

ITEM 4(d)

Application Number: 18/02202/FUL

Description Construction of temporary construction access (including visibility splays of up to 120m) to be used for a period of up to four years in connection with the development of land permitted by 16/02937/OUT.

AT Site South of Hales Folly Farm, Long Street Road, Hanslope,

FOR Mr R Henderson

Target: 30th November 2018

Extension of Time: Yes

Ward: Newport Pagnell North and Hanslope **Parish:** Hanslope Parish Council

Report Author/Case Officer: Elizabeth Verdegem,
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Team Manager: Nicola Thompson, nicola.thompson@milton-keynes.gov.uk

1.0 RECOMMENDATION

1.1 It is recommended that permission is granted subject to conditions set out in this report.

2.0 INTRODUCTION

The Site

2.1 The application site is located on the western edge of Hanslope and falls outside the settlement boundary of the village. It is 980 sqm and is a t-shaped site, comprising a section of the verge of Long Street Road / Hartwell Road, and part of the agricultural field which has permission for housing. This section of verge includes native hedgerow.

2.2 To the north-east are residential properties off Long Street and Holiday Lane and to the north-west the site is neighboured by the Grade II listed Hales Folly Farm. The Hanslope Conservation Area is located approximately 530m to the south east of the site, which contains a number of listed buildings including the Grade I St James Church. The site is in Flood Zone 1 and is crossed by a Public Right of Way from Hartwell Road into the field to the south-west.

The Proposal

- 2.3 This application seeks permission to install a temporary construction access for up to four years, to facilitate the residential development permitted by 16/02937/OUT. The site had reserved matters approval for 141 homes, permitted under 18/01608/REM.
- 2.4 The temporary access is proposed from Hartwell Road / Long Street Road in to the north-east boundary of the residential development, towards the northern corner of the residential development.
- 2.5 The application comprises the temporary road access into the field. This will require removal of the hedgerow to ensure visibility splays are created and maintained, as well as temporary road signs and maintenance of the public right of way across the site.

Reason for referral to committee

- 2.6 This application is referred to the Development Control Panel at the request of the Ward Councillor.

3.0 RELEVANT POLICIES

- 3.1 National Planning Policy Framework (2018)
Section 2: Achieving sustainable development
Section 4: Decision-making
Section 12: Achieving well-designed places
Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment
- 3.2 The Planning (Listed Buildings and Conservation Areas) Act 1990
Section 66: General Duty as respects listed buildings in exercise of planning functions
- 3.3 Planning Practice Guidance

The Development Plan

- 3.4 Hanslope Neighbourhood Plan (Pre-Submission Plan, version 8, June 2018)

Once a Neighbourhood Plan has been agreed at a referendum and is made (brought into legal force) by the local planning authority, it becomes part of the local planning authority's development plan as an official development plan document which carries statutory weight. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. If a policy contained in the development plan for an area conflicts with another policy in a development plan, the conflict must be resolved by the decision maker in favour of the policy which is contained in the latest document to become part of the development plan.

Neighbourhood Plans therefore form part of the development plan for the relevant area. They will necessarily be in general conformity with the strategic policies contained in the development plan for the area. If they are the most recent document to become part of the development plan, they will attract statutory priority. Neighbourhood plan policies will also take precedence over non-strategic development plan policies where there is conflict.

In November 2015, Hanslope Parish Council applied to Milton Keynes Council, in accordance with the Neighbourhood Planning (General) Regulations 2012, to designate a Hanslope Neighbourhood Plan Area and this designation was approved by Milton Keynes Council on 9th December 2015. To date, however, the Parish Council has not progressed a Neighbourhood Plan to a stage that it could be attributed any weight.

3.5 Core Strategy (2013)

Policy CSA: Presumption in favour of sustainable development
Policy CS18: Healthier and Safer Communities
Policy CS19: The Historic and Natural Environment
Policy CS21: Delivering Infrastructure

3.6 Saved Policies of the Local Plan 2001-2011 (2005)

Policy D1: Impact of Development Proposals on Locality
Policy D2A: Urban Design
Policy HE5: Development Affecting the Setting of a Listed Building
Policy T10: Traffic
Policy NE2: Protected Species
Policy NE3: Biodiversity and Geological Enhancement

3.7 Supplementary Planning Documents

None relevant to this application.

