

**Case Officer:** Matthew Parry                      **Ward(s):** Deddington  
**Applicant:** CALA Management Ltd.  
**Ward Member(s):** Cllr Bryn Williams, Cllr Hugo Brown, Cllr Mike Kerford-Byrnes  
**Proposal:** Erection of 34 dwelling houses with associated access and infrastructure.  
**Committee Date:** 27 October 2016              **Recommendation:** Refusal

**Reason for Committee Referral:** Major Development

## 1. Application Site and Locality

- 1.1 The application site consists of 1.3ha of paddock land forming part of the open countryside on the eastern edge of Fritwell, south of Fewcott Road. The site is topographically flat and comprises a grassland meadow with the western, southern and eastern boundaries delineated by varying densities of trees and hedgerows. The site contains a handful of small informally arranged outbuildings in its northeast corner. A very narrow public footpath runs just to the south of the site which links through to Southfield Lane and on to East Street.
- 1.2 To the north of the site and separated by sporadic vegetation lies a small strip of paddock land in separate ownership that has recently been used as a private allotment. Further to the north on the opposite side of Fewcott Road lies flat and expansive open countryside comprising arable farmland. To the south and beyond the public footpath and existing hedgerow lies more paddock land, Lodge Farm and its associated farm buildings together with its fishing lakes. A track linking Lodge Farm with Fewcott Road passes down the eastern edge of the site. The 1990's residential development of Hodgson Close is located to the west where combinations of rear gardens and general amenity space border the site.
- 1.3 The site itself is not subject to any specific statutory or locally designated environmental or heritage constraints though the designated Fritwell Conservation Area lies to the west and incorporates not just buildings within the historic core of the village but also paddock land to the southwest of the site.

## 2. Description of Proposed Development

- 2.1 The application seeks full planning permission for the erection of 34 dwellings together with associated roads, car parking, amenity areas and landscaping all served by vehicular access from Fewcott Road.
- 2.2 As the application is in full, all matters relating to the proposed development including its principle, accessibility, design, layout and landscaping are for consideration at this stage.

## 3. Relevant Planning History

3.1 There is no formal planning history relating to this site that is of relevance to this application. However the application follows a pre-application enquiry with officers in Development Management in which concerns were raised about the suitability of the site to accommodate the rural housing allocated within the Local Plan as well as the design and layout of a broadly similar scheme.

#### 4. Response to Publicity

4.1 The application was publicised by way of site notices, neighbour letters and notices in the local newspaper. 25 third party objections have been received with many, but not all of these, being signed template letters circulated to local residents. A small petition signed by six residents of Hodgson Close has also been received. The concerns raised are summarised as follows:

- The proposed development breaches the built-up limits of Fritwell;
- As a result of the scale and design of the buildings which create an estate development, they are not characteristic of the dispersed nature of the village or its rural location;
- The proposed development should be in keeping with the historic and visual fabric of buildings within the village;
- The proposals are in conflict with draft Policy H4 of the emerging Mid-Cherwell Neighbourhood Plan as only affordable housing for local people is supported outside settlement boundaries;
- The emerging Mid-Cherwell Neighbourhood Plan resists greenfield development in preference of brownfield sites to ensure rural character is protected;
- Permission to develop in the village has historically been rejected for many reasons due to the inadequacy of the road network and the lack of public transport;
- As of July 2016, there is no daily bus service through the village;
- The Transport Statement submitted by the applicant is factually incorrect – there is no public transport serving the village and some of the amenities no longer run or have been closed for several years;
- The sewage network serving Fritwell is inadequate to cope with existing demands and residents have experienced drainage problems for some time;
- There is no superfast broadband serving the village and another example of limited utilities serving the village making it unsuitable for further development of this kind;
- The development is proposed on open countryside and noticeably extends the boundary of the village. The visual impact and change of character for the village will be significant;
- Fritwell already has enough large houses and with planning permission already in place for an additional 20 dwellings in other parts of the village, there is no need for this development;
- The proposals have the potential to give rise to noise, light pollution and loss of privacy for existing residents of Hodgson Close;
- The proposed development would significantly alter the rural character and landscape of Fritwell;
- The proposed housing would not enhance the built environment;
- The type of housing proposed does not meet the needs of local people;
- The majority if not all of the residents of the proposed development will have no alternative but to use cars for commuting, social activities, employment and shopping;
- The views of Oxfordshire County Council in their consultation response are endorsed as they acknowledge that the site is in a “*very unsustainable location for this number of homes*”;
- The proposals do not show safe access from the development to the village can be achieved given the lack of suitable visibility from the access as well as limited potential for a satisfactory footway for pedestrians;

- The introduction of a footway will further alter the position and character of the existing village entrance;
- The proposed development would have a significant effect on traffic flows through Fritwell and Ardley-with-Fewcott;
- The people of Fritwell did not vote on or approve Cherwell District Council's Local Plan;
- Far too many large expensive market homes are proposed that do not meet the needs of the village;
- The development should provide smaller market dwellings as well as affordable dwellings to serve young people of the village as well as older residents looking to downsize.

## 5. Response to Consultation

### Parish Councils:

#### Fritwell Parish Council:

In principle support for development on the site but objects to these proposals as they are not compatible with the needs of the village. The development proposes too many large detached homes and there is already an abundance of this type of housing in the village and far more 2 and 3 bedroom genuinely affordable homes are needed as well as bungalows. The Parish Council supports the creation of a vibrant community and the village has an aging population with new younger families needed to maintain its facilities.

The Parish Council also commented as follows:

- No serious consideration seems to have been given as to how to mitigate the impact of the development through contributions through a s106 agreement to village projects;
- The Transport Statement submitted to support the application is incorrect. There is no daily bus service to the village any longer;
- The Parish Council is concerned about sewerage capacity in the network and would wish to see a condition imposed requiring upgrades to the network to be carried out to prevent risk of overflows;
- Greater screening for existing residents of Hodgson Close is required as well as more detail on the proposed use of materials as the development could have a negative impact on the character of the village;
- The Parish Council is disappointed that the views expressed to Cala Homes during the consultation process have not been adopted.

#### Ardley-with-Fewcott Parish Council:

Objection to the proposed development on the basis that it would be completely dependent on car travel given the lack of access to public transport with Fewcott Road already suffering from high levels of traffic as it acts as a rat run for many drivers avoiding the busy junction 10 of the M40.

The Transport Statement submitted with the application suggests that the transport generation caused by the development will have a "Trip impact" of 18 and 17 return trips at peak times, morning and evening respectively. Assuming this is only one car per household (which is unrealistic given the development includes family houses) this begs the question as to what the residents of the other 16 and 17 houses respectively will be doing. On the understanding that there is proposed to be mainly family houses with capacity for 83 cars we refute these findings. At peak times, as there is no alternative for residents to travel other than by car, we would expect 1-2 car movements per house equating to 34 to 68 trips.

We request that this application is refused and that CDC request a new and more reliable Transport Statement. Furthermore if a development is to be considered in this location we believe the developer should provide s106 payments to enable suitable traffic calming in Ardley-with-Fewcott to mitigate the traffic generation.

**Cherwell District Council:**

Recreation & Leisure – No off-site mitigation required from this proposed development.

Arboriculture – No objections to the proposed development.

Strategic Housing – The proposed mix of affordable tenure dwellings is not appropriate and does not respond to identified housing needs. Whilst there is a lack of a plan or schedule clearly identifying the proposed affordable dwelling, as a result of the design, layout and detailing of what is assumed to be the proposed affordable housing they would not sit comfortably within the development and would be too distinguishable from the proposed market housing.

Landscape Architect - The site is close to but not within the conservation area. It is not within a designated landscape. The LVIA submitted with the application was under taken in high summer which gives a favourable degree of screening. The site is located on relatively flat land in an area of flat countryside which has good hedge cover. The existing dwellings at the periphery of the village on Hodgson Close and Fritwell view form a well-defined edge to the village at this point. Fewcott Road curves slightly at exit to the village further containing the edge of the village and visibility for road users. The main concerns are as follows:

- The current dwellings at the edge of the village in Hodgson Close and Fritwell view form a well-defined edge to the village. If permitted this would extend the village in an adhoc visual way;
- This proposal is high density for the location. It does not in my opinion address the screening concerns particularly as there should be additional planting on boundaries but due to the density there is very little room for this. Adjacent housing near the site on Hodgson Close will experience considerable change and this should be mitigated adequately. All that is shown currently is existing planting. The layout does not respond to the findings of the LVIA. Locating the LAP on the boundary should be considered.
- The development is poorly laid out with the rear of houses facing open countryside. This will result in the inevitable proliferation of garden paraphernalia being on view and ugly close boarded fences facing open countryside.

