

**Site Address: Land West of Oxford  
Close and North of Corner Farm, Station  
Road, Kirtlington**

**14/01531/OUT**

**Ward: Kirtlington**

**District Councillor: Councillor Simon Holland**

**Case Officer: Linda Griffiths**

**Recommendation: Refuse**

**Applicant: Gladman Developments Ltd**

**Application Description: Outline – Demolition of existing bungalow and agricultural buildings and residential development of up to 95 dwellings including highway works, landscaping and public open space.**

## **1. Site Description and Proposed Development**

- 1.1 This application is subject to an appeal against non-determination. The application site relates to approximately 5.8 hectares and is located to the west of Lince Lane. An existing bungalow and agricultural buildings are located on the south western boundary of the site. It is proposed that these buildings will be demolished. The land is currently farmed in conjunction with the aforementioned farm unit and cattle graze the land. The application seeks consent for up to 95 dwellings, landscaping, access and public open space. The site is bound to the south and west by Kirtlington Golf Club, agricultural land to the north and existing residential development to the eastern boundary.
- 1.2 Vehicular access to the site is proposed via a proposed priority junction with the A4095 Lince Lane/Oxford Road, with a right turn facility into the site on the outside of the bend in the middle frontage of the site and improved footways back into the village centre. Access is for consideration as part of this outline submission.
- 1.3 The application site is elevated above the adjacent A4095 by approximately 1 metre. The frontage to the A4095 is bounded by a natural stone wall. An existing public right of way which exits via a stile onto the A4095 verge along the eastern boundary will be retained as part of the application proposal.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letter, site notices and a notice in the local press. The correspondence received is summarised below, the letters can be viewed in full within the application documentation.

90 letters have been received. The following issues were raised

- 95 dwellings is too many for the size of Kirtlington of 400 homes to absorb, but if the powers that be decide that we need this number of new houses nonetheless, they should be spread over several locations in the village. To group so many adjacent to the twentieth century houses in the village will be to divide the village into old and new.
- New residents will find it more difficult to integrate and we will be in danger of losing our community cohesiveness
- Having very possibly more than a hundred cars using a junction on the bend in a busy A road seems unwise, as does increasing the traffic flow along Bletchington Road, with its right angled bend known locally as 'death corner'

- It is an unbalancing and unbalanced proposal for a village of Kirtlington's size. It would mean our population of approximately 1,000 would increase by 30-40% in a single development and much too large not to have a dramatic impact on the village which has never grown at this pace or scale before.
- Development should be directed to the larger settlements such as Banbury and Bicester and Upper Heyford and make a much more meaningful contribution to the housing shortage in the county.
- Other suitable sites may be available, such as the former quarry at Shipton on Cherwell which would even offer the possibility of new railway connections to Oxford and Banbury
- A development of this scale would have a dramatic and negative impact on the infrastructure of the village, and the roads in particular. The A4095 is already very busy at peak times, and the traffic by the village shop and Oxford Arms is already hazardous enough for young children and the elderly crossing the road there.
- Village primary school is at capacity and cannot easily cope with the influx of so many families at once. What advanced provision is being made for the primary schooling of the children coming into the village with these new families, and the secondary school at Woodstock. The primary school has been extended in the past, but doing so again would deny the pupils their outdoor space. Lack of spaces will result in children having to be driven to school elsewhere which is not environmentally friendly and will cause further traffic congestion and have a negative impact on the village demographically.
- The footpath infrastructure is inadequate, there is a very narrow and ill-used footpath running from Hatch Way into the field which is proposed as one of the main pedestrian routes to the centre of the village. In its current state, this is a totally inadequate and unsuitable path and there is no possibility of widening it between 1 Hatch Way and the first house in Oxford close.
- The possibility of a by-pass to this side of the village would be made impossible by this development
- Flood risk, has this been properly addressed
- Electricity infrastructure is not adequate for the current demand in the village, will a new sub-station be proposed
- Could you confirm the effect on the local water supply pressure which is currently just adequate, adding a further 95 houses will have a negative impact on the pressure currently enjoyed
- Traffic speeds are often in excess of 30mph as they enter the 30mph zone. This is an extremely dangerous section of the road due to the sharp bend and blind summit which will make it very difficult to join this road from the proposed development. The front boundary wall to Willow Tree was recently damaged by a car that lost control on this bend.
- Additional traffic, Kirtlington is often used as a rat-run for cars and lorries who try to by-pass the A34 to join the M40 at Ardley. Main road through the village is already congested, particularly at peak times. Large vehicles bring the road to a standstill on a daily basis at the narrowest points through the village
- Access point is from one of the most dangerous points of this road, on a double bend and brow of a hill
- Overlooking and loss of privacy, due to the topographic level difference of approx 1.5m
- Tree screening must be at an appropriate density, particularly during winter periods when leaves and foliage are sparse and less effective for screening.
- Noise and disturbance from construction
- Light pollution from the development, the southern part of Kirtlington has no light pollution from street lights
- Sustainability, what sustainable features will be incorporated. Given the Government targets for reducing carbon emissions, are we correct in assuming the development will be to Code level 5 given that this is a green

field site

- Ecology, how will local ecology be protected, including the local bat colony. We believe there are also reptiles and badgers to protect on this site
- Experience large volumes of traffic through the village, including articulated lorries when there are issues on the M40 or A34.
- Need to consider local doctor surgeries (Islip and Woodstock) which I believe are already at capacity, permission has already been granted for 58 homes in the neighbouring village of Bletchingdon, so the pressure on this resource has already been increased
- There has been no bat survey and this is a bat habitat and should be rejected as it would affect a protected species. Harriers also hunt in this location.
- Brownfield locations at Enslow which are preferable to building on rural farmland.
- Set a precedent for the adjacent field
- Kirtlington desperately needs affordable housing so please ensure that this development, if it happens has a significant proportion of affordable homes. The last thing the village needs are more huge houses that are affordable only to the wealthy
- Detrimental to the character of the village much of which is a conservation area.
- Accept the principle of greater housing provision in the village but consider that the proposal envisages much too substantial a development in one place. The council should envisage a balanced development across the village at different sites as happened up to now at Gossway Fields and Woodbank.
- Difficult to integrate such a large new development into the village
- If we have to have houses in the village, the proposed site of the two fields by the golf course would be the least offensive.
- Not in line with the neighbourhood referendum which shows the population wants only up to 50 properties in the life of the neighbourhood plan
- An archaeological dig of this important Roman site has not been undertaken
- Loss of views
- Premature pending the outcome of the local plan review and Inspector's view on CDC's housing distribution strategy and SHLAA
- So as to remove any potential Challenge, the development must be the subject of an Environmental Impact Assessment, following completion of a full Scoping and Screening exercise
- 95 is excessive and constitutes overdevelopment in light of net developable area, likely to be realised once meeting the needs of site restrictions. This should be replaced by 'in the region of 50' or certainly 'not to exceed 75', the exact number to be design led in light of site specific constraints.
- Must include a landscape buffer along the entirety of the northern and western boundaries
- Would increase the size of the village by 25%
- Sewerage system for the village will not cope with increased demand, already problems with sewerage leaks. Thames Water deal with the problem on each occasion and have expressed their concern about the pipes' insufficient capacity to deal with the current amount of houses in the village
- Gladman claim that Kirtlington is very sustainable, boasting a good range of services and facilities, this is simply not true, there is one small shop, an upmarket pub exclusive restaurant and a small playing field and access to existing community facilities will require crossing the a4095. The local public transport network is an hourly bus service that doesn't run after 7:30 in the evening and not at all Sundays
- Contrary to C7 of the Local Plan which does not permit development that would cause demonstrable harm to the topography and character of the landscape
- The development should be reduced in size by 50% and housing for the