3.8 Human Rights Act 1998

There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

4.0 **MAIN ISSUES**

Principle of development
Highway matters
Impact on character of the area
Impact on designated heritage assets
Residential amenity
Landscape

Ecology
Other matters

5.0 CONSIDERATIONS

Principle of development

- 5.1 The field to which this temporary access relates has permission for up to 141 homes via the outline permission (reference: 16/02937/OUT granted at appeal 05 March 2018) and approval of the reserved matters (reference: 18/01608/REM, granted 17 October 2018).
- 5.2 Access is required for up to four years to facilitate this development, which is proposed off Hartwell Road / Long Street Road at the opposite end of this boundary from the future residential access to the housing estate. The access is proposed in this location to avoid as many of the existing residences off Long Street Road as possible, which will reduce traffic conflict. It also allows the developer to build the residential access to the development and operate a phased working programme, so that residential traffic and construction vehicles do not need to enter at the same entrance during the later stages of the construction.
- 5.3 The principle of allowing temporary access for construction is considered acceptable. Any impacts of the proposal will be temporary and allow for the more efficient phased working of the site. Time limits for the permission will be secured by condition, as well as conditions to require full reinstatement of the land following completion of the development.

Highway matters

- 5.4 Highways Officers have commented on the proposed access and have no objections. They are content that the 120 metre visibility splays that are provided are acceptable for the 40mph speed limit on this part of the road, and that the layout of the access is acceptable. Works are proposed within the adopted highway, which will require a S278 Agreement, and the Officer has requested a condition for maintenance of the visibility splays, and the full details of the access to be provided prior to commencement. There are therefore no concerns from Highways Officers
- 5.5 A neighbour representation has been received expressing concern that the proposed location is inappropriate as it is located within the 40mph area of the road, and that it is located on a bend in the road. As above, visibility splays have been secured to ensure that visibility when entering or exiting the site is sufficient for the speed and bend of the road at this point, allowing construction vehicles to enter and exit the site safely. The speed and layout of the road is taken into account when considering the visibility splay required.
- 5.6 Concern has also been raised regarding the amount of traffic that the site will generate. However, the development to which this temporary access relates has already been approved and the amount of traffic required for the construction of the houses is therefore not covered or controlled by this application. As above, the

location and layout of the access has been chosen to ensure that any extra traffic generation is able to enter and exit the site safely.

- 5.7 Additionally, the location of the proposed access has been chosen to reduce the conflict with existing residences, as an access closer to Hanslope would mean that construction traffic and resident traffic would likely come into more conflict when entering and exiting the site and their respective dwellings. It also allows for more efficient phased development of the site, again reducing conflict with construction traffic and cars entering the residential areas of the site during the later stages of construction.
- 5.8 It is therefore considered that the proposed location of the access is in an acceptable location for construction access to the field, to reduce conflict with residents, and includes the necessary visibility splays to ensure safe access to and from the site. It therefore complies with Saved Policies D1 (vi) of the Local Plan.

Impact on character of the area

- 5.9 The removal of hedgerow and installation of the temporary access will inevitably have some impact on the character of the area, as the existing visual mitigation of the hedgerow will be removed from the streetscene along Long Street Road. However, it is considered that this impact will be temporary, for the duration of the development, and the impact will not be significantly more than during any other construction period necessary for the development of a housing area of this size. The removed hedgerow is proposed to be fully reinstated, and the landscaping proposals as part of the reserved matters application will increase this hedgerow along Long Street Road up to the northern corner of the housing site. This will mean that the site will end up with more visual mitigation between the road and the housing estate in the long term, which will retain and enhance the rural character of the area. It is therefore considered that the streetscene along Long Street Road will not be negatively impacted following the completion of the development.
- 5.10 Securing the reinstatement by condition and with the existing landscaping conditions on the reserved matters, will ensure that the proposal complies with Saved Local Plan Policies D1 and D2A Urban Design Aspects of New Development in providing an appropriate landscaping and integration with the surrounding village character.