Business Support Unit - It is estimated that this development has the potential to attract New Homes Bonus of £286,216.99 over 6 years under current arrangements for the Council, including an additional sum paid per affordable home.

**Oxfordshire County Council:**

Transport – Objection

For drivers looking to the north west of the site entrance, it has not been demonstrated that the necessary visibility splay for a 60mph limit can be achieved. Due to the narrowness of the highway verge along Fewcott Road it has not been demonstrated that a footway of adequate width (1.5m) can be delivered – it appears that there is at least some non-highway land outside of the control of the applicant that will be needed to deliver a

suitable footway. As such safe and suitable access has not yet been demonstrated according to the NPPF.

#### Key Issues:

- To ensure safe and suitable access onto Fewcott Road, the existing 30mph speed limit would need to be extended to include the site entrance. However, it cannot be assumed that the speed limit alteration will be successful and as such the visibility splay for a 60mph speed limit or current measured vehicle speeds needs to be demonstrated. This hasn't been done and it looks highly unlikely to be achievable.
- Very unsustainable location for this amount of homes – travel to and from the site is likely to be dominated by car travel. Only limited local services in the village can be accessed by non-car modes. Public transport provision is very poor.
- Volume of traffic generated by the proposal appears to have been underestimated but even a more realistic level of vehicle movements is unlikely to have an unacceptable negative impact on the local transport network.
- The site layout plan 00217 – PL.02 – does not appear to show enough unallocated visitor parking for the number and type of dwellings proposed. This is despite the fact that the application form states the right amount of parking. As such, visitor parking may take place in locations that make vehicle manoeuvres difficult. Or such parking may have a negative impact on pedestrian and landscape amenity.
- A footway of 1.5m has been shown on the site layout plan but the accompanying words in the Transport Statement give little confidence that this will be possible. A review of the highway boundary suggests that the verge is narrow around the entrance to the adjoining parcel of land and as such non highway land outside of the applicant's control will be needed to build a satisfactory footway. This issue needs to be addressed by the applicant in order that confidence can be given that the necessary footway can be provided.
- If Cherwell District Council were to grant planning permission the following legal agreements would be needed: A S278 would be required to enable the new site access to be built. Also the extension of the existing footway to the development access, the extension of the 30mph limit and the relocation of the existing village entry treatment (with additional traffic calming – required to ensure the 30mph transition is effective) to a point south of the new access. A S106 to secure the above S278 highway works.

#### Detailed Comments:

##### Site Location:

The site is on the edge of the village but it is still a reasonable walking distance to the facilities and services that it offers. Having said that, these services and facilities are limited (just a village shop and primary school) and in particular employment opportunities are very scarce and there is no secondary school.

##### Site access:

The applicant is proposing to improve the existing access to the site in order to accommodate the traffic generated by the development. I am satisfied that the form of the access is suitable to allow manoeuvres in and out by the different sizes of vehicles that might need to serve the development.

However, the site access is located outside of the existing 30mph speed limit for the village. The applicant has proposed to relocate the 30mph speed limit to include the new site access and if successful, this would of course reduce the requirements for site visibility splays. However, there isn't sufficient certainty that the relocation of the 30mph speed limit would be approved following the necessary public consultation not least because the development is partially hidden and on its own would do little to change the

nature of the Fewcott Road (and therefore vehicle speeds). There may well be concerns expressed at the consultation stage about whether the relocation of the 30mph limit would be appropriate. To improve the chances of the relocation of the 30mph speed limit being successful, the village entry treatment should also be moved. Given the nature of the Fewcott Road south of the site entrance (vehicle speeds appear to be very fast approaching the village) it is my view that any relocated village entry treatment should be accompanied by some additional traffic calming e.g. narrowing/build out/speed cushions. This additional traffic calming, too, would need to go through a consultation process which raises further concerns about whether the relocated speed limit might be successful. Therefore, in the absence of (i) sufficient certainty that the 30mph limit could be extended to include the new site access junction and (ii) any recently collected speed data at the entrance, the applicant needs to demonstrate that it could provide 2.4m by 215m visibility splays (determined by the 60mph speed limit) to ensure vehicle manoeuvres can be undertaken safely. This has not been done to date. See separate comments on the proposed pedestrian footway connecting the development to the village.

#### Traffic generation:

The Transport Statement (TS) seeks to demonstrate that the number of new vehicle trips generated by the development will have an acceptable impact on the local transport network – it is estimated by using the TRCS database that there would be 18 and 17 two way trips in the am and pm peaks respectively. I agree that this is indeed a small number of trips although I do not believe that this is a realistic assessment of the number of trips this development will generate – the sites chosen from the TRICS database appear to be mainly edge of large towns with therefore presumably more local services close at hand and better public transport coverage. The site in question here is on the edge of a much smaller rural settlement with very limited services and facilities and virtually non-existent public transport. I would expect a development like this in a settlement with more services and usable public transport to be generating not very much less than 0.6 trips per dwelling in both the am and pm peaks compared to the 0.532 and 0.503 generated by the transport consultant using TRICS.

Having said that, the number of trips that the development would generate is still small and unlikely to have an unacceptable negative impact on the local transport network.

#### Public Transport:

Contrary to what is stated in the application's Transport Statement (TS), the bus that serves the village now only does so once on a Friday, following the county council's decision to remove all subsidy from non-commercial services in Oxfordshire. As such the TS overplays the sustainable credentials of the development. The only journeys that can be realistically made by residents of the proposed development without the need for a car are to the village shop, the primary school and social visits within the village. Virtually all journeys to work and for other purposes will be by car. See other related comments about traffic generation.

#### Car parking/site layout:

On the application form there are enough car parking spaces listed and there appear to be sufficient spaces allocated for each dwelling according to the site layout plan 00217 – PL.02. However, there only maybe 8 spaces (4 spaces close to the site access junction, 2 next to plot 11 and 2 close to plots 22-23 assuming these are the 2, 1 bed dwellings). For a development of this type there should be twice as many unallocated spaces (and arguably more given its unsustainable location). Given that a significant proportion of the site layout has only a 4.8m wide carriageway with no footway, visitor cars are likely to have a negative impact on pedestrian amenity and landscaped areas. It may make it difficult for large vehicles such as refuse wagons to get around the site without overrunning kerbs/edgings and landscaped areas. Indeed, the tracking drawing (J32-

2340-PS-001) already shows that manoeuvres of a 10.5m refuse wagon are very tight to the road edge.

The latest advice from the road agreements team is that residential site layouts should be tracked using an 11.4m long refuse wagon. Because of the tight tracking for a 10.5m refuse wagon, the tracking should be repeated with the 11.4m wagon and site layout adjusted as necessary. In any case, if the site layout is to be adopted by the county council, the shared surface part of the site should be an absolute minimum of 5.0m wide with 0.8m service strips on each side. At the moment there is only 4.8m and no maintenance margins.

A turning head has been provided for a refuse wagon in the north west corner of the site which has resulted in an unusual section of road between plots 25 and 26. It is difficult to see how this wouldn't be used for parking by residents and visitors and therefore preventing it from being used for turning large vehicles. In any case given the loop provided by the site layout, a turning head isn't needed for the refuse wagon in this location. The section of road/turning head between plots 25 and 26 could alternatively be used either as front garden/landscaping or visitor parking. The way the vehicle crossovers are drawn on the site layout plan (00217 – PL.02) for the off street car parking where a footway is provided are not exactly pedestrian friendly. Whilst it is accepted that the footway will need to be dropped at the driveways/crossovers, the footway material should continue across in order to help indicate some form of pedestrian priority. Furthermore, the cross over for plot 17's parking in particular seems excessively wide. For further detail of what might or might not be adopted as highway, please contact the Road Agreements team ([roadagreements@oxfordshire.gov.uk](mailto:roadagreements@oxfordshire.gov.uk)).

#### Pedestrian footway:

In order that the development is connected to the village for pedestrians, the developer has proposed a footway alongside Fewcott Road from the site access as far as the existing footway that ends at the village entry treatment feature. This footway is shown on the site layout plan measures as 1.5m and as such this is acceptable. However the TS says that the width will be dependent on the highway land available. Ideally, the footway should be 2m wide although the Government document "Inclusive Mobility" states that 1.5m could be regarded as the minimum acceptable under most circumstances. The absolute minimum width according to "Inclusive Mobility" is 1m and even then that reduced width should only be for a short distance (6m is stated). The county council would not accept a new footway that is less than 1m wide and would only accept a 1m wide footway if that were for a very short length i.e. a pinch point. The diagram from Manual for Streets (MfS) that is reproduced as figure 4.3 in the TS appears to have been used in a misleading way – it is not used in MfS to show recommended Footway Widths as the TS states but rather to illustrate the width requirements for different types of pedestrians. MfS itself directs its readers to the provisions of Inclusive Mobility. The highway boundary is the roadside edge of the ditch and there is at least one section along Fewcott Road where the ditch is very close to the carriageway – around the entrance to the adjoining parcel of land. As such there I am concerned that there may not be enough width to provide a 1m wide footway. Even then, at the very least there will almost certainly be the need to use non highway land (for supporting the back edge of the footway) which is not in the applicant's control. Further detail is needed to demonstrate that a footway can be provided by the applicant ordinarily at least 1.5m wide with only pinch points where it is as narrow as 1m. Without this, it has not been demonstrated that safe and suitable access for all can be provided for the development. The connection shown at the southern edge of the site to join up with the existing footpath public right of way (219/6) is welcomed.

