: Bob Neville <Bob.Neville@cherwell-dc.gov.uk>
Cc: Transport CDC Minor <Transport.CDCMinor@Oxfordshire.gov.uk>; Planning <Planning@Cherwell-DC.gov.uk>; Cllr Arash Ali Fatemian <ArashAli.Fatemian@Oxfordshire.gov.uk>
Subject: 21/00343/F - Land East Of The Leys Adderbury

Dear Bob,

I have looked over the above application and have the following comments to make.

Planning application:	21/00343/F
Location:	Land East of The Leys Adderbury
Description:	Erection of 2 dwellings
Type:	Full Development
Case Officer:	Bob Neville

Recommendation:

Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they **object** to the granting of planning permission.

Comments:

The proposal is for the erection of two dwellings on land that is accessed off a private concrete track which connects The Leys with a Thames Water (TW) pumping station approximately 420m from the sites access to the adopted public highway.

This application for two dwellings follows the withdrawal of two previous submissions at this same site where three dwellings were originally proposed. The area of land that was previously used for the third dwelling has now been omitted from this current application, and is instead shown in blue on drawing 5392 SLP B.

Access

The applicant is proposing to take vehicular access for the site via an existing unadopted concrete access track that currently appears to be in use for a single dwelling, a gated access, a collection of farm buildings, and culminating in the TW pumping station. It should be noted that the TW pumping station and farm buildings are located behind a gate that crosses the concrete track, some 200m distance from the adopted highway.

At the time of my site visit, the access is currently only wide enough to permit a single vehicle traveling in any given direction at any given time. The access has no provision for passing bays, and the track has no provision for turning, which is especially problematic if the gate to the farm buildings and Thames Water pumping station is closed, as this necessitates a manoeuvre in a reverse driving gear of some

170m, in order to then attempt to find a safe space to turn and face a forward driving direction again.

Existing/proposed conditions

Given the above description outlining the existing conditions that I found when I visited the site, I am concerned to read at para 3.10 of the submitted Transport Technical Note (TTN) which appears to suggest that because the existing access situation isn't perfect, should two opposing vehicles face one another, this will require a '*modest*' manoeuvre not in a forward driving gear to allow two vehicles to pass one another, that this is 'okay', given this already occurs at the site.

I am surprised to also see at para 3.11 that '*even if a vehicle were to reverse partly onto The Leys to allow a vehicle leaving the service road to pass, the harm to highway safety will be negligible*'. Any routine reversing manoeuvres represents a serious highway safety concern, and any proposals such as this, should design this 'routine' requirement out, in line with paragraph 108 of the National Planning Policy Framework (NPPF). **Reason for objection.**

Please also be advised, no formal footways exist along The Leys, and that The Leys has no existing passing bays or turning provision. Where therefore is a reversing vehicle supposed to wait in, without being forced to reverse an excessive distance between the single passing bay proposed and the 90 degree blind bend? And what safeguards would the applicant provide for pedestrians given this stretch of The Leys is also a PROW (101/24/10), and it is also proposed to divert more of this PROW onto this access track? – **Reason for objection.**

Personal injury data

The applicant has by way of the accompanying TTN stated at para 2.3 that, the existing conditions showed that '*the nature of the local road network is such that drivers typically proceed cautiously at these speeds (c. 10mph), with vehicles giving way to each other or reversing over the short distances*'. Paragraph 2.4 goes on to say, '*the personal injury accident (PIA) data record shows that no accidents have occurred on The Leys or any of the adjoining roads in the last 20 years. Whilst the local road network does not meet current geometric standards, the lack of any accident history suggests there is no inherent issue with the design of the local road network, and that drivers, being aware of the constraints, behave responsibly*'.

Notwithstanding this statement, I have been unable to see confirmation of this with an appendix containing accident data obtained from Oxfordshire County Council.

It is also worth highlighting that only highway incidents that require a blue light response are reported. Thus, whilst no evidence may have been recorded within the past 20 years that required a blue light response, this doesn't account for instances where third party property has been damaged, but that this has not required an emergency blue light response.

Access intensification

With regards to the expected intensification of the existing substandard access, the applicant has stated that the proposed peak hour use of this access will likely result in one additional peak hour trip in each direction. This conclusion has come as a result of an analysis of the TRICS database, and reported at para 3.6, table 1 and TRICS output appended to the report at appendix C.