Impact on Designated Heritage Assets

- 5.11 The location of the temporary access will be approximately 30 metres to the south-east of the access to the closest listed building. No concerns were raised by conservation officers at the reserved matters stage of this application, and it is considered that if the development was to cause any harm to the setting of the listed building, then this would be temporary. It is not likely that harm would be caused, as no hedgerow is proposed to be removed from in front of the listed building, as the only hedgerow removal will be to the east of the access.
- 5.12 No concerns are therefore raised, and it is considered that the proposal complies with Saved Local Plan Policy HE5.

Residential amenity

- 5.13 Saved Local Plan Policy D1 states that planning permission will be refused for development where it would adversely affect residential amenity of neighbouring properties. Concern regarding residential amenity has only been raised regarding construction traffic, the position of the access and traffic on the road. Impact on residential amenity has therefore been considered as part of the highways section, above, and as part of the impact on the character of the area.

Landscape

- 5.14 It is proposed to reinstate the removed hedgerow and grassed area following the completion of construction and removal of the temporary access. This will be secured by condition to ensure this is completed within 4 years of the commencement of the development. In addition, conditions on the reserved matters application will ensure that the landscaping scheme (which includes the hedgerow) is fully completed in accordance with the approved details.
- 5.15 With these conditions in place it is considered that the proposal will comply with Policy D2A Urban Design Aspects of New Development and CS12 Developing Successful Neighbourhoods, in ensuring that the hedgerow is reinstated following construction and ultimately that the approved landscaping under the reserved matters is implemented.

Ecology

- 5.16 The development will require the removal of a section of hedgerow to allow for the creation of the temporary access and the maintenance of the visibility splays. Removal of the hedgerow and any precautions to be taken in terms of checking for protected species are considered to have been dealt with as part of the outline and reserved matters permissions, as well as a separate legal obligation that the developers have to ensure no harm will come to protected species. This is implemented through not removing the hedgerow during the nesting bird season and for checking for nesting birds prior to hedgerow removal. In addition, the hedgerow and land is proposed to be reinstated following the development to ensure that there will be no net loss in biodiversity as a result of the proposal.
- 5.17 It is therefore considered that the proposal complies with Local Plan Saved Policies NE2 Protected Species and NE3 Biodiversity Enhancement, to ensure that the potential impacts on protected species are mitigated and that there is no net loss in biodiversity.

Other matters

- 5.18 Concerns have been raised that works have already started on site, and that the area to be used for this access is already being used. This proposal is specifically for the construction of the access from Long Street Road, and this has not yet commenced. Access has been gained to the site to undertake certain pre-commencement requirements, such as archaeological investigations, and the

necessary ground clearance and fencing that needs to be put up to facilitate this, requiring some vehicles to enter the site. The applicant cannot commence the approved development of 141 houses until certain pre-commencement conditions are approved (which included the archaeological investigations, for example), and some of these are still outstanding at the time of writing this report.

- 5.19 One of the pre-commencement conditions on the outline application is condition 16 requiring submission of the Construction Management Plan. This condition requires details of the traffic movements, routing arrangements etc, and is currently out to consultation with relevant parties, including highways, environmental health and both Hanslope and Castlethorpe Parish Council.
- 5.20 It is considered appropriate to add a condition to ensure that the Public Right of Way which crosses the application site is maintained throughout the development, unless otherwise legally diverted through the proper Rights of Way diversion procedure.

6.0 CONCLUSIONS

- 6.1 It is considered that granting the applicant permission to construct a temporary access in this location, with creation and maintenance of the appropriate visibility splays is acceptable.

7.0 CONDITIONS

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with section 91 of the Town and Country Planning Act 1990.

2. The site shall be reinstated in accordance with the approved plans no later than 4 years after the date at which the development hereby permitted commences.

Reason: To ensure that the development does not detract from the character and appearance of the area in accordance with Policy CS13 of the Milton Keynes Core Strategy 2013 and Saved Policy D2 of the Milton Keynes Local Plan 2001-2011.

3. Prior to the commencement of the development, details of the temporary access shall be submitted to, and approved in writing by, the Local Planning Authority. The access shall not be brought into use until the access has been sited and constructed in accordance with the approved details. The access so laid out shall be retained for a period of up to 4 years after which the existing highway shall be reinstated in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development with Policy CS13 of the Milton Keynes Core Strategy 2013 and Saved Policy D1 of the Milton Keynes Local Plan 2001-2011.