elderly prioritised

- Application will change the approach to an ancient village in a conservation area
- The scheme would change forever the feel of this ancient village, the scheme itself is really just a housing estate with some walkthroughs: completely unimaginative and entirely unsuitable
- Red brick housing is shown, which in this village with a large conservation area would be inappropriate. Stone type brick should be used
- Inadequate ecology reports and assessments
- Is in breach of current and emerging planning policy
- Localism and the views of the parish: the proposed development is not supported by the overwhelming majority of people who live in the parish. The views of the community must be listened to if localism means anything
- Not clear that the potential impact on Kirtlington Quarry, an SSSI is being adequately considered
- Broadband is slow making working from home impossible
- As there are very few immediate employment opportunities in the village, if this development goes ahead it will result in additional use of private cars in and out of the village
- Kirtlington is linear in nature, the addition of an outcrop on its western side is thus not in keeping
- Although the site has been identified within the SHLAA as a potential location for up to 75 dwellings, this has not been tested and cannot be assumed as being an appropriate location for this number of dwellings
- Consultation within the village, coordinated by the Parish Council, is intended to guide the process for production of the emerging Mid Cherwell Neighbourhood Plan and it is hoped that this process is given substantial weight as being representative of local opinion
- Irreversible loss of agricultural land
- The LVA has not included winter views, thus the potential visibility of the site has not been fully assessed
- Kirtlington is a hill-top village and as such its visibility from the wider landscape, particularly the west needs careful consideration
- Development does not relate to existing settlement pattern and would be contrary to the Countryside Design Summary
- Long history of problems between the adjacent golf course and the landowner Mr East with respect of stray golf balls on the site. Safety is therefore an issue which needs to be taken into consideration

1 letter of support states

- The village is in desperate need of low cost affordable and social housing. ALL of the houses in the application MUST fit this description, only on that basis do I support the application
- All houses, one, two and three bedroom need to be built in such a way that they cannot be extended or improved. Kirtlington does not need more large properties
- It is an opportunity to get back the social balance and support ailing pubs, shop, village hall, sports clubs, church etc

### 3. Consultations

- 3.1 **Kirtlington Parish Council:** supported by the Parish development Survey 2014 strongly objects to this application as follows:

The Localism Act and the emerging Mid-Cherwell Neighbourhood Plan

Kirtlington is one of twelve parishes participating in the preparation of the Mid-

Cherwell Neighbourhood Plan. In accordance with the requirements of the Localism Act, Kirtlington parish council has undertaken a parish-wide Development Survey requiring the community as a whole to give their views on the provision of new housing, in order to inform the emerging Neighbourhood Plan, which in turn feeds into the emerging Cherwell Local Plan. The proposal does not accord with these views.

Scale of development is disproportionate to the size and scale of Kirtlington and is proposed in an area outside the boundary of Kirtlington and exceeds the number suggested in the above mentioned Development Survey. The proposed modifications to the Local Plan are for 750 dwellings in category A villages to 2031. Distributed on the basis of population size, Kirtlington's share would be 18 homes. Therefore this proposed development far exceeds the growth proposed by CDC and subsequently cannot be considered to be sustainable.

Kirtlington Primary School is at near capacity and the current site does not permit further expansion, any attempt at expansion would create overdeveloped school premises with little outside space for play. The provision of up to 95 houses would necessitate the construction of a second or replacement primary school and finding a site for this. It is imperative that all residents children of primary school age continue to be able to attend a school in the village.

Sewerage provision is inadequate and cannot accommodate a development of this size.

Archaeology – the submitted desktop survey is inadequate. Local historians have always considered the site, in its elevated position, to be significant. The village is known for its medieval, Saxon, Roman and other pre-historic sites. Development at this site presents a potential threat to the area's archaeological heritage. It is noted that the application has located the Medieval shrunken village outside the site. Page 10 of the Kirtlington Conservation area appraisal of 2011 shows this as being located across the proposed entrance to the site. Given that no physical investigation has been carried out, the archaeological field evaluation must include, as well as across the whole site, a detailed investigation in the vicinity of the entrance to the site.

Conservation Area – the boundary of which runs through the centre of kirtlington, along the A4095. The development is of a scale and size that is disproportionate to the village and its proximity to the conservation area will cause a severe impact. The development neither preserves nor enhances the conservation area and therefore contravenes the Planning (Listed Buildings and Conservation Areas) Act 1990.

Commuting – the claim of easy access to a rail station is totally inaccurate. There should be a traffic density survey of local roads at commuting times of day, and the effects of other agreed or proposed housing developments factored in. map contours show the journey to the rail halt at Tackley by foot or bike to involve a steep incline down to the canal and river Cherwell, across an often flooded plain and up another steep incline, which is via a muddy track at the edge of a cultivated field. The estimated time on foot is 50 to 60 minutes and cycling only feasible on a mountain bike. Trains run at roughly 2 hour intervals throughout the day. The journey time to London, changing at Oxford is timetabled as 2 hours 10 minutes. The circular route by car is long on very narrow roads and there is no station car park. No rail station is in easy access on foot, by bicycle or by bus, as the buses to Bicester and Oxford do not stop near any station. Bus 25 is claimed to run all day to Kidlington village, but only runs alternate hours 9.30, 11.30 and 13.30 returning on the hour and not 'all day'.

Ecology – the survey methods are inadequate

Ground conditions desk study – states that an 'intrusive investigation, testing and risk

assessment' is required. This has not been supplied and should be supplied.

Social demographics – a community such as Kirtlington is developed over a long period of time. With only 450 dwellings, increasing this number in one development by up to 20% will have a severe impact on the character of the village, and its social demographics. The submitted statement makes no reference to the lack of space in the school, nor insufficient nursery provision. There is no reference to housing needs of first time buyers, or those needing care. The site is not within walking distance of any significant employment site as the business park referred to is tiny with few openings and some distance by road. The document refers to 'wage-spend of construction workers in local shops and other facilities'; we have one small village shop and no facilities that would benefit. The SCI lists issues raised during consultation and attempts to respond, but some of the responses promise further information or reports which are still omitted from the papers of this application and inaccuracies exist in other responses.