Travel Information Pack:

In order to ensure that residents of the development are fully aware of all the travel options available to them from day one of occupation, particularly sustainable options, the developer will need to submit a travel information pack for approval. This pack will be supplied to each resident on first occupation.

Education - Based on the unit mix stated in the application, this proposed development has been estimated to generate 3.16 Nursery Pupils, 13.32 primary pupils, 10.24 secondary pupils (including 1.56 sixth formers) and 0.30 pupils requiring education at an SEN school. OCC is not seeking Education contributions to mitigate the impact of this development on infrastructure. The village primary school has sufficient capacity, but in the case of secondary and SEN provision, this is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended), preventing any further contributions being sought towards projects to expand capacity at the schools serving the area, or the need to reserve our ability to seek contributions for larger developments than this in the area in future.

Property - OCC is not seeking property contributions towards such matters as libraries, social care, museums and waste management to mitigate the impact of this development on infrastructure. This is solely due to pooling limitations as a result of regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended).

**Other External Consultees:**

Thames Water (Water Supply) – No objection.

Anglian Water (Sewerage) – No comments received.

**6. Relevant National and Local Planning Policy and Guidance**

**6.1 Development Plan Policies:**

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

Cherwell Local Plan 2011 - 2031 Part 1 (CLP 2031 Part 1)

ESD15 - The Character of the Built and Historic Environment

BSC1 - District Wide Housing distribution

BSC2 - The Effective and Efficient Use of Land

BSC3 - Affordable Housing

BSC4 - Housing Mix

SLE4 - Improved Transport and Connections

BSC11 - Local Standards of Provision - Outdoor Recreation

ESD1 - Mitigating and Adapting to Climate Change

ESD3 - Sustainable Construction

ESD2 - Energy Hierarchy

ESD6 - Sustainable Flood Risk Management

ESD7 - Sustainable Drainage Systems (SuDS)

ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment

ESD13 - Local Landscape Protection and Enhancement

ESD15 - The Character of the Built Environment

INF1 - Infrastructure

Cherwell Local Plan 1996 (Saved Policies) (CLP 1996)

C8 - Sporadic development in the open countryside

C28 - Layout, design and external appearance of new development

C30 - Design of new residential development

**Other Material Planning Considerations:**

National Planning Policy Framework (NPPF) - National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

Planning Practice Guidance (PPG) – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

Draft Mid-Cherwell Neighbourhood Plan – This is an emerging development plan document that covers Fritwell Parish and other parishes but it is not at an advanced stage and has not been subjected to independent examination or referendum. As a result it cannot be afforded any weight.

Cherwell District Council's Strategic Housing Land Availability Assessment (SHLAA) – A background evidence base document that assists in the preparation of planning policy documents and which is updated approximately annually. It contains a rolling stock of sites considered on the basis of potential suitability and availability for housing delivery in the future.

## **7. Appraisal**

7.1 Officers' consider the following matters to be relevant to the determination of this application:

- Principle of the Proposed Development;
- Access and Transport Impacts;
- Design, Layout and Appearance;
- Housing Mix/Affordable Housing;
- Open Space, Recreation and Community Facilities;
- Trees and Landscaping;
- Parking and Servicing;
- Amenity Standard of New Dwellings;
- Effect on Neighbouring Properties
- Ecology;
- Flood Risk/Drainage;
- Construction Sustainability;
- Planning Obligations;
- Local Finance Consideration(s).

#### Principle of the Proposed Development

7.2 The application seeks the erection of 34 new homes and associated operational development on greenfield land that forms part of the countryside on the edge of the village of Fritwell. As set out above, legislation requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The proposals seek consent for residential development and so as part of assessing the acceptability of the principle of the development it is, in part, necessary to consider the proposals against development plan policies relating to the supply of housing. Having regard to guidance set out in the NPPF, housing supply policies in a development plan only attract full weight when they are up-to-date with Government guidance and where a local planning authority can demonstrate a minimum of a five year supply of housing to meet objectively identified need within that authority. As the Council's Local Plan is up-to-date with its housing supply policies being consistent with the NPPF and there being in excess of a projected five year supply of housing in the District, the housing supply policies within the development plan have full weight.

7.3 Policy BSC1 of the CLP 2031 Part 1 and the Local Plan strategy as a whole directs housing and commercial development towards the largest and most sustainable settlements within the District which can best accommodate new growth. In addition, the CLP 2031 Part 1 recognises that some limited new housing is appropriate within rural areas to contribute towards meeting the overall housing needs of the District. In doing so it adopts a categorisation approach to villages within the District based on an assessment of their ability to be able to be able to accommodate the rural housing in the most sustainable way possible. In addition to minor developments within built-up limits and infilling, settlements listed within Category A (as set out in Policy Villages 1) are considered to be suitable to accommodate some of the 750 dwellings necessary to meet the rural housing need of the District to 2031. To date, planning permissions have been granted for 535 dwellings under Policy Villages 2 and there are resolutions to grant a further 94 leaving a residual figure of 121 dwellings to be provided over the plan period. Policy Villages 2 of CLP 2031 Part 1 states that sites to accommodate the residual figure will be identified through the preparation of CLP 2031 Part 2 or through the grant of planning permissions. It has been established in two recent appeal decisions that overprovision of the rural housing allocation at an early stage in the plan period would prejudice the sustainable growth strategy set out in the Local Plan and leave limited ability to respond to later changes in housing need in individual settlements without fundamentally compromising the overall sustainable strategy contained within the Local Plan.

- 7.4 Policy Villages 2 provides the starting point for considering the principle of major new residential development within or on the edge of Category A settlements such as Fritwell. It sets out a range of criteria against which planning proposals for the residual rural housing allocation need to be considered. This includes an assessment of, inter alia: a proposed development's access to services and facilities; the landscape value of the site and whether the development would have significant impact on landscape character; whether the proposal would enhance the built environment; and whether satisfactory pedestrian and vehicular access/egress could be provided. The basis on which the Category A settlements have been defined in Policy Villages 1 is via a relatively simple but well-established method which ranks settlements based on such factors as the services, employment, facilities and amenities they provide as well as the proximity of such settlements to other towns/villages that contain such facilities and the access residents have to public transport. There are 23 Category A settlements and it is quite clear that whilst grouped together they have significant variations in their sustainably merits and therefore the type and level of housing development they can reasonably sustainably accommodate.
- 7.5 Fritwell is one of the smallest villages defined within Category A. It also features few services and facilities with just a single village shop, primary school and village hall. It offers no genuine employment opportunities and no health facilities. Since the time of the adoption of the CLP 2031 Part 1 it now features no public houses and is no longer served by bus. Unlike some other Category A settlements, it is also relatively remote from larger villages that can provide such services/facilities and is some distance from the higher order services provided at Banbury and Bicester. In short, new residential development will be almost entirely dependent on daily use of the private car for travel outside the village. Having regard to the criteria set out in Policy Villages 2 that requires consideration of the site's location to services and facilities, the scheme does not score at all well relative to many other Category A settlements. Officers are therefore concerned that the village is not sufficiently environmentally sustainable to accommodate new housing of the scale proposed particularly bearing in mind recent planning permissions on sites within the village for over 20 new dwellings. There have been claims from the applicant and indeed Fritwell Parish Council that new housing would help to sustain the village primary school which has seen a loss of pupils to the new Heyford Free School. Whilst there is evidence that this has been the case there is no suggestion whatsoever from Oxfordshire County Council (local education authority) that there are concerns about the future viability of the school. In any event, as many hundreds of new homes continue to be built and occupied at Heyford the capacity of its Free School to accommodate pupils from elsewhere will diminish thus reducing its intake from outlying villages. The applicant has also claimed that the new housing would help support the village shop but there is no evidence to suggest that either the existing shop is at risk of closure due to non-viability or that the new housing would genuinely make a difference to its viability.
- 7.6 Officers are also mindful of criteria set out in Policy Villages 2 that requires consideration as to whether a proposed development site is of lesser environmental value and whether significant landscape impacts would result from the proposed development. Policy ESD13 of the CLP 2031 Part 1 is also material in this respect as it resists new development that would cause undue visual intrusion into the open countryside and/or be inconsistent with local landscape character.
- 7.7 The application site comprises of a flat grassland paddock featuring hedgerows along the southern, eastern and western boundaries. It is part of wider paddock land to the east of Fritwell with expansive flat open arable farmland beyond. The natural landscape of the area is defined within the Oxfordshire Wildlife and Landscape Study of 2004 (OWLS) (referenced in Policy ESD13 of the CLP 2031 Part 1) as being of Farmland Plateau

landscape type which is generally characterised by large level arable fields, sparse settlements with small grassland fields surrounding villages with long straight country roads between villages. The strategy for this area as set out in OWLS is to conserve the open and remote character of the landscape type.

