

CHESTERTON PARISH COUNCIL



Introduction

Chesterton Parish Council strongly objects to this development.

It is not on an allocated site in the development plan and is speculative in nature and appears to have been developed on the basis that Cherwell District Council is not meeting its housing delivery target.

In our objections, Chesterton Parish Council has concentrated on the overarching planning issues that we argue are in conflict with this application. The overall proposal lacks a presumption in favour of sustainable development on a number of grounds which are more detailed in this document. We believe that this proposal is in direct contradiction with the existing Local Plan.

On behalf of the village, we request that this application is refused.

1. Planning Law

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the Cherwell Local Plan Part 1 (CLP) and the saved policies of the 1996 Local Plan (LP96).

It is a critical consideration that the district can demonstrate a 5 year supply of housing land and that the policies that are the most important for determining this application are up-to-date. This means that the 'tilted balance' does not apply. It is noted that the support for the development proposal set out in the planning statement prepared by the applicant is predicated on the application of the tilted balance.

The planning statement also refers to an allocation for a large 500-dwelling site at Chesterton, which incorporates the current planning application land, in a draft version of the Local Plan Review. This plan has not been approved for public consultation by the district and, as a result, cannot be considered as an emerging plan. This means it cannot be given any weight at all in the determination of this application.

Conflict with the Spatial Strategy of the Cherwell Local Plan (CLP)

The spatial strategy for the CLP set out in paragraph A.11 is to direct most growth to the main towns with growth across the rest of the district to be much more limited. The policies that promulgate this strategy are BSC1 which sets the district-wide distribution of housing and, most importantly for the consideration of this application, Policy Villages 2 (PV2).

PV2 states that a total of 750 dwellings will be delivered at Category A villages. There are 23 Category A villages, of which Chesterton is one. Taking the latest data from the 2021 Annual Monitoring Report and adding in the recent approvals in Category A villages of which we are aware, the total number of dwellings built or committed at Category A village is 1234 dwellings. If this application is approved that figure would rise to 1,381. This figure is 184% of the total 750 dwellings requirement as set out in PV2.

There has been much debate at numerous appeals regarding the interpretation of the 750 dwelling total. The consensus view of all the inspectors who have considered this issue is that, while the 750 total is not a ceiling, the figure is not irrelevant. The inspectors at appeals in Kirtlington (95 dwellings in 2015) and Weston-on-the-Green (26 dwellings) both considered that a significant increase over the 750 figure would conflict with the spatial strategy of the plan. At an appeal in Launton in 2018, the inspector judged that a 'material exceedance' of the 750 figure would conflict with the spatial strategy of the plan. The inspector at Ambrosden (84 dwellings in 2019) considered that the 750 target has development management significance.

Paragraph C236 of the CLP notes that most of the economically active residents in Cherwell's rural areas commute and less than a quarter live within 5KM of their homes. The strategy of the plan for location-limited growth in rural areas attempts to balance the need to ensure that rural places retain their vitality while balancing the fact that development in rural areas inevitably means more use of the private motor car. The vision for rural areas is set out in paragraph C238. That is for rural areas to be lived in as well as slept in. Exceeding the total by 184% with 8 years of the plan period still to go is significant, is a material exceedance and it will have inevitably increased congestion and strained existing infrastructure. The proposal, therefore, conflicts with CLP policies BSC1 and PV2.

Suitable location for large-scale development

Saved policy H18 of the LP96 restricts development beyond settlement limits subject to a limited number of exceptions. The site lies outside the settlement boundary for Chesterton and none of the exceptions apply.

Policy ESD1 of the CLP is aimed at mitigating the impacts of climate change in part by delivering development that reduces the need to travel and encourages sustainable travel choices such as walking, cycling, and the use of public transport. Similarly, policy SLE4 of the CLP requires development to facilitate the use of sustainable modes of travel and encourages solutions that reduce congestion.