Landscape and visual assessment – the visibility from existing homes, one bridleway and two footpaths of this development, once built above ground level is underestimated.

Highway safety – the right turn into the site if approaching from the east is known to be dangerous. A pronounced left-hand bend has already begun at the eastern end of the site frontage. The left-hand bend continues uphill and reaches the brow of the hill at the current entrance to Corner Farm. Thus any westbound vehicles turning right into the site would have a wholly inadequate line of sight of eastbound traffic, which is concealed by the brow of the hill. Conversely, for traffic approaching on a right-hand downhill bend from the west, there is no forward visibility until it is over the brow of the hill, thus there is insufficient safe stopping distance should a west-bound vehicle cut across. Increased traffic through the village and increased congestion. The submitted Transport Assessment does not include the effects of developments underway and proposed in the district which bring traffic through Kirtlington.

Planning policy – contrary to policies C1, C2, C8, C9 and C27 of the Cherwell Local Plan 1996.. Contrary to emerging policy villages 2 and Modification 147. There would be an adverse impact on wildlife assets at this site and as in relation to Policies C1 and C2 refers the district to comments made by members of Kirtlington Wildlife and conservation society.

SHLAA – the Planning Policy team has confirmed that while the SHLAA appendices were a consideration in the preparation of Policy Villages 2, they are not part of the Cherwell local Plan, nor do they have policy weight. The development potential of sites described in the SHLAA appendices (in this case 75) should not be interpreted by developers as a literal statement of the appropriate scale of extension to any existing settlement

### **Cherwell District Council Consultees**

- 3.2 **Planning Policy Officer:** The site is located at the southwest entrance to Kirtlington village. The site includes agricultural land and the corner Farm that occupies the site. The Kirtlington Golf Club lies immediately to the west and south of the site with residential to the east and agricultural land to the north. The site is elevated above the adjacent golf course, the adjacent residential properties, and the adjacent A4095 with open views from the A4095 into the site. This is a Greenfield site outside the built-up limits of the village.

The saved policies of the adopted Cherwell Local Plan should be considered. The main policies relevant to this proposal are:

**Policy H18: New dwellings in the countryside** – sets out the criteria for allowing new dwellings in the countryside. It is intended to ensure that the countryside is protected from sporadic development.

**Policy C7: Harm to the topography and character of the landscape** – In preparing any detailed proposals, consideration should be given as to whether development would cause demonstrable harm to the topography and character of the landscape.

**Policy C8: Sporadic development in the open countryside** - applies to all new development proposals beyond the built-up limits of settlements. The Council will resist such pressures and will where practicable direct development to suitable sites at Banbury and Bicester.

**Policy C9: Beyond the existing and planned limits of the towns of Banbury and Bicester** - aims to limit the level of development elsewhere in order to protect the environment, character and agricultural resources of the rural areas.

**Policy C13: Areas of High landscape Value** – careful control of the scale and type of development will be required to protect the character of the Areas of High Landscape Value, and particular attention will need to be paid to siting and design.

#### **NPPF**

The NPPF should be considered. The paragraphs of the NPPF most pertinent to this application from a Local Plan perspective are:

Paragraph 17 sets out the core planning principles that should underpin plan-making and decision-taking, including that planning should:

- Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth
- Always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings
- Recognise the intrinsic character and beauty of the countryside
- Contribute to conserving and enhancing the natural environment and reducing pollution
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling

Paragraph 28 on supporting a prosperous rural economy

Paragraphs 29, 30, 32 and 34-36 on promoting sustainable transport

Paragraphs 47-50 and 55 on delivering a wide choice of high quality homes

Paragraph 47 requires local planning authorities to 'identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

Paragraph 49 states that 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'

Paragraph 56, 57, 59-64 on requiring good design

Paragraph 109, 112, 120 and 123 on conserving and enhancing the natural environment

Paragraph 109 states ' the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability'

### **NPPG**

The NPPG states that it is important to recognise that particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. It states that assessing housing need and allocating site should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas.

The NPPG should be considered, particularly guidance on understanding housing needs, rural housing, natural environment and conserving and enhancing the natural environment.

### **Non-Statutory Cherwell Local Plan 2011**

The Non-Statutory Local Plan should be considered. Whilst some policies within the Plan may remain to be material considerations, other strategic policies have in effect been superseded by those of the Submission Local Plan (January 2014) and Modifications to the Submission Local Plan (August 2014). The Planning Policy Team should be contacted on 01295 227985 if advice is required on individual policies.

The main policies relevant to this proposal are:

Housing: Policy H19 New dwellings in the countryside

Transport: Policy TR1 – TR4

Conserving and enhancing the environment: EN30 Sporadic development in the countryside; EN31 Beyond the existing and planned limits of the towns of Banbury and Bicester; and EN40 Conservation

### **Proposed Modifications to the Submission Local Plan 2011-2031 (October 2014)**

A new Local Plan was submitted to the Secretary of State on 31 January 2014 for Examination. There are outstanding objections to some policies which have yet to be resolved. The Examination was suspended on 4 June 2014 to enable the council to propose modifications to the plan involving increased new housing delivery over the plan period to meet the full, up to date, objectively assessed, needs of the district, as required by the National Planning Policy Framework (NPPF) and based on the Oxfordshire Strategic Housing Market Assessment 2014 (SHMA).

Modifications to the Submission Local Plan (Part 10 was consulted between 22 August and 3 October 2014 which was generated over 1,500 individual comments. The Proposed Modifications to the Submission Local Plan (Part 1) was submitted to the Secretary of State on 21 October 2014 for examination.

The Main Modifications propose several new sites in order to achieve the District's assessed housing need and maintain a deliverable five year housing land supply. The site is not proposed for allocation.

The main policies relevant to this proposal are:



Policy Villages 1: Kirtlington is identified as a category A village where minor development, infilling and conversions will be permitted.

Policy Villages 2: has been revised by including a total housing requirement for the Category A villages which includes Kirtlington. A total of 750 homes will be delivered in Category A villages which now includes Kidlington. Sites will be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable, and through the determination of applications for planning permission.

Policy BSC1: District Wide Housing Distribution includes a table of completions, permissions, allocations and windfalls for the areas of Bicester, Banbury and Rest of District. The table shows that a total of 22,840 new homes will be provided by 31 March 2031.

Policy BSC3: Affordable Housing sets out the requirements for the provision of affordable housing. In rural settlements such as Kirtlington, all proposed developments that include 3 or more dwellings (gross), or which would be provided on sites suitable for 3 or more dwellings (gross), will be expected to provide at least 35% of new housing as affordable homes on site.

Policy BSC4: Housing Mix expects new residential development to provide a mix of homes to meet current and expected future requirements.

Policy ESD13: Local landscape Protection and Enhancement expects developments to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.

Policy ESD16: The Character of the built and Historic Environment requires new developments to complement and enhance the character of its context through sensitive siting, layout and high quality design.