- 7.8 On entry to Fritwell from the east along Fewcott Road the village is prominent in views within its surrounding flat farmland landscape which creates a distinctly remote and rural setting for the village. Whilst the site itself is not part of a designated landscape or intrinsically interesting or beautiful in landscape terms, it is nonetheless an archetypal part of the rural north Oxfordshire countryside and complements the Farmland Plateau landscape character with its surrounding paddocks and farmland contributing towards the experience of the remote, rural character of the village. Officers therefore cannot conclude that it is of 'lesser environmental value' having regard to one of the criteria set out in Policy Villages 2.
- 7.9 As set out previously in this report, the surrounding countryside is generally flat featuring arable farmland with paddocks at the edge of the village. The flat expansive landscape contributes towards the sense of openness and rurality that is characteristic of the village and its relationship with its countryside context. A significant extension to the village into its immediately surrounding countryside through a new block of built development would amount to a clear encroachment and visual protrusion into the landscape that is important to the setting of the village. Whilst the proposed development would be able to be partly visually screened from the east due to existing and enhanced hedgerows on the boundary, there are still gaps shown in the vegetation on the proposed plans and the large houses proposed would be distinguishable in both short and long distance views. As the Council's Landscape Architect has commented, the laying out of rear gardens onto the eastern boundary would only necessitate loss of some vegetation and leave views of domestic fencing from the wider countryside.
- 7.10 Similarly, from the south whilst there is a hedgerow that could be (and is proposed to be) retained, some of the houses proposed are large and very close to the southern boundary that would leave them abundantly visible in views from the paddocks to the south. Perhaps of greatest concern however is the likely perception of the development as experienced from the north including public bridleway 291/11 which traverses the arable field to the opposite side of Fewcott Road. From here, due to the flat topography and limited intervening soft landscaping, the proposed development would be experienced as a very clear linear expansion of the village into its rural surroundings. There is limited capacity for mitigatory soft landscaping of significance along the northern boundary of the site and the land immediately to the north is not within the control of the applicant. Officers are therefore concerned that the proposals would read as a clear projection of an incongruous block of built development into the countryside that would not be respectful of the village's relationship to its surrounding natural landscape and therefore fail to respect the character of the village as well as local landscape character. For this reason officers have concluded that the proposals would give rise to significant adverse landscape impacts and fail to contribute towards enhancing the character of the built environment which are further tests set out in Policy Villages 2 as well as being contrary to the requirements of Policy ESD13 of the CLP 2031 Part 1.

- 7.11 Consequently, in consideration of the principle of the proposed development and having overall regard to the following:
1. The site's poor accessibility to services and facilities;
  2. The adverse impact of the proposed development on the natural landscape and harm to the rural character of Fritwell;
  3. The environmental value of the site; and
  4. Its lack of satisfactory vehicular and pedestrian accessibility (see next section of this report);

officers have concluded overall that the development proposed on this site is unsuitable for its location and context having regard to the overall housing and growth strategy inherent within the CLP 2031 Part 1 as well as the specific requirements of Policies BSC1, Villages 2, ESD1, ESD13 and ESD15.

- 7.12 The site was put forward by the applicant as part of the Council's 2014 Strategic Housing Land Availability Assessment (SHLAA). It has again been submitted into the 2016 equivalent of the SHLAA – the Housing and Employment Land Availability Assessment (HELAA) though the results of this have yet to be published and are potentially subject to change. The Council has broadly indicated in the latest published SHLAA that, together with neighbouring land to the north, the site may be suitable for housing. This however in no way allocates the site for development or indicates that it is in any way a preferable site for development or even that there is a need to release the land at all for housing. Local Plan Part 2 will seek to allocate the most suitable and desirable sites to meet the residual rural housing allocation from Policy Villages 2 of Local Plan Part 1. The SHLAA is simply a broad brush assessment of a site's potential suitability for housing if considered necessary but not an indication of desirability – it is not a planning policy document and it is for the development plan to determine/allocate appropriate sites. It is also not subject to the same consultation and publicity as a planning application and does not take into account a number of potentially significant material planning considerations. As a result, officers suggest that whilst the 2014 SHLAA assessment of the site is of interest, it is not a material planning consideration relevant to this application.

#### Access and Transport Impacts

- 7.13 Policy SLE4 of the CLP 2031 Part 1 is reflective of Government guidance set out in the NPPF in that it requires consideration to be given as to whether a proposed development would be served by safe and suitable access. Both Policy SLE4 and the NPPF place importance on encouraging more sustainable modes of transport to reduce use of private car travel. Vehicular access is proposed to be taken from the northeast of the site off Fewcott Road. This is a rural country road that is subject to the national speed limit up until the existing entry to the village. At existing speed limits (which must be considered in the absence of robust speed surveys) and due to existing vegetation outside the application site together with the road alignment, the proposed access would not enable sufficient visibility for drivers exiting the site to see vehicles coming from the west to meet relevant standards set out in Manual for Streets. As such, Oxfordshire County Council (OCC) as the local highway authority has objected to the application. There is the potential for suitable visibility splays to be achieved if the 30mph speed limit is moved further to the east along Fewcott Road however this is subject to a separate legal process that would be carried out by OCC and its result cannot be guaranteed. As a result, officers need to be satisfied that at current speed limits the access is safe and at present this is not the case such that officers cannot conclude that the proposed development would be sufficiently safe for all road users.
- 7.14 Pedestrian access to the development is proposed to be via two routes - the vehicular access and along the public footpath that runs along the south of the site. Officers have

significant concerns about the quality of accessibility to the village that these provide. First, pedestrians using the vehicular access would have to walk north-eastwards towards the new edge of the village before turning westwards along a new footway to the south side of Fewcott Road that would take them in a direction contrary to desire lines. This can best be described as a cumbersome route and reflective of substantial concerns about the quality of the design and layout of the scheme which will be discussed later in this report. To make matters worse, there is some doubt as to whether an appropriate minimum width footway (1.5m) can actually be provided along Fewcott Road given the extent of the verge available and the need to protect an existing drainage ditch. Without further information demonstrating otherwise, officers believe there to be a risk that pedestrians would not be able to safely and adequately walk between the new development and the village further reducing the transport merits of the proposals.

- 7.15 The applicant has attempted to link the new development into the existing public footpath 219/6 that runs from Southfield Lane along the southern boundary of the site. Unfortunately however this footpath is very narrow and overgrown in places and is therefore barely accessible with much of this being beyond the applicant's control to remedy. It would certainly not be attractive to use for the majority of new residents. The link to this public footpath does not therefore materially contribute towards pedestrian accessibility to and from the site and further adds to concerns about the proposed development's integration and connectivity with the existing village which will be discussed later in this report.
- 7.16 Since July 2016 the village is to all extents no longer served by bus with the exception of a single once weekly Friday service to Bicester which is so infrequent that it cannot be afforded any weight as a means of public transport. There is no reasonable basis on which to seek to improve access to public transport as part of considering the proposed development given that such funding from a development of this size would not be significant and that no service is likely to be commercially viable to sustain once any new funding runs out. Access to and from the proposed development is therefore expected to be almost entirely by private car with some limited pedestrian and cycle travel but probably only to access the village services/facilities.
- 7.17 Some concern has been raised by third parties as well as Ardley-with-Fewcott Parish Council that the Transport Statement submitted alongside the application underestimates the likely number of vehicle trips arising from the proposed development. OCC has raised similar concerns in its consultation response and officers concur that, given the car-dominant nature of the proposed development, vehicle trips would be greater than the applicant claims. However, and as confirmed by OCC, even making allowances for realistic further vehicle trips, the overall additional traffic on the local road network would not materially increase in comparison to existing levels and there is no suggestion that the surrounding road network is experiencing severe congestion. Government guidance in the NPPF is clear that development should not be resisted on transport grounds except where the cumulative impact of congestion would be severe – this is a high test and is simply not the case with this development. Moreover, given that the very modest increase in vehicular traffic would be immaterial in the context of existing traffic, there would be no reasonable basis (if the application were to be approved) on which to seek mitigation through financial contributions towards off-site highway improvements.
- 7.18 Consequently, and having regard to the above, officers have concluded that the wider transport impacts would be acceptable however the proposed development itself would wholly fail to prioritise and encourage sustainable travel given the poor arrangements proposed for pedestrians. For this reason officers consider the proposals to be in conflict with the requirements of Policy SLE4 of the CLP 2031 Part 1 as well as Government guidance set out in the NPPF.

