Objection to Planning Application No. 19/00081/F

I would like to register our very strong ‘Objection” to this retrospective application for planning approval for a grass bank on the eastern boundary of the site of The Lion public house in Wendlebury.

It was with amazement and deep frustration (and some anger) when we read the letter received entitled Planning Consultation from Cherwell District Council dated 29th January 2019.

The grass bank in question was originally installed in 2015 without specific planning approval when the major alteration works were carried out to the property by the previous owners. The carrying out of this element of the works without approval was one of a number of items of work which the previous owner carried out without specific approval.

When the previous owners of the pub applied for planning approval for major conversion works to the pub (14/1026/F), and then for the construction of the new accommodation block (14/1030/F), we supported the proposals in general, and clearly stated this in our “Objection” submissions at the time.

These original “Objections” specifically registered our concerns at each stage of the various planning applications that, among other issues, any such works should be carried out with care being taken not to cause problems of ground and surface water being deflected onto adjoining properties such as Bridge House. And that the Flood Risk Assessment submitted with the applications were not fit for purpose.

A further example of our concerns over the potential of these works to cause/exacerbate issues of surface water and flooding is in the quote below from our specific comments (amongst others) submitted on the application no. 16/01430/F (Alteration to approval 15/00185/F) on the 10th August 2016:

 *We would like to express concern regarding the summary and recommendations in the Flood Risk Assessment report attached to the documents in this planning application. It concludes that the risks of flood in all categories listed is "Low". This is patently inaccurate as is self evident from the history of flooding in the area of the pub over the years.*

As by 2016 the grass bank had been installed without permission, we raised the specific issue of the grass bank in our ”Objection” to the Planning Application 16/0258/F proposing the retention and extension of the existing tarmac car parking area, which had also been installed without approval instead of the permeable paving car park which had been approved; our comments were:

 *Whilst writing regarding the flood risk we also raise the following which we previously raised in our response of 10th August 2016:*

 *The original redevelopment of the public house and grounds did NOT include a request for permission to install raised and banked ground works fully across the extreme rear of the site to the east. However, this WAS installed, presumably to protect the site of the public house from ground water running down onto the site from the fields to the east of the site. Since the installation of this banking, ground water from the fields to the east is deflected to the sides of the site of the public house, and higher volumes of ground water than ever before run down onto the Bridge House property and side access road to the south, and to the north.*

We then made a further number of post installation objections, both orally by telephone and also by email, to CDC; particularly Mr Steve Evans during 2017, and then Heater Nesbitt after Mr Evans had left the authority. During discussions with both Steve Evans and Heather Nesbitt we were told that enforcement action had been taken to ensure the grass bank (earth bund/embankment) was removed by the original owners. However, it was around this time that the original owners sold The Lion to Brakspear.

Below is a history of these communications starting with the text of an email sent to Steve Evans on the 29th November 2017 which again includes reference to the issue of the grass bank/earth embankment:

*Hi Steve

Last evening we were surprised to learn that the public house above has been sold. We believe to a Brakspear Brewery company; although we are not certain.

We would appreciate knowing from you if the issues the Council is “enforcing” on the previous owners in their construction/development work will continue to be enforced under the new ownership?

These being:

1. Removal of the earth bund/embankment around the north, south and east sides of the plot (we do not believe this work has commenced);

2. Protection of the tree in the immediately adjoining field, which is subject to a TPO as you know. By the way we have noticed that the builders and roofers have nearly completed their work all the way up to and beneath the tree branches, to the extent that some branches appear to be touching the roof etc;

3. Replacement of the Tarmac carpark surface;

4. Replacement of the existing kitchen roof mounted extractor fans.

We look forward to hearing from you.*

During subsequent telephone calls with Mr Evans, it was confirmed that these matters would be subject to “enforcement” action. However, we heard little further from Mr Evans, and subsequently were told that a Mr Mahmood would now be handling the matter. Below is the text of an email we sent to Mr Mahmood on the 22nd March 2018:

 *Hello Mr Mahmood*

 *I have been trying to contact Steve Evans but understand he has left the Council’s employ.*

 *So as promised in a recent phone call this morning with one of your colleagues, I attached below the emails I am endeavouring to get answers to, quite urgently.*

And again subsequently on the same date:

 *Hello Mr Mahmood*

 *Please see the emails below which are self explanatory. I wrote the one dated this morning but used the email address given by your colleague which proved to be incorrect. However, this afternoon another of your colleagues gave me the correct address (hopefully).*

 *I’ve simply copied Cllr Hughes in because he is aware of the work at The Lion, and I was told he would be interested also as to the outcome of the works requirements.*

 *I understand that you are not available this afternoon, but would be grateful if you would call me tomorrow to discuss this matter.*

Mr Mahmood then responded on the 27th March 2018 to inform us that the new case officer would be Heather Nesbitt. Ms Nesbitt then emailed us on the 27th March 2018:

 *Dear All*

 *Thank you for your earlier emails and apologies you have had difficulty in getting in touch with officers. The earth bund is still under investigation. There are also a number of appeals I understand on-going at the site. Once I have reviewed the entire case I will be in a better position to make decisions on what the next steps in this matter are.*

 *I am sorry I can not give you any further clear indications at this stage but please do be assured that I have the case assigned to myself and can be contacted at anytime should you require any clarifications.*

We then emailed Ms Nesbitt on the 9th April 2018 including the request:

 *Hi Heather*

 *Our main concern is the construction of the non-approved earth bund/embankment around the north, south and east side of the pub site, as the recent wet weather has served to emphasise just how much the construction of this has increased the levels of water encroaching onto our property, which is immediately next door to The Lion. And therefore in turn to emphasise how keen we are to have it removed, hopefully.*

 *Would it be possible for you to call us on 01869 241279 over the next couple of days to let us know how things are progressing?*

We then had a telephone conversations with Ms Nesbitt on the 11th April 2018 during which she confirmed that she was currently liaising with Brakspear, and that they had been given 28 days to remedy the situation and to remove the grass bank. Ms Nesbitt also undertook to email us with confirmation of the removal of the grass bank, and if we did not hear from her to telephone her in May/June 2018.

We then called Ms Nesbitt’s office on the 25th June 2018 during which she informed us that a colleague had arranged to meet the pub owners on site at The Lion to review progress made with the outstanding enforcement items, and that she would inform us of progress. Not having heard back we then called on the 11th July 2018 and left a message again but received no response. We telephoned a second time on the 11th July 2018 and spoke to a lady called Amy who described herself as the Team Leader, and explained the purpose of the call. But there was no further response from Amy or Ms Nesbitt.

We then emailed Ms Nesbitt again on the 3rd August 2018:

 *Hi Heather*

 *Could you please let me know what the current situation is with my request below.*

 *Our particular concern is that the seasons are changing and we can expect, and indeed are getting, more rain now as the year progresses. And unless the problem with the earth embankment in particular is resolved satisfactorily, then our property will be subject to the recently historic impact of unnaturally high volumes of rain/surface water being redirected away from The Lion site.*

 *Your early response would be appreciated.*

We have heard nothing further from Ms Nesbitt by email or telephone since.

Please note that we have copied Cllr David Hughes in to most emails.

We therefore feel strongly that as:

1. the previous and current owners of The Lion public house appear to have wilfully failed to comply with CDC’s planning requirements and enforcement actions, and
2. the retention of the non-approved grass bank will continue to have a serious detrimental effect on our property,

...then Cherwell District Council should reject and deny approval to this planning application.

Roger and Elaine Dyson