



<b>Project:</b>	Construction of five two bedroom dwellings	<b>HVJ TRANSPORT LTD</b> 12 Chaundy Road Tackley, Oxon, OX5 3BJ Ph. 01869 331729 Mob. 07501 403969 E: huwjones@hvjtransport.co.uk
<b>Location:</b>	Land adjacent to Cotefield House, Bodicote	
<b>Project No.:</b>	P1095	
<b>Date:</b>	November 2021	

## 1 INTRODUCTION AND SCOPE

- 1.1 This Technical Note (TN) is based upon instructions from Tariq Khuja and relates to the proposed residential development within the grounds of Cotefield House, Bodicote.
- 1.2 The purpose of this TN is to address the most recent highways related comments provided by Oxfordshire County Council (OCC) on 19 October 2021 as part of their consultation on the submitted planning application Ref: 21/01835/F to Cherwell District Council on 24/05/21.
- 1.3 The OCC comments relate to the previous HVJ Transport TN dated September 2021. The information provided in this TN must be read in conjunction with the previous TN.

## 2 RESPONSE TO OCC FEEDBACK

- 2.1 In line with the original OCC consultation feedback, the most recent OCC comments also focus on the acceptability of the existing access to meet the needs of the proposed development. The information below is provided in response to each of the issues raised.

### **Steel gate to A4260**

OCC Comment: *The gate is in place and the application will be assessed on the presumption that the gate will remain, providing a width restriction of 3.1m*

- 2.2 As previously explained, the steel gate was installed without the applicant's consent or notification. The applicant (the owner) has confirmed that the farmer is under instruction to remove the gates forthwith. Once removed, the width of the entrance will revert to the original clear opening between the stone walls of 6.68m

### **Delineation of existing access**

OCC Comment: *Ref. Photo 2 and 3.2 to 3.4 It is stated that the access "varies in width between 3.3m and 4.0m." However, the tarmac strip across the hardstanding does not necessarily accord with the legal route defined in the Deeds. This application has to be assessed according to the red-line area as shown on the Site Location and Block Plan. The*



*width of the access track cannot be precisely determined from the Plan due to the thickness of the side lines and because they are not parallel. Given that the gate width is 3.1m it must be assumed that the track is also the same or very similar. It is noted that the red line track is offset to one side and passes directly against the gatehouse building, which is not the case in reality.*

- 2.3 For reference, a copy of the original Conveyance Deed is attached in Appendix A. This document clarifies the rights of Cotefield House with the buildings, gardens and land thereto to use the “Road” at all times. This document also includes a plan showing the limits of the referenced road where it is clear that the road width relates to the original opening between the stone wall at the A4260. Appendix B contains an updated site plan showing a red line position that is an accurate representation of the conveyance drawing. Based on the information in the Deed document it is confirmed that the access road is 6.68m wide.

### **Pedestrian and cyclist vehicle conflicts**

OCC Comment: *“To date, there have been no reported incidents of any conflict between vehicles and pedestrians or cyclists over this short (26m) stretch of access.” There is no evidence of how this has been researched.*

- 2.4 The applicant has confirmed that there have been no incidents reported by any residents of Cotefield House or adjoining business owners over the 16 years of their ownership of the property.

### **Pedestrian routes**

OCC comment: *The applicant recognises the need for an alternative pedestrian route by suggesting a connection to the new development to the south-west. This is not achievable as it would rely on land outside of the applicant’s control. Furthermore, (i) it is not on a desire line to the A4260 / proposed new food store / proposed new bus stop, so is unlikely to be used; and (ii) the connection would have to be two-way, but it would not be desirable to open up a route for residents of the adjacent development through the Cotefield House / JS Auctions site.*

- 2.5 For the avoidance of doubt, the applicant does not “recognise a need for an alternative pedestrian route”. As noted in the previous TN, there is an existing clear and direct route to the A4260 which is wide and open and affords excellent visibility in all directions.



- 2.6 The previous TN highlighted the option for an additional pedestrian route utilising the public footpath network through the new development to the west. The public footpath is located adjacent to the southwest boundary of the subject site where it can be directly accessed (Refer Fig. 1) should the applicant decide to provide a gate. This connection can only be one way i.e. from the private property of Cotefield House to the public footpath. The gate would be locked and accessible by Cotefield House residents only as would typically be the case for any other point of access to private property. There is no desire or intention to allow public access to Cotefield House at this particular boundary location.
- 2.7 To access the existing bus stops on the A4260, Cotefield House residents walk 520m to the north with 400m of this journey being along the A4260. The same trip utilising the footpath network to the southwest and a private gate is 680m of which 280m are along the A4260. As distance is only one factor in route desirability, residents with children may prefer the slightly longer route along quieter roads.

