

KIRTLINGTON PARISH COUNCIL

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Mr A Preston
Head of Public Protection & Development Management
Cherwell District Council
Bodicote House
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Dear Sir

16/02295/OUT- Land South-West of Woodbank, Mill Lane, Kirtlington – Erection of 10 Dwellings
Kirtlington Parish Council (KPC) Response

The Parish Council objects strongly to this application.

Vehicular Access

Access to the site from the main road through the village (the A4095) is proposed from Mill Lane via North Green and the Pound. Mill Lane is a rural country lane and a Public Bridleway (270/11/70). North Green and the Pound form part of the Kirtlington Conservation Area, thus the access to this development would impact upon the setting of this designated heritage asset (a point also raised by Dr Rose Todd, Senior Conservation Officer at Cherwell District Council (CDC)). KPC notes that the consultation response received from Oxfordshire County Council (OCC) Highways on this application states it has “*no objection subject to conditions*”. KPC considers that Mill Lane, North Green and the Pound are of insufficient width to take two-way traffic and it questions whether these existing tracks meet current highway safety standards, thus rendering them unsuitable to take not only existing levels of use, but also the projected increase in traffic generated by this development. From where North Green begins to narrow at its western end there are no dedicated footways to Mill Lane and the Pound, thus the surface is shared between motorists and other users, such as pedestrians, cyclists and equestrians. The Parish Council opposes any widening or “improvements” of the tracks around North Green, the Pound (a registered Common) and of Mill Lane, to provide footways or to accommodate additional traffic movements, as this would have an adverse and detrimental effect on the rural character of these roads and on this part of the village, particularly on its designated heritage assets.

It is noted that the transport statement produced by Connect Consultants makes no reference to the fact that Mill Lane is a restricted access Bridleway. KPC queries whether there are restrictions on this lane being widened. Access beyond the five new houses at Woodbank (constructed within a former quarry and latterly occupied by WIG engineering works, thus brownfield land) used to be restricted by two posts in the lane, their original position only marked now by two other posts which remain on either side. The Definitive Map of Public Rights of Way for Oxfordshire (dated 21 Feb 2006, sheet SP41NE) shows the Public Bridleway 270/11/70 extends eastward to the western point of North Green. In law, only the residents of the properties at Pigeons Lock (and now also The Stables) have right of vehicular access. KPC understands that the recent resurfacing of Mill Lane, extending only as far as the quarry, was carried out by CDC, not OCC, and that the speed humps constructed at the same time as the resurfacing were subsequently removed at the request of OCC, and also believes that OCC has stated it would not be responsible for repairing the resurfaced lane as undertaken by CDC.

Notwithstanding the current questions and concerns on the vehicular use of Mill Lane, this route, plus North Green and the Pound are already heavily used by traffic, which in combination with their sub-standard widths causes many problems. Residents park around North Green, as many of the adjacent houses were built before the advent of cars, and thus do not have on-plot parking. Many vehicles are driven down Mill Lane to access Kirtlington Quarry Local Nature Reserve, particularly dog walkers, and this level of traffic is set to increase given CDC's aspirations to promote greater use of the Quarry. Mill Lane provides access to at least four properties at Pigeon's Lock/Flight's Mill, as well as the business operating from the barn on the south side of Mill Lane, and Jane's Tea Garden on the north side of Mill Lane. The Tea Garden is open every other weekend throughout the summer (restricted to 14 weekends a year) and up to 90 cars have been counted parked on either side of the lane, which can cause problems if access for emergency vehicles is restricted. It is considered that the addition of at least 10 more cars (assuming a minimum of one car per proposed dwelling) using Mill Lane and North Green can only exacerbate the hazards that already exist. It should also be noted that Mill Lane is the route of the Oxfordshire Way, a regionally-promoted route traversing the county between the Cotswolds and the Chilterns. Mill Lane therefore provides visitors to Kirtlington with their first impressions of the village when approaching it from the west via this important recreational route.