2. Scale of Growth at Chesterton

Whilst it is the case that Chesterton is a Category A village, it should be noted that it has a much smaller population and fewer facilities than other Category A villages. For example, the 2011 census, shows that Adderbury had a population of 2,816, Deddington 1,594, and Bodicote 2,216. This compares to 850 for Chesterton. And, as noted above, Chesterton does not have a convenience store and only limited employment within the village in contrast to other Category A villages. So while it is the case that Chesterton lies within the same category in the settlement hierarchy, it is clearly not as sustainable as some other settlements.

Since the plan period began in 2011, approximately 100 dwellings have been built since 2016 in the village (Alchester Park and Audley Gardens). The 2011 census showed that there were 330 households in the village at that time, which is a useful proxy for the number of dwellings. This means that the proposed development would be a cumulative increase in the number of dwellings of some 75%. On its own, the application proposal represents an increase of some 34% which is clearly disproportionate. The CLP did not envisage that some 33% of the 750 total would be accommodated in one of the least sustainable Category A villages - Chesterton. It is clearly disproportionate in relation to the size of the existing community.

In 2015 the Parish Council objected to the development of 60 homes on a site adjacent to The Hale and Green Lane. On appeal, the planning inspector quoted reasons for her refusal which included: para 35 – ***“I conclude that the development would have a significantly harmful effect on the setting of Chesterton and or the rural character and appearance of the area” (15/00454/OUT)***. This conclusion is still relevant today and to this application.

3. Service provision and infrastructure

The emerging Local Plan (p.54) states that ***“ in smaller villages with a low level of services where any developments should be proportionate in scale and primarily to meet local needs”***.

While Chesterton is a Category A village, it does not contain the full range of services found in other Category A villages. For example, there is no village shop and limited hospitality employment within the village. The only bus service that serves the village leaves Alchester Road at 7.30 am and does not return during the day. The nearest convenience shop is the Co-op on the Kingsmere estate - a 2.4km walk from the site entrance, or a 3.4km drive. This would be a 30-minute walk involving the use of an unsurfaced and unlit footpath. Residents will just drive to the Tesco superstore which is only a further 3 minutes away by car and has ample parking. There is a Park and Ride with good public transport access into Bicester, but this is also over a 30-minute walk. Notwithstanding the location of the park and ride, it is clear that the majority of new residents will be relying on the private motor car and thus adding to the existing pressures on local roads in the village which are acute on Green Lane and The Hale at **“rush hour”** times to avoid J9 on the M40.

Chesterton’s service provision only includes a Public House (The Red Cow), a Primary School which is at capacity, and a Play Group. It does not have a shop, bus service, footpaths, or cycleways into Bicester.

3.1 Bus Service

The application focuses on and mentions many times a bus service operating through Chesterton. Currently, there is no bus service. Under the Great Wolf S106 agreement there is a provision for

bus service. However, there is considerable doubt as to whether this this ever materialise particularly due to the general withdrawal of bus subsidies and partly due to the lack of willingness to operate through Chesterton.

Under the recent Bus Service Improvement Plan, for the route from Weston-on-the-Green to Wendlebury, operators failed to include Chesterton. In addition, the contribution of Wates to the provision of bus service is minimal.

While it is recognised that sustainable transport solutions vary between rural and urban areas, the likely level of car dependency means that the proposed development does not comply with CLP policies ESD1 and SLE4 on facilitating the use of sustainable modes of transport. In addition, the development is not well located in relation to services and facilities as required by policy PV2.

3.2 Cycling

The planning statement regarding cycle routes is factually incorrect. Chesterton has no cycle route connection to Bicester. The two roads that connect Chesterton with Bicester have no footpaths, street lighting, or cycle provision. The A4095 is narrow for an A road, has the national speed limit, and is extremely dangerous for cyclists. Church Road is a country lane, very narrow, with no footpath, no street lighting, and has the national speed limit applied.