It should be worth noting that whilst the trip rate may show only one additional peak hour trip, this would however represent (at a minimum) a doubling over the existing, excluding all the other apparent users of this access. But at para 3.7 it is stated that, the intensification will be *'negligible and will result in a minimal increase in the chance of vehicles meeting on the service road'*. However, has this assessment factored in the existing use and users of the track? I ask, as when I undertook my site visit, I observed at least one additional dwelling with direct access onto this track, as well as a gated access (off the 90 degree bend) that appears to lead to the rear of up to four dwellings as well as Lucy Plackett Playing Field. The access also leads onto the TW pumping station as well as a collection of farm buildings. To illustrate this more clearly, please see below two screenshots taken from Google Earth 12th March 2021.





Further justification is required regarding the access intensification, factoring the other apparent use and users of this access referred to above. **Reason for objection.**

Highway boundary assessment

Following the previous two submissions, I have now been able to undertake a detailed view of the County Councils Highway Boundaries, and I am concerned that a safe 'y' distance may not be achievable within the current highway, due to the siting of a dwelling known as '*Leys Cottage*', and vegetation that also appears to be obscuring the visibility of traffic egressing The Leys via Tanners Lane, which may or may not be within the public highway. For the avoidance of doubt, the applicant should overlay the sites proposed access onto a copy of the Highway boundary and show that an unobstructed visibility splay is possible, including for vehicles approaching from Tanners Lane into The Leys. **Reason for objection.**

I also observed significant over running of the highway verge opposite the access track, suggesting this point on The Leys is a pinch point were opposing vehicles routinely attempt to pass one another (see below).



Improvement works

I am unconvinced that the works to improve visibility around the 90-degree blind bend along this track will have any benefit, as proposed at para. 3.9 of the TTN. Please be advised, when I drove along the track back towards the village, my view was obscured by more than the proposed tree that will be removed. What also appeared to obstruct my view was a boundary wall, in addition to very mature vegetation (see photo below, taken Friday 5th March 2021).



Please also note, the photo above was taken from the passenger's view, whilst stationary with hazard lights on. This second photo shows what the view is for a driver.