### Design, Layout and Appearance

- 7.19 Policy Villages 2 of the CLP 2031 Part 1 requires major new residential development in the rural areas to be considered against, inter alia, whether the proposals would contribute towards enhancing the built environment. Policy ESD15 requires new development to respect an area's built and natural context by complementing and enhancing local character through sensitive siting, layout and design. Policy ESD15 goes on to state that development proposals should be designed to improve the character and quality of an area and the way its functions. The policy also requires reinforcement of local distinctiveness and respect for landscape features. Policy ESD15 further requires development to be integrated with existing streets and buildings configured to create defined active public frontages. The policy also promotes permeable, accessible places that are easily to move through and create high quality places that encourage pedestrian movement and integrates different modes of transport.
- 7.20 Policy ESD15 is reflective of Government guidance set out in the NPPF which attaches great weight to the importance of good design, encourages the protection of local character and seeks to resist development that fails to take the opportunities available to improve the character and quality of an area. Policy C28 of the CLP 1996 is also material and generally encourages the sensitive design of development in terms of its scale, layout, form and appearance so that it is appropriate to its context.
- 7.21 It is important to remember at this juncture that the application is for full planning permission and so the scheme shown in the submitted plans is what is actually proposed to be built. As a result, consideration must be given to the details of that contained within the application.
- 7.22 In short, the proposed development is set back from Fewcott Road and reads as a detached island of development that is inward looking and has negligible relationship with the existing village and settlement pattern. Put simply, it would appear and function as an incongruous 'bolt on' to the village that is in no way reflective of the more sporadic and organic existing settlement pattern. This not only leaves it physically divorced from the village with no active frontage onto Fewcott Road but also leaves very poor opportunities for pedestrian connectivity with the village. From Fewcott Road there would be a non-descript site entrance with just a new footway along the road leading to some poorly defined soft landscaping and car parking which would serve to hide the development rather than integrate it properly within the settlement in which it is located. The proposed development therefore essentially attaches to the village rather than properly integrates with it to contribute towards creating a sense of place and community. This approach is contrary to all well-established principles of good urban design and specifically conflicts with a number of the aforementioned requirements of Policy ESD15 of the CLP 2031 Part 1.
- 7.23 Having established that the proposed development integrates exceptionally poorly with the built environment of Fritwell and that it would have a bland, inactive relationship with Fewcott Road, it is also necessary to consider the specifics of the actual layout proposed within the site. Perhaps arising partly from the particulars of the square shape of the main part of the site, the layout is especially suburban in character with a formal arrangement of housing all facing towards a central square with detached market housing of similarly uniform plot shapes around the edge. Such a layout is not in keeping with that expected on the rural edge of this small organically formed village but rather something from the suburbs of a larger town which would only serve to create a new community divorced from the village.

- 7.24 The submitted plans indicate another potential scheme on land immediately to the north by a separate applicant - this land is owned by OCC. However, whilst development on that land would add an element of physically contiguous development to the north and perhaps help the proposed development to integrate slightly better with other development, there is no application submitted on this land and no weight can be attached to its merits. In any event, even if a separate proposal for houses was to be submitted on this land it would not overcome officers' concerns about the approach to the suburban layout of this proposed development, its inactive and poor relationship with Fewcott Road as well as the poor connectivity with the rest of the village notwithstanding all other concerns raised regarding its general sustainability.
- 7.25 Having discussed concerns surrounding the layout and integration of the proposed development, officers have further concerns about the specifics of the design approach to the buildings. The first concern surrounds the entrance to the site which as already described lacks any active relationship with Fewcott Road. This is further exacerbated by the large, cumbersome corner-turning houses proposed on entry into the development which would create an overly-formal and excessive mass of building for a development that should be sensitive to its low-key rural edge setting. Modest, simpler houses are that which would traditionally be found on the edge of a village rather than the grander gateway proposed which is inappropriate for the site's context. Within the site there is a dominance of large detached market housing that is more akin to that typically found in the suburbs with many of the houses incorporating some locally traditional architectural features whilst also utilising others that create in some places unfortunate hybrids that are neither properly respectful of local character. Within the site the large detached market housing is easily distinguishable from the denser cluster of affordable homes in the northwest corner that are marked out by their mass of unbroken frontage parking and generally more cramped plots. The large detached typology of the market houses proposed only serves to increase their distinction from the smaller semi-detached and terraced affordable homes. Such an approach would not serve to create an inclusive mixed community as required by Policy BSC4 of the CLP 2031 Part 1 and conflicts with guidance set out in the Planning Practice Guidance (PPG) (ID ref: 26-040-20140306) which states that *"in well-designed places affordable housing is not distinguishable from private housing by its design, nor is it banished to the least attractive part of the site"*. The Council's Strategic Housing team are in support of this view having objected to the application, in part, on the basis of the lack of successful integration of the proposed affordable dwellings.
- 7.26 Turning back again to the specifics of the design concerns, whilst officers welcome the provision of a bungalow to meet affordable housing needs it has been in this case been shoehorned into a new street amongst 2 and 2.5 storey houses which would leave it appearing contrived and incongruous. Where bungalows are proposed they should be properly designed into a scheme so that they are either at the end of a street where it drops down in scale to the countryside beyond or set within a wider row of bungalows so that they sit more comfortably and logically within their surroundings. Other concerns relate to the proposed use of disproportionately large and cumbersome dormer windows on Plots 16 and 33 so that they are too prominent in their roofslopes which is not reflective of the traditionally modest and unassuming nature in local architecture. Officers also have concerns regarding what appears to be the excessive scale of Plot 34 in the southwest corner which is caused by the appearance of ranging hipped roof front projections and a typically suburban double up-and-over garage door that do not complement the more traditionally proportioned pitched roof of the main part of the house or the pitched roofs found elsewhere within the development. As discussed previously, the overall scale and mass of Plot 34 so close to the southern site boundary would also not assist in blending the development into its surrounding landscape.

- 7.27 There are other awkward examples of design detailing with the proposed development. Plot 34 has a long hipped roof canopy porch that blends into one of its bay windows – this is not a feature traditionally found in local architecture. Similarly, many other proposed porches have too much variety within the development which fails to create an overall legible sense of character. Local rural architecture is generally based on simple construction principles rather than unnecessary detailing and so some of the proposed canopy porches are awkwardly fussy and extravagant. The relationship between the houses of Plots 20 and 21 is also a little clunky with Plot 21 set back a little and down in height from Plot 20 which neither creates a genuinely symmetrical pair of semi-detached houses or one house subservient to the other which leaves them appearing awkward.
- 7.28 The designated Fritwell Conservation Area lies to the west and south-west of the site covering both the historic built core of the village as well as some of the paddocks to the south. The Council has a statutory duty to have regard to the desirability of preserving and enhancing its special character and appearance. Government guidance in the NPPF resists harm to designated heritage assets except where such harm is clearly outweighed by wider public benefits. However, development of the type and scale proposed on the site would not be readily experienced from within the Conservation Area or impact notably on its setting from main viewpoints given the intervening modern housing developments as well as landscape features. Officers are therefore satisfied that whilst unacceptable for other design reasons, the proposals would not directly or indirectly harm the special character and appearance of the Conservation Area and so the proposals would not conflict with national or local planning policy in this regard.
- 7.29 To conclude on matters relating to the merits of the detailed design and layout of the proposed development, officers have substantial concerns about the quality and appropriateness of that proposed which would fail to successfully integrate with surrounding development, has a vacant relationship with its context and Fewcott Road, would create a poorly mixed community where affordable housing is not well integrated with market housing, and which would overall create an inappropriately inward-facing suburban development that does not respond to its rural setting, character and settlement pattern of the village or its local architectural distinctiveness. For these reasons the proposals are considered to be contrary to the requirements of Policy ESD15 of the CLP 2031 Part 1 as well as Government guidance set out in the NPPF and PPG.