### Legal access for new residents

OCC comment: *Ref. 3.11 "...and there is a legal right of access for residents of Cotefield House". This is not a concern for the LHA, but it is questionable whether there is a legal right of access for people who are not residents of Cotefield House (e.g. residents of the proposed new dwellings).*

- 2.8 As would be the case with any new dwelling, the purchaser must be provided with a legal right of access. The property would otherwise be unsaleable. All new residents will have conferred legal right of access.



**Figure 1: Location of public footpath at southwest site boundary**



### 3 SUMMARY / CONCLUSION

- 3.1 This Technical Note has been completed to address specific transport related issues raised by Oxfordshire County Council as part of their consultation to Cherwell District Council on planning application reference 21/01835/F.
- 3.2 This Technical Note has highlighted the legal and practical aspects of the use of the shared access at this site. The access in question is currently shared and affords the residents and owners of Cotefield House legal right of access from the A4260 entrance to the Cotefield House property boundary.
- 3.3 The primary concern of the OCC remains that the development will be accessed along a track that is approximately 51m long (from the gate to the blue line area) and with a usable width of approximately 3.0 to 3.1m. This TN has provided additional information that confirms the following:
  - There is legal right of access along the shared road:
  - The width of the shared road is wider than previously assumed and is not restricted by the width of the steel gates at the A4260.
  - The steel gates are to be removed.
  - There is the potential; to provide an additional pedestrian point of access to the public footpath network for the exclusive use of Cotefield House residents.
  - New residents of the proposed development will have the same conferred rights of access along the shared road.
- 3.4 Based on the additional information provided, OCC should be able to revert to their original assessment and raise no objection to the proposed development.



APPENDIX A

Copy of original Deed

**These are the notes referred to on the following official copy**

Title Number ON257342

The electronic official copy of the document follows this message.

This copy may not be the same size as the original.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

C17  
1000  
1961

29 DEC 1961  
No. 39813

# This Conveyance

SHAW & SONS LTD.  
Law Stationers &c.  
FETTER LANE,  
LONDON, E.C.4.

is made the twenty-second

day of December — One thousand nine hundred and sixty-one BETWEEN  
W.V.S. HOUSING ASSOCIATION whose office is at 41 Tothill Street in the City of Westminster  
(hereinafter called "the Vendor") of the one part and THE COUNCIL OF THE ADMINISTRATIVE  
COUNTY OF OXFORD (hereinafter called "the Council") of the other part



WHEREAS the Vendor is seized of the property hereinafter described and intended to be  
hereby conveyed in fee simple in possession free from incumbrances and has agreed to sell  
the said property to the Council for a like estate in possession free from incumbrances at  
the price of Seven thousand two hundred and fifty pounds (£7250)



NOW THIS DEED WITNESSETH as follows:-



In pursuance of the said agreement and in consideration of the sum of SEVEN THOUSAND TWO  
HUNDRED AND FIFTY POUNDS (£7250) paid by the Council to the Vendor (the receipt whereof the  
Vendor hereby acknowledges) the Vendor as Beneficial Owner hereby conveys unto the Council  
ALL THAT messuage or dwellinghouse known as "Cotefield" (or Cotefield House) with the  
buildings gardens and land belonging thereto situate at Bodicote in the Parish of Adderbury  
in the County of Oxford which said property is for the purpose of identification delineated  
upon the plan annexed to a Conveyance dated the twenty-sixth day of November One thousand  
nine hundred and fifty-seven made between Constance Jane Selby Grahame of the one part and  
Individual Housing (W.V.S.) Limited of the other part and thereon edged red TOGETHER with a  
right of road at all times and for all purposes over the roadway coloured yellow on the said  
plan the Council contributing one quarter of the cost of keeping the same in good order and  
repair TOGETHER ALSO with full right of drainage in common with all other persons having the  
like right through the sewers and septic tank situate on the adjoining land formerly  
belonging to the said Constance Jane Selby Grahame with liberty to enter upon the said  
adjoining land for the purpose of laying maintaining repairing renewing and making  
connections to the said sewers and septic tank making good any damage occasioned thereby  
the Council and such other persons as aforesaid contributing a proportionate part of the  
expense of keeping the same in proper order and repair AND TOGETHER ALSO with the benefit  
of the covenant by Reginald Thomas Bratt to keep and maintain the said roadway coloured  
yellow on the said plan with a good hard surface and reasonably clean at all times contained  
in a Conveyance dated the twenty-sixth day of June One thousand nine hundred and fifty-  
seven made between the said Constance Jane Selby Grahame of the one part and the said  
Reginald Thomas Bratt of the other part AND TOGETHER ALSO with the benefit of the  
agreements and declarations contained in paragraphs (1) (2) and (3) of Clause 3 of the  
same Conveyance TO HOLD the same unto the Council in fee simple