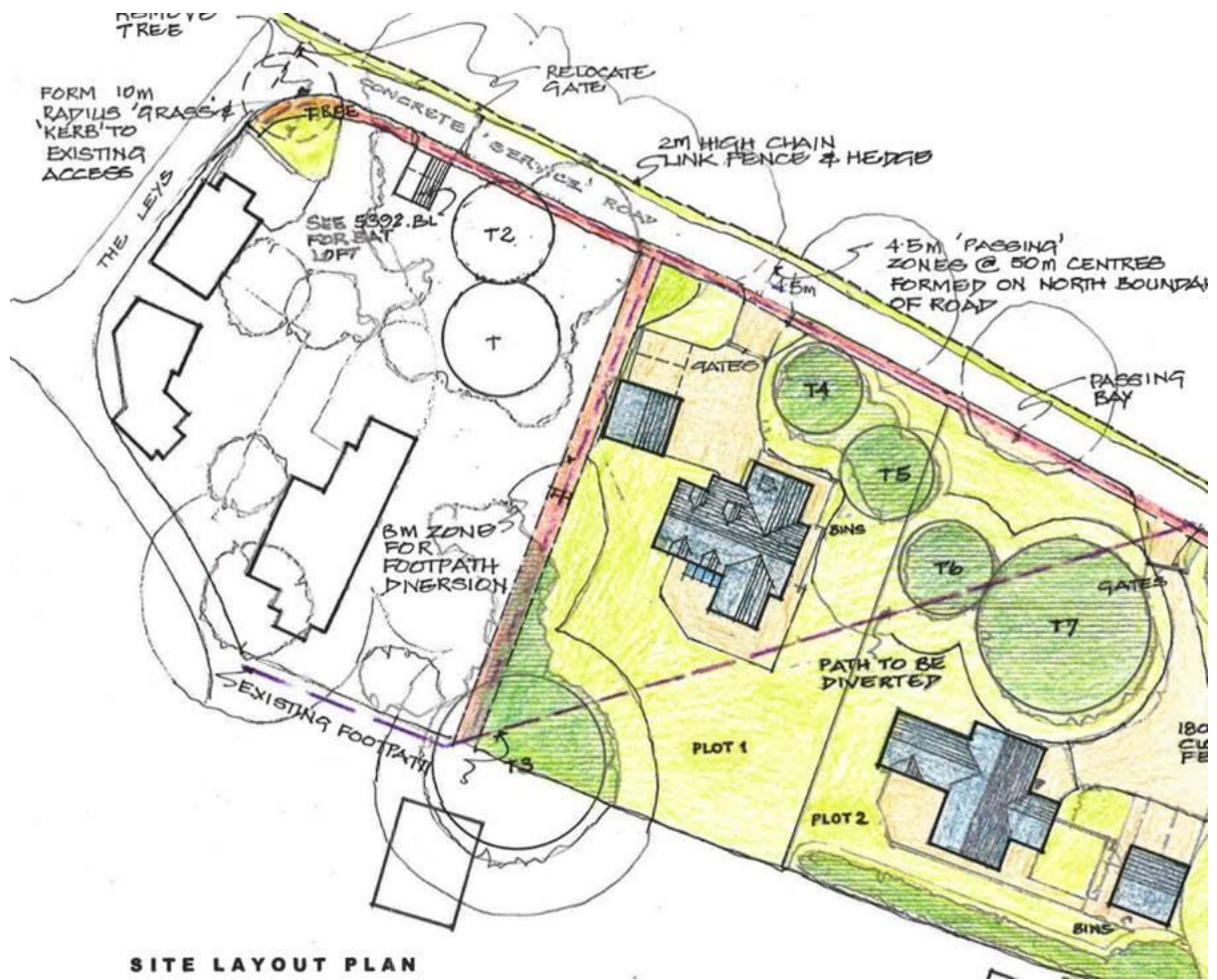


It is my opinion therefore, and after driving along this track, that to ensure a safe and suitable access is proposed for these two additional dwellings, that significant further highway improvement works made, in line with para 108 of the NPPF. Please be advised, Oxfordshire County Council does not permit the use of mirrors anywhere on the Councils highway network. Thus, a mirror will not be accepted as a suitable highway mitigation measure here. **Reasons for objection.**

Public Right of Way

As part of the consultations currently received by the District Council, I have seen that my Public Rights of Way (PROW) colleague has responded.

From the submitted information, it appears to be the applicant's intention to divert the existing PROW that bisects directly through both plots – see below.



I am however guided here by my colleague and her caveated response stating that, 'the applicant is intending to divert the footpath. The applicant must be aware that a diversion CANNOT be guaranteed success, and therefore the current Definitive Line of the footpath must remain open and available until the diversion of the footpath has been successful' – see below.

Countryside Access Map

Log in

Search map

Select the type of search you require and enter the search term below.

- Town/Village
- Street name
- Postcode
- Parish
- Grid reference (e.g. SP4288 0885)
- Path number e.g. 100/10
- Village Green Application Reference e.g. NLREG24

adderbury

Search

Current location

Go to current location

Save location

Go to my saved location

Set my saved location

Countryside Access Map

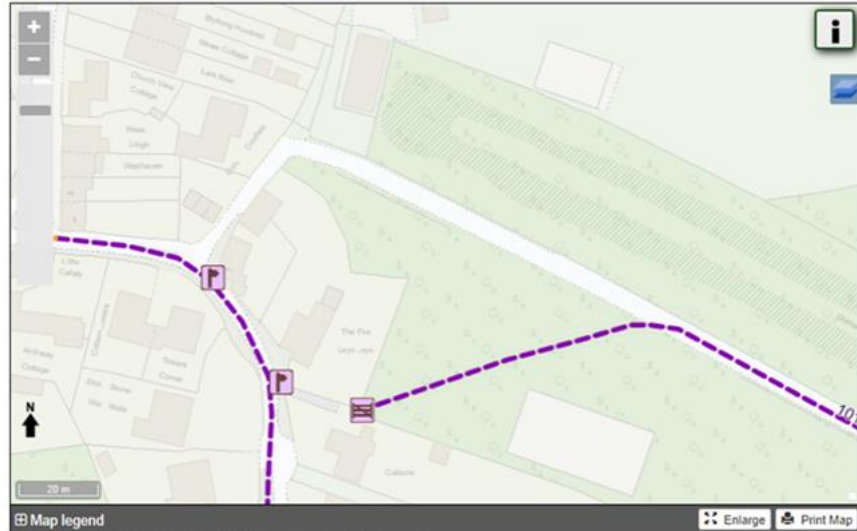
Due to the Covid-19 pandemic and restrictions on movement, Oxfordshire County Council's Countryside Access Team are giving priority to matters on the public rights of way network which present a safety hazard for the public. Our in-house delivery team and contractors will continue to carry out work on the network that is deemed necessary to keep the paths open and safe to use. Issues of a lower priority can still be reported but are unlikely to be progressed in the usual timescale. Your patience in these difficult times is appreciated.

You can use this map to view the public rights of way (including path furniture) within Oxfordshire, along with access land and walks and rides (promoted routes).

To report a problem, you will need to log in, and then select the 'Report a Problem' menu item. If it is your first time, you will need to register.

