

Comment for planning application 21/00922/OUT

Application Number	21/00922/OUT
Location	Land West Of Foxden Way Great Bourton OX17 1QY
Proposal	OUTLINE Planning Application with all matters reserved save for access for up to 9 First Homes
Case Officer	James Kirkham

Organisation Name	Christopher Handler
Address	The Cottage, Main Street, Great Bourton, Banbury, OX17 1QW
Type of Comment	Objection
Type	neighbour

Comments

Overall, this application is a speculative and cynical manipulation of planning minima and recent legislation, unpleasantly wrapped in the selective use of often generic, obsolete or simply farcical data. It fools nobody who cares about Great Bourton or Foxden Way and I very much hope it fools nobody whose job it is to determine its outcome. The application is objectionable on so many levels, it is a challenge to choose where to start with these comments. Foxden Way and its surroundings are a valued rural landscape which help frame not one but two separate yet related villages. Its essence is that it lies outside of and between these villages communities, simultaneously neither a part of either but treasured by both. Quite apart from the human interest in this open countryside, it is also a valuable environmental asset. The proposed development is directly contrary to NPPF paragraph 174 a) and b). The application proposals for surface water and sewerage management are demonstrably inadequate and have been set out in detail as such by local drainage experts who are in the best possible position to advise on these matters. The development would contribute to nearby flooding and putting aside hypothetical ideals would very likely cause a foul smelling treated-water discharge repugnant to pedestrians but attractive to vermin, to be released along Foxden Way into its ditches. The assumptions included in the application regarding traffic are seriously and dangerously flawed and therefore the associated safety assurances, worthless. The applicant, Fernhill Estates (FE) calls into question the professionalism of a Council Officer, whilst relying upon an obsolete transport technical note (TTN), which suggests that a development with nine (or is it 15..? or more?) houses in a village with no regular public transport service will generate only four morning rush hour outward journeys and four evening rush hour inward journeys per day - just ludicrous. This projection also apparently ignores service vehicles, deliveries, visitors etc. School Lane (the projected primary route for traffic associated with the completed proposal) is a narrow lane, with blind bends, used frequently by pedestrians including children and cyclists. The TTN is based on ATC data from October 2019, since which time there has been a 44% increase in dwellings either built or with planning approved whose main vehicular access is onto School Lane. The applicant knows this because they are responsible for five of the seven new dwellings, and reference frequently in the associated planning applications, the other two. But, despite going to great lengths to demonstrate their own perspective in other areas of the application, they selectively ignore this very relevant safety aspect. If approved, this development would present yet another real and material increase in risk to vulnerable road users' safety and for the application to suggest otherwise reveals either complete unfamiliarity with the locality, or utter contempt for its users' safety. And we know the applicant is very familiar with the locality. Proposals for the point of access on Foxden Way are also unacceptable. The nature of Foxden Way as a single-track country lane is intrinsic to its character. Selective widening of the road opposite the proposed access point is as inadequate a solution as the labelling of this as a 'passing bay' (as if it were some offering of value to the community) is cynical. Small vehicles (cars, short wheelbase vans) have, in attending and parking at another smaller local development, already churned up and destroyed nearby verges on School Lane and the very stretch of verge proposed for widening, in using the existing access point. The amended plans present tarmacking what was previously part of the wildlife habitat along Foxden Way as a solution when in fact the necessity of this measure is merely evidence that the access point is not fit for purpose, whatever the perfect-world assumptions of the (amended) swept path analysis might idealise. Also - where would vehicles associated with the construction phase park, without further endangering pedestrians and damaging habitats? As many others have indicated, Great Bourton is a Category B village and this proposed development falls outside of the boundary of the village and is therefore contrary to the Cherwell Local Plan. The only village

amenities are the pub, church and village/ community halls. All essential facilities are located outside of the village, which as noted previously, has no regular public transport service. The applicant provides bespoke yet generic and irrelevant 'evidence' from YouGov for the need for affordable housing. Yet as Bourtons PC has already set out, Great Bourton has already recently provided more than its proportionate share of Cherwell's requirement, which was under-subscribed. The people who would benefit from this scheme simply do not exist. The applicant has cleverly amended the application to take advantage of specific recent developments in planning legislation. It is admirably opportunistic to attempt to re-focus debate in this way and in particular on the inevitability of 'landscape harm' which results from the new policy. However, the applicant's submitted note from Counsel highlights the comments of HHJ Jarman QC delivered as part of their judgement in *Wiltshire Council v Secretary of State for Housing, Communities and Local Government* [2022] EWHC 36 (Admin): "That does not mean that landscape harm should not be weighed in the balance". So what is in fact pertinent here is not that landscape harm is inevitable, but rather that degrees of harm and their contribution to the overall balance of evidence remain important. Crucially for this application, what my, the CDC Landscape Officer and many, many others' comments would seek to highlight is the scale of harm being proposed. Just because something is permitted by law, it does not automatically follow that it is also unequivocally a good idea. Moreover, whilst the First Homes scheme has a purpose and an important one at that, surely it cannot be that this purpose is commandeered to provide a veneer of justification for any and all development, especially that which otherwise so obviously falls so far short of acceptable in so many ways. FE, in 'promoting' the site which was the subject of planning application 19/01808/F initially proposed a community orchard as part of that development. The associated planning statement commissioned by the developer reads, in paragraph 6.34: "there is an intention that the applicant will transfer the parcel of land immediately to the south of the site to the parish council. It is hoped that this will provide the village with some comfort that there is no intention by the applicant to seek to build more dwellings on the area of land that extends south of the site. As such this parcel of land will reinforce the existing edge of the village and prevent future development encroaching into the open countryside." This stated intention was never fulfilled, and the site of this suggested community orchard then became planning application 21/02336/OUT for more housing. Whatever the reasons for abandoning the orchard plan, there would have been nothing to stop the developer transferring the parcel of land to the community, were their claimed concern for the community real. What is somewhat more real and justified is the prevailing sense that what Fernhill Estates proposes in a planning application may very well not accord with what they actually intend. FE's 19/01808/F application went to great length to re-define the village boundary to suit their desired outcome at that time and simultaneously re-assure village residents of no further plans to develop further South. Less than three years later, here we are. The developer also has a track record of building not in accordance with approved plans, as was the case with planning application 19/01808/F once approved. Putting all of this together, the plans as set out represent a very best possible version of the developer's underlying intentions and are entirely untrustworthy. The applicant has made multiple corrections and clarifications to and regarding the application. Part of the problem for an organisation which time and again either accidentally or knowingly states one thing when it means or intends another, is that repeat users of information from this source can become wary of its reliability - see above. So it is disappointing that the applicant adopts such a defensive and sneering written tone when stakeholders whose interests may be far less temporary, raise valid concerns. I would like to draw attention to a section of Fernhill Estates' own website: "Our ethos is simple; we aim to work alongside local communities to ensure that our developments create places that are beautiful and truly valued by the local community. You will find that our developments seek to deliver a number of community benefits including; sports pitches, open space, community orchards and allotments. We proudly believe that any development should preserve and enhance the character of the settlement and we seek to identify any community needs at the outset." It is quite clear that the weight of local public opinion is firmly against this proposed development. Further, that this is not token nimbysism, but instead reflects a range of fundamental and detailed concerns. The applicant has failed to mitigate these and much less to "work alongside (the) local community" to create something even approaching acceptable, let alone "truly valued". The application could scarcely do more to fail to "preserve and enhance the character of the settlement" and the main "community need" is for the proposed development not to proceed! Please refuse this application.

Received Date

28/03/2022 13:45:43

Attachments