

## **DEVELOPMENT MANAGEMENT COMMITTEE**

**Report by Head of Planning, Economic Development and Regeneration**

### **1 DESCRIPTION**

**Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel (in retrospect) at Calderwood, East Calder**

### **2 DETAILS**

<b>Reference no.</b>	<a href="#">0918/MS/19</a>	<b>Owner of site</b>	Stirling Developments Ltd
<b>Applicant</b>	Stirling Developments Ltd	<b>Ward &amp; local members</b>	<b>East Livingston &amp; East Calder</b>  Councillor Damian Timson Councillor Frank Anderson Councillor Carl John Councillor Dave King
<b>Case officer</b>	Tony Irving	<b>Contact details</b>	Phone 01506 282410 Email <a href="mailto:tony.irving@westlothian.gov.uk">tony.irving@westlothian.gov.uk</a>

**Reason for referral to Development Management Committee: Referred by Councillor Damian Timson**

### **3 RECOMMENDATION**

Approve subject to conditions.

### **4 DETAILS OF THE PROPOSAL AND BACKGROUND**

- 4.1 The proposal is for a temporary access road to link residential and business premises at Nethershiel to Clifton Road. A haulage business (Basil Baird & Sons Ltd) has operated from Nethershiel Farm for around 60 years and the implementation of new road infrastructure at Calderwood has affected its historical access from Clifton Road to Nethershiel Farm.
- 4.2 To avoid commercial vehicles having to use the new access road infrastructure, which will serve new housing and the new primary school, Stirling Developments has formed an alternative temporary access road to facilitate a direct access from Nethershiel to Clifton Road. The haulage business will continue to operate from Nethershiel for several more years until housing development at Calderwood reaches toward the north of the site where Nethershiel is situated. This application seeks a temporary permission for a period of five years.
- 4.3 Vehicle movements each day for the haulage business comprise on average 12 lorries leaving Nethershiel at around 5am and returning at around 5pm.

- 4.4 The temporary access road had also been used by Calderwood construction traffic but this has ceased and access is now solely for Nethershiel.

### History

- 4.5 The application site forms part of Stirling Development's Calderwood development. Planning permission in principle (0524/P/09) was granted in March 2013 for a mixed use development including 2300 residential units. Development of Calderwood continues on site and there are now around 500 homes occupied.

## 5 REPRESENTATIONS

- 5.1 13 objections have been received.
- 5.2 A summary of the representations is set out in the table below. The full documents are contained in the application file.

Comments	Response
The access road has been in use for many months for Calderwood construction traffic and for traffic to Nethershiel.	The access road was formed without consent from the council as planning authority. This application has been made to address the situation. While the access had been used for Calderwood construction traffic this use has now ceased.
The plans for Calderwood involve closing Clifton Road at Overshiel. The temporary access road doesn't accord with this and the result is noise and disturbance for residents at Overshiel as a result of the use of the temporary access.	<p>The planning approvals for Calderwood involve closing a section of Clifton Road to traffic and changing it to a greenway for pedestrian and cycle use. This has now been implemented and Clifton Road is now closed to through traffic at Overshiel.</p> <p>The temporary access road brings traffic from the haulage business and from the houses at Nethershiel onto Clifton Road at Overshiel. Although this means such traffic passing properties at Overshiel, this has historically happened for decades as the same traffic previously joined Clifton Road slightly further west and travelled eastward along Clifton Road past the properties at Overshiel.</p> <p>The small number and timing of haulage vehicle movements from the business is such that it is not considered to have unacceptable impacts on the residential amenity of residents at Overshiel.</p>
The temporary access road adversely affects road safety.	WLC Roads & Transportation has assessed the access and raises no concerns about road safety.

## 6 CONSULTATIONS

- 6.1 This is a summary of the consultations received. The full documents are contained in the application file.