### **Other Material Considerations Five Year Housing Land Supply**

The Council does not presently have a five year housing land supply. The current published position is reported in the Housing land Supply Update June 2014 which concluded that the district had a supply of 3.4 years for the period 2014-2019. This reflects the Oxfordshire SHMA 2014 figure of 1,140 dwellings per annum, currently considered to be the objectively assessed housing need for the district. The 3.4 years of supply includes a requirement for an additional 20% buffer, taking account the shortfall (2,314 homes) within the next five years.

### **Strategic Housing Land Availability Assessment Update 2014 (SHLAA)**

The SHLAA is a technical document and is a key element of the evidence base for the emerging Cherwell Local Plan. It will help the Council to identify specific sites that may be suitable for allocation for housing development. The SHLAA is to inform plan making and does not in itself determine whether a site should be allocated for housing development.

The site is included in the SHLAA Update 2014 (August 2014) with the site reference KR010. The site assessment concluded that '*this is considered to be a potentially developable site providing for about 75 dwellings on a narrower 2.5ha of land to the rear of Oxford Close*'. The SHLAA recognises that approximately 2.5ha of the site to the east is developable. This includes the area adjacent to Oxford Close and east of Corner farm which could provide a linear pattern of development similar to the surrounding residential properties.

### **Overall Policy Observations**

The application site as currently drawn would be out of scale to the rest of the village, however a smaller part of the site to the east is considered to be acceptable for residential development in the absence of a five year land supply. At the present time, a five year supply of deliverable housing land cannot be demonstrated (under the requirements of the Oxfordshire SHMA 2014). The total number of homes proposed on site would not be in keeping with the village and would result in an increase of 20% to the overall housing stock. It is therefore more appropriate to reduce the number of dwellings proposed to a similar level to the SHLAA or possibly lower to reflect the character of the village and to minimise the visual impact on the countryside.

It is noted that the level of affordable housing proposed accords with emerging policy and the needs of affordable housing is of course high. However, affordable housing is being delivered and planned growth will generate significant additional supply.

In advance of the Local Plan 2 or a Neighbourhood Plan it will be necessary to consider the District's current housing supply situation, to be mindful of emerging policy and the likely impact of the proposed developments on a case by case basis. Consultation on Proposed Modifications to the Submission Local Plan was held between 22 August 2014 and 3 October 2014 and includes Kirtlington as one of a group of the most sustainable villages with a rural housing allocation of 750 homes in addition to planning permissions as at 31 March 2014. Planning permissions at 31 March 2014, including that for the application site, are additional to the proposed rural allocation (including Kidlington) of 750 homes (Policy Villages 2).

### **Policy Recommendation**

From a Policy perspective the proposal would lead to an incursion into the open countryside and the loss of natural resources. There would be benefits from the provision of new homes (including affordable housing). However, landscape and other impacts will need to be considered. The scale of the proposed development in this location causes some concern regarding the impact it will have on the character of the village and the visual impact on the countryside.

- 3.3 **Design and Conservation Officer:** the proposals have been reviewed based on the information set out within the Design and Access Statement and framework plan. This document sets out the approach for the development proposals. One of the major considerations of the scheme has been how the proposals sit with the site context. The village is a well contained settlement with a strong linear pattern following the original route of Portway, with Greens located at junctions with other historic routes and bound on the east side by Kirtlington Park. The village has seen some 21<sup>st</sup> century infill development and relatively little 20<sup>th</sup> century development, the bulk of which is located adjacent to the proposed site along Oxford Close and Hatch Way in long, linear cul-de-sac form. While the form follows the linear nature of the settlement, this development exhibits many of the poor characteristics of the cul-de-sac form and shows poor relation to the rest of the village.

The Countryside Design Summary SPG identifies the village within the Ploughley Limestone Plateau character area, while the site itself falls within the Cherwell Valley character area. As the site provides a significant expansion of the village, it is appropriate to consider the site as also within the Ploughley Limestone Plateau character area. The document provides an analysis of the predominant characteristics of both the landscape and built environment identifying subsequent implications for new development. Specific to this site, new development should reinforce the existing street pattern, which creates the basic village form. In linear villages, development should strengthen the dominant street scene, limit back-land development and should reflect the character and locality in terms of the relationship between buildings, open space and roads.

With this guidance in mind, it is considered that the proposal does not represent a scheme that enhances the setting and distinctive character of the village. The principles applied to the site layout would provide an appropriate starting point for design if this was an infill site within one of the market towns. However, given the scale and location of expansion clearly goes against the established settlement pattern, and lack of connectivity to the village core represents back-land development.

In terms of access, connectivity and integration, the main concern stems from the single point of access for 95 houses, forming an additional, larger cul-de-sac to the existing 20<sup>th</sup> century development at Oxford Close. Policy ESD16 (the character of the built and historic environment) of the submission local plan requires new development to be designed to integrate with existing streets and public spaces. The inward looking nature of the cul-de-sac adjacent to the site presents an awkward boundary, and prevents an appropriate level of interaction with the existing village. The Public Right of Way that runs along the eastern edge of the site is poorly maintained, and at the time of visiting the site was impassable at the northern access. Despite the overgrowth of vegetation the legibility of connection is very poor from both Hatch Way, and within the site. As such it is considered that this route is not of appropriate scale or quality (particularly lack of natural surveillance) to suggest that the site is well integrated with the village core. It is more likely the clear and desirable pedestrian connection to the village. Therefore, with consideration that the site will be served by a single access for vehicles and the majority of pedestrians enhances the isolated nature of this development and does not sufficiently integrate with the existing village.

The Design and Access Statement covers only high level aspects of master-planning and contains less detail than we would expect for a scheme of this scope and scale.

- While it is stated that the development will seek to take cues from the historic core, and a brief analysis of the character of Kirtlington has been conducted, there is little explanation of how these would be distributed and applied across the scheme and so does not set a clear vision for how future development can come forward. Very little information is pulled out to summarise how the findings relate to the future urban form, architecture and public realm at Lince lane. A set of parameter plans and defined character areas would be expected.
- Given the sites prominent location from the southern approach, and expansion beyond the built up limits of the village there are a number of sensitive edges which require specific design solutions
- The eastern edge presents a particularly difficult relationship with existing development which presents rear gardens to the site. Protecting the amenity of these residents, whilst appropriately addressing this edge requires further thought. The approach indicated in the framework does not appropriately resolve the issue of private space being exposed to a newly developed public realm
- The north and west and south boundaries will require significant planting to provide a more robust vegetation buffer to screen sensitive views.
- The frontage onto/visible from Lince Lane will provide a new gateway to the village and must be designed to reflect this.
- The proposed framework is self-referencing and it is expected that the built form and arrangement of typologies should more closely reflect the historic core
- The illustrative master plan and sketch views do not tally up. The plan shows a continuous built form surrounding the 'greens' whilst the sketch shows a predominance of detached properties. This is not an approach that would be supported.