#### Housing Mix/Affordable Housing

- 7.30 Policy BSC3 of the CLP 2031 Part 1 requires all residential developments proposing 11 or more dwellings in rural areas to provide a minimum of 35% of the dwellings as affordable units. Of this, a minimum of 70% should be affordable/social rent in tenure and the remainder intermediate housing including shared ownership. The application proposals accord with this policy requirement as 12 affordable dwellings are proposed. The affordable housing should be well located within a development and indistinguishable from market housing to ensure creation of mixed and balanced new communities. Recent Government policies relating to what is colloquially termed ‘bedroom tax’ as well as rent cap reductions imposed on Registered Providers (RPs) has seen changes in the need for affordable housing towards smaller dwellings so that they are more affordable both for the tenants and RPs. The greatest need for housing and demand from RPs is for two bedroom dwellings with some modest provision of one and three bedroom dwellings. The Council’s Strategic Housing team which is responsible for affordable housing has raised significant concerns about the proposals on the basis that the assumed mix of affordable homes proposed (no clear schedule has been provided) does not reflect current need and is likely to be less attractive to an RP. The scheme as proposed is therefore not considered to make an appropriate contribution towards meeting affordable housing need in the District and therefore fails to properly create mixed and balanced communities as

required by Policies BSC3 and BSC4 of the CLP 2031 Part 1 and supported by Government guidance contained in the NPPF.

- 7.31 Policy BSC4 requires new residential developments to provide a mix of homes to meet current and future housing need. This relates to both affordable and market housing. Whilst need can change over time, the latest evidence available to the Council comes from the Oxfordshire Strategic Housing Market Assessment (OSHMA) of 2014. The conclusion of the OSHMA on the affordable housing mix is already out-of-date given Government housing policy changes which has seen a notable shift towards smaller dwellings as described above. With respect to market housing it identifies that the greatest need in the District is for 3 bedroom homes which should account for about 45% of all new homes with about 25% each for 2 and 4 + bedroom homes. These mixes are not intended to be rigidly applied but they are the most up-to-date evidence available and do support the conclusions of Fritwell Parish Council that there is greater need within the village for smaller homes and that the large detached housing mainly proposed will do little for local need. The proposals include approximately 55% 4+ bedroom housing which is clearly some distance away from the above figures and therefore the scheme does not appear to be making an effective contribution to delivering on identified housing need.
- 7.32 For the above reasons, officers have found that the proposed development does not make an appropriate contribution towards meeting the identified market and affordable housing needs of the District contrary to the requirements of Policies BSC3 and BSC4 of the CLP 2031 Part 1.

#### Open Space, Recreation and Community Facilities

- 7.33 Policy BSC11 of the CLP 2031 Part 1 requires new residential developments over specified size thresholds to provide, where relevant, play and sports facilities on site. A development of this size should be served by a Local Area of Play (LAP) on the site which is designed for young children. Such facilities should have a minimum of a 100sq m activity zone with a buffer and should be well designed and safe.
- 7.34 The proposals include provision of a LAP in the centre of the site which officers are generally satisfied with. It is of a good usable layout with surveillance from new houses. Officers are therefore content that this play facility is sufficient to serve the needs of future residents in accordance with planning policy requirements. Were the application to be approved contrary to officer recommendation, a legal agreement would first be required to be completed securing the provision of the LAP together with its long term maintenance.
- 7.35 Policies BSC10 and BSC12 of the CLP 2031 Part 1 in some circumstances seek improvements to (or new) off-site indoor and outdoor sports facilities that new residents are likely to use. However, a development of this size is unlikely to have a significant impact on any existing sports facility or require a new sports facility and so no mitigation is considered necessary in this respect.
- 7.36 Policies BSC12 and INF1 of the CLP 2031 Part 1 also require new community facilities to be provided on site as part of large new residential developments as well as potentially off-site improvements to other facilities for small scale developments. In this case however the development proposed is not of a sufficient size to have a significant impact on an existing community facility and so mitigation is considered to be necessary.
- 7.37 Overall therefore, officers are satisfied that the proposals would provide sufficient on-site play and amenity facilities to serve the new residents and would not have a significant adverse impact on existing community/public facilities such that in this respect the

proposals are considered to be acceptable and in accordance with development plan policies.

#### Trees and Landscaping

- 7.38 Policy ESD13 of the CLP 2031 Part 1 encourages the protection of existing trees and the retention of landscape features of significance as part of a wider requirement to preserve local landscape character. It further encourages the creation of new woodlands, trees and hedgerows. Policy ESD15 requires development proposals to contribute positively to an area's character by, inter alia, respecting local landscape features including significant trees and hedgerows.
- 7.39 Broadly speaking the proposals retain the majority of existing trees and hedgerows within the site albeit most of these are around its edges including all of the larger and healthier specimens which is welcomed. Construction works are however proposed in and around the root protection areas and canopies of some of the more significant trees proposed for retention and if the application were to be approved a range of conditions would be needed to ensure appropriate tree protection measures are employed during construction. A handful of small existing trees are proposed to be removed to create the new vehicular access and others may suffer a degree of root damage though those affected are of limited value and there is scope to replace these through an appropriate new planting scheme. Modest new planting is proposed within the development both within private front and rear gardens as well as the new public play area and public green spaces though full details of the species have not been provided at this stage and would need to be secured by condition if planning permission was to be granted.
- 7.40 The western and eastern boundary vegetation is proposed to be augmented in places as part of efforts to screen the development from within the wider landscape and reduce the visual impact of the development for residents of existing properties of neighbouring Hodgson Close which officers endorse. However, enhancement of the hedgerow is limited due to the relatively close proximity of houses to the western boundary though it should probably still be sufficient given the distances to other properties in Hodgson Close.
- 7.41 A selection of small unspecified trees are proposed along the northern boundary where vegetation is sparse at present. Officers however are concerned that the layout of the proposed development and the lack of sufficient space to the northern boundary prevents any significant new tree and hedge planting to help screen the development from the north where it would be most prominent from within the surrounding landscape. Any planting would dominate the short rear gardens proposed for the houses along the northern boundary and is presumably why it is not proposed. Indeed even if it was proposed it would be unlikely to survive in any meaningful form in the long term given likely pressure from new occupants of the homes to open up their gardens. Following on from this officers have significant concerns that one of the two most valuable existing trees on the site – an Ash tree – is proposed to be within the small rear garden serving the maisonettes of Plots 22-23. This tree would be likely to be under pressure for significant lopping or felling in due course given that its canopy would cover over half of the garden. The loss of this tree would be regrettable and would add to concerns regarding the landscape impact of the proposed development.
- 7.42 Overall, officers are generally satisfied that landscape features of significance within the site are proposed to be retained and that appropriate new planting could be secured in order to create a suitable quality new residential environment and reduce views of the development within the surrounding countryside from certain directions. However, the close proximity of proposed development to the northern boundary is of concern given that it is from the north that the development would be perceived as the most significant

expansion of the village into the countryside. It must also be remembered that there are no current proposals on land immediately to the north despite that indicated in the submitted plans and also no suggestion that development on such land would be considered acceptable meaning that these proposals must be considered appropriate on their own merits based on current circumstances. The potential harm to the existing Ash tree combined with the very limited capacity for meaningful new soft landscaping along the northern boundary has lead officers to conclude that whilst the landscaping approach to the development itself is appropriate it does however contribute towards concerns previously identified with respect to the impact on the natural landscape, as well as local landscape and village character.

#### Parking and Servicing

- 7.43 Each of the proposed new homes is shown to be served by at least two on-plot parking spaces each in addition to many of the market houses also having garages. A couple of 1 bedroom affordable maisonettes are proposed which are each shown to be served by one car parking space. Whilst there is little unallocated or visitor car parking proposed except at the site entrance officers are satisfied that this is a realistic level of parking provision that should ensure no significant indiscriminate parking takes place along streets and verges within the development to the detriment of either the quality of the residential environment or the navigability of the streets for other road users including refuse collection vehicles. The level of parking provision should also ensure that there is no overspill parking that might take place at or along the site entrance which could adversely affect highway safety. Whilst OCC has queried whether there might be a slight shortfall in unallocated car parking within the development based on its own residential parking standards document, officers are not convinced that there is an adequate basis on which to conclude the parking provision to be unacceptable particularly in light of the very minor shortfall and the absence of any car parking standards within the Council's development plan.
- 7.44 The Transport Statement submitted as part of the application has tracked the proposed road layout for the Council's refuse collection lorries (the largest anticipated vehicle) and OCC is satisfied with the arrangement. Each home should therefore be able to be properly serviced for waste collection purposes. As the site has been tracked for a refuse lorry, officers have no concerns that it would not be suitably accessible to emergency vehicles such as a fire appliance.
- 7.45 Consequently officers are satisfied that there is sufficient car parking proposed within the development to prevent overspill parking in dangerous locations, avoid congestion within the site or cause navigability problems for other vehicles and that the development would be adequately accessible for all types of commonly expected vehicles.