Consultee	Objection	Comments	Planning Response
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WLC Roads & Transportation	No	A road opening permit is required. The first 10m of the access road must be surfaced in a bituminous material.	Noted. The access road is all hard surfaced.
WLC Environmental Health	No	Hours of use of the road should be restricted to 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and at no time on Sunday.	Noted. However given the fact that traffic from Nethershiel has past the properties at Overshiel for decades, it is not considered that such a restrictive planning condition is necessary or justified.
City of Edinburgh Council	-	-	No comments were received from CEC.

## 7 ASSESSMENT

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.2 The development plan comprises the Strategic Development Plan for Edinburgh and South East Scotland (SESplan) and the West Lothian Local Development Plan 2018 (LDP).
- 7.3 The relevant development plan policies are listed below:

Policy	Policy Summary	Assessment	Conform
West Lothian LDP DES1 Design Principles	All proposals will require to take account of and be integrated with the local context and built form. Proposals should have no significant adverse impacts on the local community and be high quality in their design. Proposals which are poorly designed will not be supported. Proposals must also accord with other relevant policies and proposals in the LDP and with supplementary guidance.	The temporary access road is compatible with adjacent uses and the impacts on residential amenity are acceptable.	Yes
West Lothian LDP HOU1 Allocated Housing Sites	Development of housing on allocated sites will be supported in principle and proposals shall have regard to and be in accordance with the Residential Development Guide and accord with requirements identified in Appendix 2.	The site is part of Calderwood which is allocated for housing (and other uses). The temporary access road has no adverse impact on the build out of the housing.	Yes
West Lothian LDP CDA1 Development in Previously Identified Core Development Areas	The council will continue to support housing and mixed used development within those parts of West Lothian previously designated Core Development Area (CDAs) subject to the preparation of master plans to be approved by the council. Infrastructure requirements are identified in Appendix 2 of the LDP.	The site is part of the Livingston & Almond Valley CDA and is part of the Almondell CDA allocation. The applicant has previously prepared a masterplan for the allocation. The temporary access road doesn't	Yes

		prejudice the implementation of the CDA.	
West Lothian LDP TRAN1 Transport Infrastructure	Development will only be permitted where transport impacts are acceptable.	The proposal will have acceptable impacts on the road network.	Yes

## The principle of the development

7.4 The temporary access road is required to maintain access for the haulage business from Nethershiel to Clifton Road avoiding use of the new road infrastructure that serves new housing and the future new primary school. This is to allow the haulage business to continue to operate for a further period of time from Nethershiel until housing at Calderwood progresses to the north of the site where Nethershiel is situated.

7.5 The principle of a temporary access road is consistent with the CDA allocation.

## Impact of the development on the surrounding area and existing residents

7.6 The objections received raise issues about adverse impacts of construction traffic and Nethershiel traffic on the residential amenity of properties at Overshiel. It is acknowledged that Calderwood construction traffic had been using the temporary access road, leading to a significant number of vehicles using it during the day. This however has now ceased with all construction traffic using new Calderwood road infrastructure off the B7015.

7.7 The remaining traffic using the temporary access road is haulage vehicles and residential movements from Nethershiel. This traffic has previously joined Clifton Road slightly further to the west and thus has always been using Clifton Road and passing properties at Overshiel. The haulage vehicle movements are small in scale and limited to leaving the site early in the morning and returning in the early evening. It is considered that such movements have minimal impact on residential amenity.

## 8 CONCLUSION AND RECOMMENDATION

8.1 The proposal will allow the haulage business at Nethershiel to continue to operate for a further period of time without using the new road infrastructure which has been designed to serve the new community in Calderwood. The characteristics of the use of the temporary access road are such that it will have acceptable impacts on the amenity of residents at Overshiel. Further, as the road is temporary in nature any impacts that do arise will be time limited.

8.2 In summary, the proposal is consistent with the development plan and there are no material considerations that would merit refusal of the application.

8.3 It is thus recommended that the application be approved subject to conditions.

## 9 BACKGROUND REFERENCES & ATTACHMENTS



- Draft Conditions
- Location Plan
- Aerial Plan
- Layout Plan
- Calderwood Masterplan
- Representations

Craig McCorriston

**Head of Planning, Economic Development and Regeneration**     **Date:** 13 November 2019

**Draft conditions 0918/MSC/19**

- ( 1) Approval is granted for a limited period until 13 November 2024. No later than this date, the temporary access road shall be removed and the land reinstated to its former condition.