Road  
Y.M.C.A. ✓

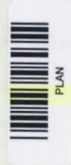
IN WITNESS whereof the parties hereto have caused their respective Common Seals to be



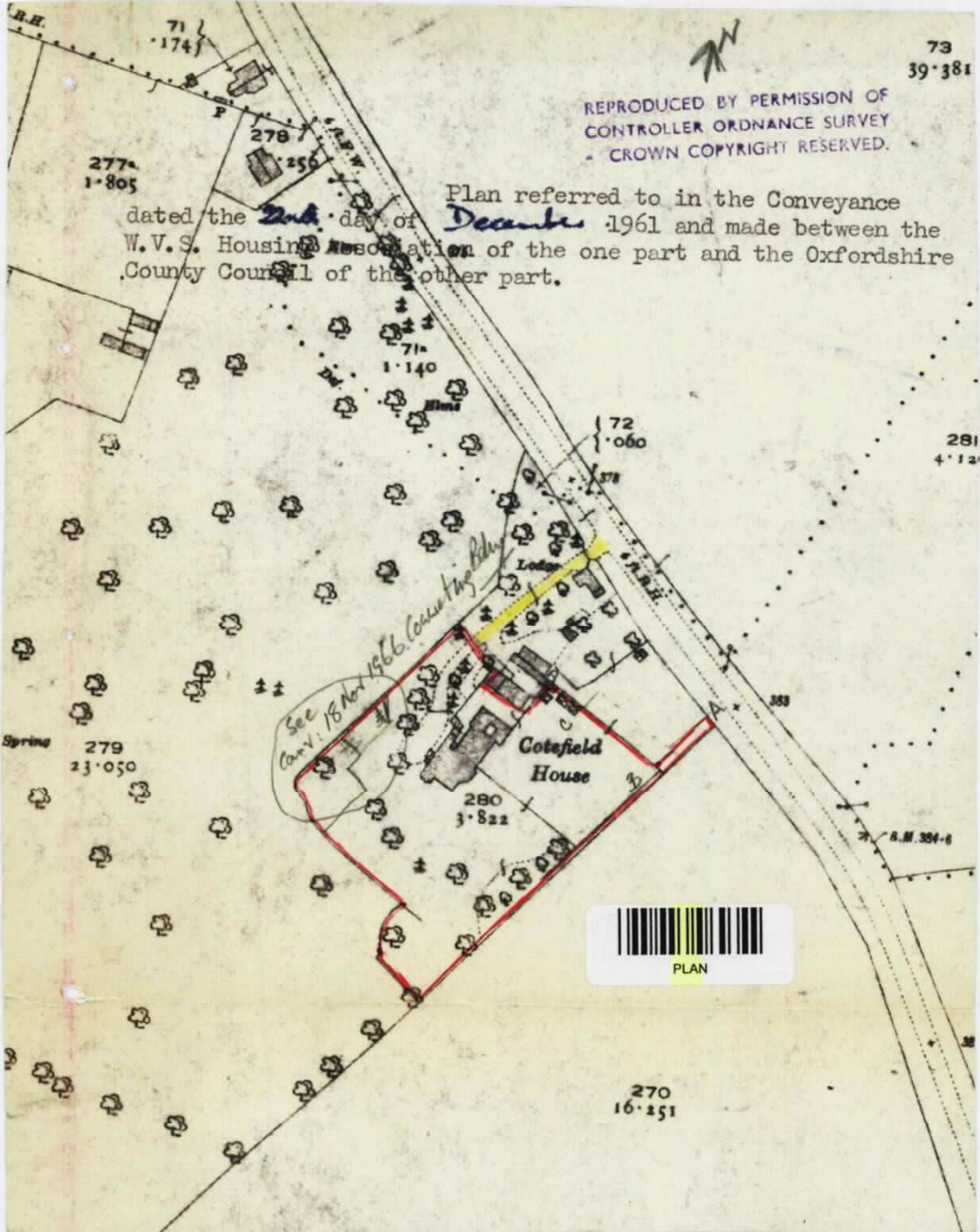
hereunto affixed the day and year first above written \_\_\_\_\_

THE COMMON SEAL of W.V.S. Housing )  
Association was hereunto affixed in )  
the presence of:- )

[Redacted] )  
[Redacted] of the Committee.  
[Redacted] Secretary.







