

From: Jim Bailey
Sent: 14 December 2021 09:30
To: Planning
Cc: Alex Chrusciak
Subject: Planning application 21/03947/F.

Dear Sir / Madam

Re: Land adjacent to Cotefield House, Bodicote – construction of 5 dwellings – application 21/03947/F.

I understand that previous planning application 21/01835/F has been withdrawn and this application has been submitted in an attempt to address the issues that have been identified. The main issue, as it was previously, is concerns raised by the Highway Authority. Previously, we wrote to the council, on behalf of the owners of Cotefield Farm, to object to various aspects of the sites access arrangements and we note that Highway Authority changed its recommendation to one of objection, on receipt of our submissions.

The new planning application is accompanied by a new Technical Note by HVJ Transport, which is dated November 2021. The Technical Note attempts to further justify the proposal for 5 houses in highways terms and we have a number of responses, as follows:

1. **Steel gate to A4260** (paragraph 2.2). As stated previously, in my email to you of 6th October 2021 (copy attached), the gate has been in situ since at least the 1960's. The applicant has no authority to remove it and 'the farmer', i.e. my client, has not received any request from the applicant to have it removed. As previously stated, the gate will remain for the foreseeable future and the available access through the gate is limited to 3.1m only. Therefore the gate is not going to be removed and the claimed width of 6.8m is not available – legally this is a single track road and could be fenced as such.
2. **Delineation of existing access** (paragraph 2.3). Submission of a copy of the deeds plan is helpful, but at this scale is only indicative, it does not include any measurements. The alleged road width of 6.68m is simply wrong. Furthermore, the deeds plan and the new location plan, which also does not include measurements, clearly both show the gate in place at the entrance. The gate, as stated above, is not going to be removed, which limits the width of the access to 3m, and not 6.68m or 6.8m as suggested.
3. **Pedestrian and cyclist vehicle conflicts** (paragraph 2.4). Simply stating that the applicant (who is not in residence) hasn't witnessed any incidents during his tenure is not the same as providing hard evidence to demonstrate this.
4. **Pedestrian routes** (paragraph 2.5). Far from being an "existing clear and direct route to the A4260 which is wide and open and affords excellent visibility in all directions" the existing pedestrian access is shared with cars, vans and HGV's, which use the same area to access businesses in the immediate environs of the application site.
5. **Pedestrian routes** (paragraph 2.6). Figure 1 shows how a private gated access could be provided from the grounds of Cotefield House to the new public footpath, which provides access into residential development and countryside to the south. This will not solve the problem of pedestrians having to walk across a commercial yard/access road to get to the Oxford Road and other amenities. Furthermore, the applicant does not have any legal right of access to the new footpath from this point as the boundary strip of land is in the control of my client.
6. **Pedestrian routes** (paragraph 2.7). The proposed route to bus stops is significantly longer than the most direct route. There is no guarantee that residents, both adults and children,

will use the longer route, just because it is, allegedly, less busy. As stated above, this proposed solution, which is not available, does not overcome the Highway Authorities objection.

7. **Legal access for new residents** (paragraph 2.8). Residents of Cotefield House have legal access rights to the A4260 via the yard and access road, through the gate and onto the road. Residents of the new dwellings may not have the same rights, but this is a matter of legal interpretation, not planning.
8. **Summary / Conclusion** (paragraphs 3.1 to 3.4). As stated above, the steel gates are not to be removed, as 'the farmer', my client, has not been approached by the applicant and he has no intention of removing the gates in the foreseeable future. This in itself would cause other issues with the operation of the commercial area which are subject to planning conditions, based on highways safety, not to use this access. (the current failure of residents of Cotefield House to close the gate is already causing conflicts between themselves and the tenants of the commercial areas). Subject to agreement, there may be potential to provide other access points for pedestrians, but these do not improve the current situation.

Based on the extremely limited additional information submitted by the applicant, the objections of the Highway Authority have not been overcome, and this planning application should be refused.

I hope these comments are clear and helpful. Please let me know if you have any queries.

Regards

Jim

Jim Bailey

Director - Planning
RPS | Consulting UK & Ireland
20 Western Avenue
Milton Park
Abingdon, Oxfordshire OX14 4SH, United Kingdom

From: Jim Bailey

Sent: 06 October 2021 15:49

To: Planning

Cc: Alex Chrusciak

Subject: Planning application 21/01835/F. Cotefield House, Bodicote.

Dear Sir/Madam

Re: Planning application (21/01835/F) for 5 attached two bedroom houses, parking and amenity space.

