

# Comment for planning application 19/02075/F

<b>Application Number</b>	19/02075/F
<b>Location</b>	The Old Vicarage Fringford Road Caversfield OX27 8TH
<b>Proposal</b>	Erection of 4 No dwelling houses with associated garages, access and landscaping
<b>Case Officer</b>	George Smith
<b>Organisation Name</b>	Roger and Alison Shipway
<b>Address</b>	Aries, Fringford Road, Caversfield, Bicester, OX27 8TH
<b>Type of Comment</b>	Objection
<b>Type</b>	neighbour
<b>Comments</b>	We wish to object on the grounds that only infill or extension building work is allowed in a Category C village, and the plans for this application is neither. There are also numerous matters raised (or omitted from) the applicant's documents upon which we have commented and raised our objections. See attached
<b>Received Date</b>	23/10/2019 12:55:58
<b>Attachments</b>	The following files have been uploaded:  Objection 19-02075-F.pdf 

14 October 2019

Aries  
Caversfield  
Bicester  
Oxon OX27 8TH

G Smith Esq  
Planning and Development  
Cherwell DC  
Bodicote House  
Bodicote  
BANBURY  
OX15 4AA

Dear Mr Smith

**PLANNING APPLICATION 19/02075/F**

We refer to your letter of 11 October 2019,

**With regards the application we STRONGLY OBJECT to the proposals and would ask that permission be REFUSED on the following grounds:**

- 1.Caversfield is a Category C village and as such no building is allowed except extensions and infill and this application falls outside these exceptions. A Refused application CHS.646/88 confirms building on this site does not constitute infill, and this application runs contrary to C264 of the local plan.
- 2.The development will result in a detrimental impact on the adjoining conservation area and surrounding houses, and
- 3.No agricultural need or conversion of redundant buildings has been demonstrated.

The following pages provide our analysis of the documents submitted by or on behalf of the applicant, which become superfluous if the planning is rejected on the above grounds, but if it is not, considering this is a Full Application we ask that the following matters be taken into account in arriving at the final decision.

Yours sincerely

Roger & Alison Shipway

## PLANNING APPLICATION 19/02075/F

### OBJECTIONS SUBMITTED BY RA & MRS WA SHIPWAY

#### 1. CATEGORY C VILLAGE

In Section 4 (paragraphs 1 to 11) the Atlas Planning Group (APG) set out what they see as a Category C village, and attempt to persuade the Council by various means that Caversfield does not fall within this category, despite it being so designated. Since this category was decided in 2014, we cannot see how it would have changed in the 5 intervening years.

We **OBJECT** to the application on the grounds that their application falls outside permitted development allowance made available to Category C villages.

Should the Council believe this is not a valid case for objection, we will comment on the various arguments placed by APG in the attached Schedule 1, indicating why we believe this view is erroneously held.

The applicant has made a number of planning applications, most of which have failed, and the Council's Reason for Refusal are as follows for the two that are similar to the current application:

- a. **CHS 646/88:** Erection of 2 dwelling houses (on the same plot now under consideration.)
  - i. *The proposal is contrary to the Council's Rural Areas Local Plan which indicates that in Caversfield, a category III village, new residential development will be restricted only to a single which can be guaranteed to meet an essential agricultural need or conversion of redundant buildings. **This application proposes the erection of 2 buildings for which no essential need has been demonstrated***
  - ii. *The proposal for the erection of 2 dwellings on this site does not constitute infill but in the opinion of the Local Planning Authority **constitutes unacceptable ribbon development beyond the built-up limits of the village***
- b. **CHS.452/93:** Two story extension and conversion of existing double garage and carport to provide for boarding house accommodation (4 bedrooms).  
*The proposed extensions to the building and the provision of car parking and access would be prominently sited on the edge of the village **extending beyond the limits of the existing built development and, as such, is detrimental to the rural character and appearance of the approach into the village** contrary to policy C12, C29 and C31(ii) of the Cherwell Local Plan deposit draft.*

Whilst planning law etc has changed since 1988 and 1993 we believe no changes have been made that provide any contrary reasoning to the above.

Taking APG's Planning Statement by paragraph:

4.4

"Paragraph 78 of the NPPF states:

*“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should **identify opportunities for villages to grow and thrive**, especially where this will support local services”.*”

We cannot see how the addition of 4 houses will enable the village to thrive, nor will they support local services, of which there are none in the village.