Reason: Due to the temporary nature of the development, in the interests of the proper planning of the core development area.









NOTES:  
1. THIS DRAWING NOT TO BE SCALED. FIGURED DIMENSIONS ONLY TO BE TAKEN.  
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Nethershiel  
Farm

ershiel  
arm

Track

Future development  
parcel

Future development  
parcel

Future development parcel

Future development parcel

Proposed Calderwood Primary School

Future development parcel

Future development parcel

Future development parcel

Future development parcel

Future development parcel

Future development parcel

CS

Def

PR1

Overshiel Farm Cottages

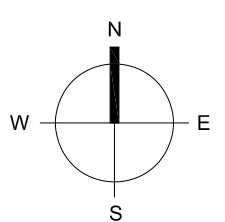
Rowantree  
Cottage

Clifton Road

102.0m

Overshiel

Overshiel Farm



Revision	Description	Initial	Date

**Stirling  
Developments.**

Halbeath Interchange  
Business Park  
King Seat Road  
Dunfermline  
KY11 8RY  
T: 01383 720 768

info@stirlingdevelopments.co.uk  
www.stirlingdevelopments.co.uk

Project  
**CALDERWOOD**

Description

**Nethershiel access  
Location Plan**

Status

**PLANNING**

Scale  
**1:500@A0**

Job number  
**100**

Drawn

**NB**

Drawing number  
**SK715**

Date

**SEPT-19**

Revision

**.**



# MASTERPLAN

- |     |                                     |    |                               |
|-----|-------------------------------------|----|-------------------------------|
| 1.  | CALDERWOOD PRINCIPAL ENTRANCES      | A. | MEADOW AND WOODLAND EDGE      |
| 2.  | VILLAGE CENTRE                      | B. | WOODLAND STRUCTURE PLANTING   |
| 3.  | PRIMARY SCHOOL 1                    | C. | ROAD FRONTAGE PLANTING        |
| 4.  | PRIMARY SCHOOL 2                    | D. | GREENWAYS                     |
| 5.  | COMMUNITY HIGH SCHOOL               | E. | PYLON / HABITAT CORRIDOR      |
| 6.  | DROVERS WALK PARK                   | F. | MULTI- FUNCTIONAL & NETWORKED |
| 7.  | HISTORIC LIMELILNS                  |    | PUBLIC OPEN SPACE             |
| 8.  | FUTURE EXPANSION OF CAMPS IND. EST. | G. | S.U.D.S BASINS.               |
| 9.  | CEMETERY                            |    |                               |
| 10. | PARKS                               |    |                               |
| 11. | RESIDENTIAL AREAS                   |    |                               |
| 12. | COMMUNITY HUB                       |    |                               |

Revision	Description	Initial	Date
A	MASTERPLAN UPDATED	MM	draft
B	MASTERPLAN UPDATED	NB	6.10.11
C	NEIGHBOURHOOD PARK INCREASED & ROADS AMENDED	NB	11.10.11
D	MASTERPLAN UPDATED	GT	07.08.18
E	MASTERPLAN UPDATED	GT	15.10.18
F	MASTERPLAN UPDATED	GT	26.11.18
G	ROAD WIDTH UPDATED	GT	07.02.19

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Project  
**CALDERWOOD**  
Description  
**MASTERPLAN**

Status  
**PLANNING**

Scale	Draw
1:2500@A0	NE
Job number	Draw
100	10

Date  
JULY-09  
Revision  
G

Calderwood Masterplan  
Scale 1:2500 @ A0



# Comments for Planning Application 0918/MSD/19

## Application Summary

Application Number: 0918/MSD/19

Address: Calderwood East Calder West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel

Case Officer: Tony Irving

## Customer Details

Name: Mr Paul Martin

Address: 4 overshiel farm cottages East calder West Lothian

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Regarding planning application 0918/msd/19 Calderwood temporary access.As this application is for a temporary access onto an Edinburgh district road surely this application should be lodged with Edinburgh planning and not West Lothian.regards paul Martin 4 overshiel farm cottages east calder West Lothian eh53 0ht