- 3.4 **Ecology Officer:** An old bat roost in the roof of the bungalow and the potential for reptiles to be present are the main findings of the ecological survey. Given the habitats on site, no other protected species are likely to be affected. The existing hedgerows will be retained, which form a good wildlife corridor and buffer, although it appears that the existing small orchard by the bungalow will be lost. An effort should be made to incorporate these apple and cherry trees into the layout.

In general though the ecological enhancements recommended should result in a net gain to biodiversity if carried out appropriately. Since there is a known population of swifts in Kirtlington swift nest boxes are something that should also be considered. Also, integrated bat boxes, rather than ones fixed onto trees around the site are preferable. The advantage of this type of bat box over the more common externally hung types is that there is no danger of them being removed or falling off. They will last as long as the lifetime of the building and require no maintenance. Since a rare species of bat was recorded foraging or commuting nearby during the surveys, it is particularly important that the lighting scheme does not affect any existing, or new, woodland or hedgerows.

Having regard to the above, a number of conditions are recommended to be attached to any consent. (Details can be found on the council's website)

- 3.5 **Environmental Protection Officer:** No comments received

Anti Social behaviour manager: there are two issues arising

1. noise exposure to the site and in particular an appraisal carried out by Wardell Armstrong. I have reviewed this assessment and am content that it accurately reflects the noise climate that prevails on and close to the proposed development site. Accordingly no conditions in relation to additional sound insulation will be required.
2. safety issues arising from the proximity of Kirtlington golf course on the boundary of the site. This issue is highlighted in a letter submitted by solicitors acting on behalf of the golf course owners. In this letter they draw attention to the historic position regarding their client's site. They further indicate that their client voluntarily erected fencing and carried out planting to prevent the escape of golf balls from their site onto the land that now forms the basis of the application site. They further go on to say that the physical fencing was removed some 3 years ago as the planted screen was considered sufficient to prevent the escape of golf balls from the site.

The use of planting to create a barrier must be considered a temporary solution to the problem as with time the trees and shrubs could deteriorate and become less effective. In this situation I would recommend that the applicants should be required to submit a specialists report prepared by a golf course architect that contains an appraisal of the current arrangements for boundary protection and recommendations as to what would be required in the long term to protect the proposed dwellings. Any additional works recommended should be conditional to any approval given.

- 3.6 **Landscape Officer:** The site is located on the edge of the village in the AHLV but outside the Conservation Area. The majority of the village is quite linear, Kirtlington is long and relatively narrow. This development will add a large 'bulge' to that shape. 95 dwellings will generate an additional population of approx 230 on top of the existing population of approx 1,000. This is a large percentage increase. There have been a small number of small estates built over recent years but none as large as the proposal.

The site is located on a slight ridge above the surrounding area but is not very visible on this ridge due to intervening topography, trees and hedges. The greatest visibility is from the footpath which runs to the rear of Oxford Close and from the unevenly

numbered dwellings on Orchard Close. Users of other paths in the vicinity will experience glimpsed or interrupted views of the site.

The site boundary to the A4095 is also very open to the site. This gives a fairly short but prominent view into the site from a relatively sharp bend in the road.

Viewpoints:

1&2; considerable impact of users of footpath with very close proximity to the development. The effect of the development is high and adverse

3&4; site well screened by existing vegetation, topography and distance. The effect on users of the path would be negligible

5&6; from VP5 the farm buildings at the corner of the site are clearly visible but within the context of wide open views. From VP6 views of the site disappear due to topography. There are likely to be some filtered views of the new dwellings in the SW corner of the site. Effects are likely to be minor adverse.

7; views from this bridleway are very limited due to intervening hedgerows, visual effects are negligible

8&9; these viewpoints are approx 2km from the site. The site is only visible as a glimpse through a gateway, otherwise negligible views of the site due to hedgerows

10&11; very partial views of farm buildings and silo. May be slight views of house tops. Minor to negligible effects

12; no view of site, unlikely to be any view of dwellings

13; site screened by vegetation, unlikely to be any views of dwellings

14; wide distance views with the barns and Gossway Fields visible in the distance. Likely to be some visibility of dwellings in SE corner of site. Minor effects

15; prominent open view of the site at close range from A4095. Major adverse effects

Residents of The Bungalow and Windover. Residents will experience both partial and clear close views of the development. Major adverse effects.

Residents of 1-14, 17&18 Oxford Close; existing properties very close to the development have short rear gardens and will be relatively close to the development. Major adverse effects

Residents of 5-25 Oxford Road odd numbers, likely to be partial, limited views. These dwellings already look over built form and the views will only be from first floor windows. Minor adverse effects.

1, 2, 4, 6 Hatch Way and Sylvan. Views only from upper floor windows. Partial views only. Moderate adverse effects

3-29 Hatch Way, odd numbers only; oblique view through/over existing hedgerow. Minor adverse effect

The conclusions of the landscape and visual assessment are fair. The study shows that the development will have limited effect on the wider landscape. There will be greatest impact from the footpath to the rear of Oxford Close, the dwellings backing onto the site and the Open view from the proposed entrance to the site on Lince Lane.

The proposal features increased peripheral planting on all boundaries which is to be welcomed. There is a central green which is a feature present in several locations in Kirtlington. This should contain the play facilities as they will then be easily accessible to all and overlooked by dwellings. There needs to be a combined LAP and LEAP in this location.

- 3.7 **Arboricultural Officer:** In the design stage particular attention should be given towards ensuring that sufficient distance is allocated between retained trees, particularly those of category 'B' rating located along the western and north western boundary. The future of Trees T1, T3, T4, T5 and TG2B should not be compromised due to the close proximity of structures and associated garden space which are then affected by reduced natural light levels, excessive afternoon shading. Dwellings

placed in close proximity to such potentially large trees will also raise perceived fears from residents regarding the structural condition of adjacent trees. Any dwellings proposed within influencing distance of these trees should have shading assessments undertaken with the results clearly shown on accompanying site drawings.

The existing hedgerow boundary to the north of the site should be retained and protected from residential activities by incorporating a 'buffer zone' and maintenance strip which provided a division from residential boundaries.

In order to provide privacy to dwellings in Oxford Close, the scheme should incorporate a new native hedgerow mix along the eastern boundary of the site, again providing a buffer zone to protect the hedgerow and wildlife habitat and a maintenance strip to provide access.

Any landscape scheme should accommodate replacement tree planting along and within western and northern boundaries to provide continuity and increase diversity and age range. Sufficient space to accommodate mature tree development should be provided within any proposed street scene or open space area.

**3.8 Housing Officer:** the affordable housing statement is fairly comprehensive in nature and details the need to provide 35% affordable housing.

Although the usual tenure split is a 70/30 rented/shared ownership, I will be requesting a 50/50 split as the local need for affordable rented will be satisfied by the number being proposed, and there are already around 40 rented properties in the village. Therefore offering a greater number of shared ownership will aid in providing smaller homes for first time buyers in the locale.