4.5 - 4.6

“The Village Categorisation Update (2014) provides further detail on the sustainability criteria, which includes ‘Distances to Urban Centres’:

*“If a village is close to a town this increases the opportunities for the use of public transport and walking and cycling to the town. It also means that car journeys made to the town will be shorter contributing to reducing carbon emissions”.* “

Whilst this may be one category in Policy Villages 1, it cannot be taken in isolation of other village facilities (or lack of them) in arriving at a Category C designation. In CDC’s Village Categorisation Caversfield only managed one “tick” out of 10, and that is for Recreational Facilities provided by the USAF for their personnel, which they kindly allow access to villagers.

4.7

“Crucially, unlike any other Category C village, Caversfield is located within walking and cycling distance of Bicester town centre. The approximate walking distance from the site to Bicester North Railway Station is 1.3 miles along a footpath (26 minutes walking or 8 minutes cycling). The site is also directly served by the E1 bus, providing services to and from Bicester every 30 minutes. “

Whilst we cannot disagree with this statement, again Category C is Category C, and we believe providing 4 houses with 11 car parking spaces is not conducive to the occupants walking, cycling or using the bus. Walking is along unlit roads and not conducive to a safe and secure environment.

4.8

“Although Caversfield lacks local services, this is likely to be due to the village being within very close proximity to Bicester. The nearest convenience food shop is approximately a 4-minute cycle/ 17-minute walk from the application site at Tesco Express, Holm Way. There are also a range of local services at Buckingham Road which is within a 20-minute walk from the site...”

Accepting that Caversfield lacks services provides a definite argument that it should be Category C. The Categorisation criteria also requires the facilities to be within the village, and any attempt to change the categorisation because of the supposed proximity of those facilities elsewhere is not the prerogative of APG.

4.8 -4.11

Again, AGP’s attempt to reclassify Caversfield should fall on deaf ears.

4.12 – 4.14

“Policy Villages 2 of the CLP details the Council’s rural housing allocation. Pre-application feedback received on the 28<sup>th</sup> May 2019 states that the majority of the 750 dwellings allocated to Category A Settlements are already committed, however, the Local Plan sets out a separate windfall allowance of 754 homes on sites of less than 10 dwellings.”

There is an attempt to “prove” this is not a maximum number, but it is for the whole of CDC villages (Categories A – C) and does not open up an invitation to build where development is not allowed, and only a small proportion of this number are expected to be delivered in any one year.

4.15 – 4.21

Again, there is an attempt to “twist” the reality of the situation in favour of the applicants. The existence of a hedgerow does not in our opinion move the boundary of permitted development which the failed application CHS.452/93 confirmed as the **“extending beyond the limits of the existing built development, and, as such is detrimental to the rural character and appearance of the approach into the village”**.

The fact that the designation of ownership of an area is made by drawing lines on a map (however old) does not define the availability of development within that area.

If these arguments were allowed to stand then anybody could grow a hedge and “move” the development boundary, which apart from being potentially a very short-term act, runs rings around the planning concept of **“infill”, defined as an undeveloped small gap in an otherwise continuous built-up frontage.**

4.22 – 4.24

Again, the existence of a hedge has been used to define development boundaries. Whilst it is argued this ensures there is no intrusion into open country side looking in, as far as we are concerned it **would certainly cause undue visual intrusion into the open countryside looking out.**

4.25 – 4.28

**The tranquillity of the area will certainly be impacted** by having 4 families and potentially 11 cars added into the countryside beyond existing built development. The development will also be visible from the conservation area, and as **such will harm the outlook and the historic value of the landscape.**

4.30

“Saved Policy C30 of the Local Plan (1996) also requires development to provide acceptable amenity and privacy standards. These are similarly included in Policy ESD15 of the Local Plan (2016):

*“New development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.”*

This development does not comply with Policy ESD15 as it impacts detrimentally on the surrounding properties in all aspects of the requirements.

4.31 – 4.34

This is an attempt to re-arrange the deckchairs on the Titanic. Whatever is done will not turn a sow’s ear into a silk purse. In particular the 22m back to back distance referred to might be a requirement in a substantial urban development with requirements to provide affordable housing, it is not acceptable in a village with countryside views

4.35 – 4.40

**Impact upon Ecology and Biodiversity**

**Our comments on this document will follow.**

4.35 – 4.40

### Highways & Parking

Obviously, somebody has not adequately proof read this document, but we will continue quoting the mis-numbered paragraphs

4.35

“ Policy SLE 4.....

Development which is not suitable for the roads that serve it and which have a severe impact will not be supported.”