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Case Officer: Tony Irving

## Customer Details

Name: Mr Mariusz Wlazalak

Address: Unit 2 overshiel farm East calder Livingston West lothian

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Regarding Clifton Road access which is being used without permission and is causing problems for my business because of the volume of construction traffic and also the the damage these vehicles are doing to the road.surely this should be closed as agreed last year regards mariusz wlazalak



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Case Officer: Tony Irving

## Customer Details

Name: Mr Andrew McLeman

Address: McLeman QS Network Ltd Workshop 2, Overshiel Farm East Calder

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This "proposed" road (that incidentally already has existed for 9 months! - presumably without planning permission!) was an understandable temporary alternative route to access Nethershiel Farm via Oversheil farm since Clifton Road was closed at the West end (earlier this year) until the new road from the new roundabout re-created the link to Nethersheil, and now this link has already been created, why is it still required?

We have over the last year faced large amounts of disruption - construction traffic, Nethershiel traffic, drainage works in the road and road resurfacing and we can only now access our office from the East end of Clifton Road. We were told that there would be from now on no more construction or Nethershiel traffic and all access to the West was permanently closed. This application re-opens a link West from Oversheil to Calderwood, that no doubt will be used as a re-creation of Clifton Road. Why is it only now being applied for now the reason for having it is no longer valid.?

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Case Officer: Tony Irving

## Customer Details

Name: Mrs jakki mckenzie

Address: 2 Overshiel Farm Cottages East Calder Livingston

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As a resident of Overshiel Farm Cottages I am strongly objecting against any further traffic being given temporary access from Clifton Road and Nethershiel Farm. We have tolerated not only the construction traffic to and from Calderwood, but also the large haulage vehicles from Nethershiel Farm often starting from 5.00am in the morning and returning constantly throughout the day and as late as midnight. Often leaving in convoy creating noise and inconvenience early hours. There has also been an increase in residents from Calderwood using this road as a short cut to Newbridge which is totally unacceptable. There are signs erected stating that there is no access to Calderwood or Nethershiel which are being totally ignored and vehicles are gaining access and becoming an increasing annoyance and inconvenience. This has been tolerated for too long now and therefore submit my objection to you.

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Case Officer: Tony Irving

## Customer Details

Name: Mr Bryan Martin

Address: 1 overshiel farm cottages East calder Livingston West Lothian

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I object to planning application for access road this road has been used illegally for 18 months plus now we have had to put up with construction traffic vehicles from new house and lorries which travel past my house at all hours of the day and night .i have to young girls and would not like to see them run over as some of these vehicles are travelling at some speed when they hit this junction and I have seen 2 or 3 near misses involving vehicles exiting from the development .there is plenty other access points into site so it should be shut as was originally agreed .signs where even erected..West Lothian side was shut quickly so ours should be to.

# Comments for Planning Application 0918/MSC/19

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Application Number: 0918/MSC/19

Address: Calderwood East Calder West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel

Case Officer: Tony Irving

## Customer Details

Name: Mrs Isobel Charles

Address: 6 Overshiel Farm Cottages Mid Calder Livingston

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to the planning for this road as we have had to put up with traffic from this development for the last 18 months which we believe has had no permission to do so. We have been wakened regularly by the heavy trucks going past, sometimes during the night and very early morning. We are already having to put up with constant noise, dust and mud being left on the roads. Surely it's not too much to ask that we have a bit of privacy like the residents on the other side of Clifton Road whose road was closed immediately. There are already many access routes that could easily be used instead of this

# Comments for Planning Application 0918/MS/19

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Case Officer: Tony Irving

## Customer Details

Name: Mr Stephen Charles

Address: 6 overshiel farm cottages Mid calder Livingston

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this access road due to the disruption we have experienced over the last 18 months or so.

There has been traffic noise at all hours, mud and dust on roads, vehicles trying to get to Calderwood and getting stuck. The road closed signs are constantly ignored and cars are coming along and using residents driveways to turn.