#### Amenity Standard of New Dwellings

- 7.46 Policy ESD15 of the CLP 2031 Part 1 requires consideration of the living conditions created for new dwellings having regard to such matters as the quality and quantity of indoor/outdoor space, light, outlook and privacy. These policy requirements are reflective of Government guidance in the NPPF which seeks to secure a good standard of amenity for occupants of new buildings.
- 7.47 Broadly speaking the vast majority of the new homes proposed have reasonable internal layouts that provide satisfactory living accommodation with all habitable rooms being sufficiently private with decent outlook and light levels. The majority of the homes are also served by private gardens that are of a size and quality that is proportionate to the size and type of dwelling they serve. The exceptions to this are unfortunately some of the affordable dwellings which often feature cramped plots with small gardens.. Plots 27 and 28 have small gardens but on balance they are thought to be acceptable given the small

dwellings they serve. Plot 29 however features a bungalow with a large footprint but a small garden which would not leave sufficient space for outdoor activities. Plots 20 and 21 also have very short gardens. Plots 22-23 are however probably the most deficient in that they are served by one very small garden that would be dominated by an existing Ash tree what would overbear and enclose it. Officers are not satisfied that some of these homes have a sufficient quality and quantity of private outdoor space to serve them and that they fall short of the standards expected by the Council for new homes. In this respect therefore, a number of the dwellings proposed are considered to fail to provide sufficient quality living accommodation for future occupiers contrary to the requirements of Policy ESD15 of the CLP 2031 Part 1 as well as Government guidance contained in the NPPF.

#### Effect on Neighbouring Properties

- 7.48 Policy ESD15 of the CLP 2031 Part 1 and Policy C30 of the CLP 1996 together seek to adequately safeguard living conditions for existing dwellings with respect to such matters as privacy, light levels, outlook and the quality of their indoor/outdoor space. The policies reflect one of the core planning principles set out in Government guidance in the NPPF which states that the planning system should “*seek to secure a good standard of amenity for all existing and future occupants of land and buildings*”. Whilst the impact on the immediate outlook enjoyed from a dwelling is a material planning consideration, the effect on a more general private view enjoyed from a property is not and this has been well established through the courts as well as in longstanding Government guidance. Policy ENV1 of the CLP 1996 is also material in that it resists development that would cause unacceptable levels of noise, vibration and other environmental effects for neighbouring land uses.
- 7.49 To the north, south and east of the site there are no existing residential properties and hence the proposed development would not have any impact in this respect. To the west there are existing houses of Hodgson Close. Adjacent to the northwest corner of the site is a strip of amenity land within Hodgson Close which ensures a reasonable buffer from new development to some of the existing houses and enables Plots 24-29 to be located quite close to the site boundary without having an undue impact on the outlook, light and privacy enjoyed at any neighbouring dwelling.
- 7.50 Plots 30-34 would have the potential to have a slightly greater impact on existing properties Nos. 1, 7, 9, 11 and 13 Hodgson Close. Numbers 7, 9, 11 and 13 Hodgson Close however have quite long rear gardens facing on to the site boundary and the back-to-back distances between the proposed new and existing houses would be approximately 30m which well exceeds standards that the Council typically expects and applies through its Home Extensions and Alterations Design Guide 2007. A thick hedgerow would also provide a significant intervening screen to assist in reducing the effect on outlook and privacy for occupants of these existing homes and much of this vegetation is outside the application site and therefore in the control of neighbouring residents to ensure its retention. No.1 Hodgson Close is orientated differently and so its rear garden would be perpendicular to the plot layouts of the proposed new houses along the western boundary. This orientation ensures that loss of privacy to the house itself would be minimal as direct window to window overlooking would be essentially prevented by the respective angles involved to the new homes. Some loss of privacy for its rear garden from first floor windows in Plots 30-32 is possible but the separation distance to new houses is still significant (24m from any new house to the closest garden boundary) and of course there is the intervening hedgerow to further reduce both actual and perceived loss of privacy.
- 7.51 Overall therefore officers are entirely comfortable with the proposed development with regard to its impact on the amenity enjoyed by occupiers of nearby dwellings and find that

in this respect the proposals accord with the requirements of the aforementioned development plan policies.

- 7.52 Officers consider residential use of the site to be environmentally compatible with the existing surrounding residential land uses. Inevitably construction work has the potential to cause some disturbance for neighbouring residents due mainly to noise from construction machinery, construction vehicles and perhaps some dust and vibration. Were the application to be approved against officer recommendation, officers would recommend that a condition be imposed requiring a construction management plan to be approved to ensure controls over hours of working, site arrivals, wheel washing and other matters are in place throughout the construction phase.

#### Ecology

- 7.53 Policy ESD10 of the CLP 2031 Part 1 reflects Government guidance in the NPPF as well as a statutory duty on the Council (through the Natural Environment and Communities Act 2006) to have regard to the impact of development on biodiversity and to encourage its enhancement.

- 7.54 The site comprises areas of improved and semi-improved grassland which can be habitat of value to small mammals and reptiles. However, species surveys did not find any protected or priority species on the site. The vast majority of existing trees and hedgerows are proposed to be retained and there is some opportunity for planting new native tree species. The recommendations of the submitted ecological report are considered to be reasonable and the scheme as shown accords with the recommendations through, inter alia, its retention of trees potentially suitable for bats. The report also recommends bat and bird boxes be installed on new houses within the development to provide enhanced opportunity for nesting birds. The report further recognises that some areas of the site are suitable as reptile habitat and that a careful staged process of strimming grassland should take place before construction which would allow any reptiles the opportunity to vacate the site safely. A qualified ecologist would need to be on-site to monitor this process as well as the process of removing rubble and wood piles. Subject to the recommendations of the ecological report, officers are satisfied that the proposals would not give rise to harm to biodiversity and would incorporate enhancement measures too such as native planting and bird/bat boxes in accordance with the requirements of development plan policy and Government guidance. The recommendations of the ecological report would need to be secured by appropriately worded conditions in the event that planning permission was to be granted.

#### Flood Risk/Drainage

- 7.55 The site is not at risk of fluvial flooding based on Environment Agency modelling/data and there is no evidence that it suffers from critical drainage problems. As a result, in flood risk terms the site is suitable for residential development having regard to the requirements of Policy ESD6 of the CLP 2031 Part 1. It is now a national planning policy requirement as well as a local planning policy requirement (Policy ESD7) for all major development to incorporate sustainable drainage systems to ensure that there is no increase in surface water discharge from the site in comparison to pre-development levels and that the site itself would not suffer from flash flooding during a storm event.
- 7.56 A flood risk assessment (FRA) has been submitted alongside the application which suggests that the ground conditions are suitable within the site to make use of infiltration of rainwater for underground dispersal. This is as opposed to specific on-site natural/artificial storage features such as attenuation basins or storage tanks. As lead local flood authority, OCC has raised no objection to the proposed drainage arrangements. As such, officers have concluded that, subject to a condition being imposed requiring details of the surface water drainage measures (permeable

hardsurfacing, soakaways etc), the development could be appropriately drained to ensure no adverse impact on the water environment.

#### Construction Sustainability

- 7.57 Policies ESD3 and ESD5 of the CLP 2031 Part 1 are in part no longer up-to-date with Government guidance. As a result, energy efficiency of homes is now a matter left entirely to the Building Regulations which have been updated to ensure consistency with the former Code for Sustainable Homes Level 4 standard. Policy ESD3 does however require all new homes to achieve a water efficiency standard of no greater than 110 litres/person/day. If the application was to be approved, a condition would be needed to secure this. With respect to Policy ESD5, the development is not of sufficient size to trigger the policy threshold for on-site renewable energy provision and so there is reason to object to the proposals in this regard.

#### Planning Obligations

- 7.58 Notwithstanding officers' recommendation for refusal, in the event that Committee resolves to grant planning permission the following matters would first need to be secured through a legal agreement to ensure the development itself is acceptable and that it adequately mitigates its impact on public/community/housing infrastructure in accordance with the requirements of development plan policies and Government guidance:
- 35% affordable housing with minimum 70% affordable/social rent and 30% intermediate tenure together with arrangements for provision;
  - Provision of on-site LAP together with arrangements for long term maintenance and public accessibility;
  - Maintenance arrangements for other public greenspaces and communal areas within the development;
  - Requirement to enter into a s278 agreement under the Highways Act 1980 to provide a new footway on Fewcott Road, construct the site access, meet OCC's costs for re-locating 30mph speed limit and construct a traffic calming village gateway feature.
- 7.59 The applicant has not commented on its willingness to enter into an agreement to secure the above infrastructure but similarly there has been no suggestion that it would not. However, in the absence of a signed and satisfactory legal agreement it must be concluded that the proposal would not properly deliver the infrastructure necessary to support and mitigate itself contrary to the requirements of Policies BSC3, BSC11, SLE4, ESD15 and INF1 of the CLP 2031 Part 1.