4. Prior to the access being brought into use 120m visibility splays shown on the approved drawings shall be provided on both sides of the access and the area contained within the splays shall be kept free of any obstruction exceeding 0.6m in height above the nearside channel level of the carriageway thereafter.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access in accordance with Policy CS13 of the Milton Keynes Core Strategy 2013 and Saved Policy D1 of the Milton Keynes Local Plan 2001-2011.

5. All Public Rights of Way which cross the site shall be maintained, protected, and available for use, for the duration of the development unless otherwise legally diverted through the appropriate procedure.

Reason: In the interests of highway safety in accordance with Policy CS13 of the Milton Keynes Core Strategy 2013 and Saved Policy D1 of the Milton Keynes Local Plan 2001-2011.

Highways Informatives

The applicant will be required to enter into a s278 agreement for works within the highway. The applicant should contact the council's Highway Adoptions team for advice on the information required to be submitted in order to comply with the condition.

Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

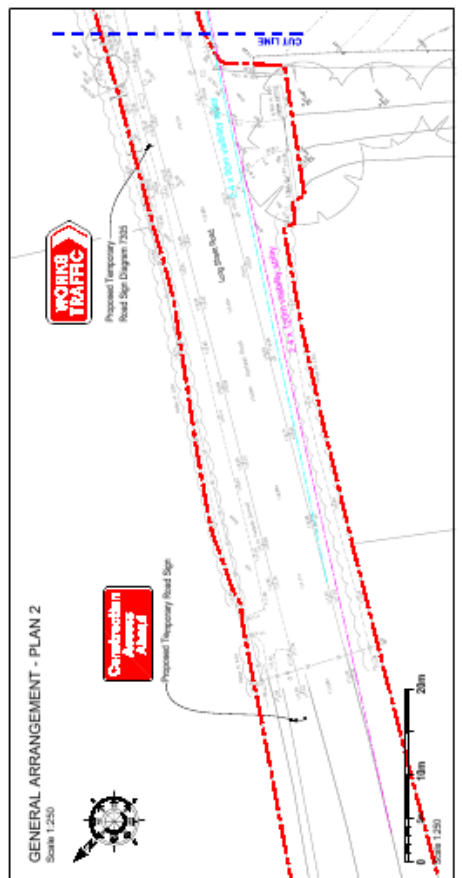
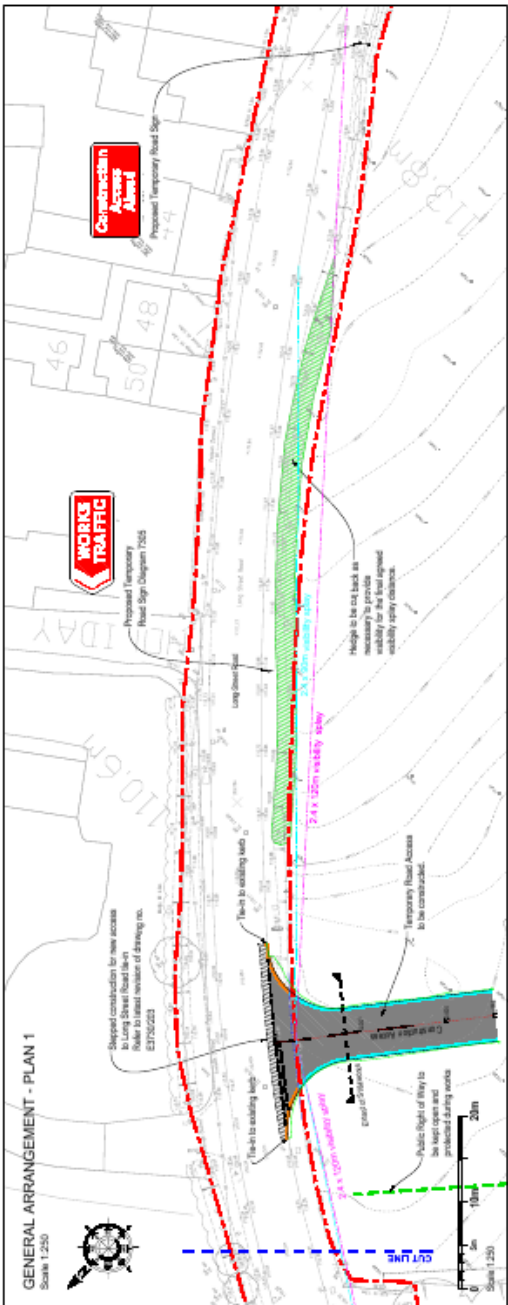
If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