As outlined in the applicant's affordable housing statement the affordable housing should be clustered into no more than 10 units together or if its mixed tenure, no more than 15 units in one cluster. These clusters should be distinctively separate when located on a scheme. 50% of the rented element should comply with Lifetime Homes Standards and meet the minimum HQI requirements detailed in the HCA's Design and Quality standards.

Recommend a different mix to that indicated although this is indicative and subject to a reserved matters application. There was a Housing Needs Survey carried out in 2011 which identified a local housing need for 15 affordable homes. The affordable housing units should be transferred to an RP which should be agreed with the council.

## **Oxfordshire County Council Consultees**

**3.9 Highways Liaison Officer:** recommends refusal for the following reason

' the proposal lacks detail with regard to the geometry and visibility available at the vehicular access and therefore fails to demonstrate the proposed access would operate safely'

The plans submitted do not include tracking diagrams for large vehicles, eg refuse truck, turning to or from the site. Plans should be submitted to demonstrate that such manoeuvres would not involve running over the opposite side of the carriageway or turning lane.

Visibility splays of 2.4m x 43m are assumed to be appropriate by the transport assessment but I do not concur with this assumption. 85%ile speeds are shown to be

above 30mph and therefore I consider greater visibility is required. Forward visibility of vehicles turning right into the site does not appear to have been considered. Also I do not consider the speed survey is appropriate reference for approaching and passing speeds as it considers only the speed of vehicles at the point of the access.

Should the LPA be minded to grant planning permission then the county Council recommends the imposition of a number of conditions and obligations

3.10 **Drainage Officer:** No comments received

3.11 **Planning Archaeologist:** Objection. The site is located in an area of archaeological potential and the results of an archaeological field evaluation will need to be submitted along with this application in order that the potential impact of this development on any surviving archaeological features can be assessed.

A desk based archaeological assessment has been submitted along with the planning application which concludes that, as no monuments have been recorded within the site or within its immediate environs, the archaeological potential is low. However, no archaeological investigations have been undertaken within or close to the proposed site and therefore the archaeological potential of the site is currently unknown. Given the number of Roman sites and features recorded in the immediate area as well as the possible medieval earthworks close to the site there is the potential for the site to contain archaeological deposits related to these periods.

In accordance with the National Planning policy Framework (NPPF), we would therefore recommend that, prior to the determination of this application the applicant should therefore be responsible for the implementation of an archaeological field evaluation. This must be carried out by a professionally qualified archaeological organisation and should aim to define the character and extent of the archaeological remains within the application area, and thus indicate the weight which should be attached to their preservation. This information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on the basis, an informed and reasonable decision can be taken.

3.12 **Education:**

Primary - Kirtlington CE (VA) Primary school is already operating close to capacity and would have difficulty in absorbing increased local population. The school's site area just meets minimum guidelines for the current number of pupils, and would be below the minimum guidelines for a larger school. It may not, therefore, be feasible for the school to expand, but a full assessment would be required. If the school cannot expand and there is a local population growth, there would be an impact on other local schools, at which additional permanent capacity would be required. Any housing development in the area is therefore required to contribute towards expansion of primary school capacity in the area.

£370,740 Section 106 required for necessary expansion of permanent primary school capacity in the area. Kirtlington CE (VA) Primary School is the catchment school for this development.

Secondary – the area is served by The Marlborough CE School (a secondary academy), which has a capacity of 1138 places for 11-19 year olds. The school is expected to fill as a result of rising pupil numbers from the existing population, and would need to expand to make local housing development acceptable in planning terms. Developer contributions are required towards the capital cost of this expansion.

£388,892 Section 106 required for necessary expansion of permanent secondary school capacity in the area. This site lies within Marlborough CE School's designated

catchment area (an academy).

Special – across Oxfordshire 1.11% of pupils are taught in special schools and all housing developments are expected to contribute proportionately toward expansion of this provision.

£18,413 Section 106 required as a proportionate contribution to expansion of Special Educational Needs provision in the area.

3.13 **Property:** No objection

As this is an outline application, and a final mix has not been provided we are not able to provide detailed comments, and as we do not know the housing mix or when the development is likely to take place we are unable to calculate the population generated by the proposal. If the proposal was to take place, the County Council would expect that any additional strain on its existing community infrastructure would be mitigated. The County Council may require contributions towards: library, strategic waste and recycling facilities, museum resource centre, social and health care and adult learning.

The County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. There will probably be a requirement to affix fire hydrants within the development site. Exact numbers and locations cannot be given until detailed consultation plans are provided showing highway, water main layout and size. This is usually dealt with by condition.

The County Council's legal fees in drawing up and/or completing a legal agreement will need to be secured.

OCC will also require an administrative payment for the purposes of administration and monitoring of the proposed Section 106 Agreement.

## Other Consultees

3.14 **Thames Water:** Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application a 'grampian style' condition is recommended requiring a drainage strategy for the development to be submitted and approved prior to the commencement of the development.

3.15 **Environment Agency:** have no objection subject to the inclusion of a condition requiring the submission of a surface water drainage strategy based on the submitted FRA to be submitted and approved by the Local planning authority. In the absence of this condition we consider the development to pose an unacceptable risk to the Environment.

## 4. Relevant National and Local Policy and Guidance

### 4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H13:	Category 1 settlements
H18:	New dwellings in the countryside
C2:	Protected species
C5:	Creation of new habitats
C7:	Harm to the topography and character of the landscape



- C8: Sporadic development in the countryside
- C13: Area of High landscape Value
- C27: Development in villages to respect historic settlement pattern
- C28: Layout, design and external appearance of new development
- C30; Design of new residential development
- C33: Protection of important gaps of undeveloped land
- R12: Public open space provision
- ENV12: Contaminated land
- TR1: Transportation funding

## 4.2 Other Material Policy and Guidance

National Planning Policy Framework 2012 – Core planning principles and the delivery of sustainable development with regard to the following sections:-

- 4: Promoting sustainable transport
- 6: Delivering a wide choice of high quality homes
- 7: Requiring good design
- 8: Promoting healthy communities
- 10: Meeting the challenge of climate change and flooding
- 11: Conserving and enhancing the natural environment

### National Planning Policy Guidance

Non-Statutory Cherwell local plan 2011. Whilst some policies within the plan may remain to be material considerations, other strategic policies have in effect been superseded by those in the Submission Local Plan (October 2014). The main relevant policies to consider are as follows:-

- Policy H15: Category 1 Settlements
- Policy H19: New dwellings in the countryside
- Policy EN30: Sporadic development in the countryside
- Policy EN31: Beyond the existing planned limits of Bicester and Banbury
- Policy EN34: Conserve and enhance the character and appearance of the landscape

### Cherwell Local Plan – Proposed Submission Local Plan (October 2014)

The Local Plan has been through public consultation and was submitted to the Secretary of State for Examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in the light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation, from 22<sup>nd</sup> August to 3<sup>rd</sup> October 2014. Although the plan does not have Development Plan status, it can be considered as a material planning consideration. The Examination convened and closed in December 2014 and the Inspector's report is likely to be published in March 2015.