Site Access Drawing

The site access drawing (produced by Connect Consultants, Dwg No 16120-010) does not provide an adequate level of detail (we understand that permission for site access, even if permission for the development is applied for in outline, should be sought in full). The OCC Highways' consultation response suggests that full details of the site access could be provided after granting of outline permission. KPC would expect the information requested by OCC Highways in its condition for 'Access: Full Details' to be minimum requirements at this stage, so that the adequacy of the proposed site access can be judged. KPC would, therefore, expect to see "*full details of the means of access.....including position, layout, construction, drainage and vision splays*". It is assumed that the site access drawing must demonstrate that a fire engine/refuse vehicle can access the site, with a diagram showing the tracking of such vehicles without over-running the grass verges. The extent of the loss of hedgerow from the south side of Mill Lane to accommodate the new site access does not appear to have been stated in the application documents. The

visibility splays shown on the current site access drawing do not appear to reflect the realistic speed of traffic currently using Mill Lane (the section of Mill Lane adjacent to the site is not restricted to 30mph). KPC has concerns regarding the over-urbanisation of Mill Lane through the introduction of kerbs, and seeks reassurance that the detailed design of the site access will respect the rural nature of Mill Lane. It should be noted that the 2014 SHLAA made particular reference to the access issues at this site (KR016). These should be taken into consideration.

Secondary Pedestrian Access

The proposed secondary pedestrian access (onto the existing footpath between Hatch Way and The Pound, part of the former Woodstock Way) would have an adverse impact on three Beech trees that are the subject of a Tree Preservation Order (TPO 004/2006) (and impact the Beech trees in adjacent private gardens – though these are not covered by a TPO). Even a ‘no-dig’ construction would affect the Root Protection Areas (RPA) of these particularly sensitive trees. Beech trees have notoriously shallow roots making them extremely susceptible to any changes in their RPA. These trees make the construction of this secondary pedestrian unachievable.

Social/Low-Cost/Affordable Housing

There is a real need for this type of housing in Kirtlington, however, in limiting the proposals to ten dwellings the applicant has managed to avoid any obligation to provide such housing. The offer of retaining some of the ten dwellings for market rent does not go far enough to satisfy this omission. On the other hand, KPC would not advocate expansion of this development just to accommodate social housing, as any increase in the depth of development to the west would cause further encroachment into open countryside and its footprint would be more at odds with the existing settlement pattern.

Historic Pattern of the Village (and definition of its western boundary)

The applicant claims that this development would enhance the traditional north-south linear shape of the existing village, suggesting that it would ‘smooth out’ (terminology used in the DAS) the western village edge. KPC considers that this development does not respect the historic settlement pattern of the village. The historic western boundary of the village is formed by what was one of the main routes through the village, the Woodstock Way. This route extends from Lince Lane in the south (by Corner Farm) northwards to continue into what is now Crowcastle Lane. This route is clearly indicated on old maps (e.g. 1750 ‘Dashwood’ map, held by St John’s College, as reproduced in the CDC Conservation Area Appraisal document, page 13) and formed the western extent of the village long before the properties on Hatch Way were constructed.

Woodstock Way historically formed a distinct change in land use, dividing the small village fields to the east, which have since been infilled by housing, from the open strip farming to the west. The line of Woodstock Way is still clearly visible on aerial photography, with agricultural land lying to the west of houses. The route of Woodstock Way remains on the ground as a footpath (along the eastern edge of land at Corner Farm), then realigned slightly to the east along the footway of Hatch Way, continuing northwards on its original route along the unmade footpath between The Closes and Pound Close, onto the bridleway of Crowcastle Lane. The current settlement pattern strongly respects the line of this historic route and does not encroach beyond it (with the exception of recent development at Woodbank, which was a former quarry, then an engineering

works, thus represents brownfield development). At its meeting on 14th June 2016, KPC agreed that there should be no development west of the boundary of the old Woodstock Way. This development is contrary to that resolution, which was passed in light of work being carried out on the definition of the village's settlement boundary to inform the Mid-Cherwell Neighbourhood Plan (NP) process.

The applicant has overly exaggerated the “*westwards protrusion of Woodbank*” (DAS) as a precedent for development beyond the well-defined western boundary of the village. The development of Woodbank only exists as a consequence of it being brownfield land, and the extent of the development footprint does not extend as far as the western and southern-most fence-lines. A strip of land between the red line and blue line boundaries of the Woodbank development is restricted to remain as agricultural land and should not to be subsumed into their private gardens.

Loss of Agricultural Land

The land to the west of Kirtlington forms the open countryside setting to the village (as referred to in the Appeal Decision APP/C3105/W/14/3001612, Land off Lince Lane, Kirtlington, OX5 3HE) and ensures the village remains closely associated with its farming heritage. Although the site is flat, semi-improved grassland of low species diversity, its loss would have an adverse impact on the setting to the village, particularly when viewed from the west (from Mill Lane) and from the south (from Lince Lane). This site is not brownfield and therefore is contrary to emerging NP Policy PD01.

Visual Impact/Screening

The surface water and foul drainage strategy drawing (produced by Millward, Dwg No. MA10405/200) shows the attenuation basin to the west of the proposed development significantly enlarged from that on other illustrative masterplans. This increase in surface area would not allow for a viable depth of planting to be incorporated along the western site boundary to help screen the proposed development from the west, particularly from Mill Lane.