Thank you for forwarding the applicant's Transport Technical Note for the above, which they have submitted in response to Oxfordshire County Council's (OCC) revised highway consultation response dated 28th July 2021.

Overall, we are of the view that the content of the Technical Note has not overcome the issues raised on behalf of our client within our email dated 22nd July 2021 and nor has it overcome the objections raised in OCC's revised highway consultation response dated 28th July 2021.

The fact is that the proposed access for this development is a limited width right of way which directly traverses an occupied and busy yard area. As a result of this our client has legitimate concerns about the impact of the proposed scheme on his property, particularly in regards to traffic intensity and impact on users of his site.

To be clear, if the proposed scheme did not rely on a right of access over and through our client's yard then these concerns would not exist and would not have been raised.

Further response/clarification on specific points of fact -

Paragraph 2 – Description of the Site

Paragraph 2.2 refers to nature of access. The proposed access is not 'shared' but is owned by our client, the landowner. Cotefield House has a legal right of access, which relates to its use at the date of drafting and was not intended to extend to additional properties, or cover significant intensifications of use. This is the context to the width of the access, which is sufficient for its original intended purpose.

Width of access - The access is 3m wide and in the absence of demarcation on the ground, is determined by the width of the gates. As the revised OCC consultation response notes, the landowner (my client) could feasibly erect a fence on either side at any time. In practice, the yard either side is in frequent use by the occupiers of Cotefield Farm (e.g. for customer parking, pick up, movement and display of goods associated with the occupying auctions business). The suggestion that occupiers of Cotefield House could go beyond this width for passing and use parts of our client's land over which they have no right of access, is incorrect.

Gates - The gate referred to as 'installed without the applicant's consent or notification' has been in place since at least the 1960s and predates the applicant's ownership of Cotefield House.

Paragraph 2.5 refers to a 'speed hump'. This is in fact the reinstatement of a trench for services.

Paragraph 2.8 refers to visibility splay. We maintain that we have concern over highway safety and that the visibility standard for cars approaching from the south (a 60mph limit) should be 215m.

Paragraph 3 – response to OCC

Paragraph 3.3 - generally in regards to the nature, use and safety of the existing yard, we repeat from our email of 22nd July:

'Where the access road is proposed to cross in front of JS Auctions, it is actually not a road at all, but a service yard, which is frequently used by HGV's and other large vehicles visiting the commercial uses. It is not suitable for use as an access road to dwellings, especially not 19 dwellings. The proposed access route to the new houses is not safe or convenient.'

And, 'The width of the proposed access road is not sufficient to allow vehicles to pass one another and is even less than the minimum required by Manual for Streets for safe access for emergency vehicles (3.7m) and the minimum width for 2 cars to pass safely (4.1m).'

The applicant's response does not address our concerns over the suitability of the access to support up to 19 dwellings. The current situation is that the access crosses a yard, which is frequently in use and is not of sufficient quality, size or standard to support the intensification of use proposed.

Paragraph 3.6 - The onus is on the applicant to quantify and qualify their own application and demonstrate that an issue raised by a statutory consultee can be resolved.

Paragraph 3.9 - The owners and occupiers of Cotefield House have no right of access through the south-western boundary of Cotefield House to the adjacent housing development.

Paragraph 3.10 provides a quote from Manual from Streets (MfS) relating to a single lane section of carriageway being suitable for lightly trafficked streets. There are two aspects with this: firstly, the remainder of the paragraph within MfS is not quoted, but states '*In such single lane working sections of street...*'. A single lane working section of street has two-way movement of vehicles on either side with suitable forward visibility between them to allow drivers to give way to one-another. This is not the case in this instance, because the legally available access width is only 3.0m wide. Secondly, single lane working sections of street are not intended to relate to shared surfaces between all users. Indeed, the quote from MfS in paragraph 3.10 refers to 'carriageway width', whilst the sections of MfS that relate to shared surfaces state '*In the absence of a formal carriageway*' (paragraph 7.2.9 of MfS).

Paragraph 3.11 states '*the key point is that this is the reality of the situation that currently exists and there is a legal right of access for residents of Cotefield House*'. As outlined above, our client's legitimate concern is that this right of access is not of sufficient size, width or quality to support the proposed intensification of use, particularly given that it traverses directly through his property, which is in active commercial use.

For the above reasons, we maintain our objection to the planning application, because the access issues that we, and OCC, have raised, have not been resolved.

Regards

Jim