The policies relevant to this proposal are:-

Policy Villages 1: Kirtlington is identified as a village where infilling, minor development and conversions will be permitted

Policy Villages 2: Distributing growth across rural areas

Policy Villages 4: Meeting the need for open space, sport and recreation

Policy BSC3: Provision of affordable housing. In rural settlements proposals for residential development of 3 or more dwellings will be expected to provide at least 35% affordable homes on site

Policy BSC4: Housing Mix

Policy BSC10: Open space, outdoor sport and recreation provision

Policy BSC11: Open space, outdoor sport and recreation

Policy ESD3: Sustainable construction.

Policy ESD7: Sustainable drainage

Policy ESD10: Protection and enhancement of biodiversity and the natural environment

Policy ESD13: Local landscape protection and enhancement

Policy ESD16: Character of the built and historic environment

## 5. Appraisal

5.1 The key issues for consideration in this application are:

- Planning Policy and the Principle of Development
- Five Year Housing land Supply
- Design and Access Statement
- Landscape Impact
- Ecology
- Flooding and Drainage
- Archaeology
- Transport Assessment and Access
- Adjacent Golf Course
- Delivery of the Site
- Planning Obligation

### **Planning Policy and the Principle of Development**

5.2 The Development Plan for Cherwell District comprises the saved policies in the Adopted Cherwell local Plan 1996. Section 70(2) of the town and Country Planning Act 1990 provides that in dealing with applications for planning permission, the Local Planning Authority shall have regard to the provisions of the development plan, so far as is material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

5.3 The site in question is not allocated for development in any adopted or draft plan forming part of the development plan. Kirtlington is designated as a Category 1 settlement in the adopted Cherwell local Plan. Policy H13 of that plan states that new residential development within the village will be restricted to infilling, minor development comprising small groups of dwellings within the built up area of the settlement, or the conversion of non-residential buildings. The site is not within the

built up limits of the village and is therefore in open countryside. Policy H18 of the adopted Cherwell local Plan restricts new dwellings beyond the built up limits of settlements in open countryside to those which are essential for agriculture, or other existing undertakings, or where dwellings meet an identified and specified housing need that cannot be met elsewhere. These policies are carried through in the non-Statutory Cherwell Local Plan. The adopted Cherwell Local Plan contains no specific allocation for this site and the proposal clearly does not comply with this policy criterion and therefore represents development beyond the existing built up limits of the village into open countryside. The proposal therefore, needs to be assessed against Policy H18 which limits residential development beyond the existing built up limits of settlements unless they are agricultural workers dwellings or affordable housing. Quite clearly the development proposed fails to comply with this policy and in doing so also potentially conflicts with Policy C8 which seeks to prevent sporadic development in the open countryside but also serves to restrict housing development.

- 5.4 The Council's Strategic Housing land Availability Assessment Update 2014 (SHLAA) is a technical document and is a key element of the evidence base for the emerging Cherwell Local Plan and will help the Council to identify specific sites that may be suitable for allocation for housing development. The SHLAA is to inform the plan making only, and does not in itself determine whether a site should be allocated for housing development.
- 5.5 The application site is identified in the 2014 update of the SHLAA as having potential for a development of up to 75 dwellings. The SHLAA also advises that the western extent of the development would need to be limited to avoid new development that is out of scale and character with the size and setting of the village and therefore a much reduced developable area would be needed, this being approximately 2.5ha of land to the eastern part of the site at the rear of Oxford Close. In view of the lower density of housing in Oxford Close and the edge of the village location, the SHLAA suggests that a density of 30dph, producing a yield of 75 dwellings on a reduced site area. It also goes on to say that highway safety will be an important issue, particularly as access would be off a bend in the main road. The application as submitted is not in accordance with the 2014 SHLAA.

### **National Planning Policy Framework**

- 5.6 The NPPF is a material consideration in respect of the consideration of this proposal. Paragraph 49 of the NPPF states 'housing applications should be considered in the context of a presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable sites'.
- 5.7 The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve a sustainable development: contributing to building a strong, responsive and competitive economy; supporting strong vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (paragraph 7). It also provides (paragraph 17) a set of core planning principles which amongst other things require planning to;
- Be genuinely plan led, empowering local people to shape their surroundings and to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
  - Proactively drive and support sustainable economic development
  - Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
  - Support the transition to a low carbon future in a changing climate
  - Encourage the effective use of land by re-using land that has been previously developed
  - Promote mixed use developments

- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant developments in locations which are, or can be made sustainable
- Deliver sufficient community and cultural facilities and services to meet local needs

- 5.8 The NPPF at paragraph 14 states 'At the heart of the National planning policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision taking'.....For decision taking this means
- Approved development proposals that accord with the development plan without delay; and
  - Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
  - Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole, or
  - Specific policies in this framework indicate development should be restricted
- 5.9 The adopted Cherwell Local Plan 1996 is out of date in relation to the policies regarding the delivery of housing. The NPPF advises that due weight should be given to relevant policies within existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight may be given). The Development Plan (the adopted Cherwell Local Plan) contains no up to date policies addressing the supply of housing and it is therefore necessary to assess the application in the context of the presumption in favour of sustainable development as required by the NPPF.
- 5.10 Whilst it is acknowledged that Kirtlington is one of the more sustainable villages, this does not necessarily mean that the proposal itself constitutes sustainable development. The NPPF sets out three dimensions to sustainable development, those being economic, social and environmental which are considered below.
- 5.11 In terms of the environmental dimension, the development must contribute to the protection and enhancement of the natural, built and historic environment by improving biodiversity. Whilst this is a green field site and its loss will cause harm to the character and appearance of the countryside, this would be limited in the main to short distance views within the immediate vicinity of the site, on the approach into the village from the south and from the public right of way which runs along the eastern boundary of the site adjacent to Oxford Close. The development proposal also includes areas of open space, landscaping and additional tree and hedge planting.
- 5.12 In terms of the economic role, the NPPF states that the planning system should do everything it can to support sustainable economic growth. The development is likely to provide local jobs in the short term during construction, and in the long term provide economic benefit to local shops and businesses, both within the village of Kirtlington and the wider area. It should be noted however, that employment opportunities within the village and its immediate environs are very limited.
- 5.13 The social role to planning relating to sustainable development is to support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations. A high quality built environment and accessibility to local services is required as part of this function. Objectors have expressed concern that a lack of local infrastructure including health and education will put further pressure on local services and the lack of capacity within existing facilities, for example, the local primary school will make it difficult for future residents to integrate fully into the local community and result in out commuting for these

essential services.

- 5.14 The NPPF however, does not change the statutory status of the development plan as being the starting point for decision making. Proposed development which conflicts with the Development Plan should be refused unless other material considerations indicate otherwise.