In all respects this development DOES impact on highway safety. Adding additional traffic to what is already a narrow country lane is not appropriate. The Old Vicarage already spews many cars and commercial vehicles onto Aunt Ems Lane (Photos 10 and 12 of the Ecological Survey and Figure 3 of the Design and Access Statement provide some evidence for this) and increasing this with another driveway no more than a few yards away provides a potential problem.

Access adjacent to the boundary hedge (which we assume will not be sacrificed due to its major relevance in the applicant’s arguments) will also cause severe visual impact for vehicles leaving the site. It can be noted on Figure 4 adjacent to 4.16, and Figure 3 on Page 2 of the D&A Statement that apart from the initial few metres Aunt Ems Lane is designated as a National Speed Limit road, with the change to 40 mph being made at the entrance to the development. Notwithstanding OCC’s opinion that the entrance does not have to comply with Manual for Streets visibility splays, we would suggest the entrance and exit of vehicles would be considered very risky, with passing traffic potentially passing at up to 60 mph, and having an exit at that position should not be allowed.

We would also like to draw the Council’s attention to the refused planning application CHS.129/86 referred to in the document’s pre-amble. **“That the development would generate increased traffic movements via the adjacent substandard junction with the Bicester to Fringford road which would result in detriment to the safety of other road users,”**

No work has been undertaken on this junction in the meantime yet the amount of traffic has increased substantially, and we cannot see why this problem is still not applicable.

5.1 – 5.7

### Conclusion

5.3

We disagree completely with this conclusion, it certainly will be of significant detriment to the adjoining open countryside, and to the existing residents who enjoy that amenity.

5.4

We cannot see how this development would bring any social, economic or environmental benefits to the village of Caversfield. There are no builders locally to undertake this work and the village has no infrastructure that would be enhanced by additional residents.

5.5

The social benefits of more housing are more than adequately covered elsewhere in CDC’s local plan and it is unlikely the new residents would bring anything of note to the local community except on a very minor basis.

5.6

We are afraid that a few bird and bat boxes and a small planting of trees (ignoring the ones that would be felled) does not in any way enhance the biodiversity.

## Turning to the Design and Access Statement

We believe it is pertinent to point out that the so-called professional advisors do not even know where Caversfield is, describing on the front page the site as being in Chandlers Ford. Or perhaps we should say that their professionalism should be in doubt, allowing such a blatant inaccuracy to be carried forward to the final document. Perhaps this a sign that the content of the document was similarly prepared without the due care and attention required.

### 1. Introduction

#### 1.1

It is significant that the application has not identified itself as being behind another existing property, Aries.

#### 1.2

It appears that over time the planning permission for 2 garages and a carport has regenerated into 3 garages.

### 2. Context

#### 2.2

It is unlikely that if built the site will be designated as Fringford Road since its only access is Aunt Ems Lane.

#### 2.5

Of the Planning History applications shown, 3 are permitted within a Category C village, 1 was not permitted because of its scale and positioning, and the other is not within village limits.

The building of the Cala Homes 200 houses was rejected by the Appeal Inspector for a number of reasons. The development in RAF Bicester was sympathetically planned to retain the conservation area ethos, and are therefore of no relevance to this application, as does the planning for the Eco Town in Charlotte Avenue.

The planning histories for the Old Vicarage show how the various owners desire to increase development of the site, which have in the main been refused. We don't believe this one should be an exception.

#### 2.6

It is fairly obvious that the applicant's advisors have not taken the policies listed into account, but have at every stage attempted to find ways to circumvent the requirements laid down, but to reiterate what we have said before, this a development in a Category C village which should not be allowed, so whatever planning policies are in place have no relevance.

### 3. Survey / Investigation

#### 3.1

"The Environment Agency flood risk maps were reviewed...and therefore no further flood risk assessment work has been undertaken."

Not being local nor asking the right questions to the local inhabitants the advisors will be unaware of intermittent local conditions. The meadow/pasture land to the West slopes in a West to East direction resulting in surface water draining towards the site when the ground is saturated and cannot deal with heavy and sustained rainfall.

The following photographs show the effect of groundwater flooding caused by run-off from the land to the West in a period of high rainfall in December 2013.



The Ecological Survey Report Executive Summary, page 6, paragraph 3 recognises the existence of “..adjacent dry ditch”, which was incapable of dealing with the excess water at that time. The ditch was created by a previous owner of what is now the South Lodge Riding Stables on whose land it is situated to overcome this problem, particularly to the land now occupied by Prospect House on which there used to be a bungalow that regularly flooded, we are told.

Whilst the then owner was diligent in keeping this ditch in good condition, regrettably subsequent owners appear to have abdicated their responsibilities, thus we believe causing this type of flooding.