#### Local Finance Consideration(s)

- 7.60 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. This can include payments under the New Homes Bonus. The scheme has the potential to generate £286,216.99 for the Council under current arrangements once the homes are occupied together with additional payments for the affordable units. However, officers recommend that such funding is given no weight in decision making in this case given that the payments would have no direct relationship to making this scheme acceptable in planning terms and Government guidance in the PPG states that it is not appropriate to make a decision based on the potential for the development to raise money for a local authority or other Government body.

#### Other Matters

- 7.61 The application proposes sensitive residential use on undeveloped land. However, there is no suggestion that there is any risk of contamination of the land that could be a risk to future residents. However, if planning permission was to be granted it would be necessary

to impose conditions covering circumstances where unexpected contamination is uncovered during construction.

7.62 Some concerns have also been raised about capacity of the sewerage network to serve these new dwellings. Anglian Water is the sewerage undertaker for this area and despite consultation they have not commented. There is no statutory requirement on Anglian Water to respond to consultation and indeed they are not a statutory consultee on such applications. It is presumed that if Anglian Water had significant concerns regarding capacity they would have responded to the consultation as is typically the case and would have either objected to the application or sought appropriate conditions. Officers therefore do not have a sufficient basis to conclude that there is a need to prevent this development due to the inadequacy of these existing utilities.

## **8. Conclusion**

8.1 The proposed development is on a site that is poorly located to services, facilities, employment and public transport and which would give rise to significant harm to both the rural character of Fritwell and its surrounding countryside making it unsuitable to accommodate some of the residual rural housing needs of the District over the plan period. Furthermore, the design, layout and appearance of the proposed development would be wholly out of character with its context and the development would integrate very poorly with the existing built and natural environment. The proposals also fail to make an appropriate contribution towards meeting the housing needs of the District. Furthermore, the proposed development has not been demonstrated to be served by safe and suitable access to the detriment of all highway users. Consequently the proposals are considered to be in conflict with the development plan as a whole and contrary to the requirements of a significant number of its individual planning policies. The starting point should therefore be to refuse planning permission unless other material planning considerations such as Government guidance indicate otherwise.

8.2 In accordance with Policy PSD1 of the CLP 2031 Part 1 as well as Government guidance in the NPPF, it is then necessary to consider whether, notwithstanding the conflict with the development plan, the proposals amount to sustainable development as there is a general presumption in favour of sustainable development. The NPPF defines this as having an environmental, social and economic role and that in order to be sustainable development, gains to all three dimensions should be provided jointly and simultaneously so that the overall benefits outweigh the harm.

8.3 The proposed development would bring some social and economic benefits through the provision of new housing, it may help to sustain the limited local facilities in the village and would create/sustain some construction jobs. It could potentially give rise to a benefit to the village by providing a traffic calming feature at its entrance to slow existing fast moving traffic. It could also provide some social benefits through the simple growth and regeneration of the village population.

8.4 Weighing against the scheme is the substantial environmental and social harm that it would cause through its poor location to amenities, services, facilities, employment and public transport which would give rise to a wholly car dependent development with associated environmental harm through an increase in car travel. The proposals would also result in environmental harm through the permanent loss of countryside which is an irreplaceable resource and in turn would cause significant harm to both village and landscape character. The proposed development would also lead to social harm through the failure to make a sufficient contribution towards housing need due to the inappropriate mix and specification of the affordable and market housing and therefore not deliver mixed and inclusive communities. Visually and functionally the development would also be

completely alien to its context and not integrate with the village in which it is located and the Government attaches great weight to the importance of good design as part of sustainability and the need to create successful new communities. Concerns regarding accessibility to the village for pedestrians and the safety of vehicular traffic add to the wider adverse social and environmental impacts. Ecologically the development is best described as having a neutral impact.

- 8.5 Overall officers have found that the adverse environmental and social impacts of the proposed development substantially outweigh any the scheme's benefits and have therefore concluded that the proposals do not represent sustainable development. As a result there is no reason to depart from determining the application against the provisions of the development plan and so Committee is recommended to refuse the application for the reasons set out below.

## **9. Recommendation**

### **Refuse, for the following reasons:**

1 Fritwell is a small organically formed village providing limited employment, services and facilities set within a distinctive rural setting. The proposed development would result in a significant scale and prominent protrusion of built development into the open countryside in a location that cannot sustainably accommodate such development due to the very limited accessibility to employment, services and facilities and the significant harm it would cause to the natural landscape and the village's rural character, setting and relationship with the surrounding countryside. As a consequence the proposals are considered to be contrary to the requirements of Policies BSC1, Villages 1, Villages 2, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as Policy C8 of the Cherwell Local Plan 1996.

2 Having regard to its position, inward-focused layout, lack of genuine functional connectivity with the village and inactive relationship with surrounding streets, the proposals represent an awkward and contrived addition to the established development pattern of Fritwell that would be functionally and visually incongruous with the village and therefore fail to integrate successfully with existing development and communities contrary to the requirements of Policies ESD15 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1 in addition to Policy C28 of the Cherwell Local Plan 1996 as well as Government guidance set out in the National Planning Policy Framework.

3 Having regard to the scale of the development, its location remote from everyday services and facilities, the absence of any public transport links to the village and the lack of genuine functional connectivity with existing development, the proposed development would fail to prioritise pedestrian and cycle travel for future residents and therefore lead to development that is almost entirely dependent on access by private car. Consequently the proposals are inherently environmentally unsustainable and fail to comply with the requirements of Policies BSC1, ESD1 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained within the National Planning Policy Framework.

4 As a result of a combination of the lack of sufficient detail on the provision of affordable housing to properly assess its suitability, what appears to be the inadequate mix of units proposed to meet identified local need as well as the clearly distinguishable nature and appearance of the affordable housing from the market housing within the proposed development, the proposals fail to satisfactorily contribute towards meeting local affordable housing need or creating mixed and balanced communities contrary to the requirements of Policies BSC3 and BSC4 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance set out in the National Planning Policy Framework and its supporting Planning Practice Guidance.

5 Having regard to the significant over-provision of large detached market dwellings proposed as part of the development, the proposals fail to respond to objectively assessed current and future housing need in the District and therefore fail to deliver the homes that are required to sustainably serve the future growth needs of the District. Consequently the proposals do not respond appropriately to the housing needs of the District and, given the stark difference in the proposed nature, size, typology and appearance of the market dwellings in comparison to the affordable dwellings, the proposals would fail to engender the creation of mixed and inclusive communities both locally and within the development. In this respect the proposals are found to be in conflict with the requirements of Policy BSC4 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance set out in the National Planning Policy Framework.

6 Having regard to the overtly formal and suburban layout of the proposed development in combination with the use of inappropriate architectural and design detailing, the proposed development fails to respond to both local architectural distinctiveness and the site's rural character and setting. The proposals are therefore considered to be contrary to the requirements of Policies ESD15 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1 as well as Policy C28 of the Cherwell Local Plan 1996 in addition to Government guidance set out in the National Planning Policy Framework.

7 Having regard to the small size of the gardens in comparison to the dwellings they serve, their orientation as well as pressure caused by both existing and proposed landscaping within these gardens, Plots 22-23 and 29 would feature private outdoor spaces that are inadequate to serve the needs of future occupants and therefore fail to provide new dwellings of a satisfactory quality contrary to the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as Policy C30 of the Cherwell Local Plan 1996.

8 The development is proposed to be served by a vehicular access that does not enable sufficient and safe visibility for vehicular traffic exiting the site onto the Fewcott Road to the detriment of the safety of road users. Furthermore, it is unclear whether there is sufficient land available to the developer to provide a new footway leading from the site along Fewcott Road to connect with existing footways reducing the ability and attractiveness of pedestrian connectivity with the village. As a consequence, the proposed development is not considered to be served by safe and suitable access for its future users contrary to the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance set out in the National Planning Policy Framework.

9 The proposed development would give rise to on and off-site impacts on the highway network, public/community infrastructure and affordable housing provision that can only be appropriately mitigated through obligations within a legal agreement. In the absence of a satisfactory legal agreement, the proposed development would not deliver suitable and sustainable development contrary to the requirements of Policies BSC3, BSC4, BSC11, SLE4 and INF1 of the Cherwell Local Plan 2011-2031 Part 1.

**CONTACT OFFICER:** Matthew Parry

**TELEPHONE NO:** 01295 221837