I also notice on the application diagram the access point is further up Clifton road than the current one.

The residents on the west side of Clifton Road have had their road closed, why can't this side have the same.

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Case Officer: Tony Irving

## Customer Details

Name: Mr Ian mulley

Address: 5 overshiel farm cottage Cliftonville Road Mid Calder

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I would like to object to the planning permission of the temporary road .

We have had enough the last 18 months of heavy lorry's coming and going some times early in the morning or late at night and getting Woking up plus the amount of dirt and dust from these lorry's bring which is bad for our health and the speed these lorry's come down the lane aswell there is a main road they can use not a small country lane

# Comments for Planning Application 0918/MSC/19

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Proposal: Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel

Case Officer: Tony Irving

## Customer Details

Name: Mr Meirion Mulley

Address: 5 overshiel farm cottage Clifton Road Mid Calder

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I'm objecting to the planning permission as we have had enough of these heavy lorry's coming and going especially early in the morning and late at night and I suffer with asthma and with the dust from these lorry's I've been suffering more with my asthma

# Comments for Planning Application 0918/MSC/19

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Case Officer: Tony Irving

## Customer Details

Name: Mr Martyn Mulley

Address: 5 overshiel farm cottage Mid Calder Livingston

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I'm injecting to the planning permission as we have had enough of these lorry's coming and going the last 18 months get desturbed at all time of the day getting Woking up at all times during the night,early morning they make a mess of the road creating pot holes etc

We have had a number of damage to our cars through debris left on the roads from these lorry's and as for the dust it gets every where we sometimes can't leave our windows open to let fresh air in



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Case Officer: Tony Irving

## Customer Details

Name: Mrs yvonne mulley

Address: 5 overshiel farm cottage Cliftonville Road Mid Calder

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I'm objecting to the planning as we should not have to put up with more of these heavy lorry's

Creating dirt ,dust,and noise at all times of the day and getting desturbed early in the morning

They have a main road which they can use why do we have to put up with it

And they have just moved a badger den to the corner of the road so you will risk the life's of these badgers to

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Case Officer: Tony Irving

## Customer Details

Name: Lord harry garriock

Address: Unit 4, Overshiel Farm, Clifton Road, East Calder

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This application is completely unnecessary. This access has been used illegally for the past year + This has had a detrimental effect on my business which is now near closure due to the state of this road which is unusable some days due to the volume of heavy plant and lorries etc. I object most strongly to this application as it is not necessary and was never meant to be an access road but a turning point as was laid out in the original plans, the signs that were erected at the end of the road states no access to Calderwood are being ignored by all and sundry

Regards.

Harry

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Case Officer: Tony Irving

## Customer Details

Name: Miss Shann Macleod

Address: Overshiel Farmhouse Clifton Road East Calder

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to lodge my objection to this proposal.

The 'Access road to serve Nethershiel' in the 'Description of the proposal' has already been in use for more than 18 months now. It has not just been used by the residents of Nethershiel but by construction traffic and Calderwood residents, at all times of the day and night.

It states that this road is being used 'in advance of constructing prospectively adoptable road', as well as 'a route for Nethershiel residents to access Clifton Road while Calderwood Access Road 3 constructed'. Access road 3 has already been constructed and has been in use for over a year now, making this whole application redundant.

As well as this road there are other roads and access points, that could be used and would be more suitable than a road on a sharp corner, so close to the cottages, and out onto a road which is in Edinburgh District.

Nethershiel has been there since before the development started, and therefore this should have been taken into consideration before now, and if it hasn't surely it should not take 5 years (as well as the previous 18 months) to come up with something more suitable.

I have a letter, dated 21st November stating that this section of Clifton road was to be closed off completely and the work was due to be undertaken in early 2019. It also came with a map clearly showing a dead end, and a turning circle situated where the road is now. This is what the actual plan for this road has always been. Permanent 'no through road' signs have been erected, but that is all. This means that the cottages are now directly linked to a construction site, and that people who have no connection to the development at all are the ones that are being made to suffer.