As well as December 2013, in the last 15 or so years there has been at least one other occasion which necessitated our neighbours to the North taking action to avoid groundwater run-off encroaching on to their land, necessitating obtaining sand bags from the Council to protect their properties



By building on the site and allowing water from the hard infrastructures to “soakaway” we believe is likely to raise the water table between the site and the existing properties thus increasing the likely hazard, unless further compensatory facilities are provided.

Taking all these into account we would wish to **OBJECT** to the application since no consideration has been given to this potential problem without undertaking a full and meaningful Flood Risk Assessment.

### 3.2

#### **Arboricultural**

It appears the pond in the garden of Aries has been overlooked in the Arboricultural Survey.

### 3.3

#### **Transport / Utilities / Noise**

It should be pointed out that Fringingford Road does NOT provide good access to Bicester as it ends at a very congested and difficult junction with Southwold Lane. It should also be noted that the E1 bus route is subsidised by the Eco Town developers, and its continued route is at their discretion. As their building increases and routes are varied this may well cease to be available. To call this a lower density development might be the case in comparing it with large building schemes such as Kingsmere and Elmsbrook, but it is not sympathetic to a Category C village, and there is no way it can serve local needs for all sorts of reasons and by its very nature to call it “delicate” is a travesty of description.

## **4. Proposals**

### **4.1 – 4.2**

#### **Amount and Layout**

Whilst the density on this site may well be less than that allowed in policy BSC2, this development cannot be recognised as being of the sort envisaged by this policy, in particular the policy goes on to say in B102 “However, the density of housing development will be expected to reflect the character and appearance of individual localities and development principles that are appropriate to the individual circumstances of sites.”

It is obvious that the gardens can in no way be described as “large” in the context of a village site.

### 4.3-4.4

#### **Scale and Appearance**

states “the proposed properties were aimed as close to that of The Old Vicarage and its neighbours as possible”. In other words, packing the development with as many houses as possible makes it a sustainable site. We beg to differ, and suggest the proposed planting to reduce the impact on the dwellings as shown it sits parallel to (as declared on 4176-P-03) is thoughtless and insignificant in the extreme, and cannot in any way “blend it into its context and help ensure there is a net gain for biodiversity”. Weasel words as we have come to expect from developers.

## **ECOLOGICAL APPRAISAL REPORT**

Whilst technically we do not have the expertise to comment on the scientific matters, on a factual basis we would say

### **Executive Summary**

2. A one-day daytime survey seems to us to be very short and not long enough to understand the area in question. Wild life is significantly greater than this report leads us to believe.
3. The dry ditch referred to has significant relevance to the Flood Risk Assessment of the site, and how this will affect the Ecological nature of the site
4. The high ecological value (hedge) which should be retained and protected, appears to already have suffered due to the applicants attempts at cutting back and the ravages of his nearby bonfire.
9. Unfortunately, all the technology available has failed to provide the Ecologists with a sight of the pond in Aries, abutting up to the site. Perhaps they should have looked over the fence.

### **For information**

Target Note 9 Page 47, refers to the septic tank built for the Old Vicarage in lieu of a connection to a main sewer.

### **Turning now to the Application Document**

#### **13. Foul Sewage**

The applicant doesn't yet know how they are going to connect to the mains sewer, the nearest point to the site being at the junction of Skimmingdish Lane and Fringford Road, some 500m or so from the site. It is also significant the Old Vicarage's septic tank is currently positioned on the development area. No proposal is made within the documents as to how this is going to be dealt with.

If this not a planning matter we feel that connection to the main sewer needs to be considered, by Building Control or whoever before Planning is granted, especially considering the disruption it will cause on Aunt Ems Lane, the substandard junction and Fringford Road during construction.

We consider any proposal to replace main drainage with septic tanks (due to the cost and inconvenience of connection to the main) should be strongly resisted, as the outflow from these devices will exacerbate the inability of the back gardens to cope with natural soakaway and field run-off waters.

#### **14. Waste Storage and Collection**

On collection days refuse bins for each property will have to be sited at the end of the driveway adjacent to the Lane, with refuse trucks being required to stop on a lane designated as being "Not suitable for HGVs" and within a 60mph speed limit zone. This is not addressed in this document and would cause considerable inconvenience, possibly danger, to the residents and local traffic alike.

### **CONCLUSION**

Whilst the foregoing appears in our eyes to be rather long and detailed, we believe all the matters as stated require answers, comments and/or additional work, and if the application is not refused on the grounds we have laid out in our letter, or any other grounds that the council see fit, then we wish to **OBJECT** to the application as currently submitted.