3.3 Pedestrians

Throughout this application, reference is made to walking access into Bicester. These statements give the impression that there is a pedestrian footpath/pavement access to Bicester. This is factually incorrect. Oxfordshire County Council Highways do not consider either a route (A4095 or Church Road) for pedestrian use. Indeed, all the roads out of Chesterton are designated as **not authorised for pedestrians**. These roads have no pavement, footpaths, refuge areas, or street lighting and have a national speed limit.

The Great Wolf improvements to pedestrian and cycle access are the compulsory re-routing of the PROW which runs across their site and pavements along Green Lane, neither of which improve access into Bicester.

3.4 PROW

The application makes constant reference to being able to walk into Bicester either by footpath or PROW. However, the PROW out of Chesterton to Bicester is a true PROW in that it is an unmade mud path unsuitable for a route to work or school. They are also unlit. Because of the nature of the mud path the PROW is totally unsuitable for pushing a wheelchair or pram.

In addition, the nearest PROW from this proposed site is approximately half a mile away along a road that is designated as being **unauthorised for pedestrians**.

The S106 towards the PROW of £44,000 is totally insufficient to make any difference.

3.5 Water supply

ESD3 states that Cherwell is in an area of water stress. The whole issue of drainage and watercourses is a major concern, especially given local flooding including in the neighboring village of Wendlebury. We have been advised by Great Wolf that all the water supply and foul water will

be channeled into the Kingsmere system because of the lack of capacity in Chesterton and Little Chesterton.

Thames Water comment:

“Thames Water recognises this catchment is subject to high infiltration flow during certain groundwater conditions. There is no mention of alleviating this issue”.

Their reply goes on to say:

“Given the close proximity of the proposed development to the pumping station we consider that it is likely that amenity will be impacted and therefore object”.

There is no evidence that approval has been sought by the developer from the lead Local Flood Authority for surface water, which Thames Water will not allow to be discharged into the public network.

Thames Water states:

“ has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal.

The development may lead to no/low water pressure.

There are water mains crossing close to your development. Thames Water does NOT permit the building over or construction within 3m of water mains”.

3.6 Sewage

While Thames Water state there is the capacity for this development we can prove that when it rains there is raw sewage and toilet tissue flowing like a fountain onto Church Road.

Thames Water is regularly called out to clean and disinfect the road. However, they have told the Parish Council that there is currently no way to stop this due to capacity issues and that the sewage system is overloaded all the way through to the sewage works in Bicester.

3.7 Gas

The planning statement 4.2 Net Zero Carbon development and 5.13 states renewable and low carbon energy. However, the application has full costings for gas supply to the estate.

There is no demonstration of how this development will be using renewable and low-carbon energy or how it will achieve Net Zero Carbon.

If this application is not completed before 2025 no gas can be connected to the site.

4. Traffic Volumes

There are already huge developments in Chesterton: the massive Great Wolf development on the A4095, including a 500-capacity car park, which was strongly opposed by Cherwell District Council and most local villages; the expansion by the Bicester Hotel by 52 extra rooms; and the development by Bicester Sports Association on Akeman Street. It is therefore not difficult to envisage there will be considerable extra traffic on Chesterton village roads. This should be a considering factor with the Wates development proposing 147 new homes the vast majority of which will use motor vehicles as is the case with the Alchester Park and Audley Gardens developments. The only proposed access to the site is off Green Lane close to the Vespasian Way entrance to Alchester Park and close to The Hale/Akeman Street road junction.

The speed and volume of traffic along Green Lane is already a concern to the residents with over 300 car and countless service, delivery, and utilities vehicles daily. Together with Oxfordshire County Council Highways Chesterton Parish Council is working on the introduction of a series of traffic calming measures to reduce the volume and speed of cars in the village.

The submission states that there is no issue with the junction of Green Lane and The Hale. However, we know from local experience that there are daily incidents resulting in damaged cars, evidenced by numerous car body parts littering the verges. Car passengers have been seriously injured, resulting in the air ambulance being used. The increase in traffic can only increase the likelihood of further serious incidents.