A large property is proposed at the southern end of the development and this would be prominent in views from the south, particularly from the entrance into the village at the sharp corner on Lince Lane (viewpoint 6 in the Landscape and Visual Impact Appraisal (LVIA)) and from the public footpath to the rear of properties on Oxford Close. From these viewpoints, No 1 Hatch Way is visible through the limited existing and partly deciduous boundary vegetation. The applicant has no control over the hedgerow on the south edge of the site (the hedge is owned by an adjacent landowner), therefore no reliance should be placed upon its screening potential or its future retention. The illustrative layout does not leave enough space for additional screening to be planted on the land under the applicant's control at the southern end of the development.

Alternative Sites (and the SHLAA)

Although the site forms only a quarter of the larger field included in the SHLAA update 2014 (ref KR016), the reasons for the rejection of development on this site are still valid:

“In terms of built form, the traditional pattern for the villages is linear and this site would extend the village well beyond any existing development to the west of the village. The developments along Hatch Way and Oxford Close all back on to the open countryside, creating a strong outer boundary to

the village. It may also be difficult to achieve a satisfactory access for a development of this scale without urbanising the rural characters of Mill Land and Crowcastle Lane around the village green”

Services

Category A villages are described as having “*a range of services within them to enable them to accommodate some limited extra housing growth*”. Kirtlington’s services are probably capable of accommodating development of the scale proposed, but the capacity for growth in its services (and infrastructure –see below) beyond this level is severely restricted. The school is currently operating close to maximum capacity with space at a premium and the shop is small, and neither have space for expansion. The Case Officer included the following comment in the pre-application report:

“It is known that there are issues with schooling provision/capacity within the locality and there could be a locally specific need that might need addressing by way of a contribution towards a capital project to increase capacity, to accommodate the additional demand from the development.”

The footprint of the primary school cannot be extended due to restrictions on the current area of the playground and the presence of a Scheduled Ancient Monument to the rear of the school.

Infrastructure

Infrastructure problems in Kirtlington include a sewerage system constructed in the 1960s with an anticipated lifespan of 50 years, as a result of which, Thames Water is contacted on a regular basis to clear blockages (believed to be on a monthly basis). In addition the village is subject to increasingly frequent drops in water pressure. The overhead electricity supply is at the mercy of the weather and power cuts in the village are not uncommon.

Covenant

The applicant has offered “*a perpetual covenant to the PCC over the rest of the field to prevent any further development on the west of the field*” (DAS). KPC understands that such a covenant could easily be overturned in the future if the planning situation changes (e.g. at the end of the current plan period or even before that if CDC cannot demonstrate it has a 5-year housing land supply). KPC has grave concerns that these proposals, if granted permission, would set a precedent for further development of the village westwards.

Conditions

Notwithstanding KPC’s objection to the principle of development on this site, if outline permission were granted, then KPC requests that the following matters are conditioned:

- Housing mix – KPC would prefer to see a diverse mix of dwellings, but with more smaller bed houses than larger ones;
- Materials should be natural stone;
- The height of development is restricted to 2-storeys;
- Parking standards are enforced in line with those suggested in MCNP emerging policies;
- The minimum depth of rear gardens should be 11m.

Parishioners' Objections

KPC is aware that these proposals have provoked many objections amongst its parishioners. KPC would concur with the summary in the Case Officer's (Stuart Howden) pre-application report (dated 19 September 2016):

Unfortunately, I would not be able to support the principle of this proposal as it is considered that the proposal would constitute a piecemeal form of development that would fail to sympathetically integrate with the distinctive linear form of this village and instead would represent a harmful intrusion into the countryside. It would therefore detract from the area's established character and would fail to reinforce local distinctiveness. The proposal would also cause significant harm to the character and appearance of the open countryside. In the context of the Council having an up-to-date 5 year housing land supply, and considered on its own merits, the proposal is therefore contrary to Policy Villages 2, ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.

Other comments:

- 1. It does not appear that an archaeological survey has been carried out.
- 2. Waste Collection: KPC requests details demonstrating that adequate site access for waste collection has been considered fully.

To conclude, the Parish Council considers development of this site to be inappropriate and asks Cherwell District Council to refuse planning permission.

Yours faithfully



Ruth Powles
Clerk, Kirtlington Parish Council

Copies by email to: Stuart Howden, Senior Planning Officer
 Cllr Ian Corkin)
 Cllr James Macnamara) Ward Councillors
 Cllr Barry Wood)