You can view an [electronic copy of the definitive map](#), which is a legal record of public rights of way.

To find a location use the Search options to locate paths, settlements or parishes. If your device has a GPS you can centre the map on your current position by pressing the 'Current Location' button.



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When using a mouse: hold the shift key and drag a box on the map to zoom in to a specific location. On a touch device: pinch or drag a box to zoom.

The Countryside Access Map is a representation of the legal record of public rights of way in Oxfordshire, but without prejudice to any existing unrecorded rights. The map does not constitute a legal record. Read details of the [Definitive Map and Statement](#).

Can the applicant confirm that an application to divert the footpath has been made? And that this application is likely to be determined before this current planning application is also determined?

This information is required for the LHA assessment, as should the PROW be successfully diverted along the concrete track, this will directly impact the availability of the concrete track for the purpose of motor vehicles, as well as the direct accesses for the proposed dwellings as the direct accesses will cross the proposed new PROW. I am most concerned however for plot 2, as the direction of travel when leaving the site will be towards the west, and not east (towards the TW pumping station). Based upon the current proposed site layout, and relatively low traffic as set out in the accompanying TTN, it is entirely possible that should a pedestrian(s) and or dogs be walking along this PROW, the driver of the vehicle egressing plot 2 will not have optimum visibility of any pedestrians, and may presume it is safe to egress without adequately confirming otherwise, and thus conflict directly with a pedestrian, small child, or dog. This therefore would represent a **serious highway safety risk**, should the PROW be diverted successfully as indicated on drawing 5392.02 E and throughout the submission documents. **Reason for objection.**

Right of Access

I note that appended to the PS at appendix 1 is a Land Registry search provided by Bower Bailey Solicitors, and that a copy of the official register of title number ON351440 is provided.

I have however failed to determine whether the contents of this appendix states that the owner of this title has unfettered access along this track? Should this not be the case, and the track is blocked for whatever reason, what ability does the title holder have to swiftly clear this access track, and permit its safe use for the two proposed dwellings, for service providers and/or for emergency response vehicles? Further information is required to satisfy the LHA. **Reason for objection.**

Delivery vehicles

Notwithstanding the expected trip rate, what provision has the applicant made for delivery service vehicles to safely access and egress the plots in a forward driving gear.

What has become abundantly clear as a result of the COVID-19 pandemic, is the number and range of online home delivery services have increased dramatically. Therefore, where pre COVID, it would be expected that the designated universal service provider ([Royal Mail](#)), would visit an individual dwelling up to six times a week, now, it is not unexpected to have couriers delivering parcels, as well as supermarket delivery vehicles in addition to the designated universal service provider.

Therefore, other than setting back the gated accesses to each plot, what provision is there for a servicing vehicle to turn and egress the site in a forward driving gear, having also regard to possible pedestrians on the existing and proposed diverted footpath?

Refuse

As part of the proposal, and noted at paragraph 3.2 of the TTN, '*a refuse store is proposed near the bend in the service road, which is considered acceptable in this instance given that other properties have been observed to successfully have their bins collected by leaving them on the service road*'.

Given the above statement, can the District Council confirm if the 11.6m refuse vehicle travels down the concrete access track in a forward driving gear to collect these bins, and then turns, and egress back also in a forward driving gear out onto The Leys? If not, please could the District Council advise what the maximum drag distance is for their operatives?

Notwithstanding this matter, I have also failed to identify where on drawing 5392.02 E this bin store area will be sited, and whether by siting this on the bend, this would inhibit the safe use of this bend, given alternate collections weeks, up to four refuse bins for a development of this size could be sited at this proposed location for collection. **Reason for objection.**

Please also note, if the refuse bins cannot be sited at this proposed location, or the refuse vehicle wont travel down to collect them, then an area not within the sites access and not within the adopted highway must be provided to safely site these bins on collection days.

Proposed dwellings

Notwithstanding the above objections, the details submitted in support of each plot on matters of parking, manoeuvring, and cycle parking, the proposed details appear to accord sufficiently with OCC Residential Road Design Guide (2003) - Second Edition (2015), and thus are considered acceptable.

To conclude, and notwithstanding the above detailed comments in relation to access, Public Rights of Way, and refuse, the current proposals are likely to result in a serious, detrimental impact, upon highway and pedestrian safety, congestion, and convenience, contrary to paragraphs 108, 109 and 110 of the National Planning Policy Framework.

Please note If works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council.

If you would like to discuss any of the above in more detail, then please do not hesitate to contact me.

With regards,

Tom Plant
Area Liaison Officer
(Oxford, Cherwell and West Oxfordshire)
Oxfordshire County Council
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