No consideration has been given to the junction of B430 and Akerman Street, (the extension of Green Lane) which is also a site of regular and often serious incidents. This road is a “**rat run**” that cars, lorries, and HGVs use to avoid the M40 Junction 9. This is not only at traditional travel peak times but all through the day and night.

Please also note that Little Chesterton road which is used as a “**cut-through**” by many users is in the process of becoming gated with no access to through traffic.

5 Education

In line with the agreed formula (2,57 per 147 homes), a development of 147 homes would generate 56 children of Primary School age and 36 at the Secondary level.

Chesterton C of E Primary School is operating at full capacity including pupils from Kingsmere because St. Edburg’s is already operating at full capacity. The Wates Development pupils could be found places in Schools in East Bicester where there are places. This would be unacceptable and would frustrate integration in the community.

In time those pupils living in the further afield catchment areas of Chesterton (i.e. Wendlebury, Weston-on-the-Green, and Middleton Stoney might well find it difficult to gain places at Chesterton given the distance factor).

6. The landscape proposed for the development

CLP policy ESD13 requires that new development enhances the character and appearance of the landscape. Development that causes undue visual intrusion into open countryside, is inconsistent with local character, harms tranquil areas, and harms the setting of settlements will not be permitted. Policy PV2 requires that significant landscape impacts should be avoided and this is undeniably the case with this application. The site is Grade 3a agricultural land and therefore falls within the definition of “**best and most versatile**”. Para 174 in the NPPF encourages decision-makers to recognise the economic and other benefits of the best and most versatile land.

The application notes that most of the site is BMV. As noted above, the 750 total for housing in Category A villages has been significantly exceeded to the extent that there is no need to find any more land for housing under this policy. It is also the case that the district can demonstrate a 5 year supply of housing land. Given these set of circumstances, BMV agricultural land should not be lost to development.

The site is a large and open field that forms an important open setting and the western entrance to the village. It is bordered and crossed by 3 public rights of way. Even the applicant's landscape assessment notes that the development of the site will harm the landscape. As a result, the development will conflict with CLP policy ESD13 and PV2 in this regard.

7. Heritage

Policy ESD15 of the CLP requires new development proposals to conserve, sustain and enhance heritage assets, including their setting. In line with national policy the NPPF, also requires applicants to assess the impact of the proposal on the significance of the asset.

The heritage assessment submitted with the application notes that the application site forms part of the rural agricultural backdrop to the conservation area and Grade II listed Chesterton Lodge house. This study concludes that a 'significant effect' on both assets is 'not anticipated'. Whilst the term used in the applicant's report is different from the language typically used and expressed in the NPPF, it is a conclusion of less than substantial harm to the setting of the heritage asset.

Paragraph 202 is clear that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, that harm should be weighed against the public benefits of the proposal. In undertaking such a balancing exercise, paragraph 199 of the NPPF states that great weight should be given to the asset's conservation. This is underlined by the statutory duty in the planning **(Listed Buildings and Conservation Areas) Act 1990** to give great weight to the protection of the setting of listed buildings. The planning statement does not undertake the necessary balancing exercise.

As the district can demonstrate a 5 year supply of housing land, it is difficult to see how the less than substantial harm (we believe to be) identified by the applicants is outweighed by the public benefits of this proposal. As a result, the proposal conflicts with ESD15 and has not followed due process as required by the NPPF.

Conclusion

Chesterton Parish Council strongly objects to this housing development proposal. The proposed development is not an allocated development in the local plan and cannot be considered as yet in the emerging Local Plan.

The proposed development does not appear to meet any existing needs in the village. Nor is it required to meet any shortfall in Cherwell's housing land supply.

Chesterton Parish Council believes that the proposed housing development will cause considerable harm to the village, outweighing any possible benefits, and should therefore be refused.