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- NOTES**
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE HIGHWAYS ACT 1980 AND THE HIGHWAYS (CONSTRUCTION) REGULATIONS 2008.
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Drawing Approval Status: -
FOR APPROVAL



Project:
Long Street Road
Hanslope, Milton Keynes

Client:
Section 184 Works
Temporary Construction Access
Sheet 1 of 2

DAVIDSON'S HOMES

Davidson's Homes Partnerships Ltd
2011 Lakeside Road
Milton Keynes MK11 2JF
01295 252525
www.davidsonshomes.co.uk

E3730201

AS SHOWN @ AT

afaa ISO 9001

Approved by: [Signature]

Appendix to 18/02202/FUL

A1.0 RELEVANT PLANNING HISTORY

16/02937/OUT

Outline planning application for the erection of up to 141 dwellings (Use Class C3) with associated access, earthworks and other ancillary and enabling works. All other matters (appearance, landscaping, layout and scale) reserved

REF 13.04.2017

Granted at Appeal 05.03.2018

17/00117/EIASC

Screening opinion in respect of proposed development of up to 141 dwellings (use class C3) with associated access, earthworks and other ancillary and enabling works (associated with outline application 16/02937/OUT)

EIANRQ 24.03.2017

18/01667/DISCON

Details submitted pursuant to discharge of condition 18 (Archaeological Written Scheme of Investigation) attached to planning permission 16/02937/OUT

CDIS 14.08.2018

18/01740/DISCON

Details submitted pursuant to the discharge of condition 5 (Lighting Scheme), condition 6 (Floor Levels), condition 7 (Car Parking and Cycle Parking), condition 8 (Landscaping Scheme), condition 9 (Boundary Treatments), condition 10 (Secure by Design), condition 11 (Sustainability Statement), condition 12 (Affordable Housing), condition 13 (External Materials), condition 19 (Vehicle Tracking) and condition 20 (Means of Access) attached to planning permission 16/02937/OUT.

CSPLT 17.10.2018

18/02192/DISCON

Details submitted pursuant to the discharge of condition 17 (approval of a Biodiversity Enhancement and Management Scheme) attached to outline planning permission 16/02937/OUT.

CDIS 15.10.2018

18/02598/DISCON

Details submitted pursuant to the discharge of condition 16 (construction environment management plan) attached to planning permission 16/02937/OUT.

PCO

A2.0 ADDITIONAL MATTERS

None.

A3.0 CONSULTATIONS AND REPRESENTATIONS

A3.1 Ward Councillor A Geary

Cllr Geary called this application into DCP and is a Member of the Committee.

A3.2 Ward Councillor Patey-Smith

No response received.

A3.3 Ward Councillor Green

No response received.

A3.4 Hanslope Parish Council

No comments received.

A3.5 MKC Highways

“The submitted plans include visibility splays of 120m which are consistent with roads with a 40m speed limit. The layout of the access is acceptable. The applicant will be required to enter into a s278 agreement for works within the highway. Conditions to manage the works, visibility splays and reinstatement of the highway verge are set out below.

It should be noted that access to the site is currently being gained via an existing field access further to the north of the proposed access. The use of this access in the current form is unsafe with visibility being blocked by the existing hedge, the developers fencing and a portable toilet.” Pre-commencement conditions for development details of the temporary access, and maintenance of the visibility splays.

A3.6 Cadent Gas Ltd

Requests an informative be applied to the decision notice regarding the operational gas apparatus within the application site boundary.

A3.7 Third Party comments

Comments have been received from one neighbour, with comments summarised as follows:

- Considers the location will lead to increased accidents and congestion, due to being on a bend in the road and within the 40mph (rather than 30mph) speed restriction area