REPRODUCED BY PERMISSION OF  
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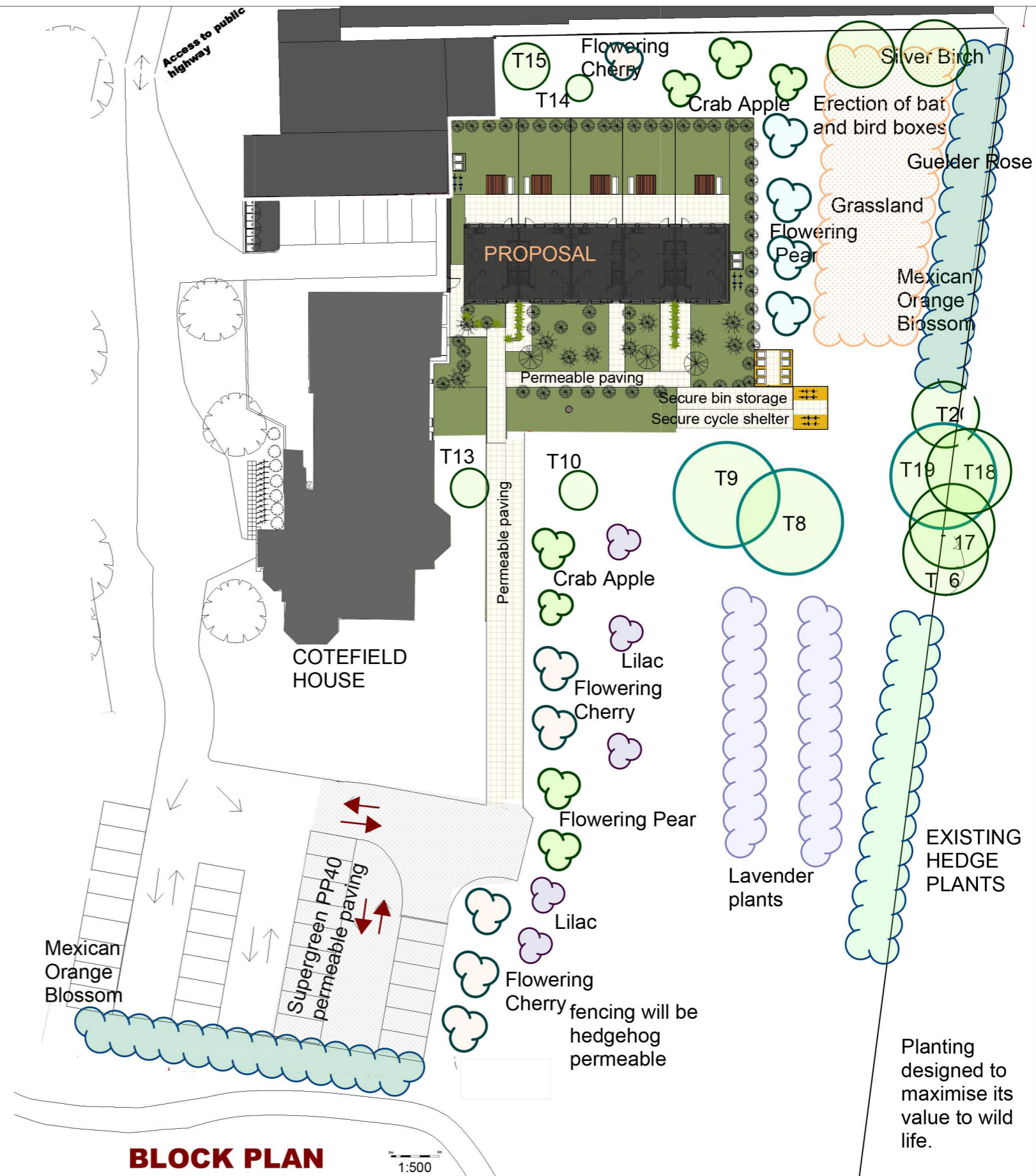
Plan referred to in the Conveyance  
 dated the *2nd* day of *December* 1961 and made between the  
 W.V.S. Housing Association of the one part and the Oxfordshire  
 County Council of the other part.





## APPENDIX B

### Site layout plan



ASSET MAX

154 Cowley Road  
Oxford  
OX4 1UE  
01865 368088  
design@assetmax.co.uk

LAND ADJACENT COTEFIELD HOUSE OXFORD ROAD BODICOTE

SITE LOCATION AND BLOCK PLAN

Scale @ A3 1:1250/1:500

Drawn by [signature]

Checked [signature]

Project NBOCO-030-AA

Drawing No: A-030-01-REVA

Date NOV. 2021