#### **Five Year Housing Land Supply**

- 5.15 Section 6 of the NPPF 'delivering a wide choice of high quality homes' requires local planning authorities to significantly boost the supply of housing by identifying key sites within the local plan to meet the delivery of housing within the plan period and identify and update annually a 5 year supply of deliverable sites within the District.
- 5.16 Paragraph 031 Reference ID: 3-030-20140306 of the Planning Practice Guidance – Housing and Economic Development Needs Assessments states that the NPPF sets out that, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. Therefore, local planning authorities should have an identified five-year supply at all points during the plan period. Housing requirement figures in up-to-date adopted local plans should all be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement figures in adopted local plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs.
- 5.17 Where evidence in local plans has become outdated and policies in the emerging plans are not yet capable of carrying sufficient weight, information provided in the latest assessment of housing needs should be considered, but, the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints. Where there is no robust recent assessment of full housing needs, the household projections published by the Department for Communities and Local Government should be used as a starting point, but the weight given to these should take account of the fact that they have not been tested (which could evidence a different housing requirement to the projection, for example, because of past events that affect the projection are unlikely to occur again or because of market signals) or moderated against relevant constraints (for example, environmental or infrastructure).
- 5.18 On 28 May 2014, the Council published a Housing Land Supply update which showed that there was a five year housing land supply based on the Submission Local Plan requirement of 670 homes per annum from 2006 to 2031. The examination of the Local Plan began on 3 June 2014. On that day, and the following day, June 4 2014, the Local Plan's housing requirements were discussed in the context of the Oxfordshire Housing Market Assessment (SHMA) 2014, published on 16 April 2014 (after the submission of the Local Plan in January 2014).
- 5.19 The Oxfordshire Strategic Marketing Assessment (SHMA) 2014 was commissioned by West Oxfordshire District Council, Oxford City Council, South Oxfordshire District Council, Vale of White Horse District Council and Cherwell District council and provides an objective assessment of housing need. It concludes that Cherwell has a need for between 1,090 and 1,190 dwellings per annum. 1,140 dwellings per annum are identified as the mid-point figure within that range.
- 5.20 The Planning Inspector appointed to examine the Local Plan made clear his view that the SHMA document provided an objective assessment of housing need in accordance with the NPPF and suspended the Examination to provide the opportunity for the council to propose 'Main Modifications' to the Plan in the light of

the higher level of need identified. The 1,140 per annum SHMA figure represents an objective assessment of need (not itself the housing requirement for Cherwell) and will need to be tested having regard to constraints and the process of Strategic Environmental Assessment/Sustainability Appraisal. However, the existing 670 dwellings per annum housing requirement of the submission Local Plan (January 2014) should no longer be relied upon for the purpose of calculating the five year housing land supply.

- 5.21 A further Housing Land Supply Update (June 2014) was approved by the Lead Member for Planning. It shows that the District now has a 3.4 year housing land supply which includes an additional 20% requirement as required by the NPPF where there has been persistent under-delivery. It also seeks to ensure that any shortfall in delivery is made up within the five year period. The District does not therefore have a 5 year housing land supply and as a result of the NPPF advises in paragraph 14 that planning permission should be granted unless 'adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole'. Since June, the Council has resolved to grant planning permission for a number of housing proposals throughout the District, thereby improving the above mentioned position, although a shortfall of housing land supply still exists. A revised Housing Land Supply update will be published in March 2015.
- 5.22 However, notwithstanding the Council's Housing Land Supply position, it should be noted that the NPPF does not indicate that in the absence of a five year supply that permission for housing would automatically be granted for sites outside of any settlements. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits.

#### **Submission Cherwell Local Plan**

- 5.23 The Submission Cherwell Local Plan is not adopted and therefore carries limited weight, but does set out the Council's proposed strategic approach to development within the District to 2031, with the majority of new development being directed to the urban areas of Banbury and Bicester. The Plan does, however, recognise that some development will have to be permitted in rural villages in order to meet the needs of the rural population.
- 5.24 Policy Villages 1 of the Plan designates Kirtlington as a Category A village, and therefore, one of the districts most sustainable based on criteria such as population, size, range of services and facilities and access to public transport. Policy 2 Villages seeks to distribute the amount of growth that can be expected within these villages, although how the numbers will be distributed is not specified as precise allocations within each village would be set out in the Neighbourhoods Development Plan Document, based on evidence presented in the SHLAA. This document is to be prepared following the adoption of the Submission Local Plan. As part of the 'Main Modifications' to the Submission Local Plan following the need to identify further housing in order to achieve the district's assessed housing need and maintain a five year housing land supply, Policy Villages 2 has been revised by including Kidlington as a Category A Village and increasing the number of homes to 750.
- 5.25 It is evident from the above that the proposed development is contrary to policies within the adopted Cherwell Local Plan and is not allocated for development within the Submission Cherwell Local Plan. As previously expressed however, the adopted Cherwell Local Plan is out of date in terms of allocating land for new housing development, and the Submission Cherwell Local Plan currently carries limited weight in the consideration of new development proposals. As such a refusal based on these grounds alone is unlikely to be defensible at appeal and has to be weighed against other material considerations, one of these being the need to provide a five year

housing land supply.

- 5.26 However, notwithstanding the Council's Housing Land Supply position as stated above, the proposal would give rise to conflict with a number of policies in the adopted Cherwell Local Plan, Non-Statutory Cherwell Local Plan and the Submission Local Plan. Paragraph 14 of the framework makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. It does not however indicate that an absence of a five year land supply means that permission should automatically be granted for sites outside settlements. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits of it and also the harm that would be caused by a particular scheme in order to see whether it can be justified. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the Framework. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the Development Plan and the Framework highlights the importance of the plan led system as a whole. The identified issues of acknowledged importance are identified and considered below.

#### **Prematurity to the Submission Local plan and the Mid-Cherwell Neighbourhood Plan**

- 5.27 Kirtlington is one of twelve parishes participating in the preparation of the Mid-Cherwell Neighbourhood Plan. This Plan has yet to be finalised and submitted to the District Council. Previous appeal decisions and Central Government advice have made it clear that the Neighbourhood Plan must be in general conformity with the strategic policies of the Local Plan and until such time that the Local Plan is adopted and the Neighbourhood Plan developed in line with the DPD, and the council has a five year housing land supply, this carries limited weight.
- 5.28 A more recent appeal however, was dismissed by the Secretary of State, despite the fact that the authority did not have a five year housing land supply. In that case however, the neighbourhood plan had been submitted as part of the development plan. In respect of Kirtlington, the plan has yet to be submitted to the council and therefore can for the moment carry only limited weight.

#### **Design and Access Statement and Master Plan**

- 5.29 A Design and Access Statement has been submitted with the application which seeks to set out the framework for the proposed development of the site. An indicative master plan has been submitted which indicates the areas of housing, proposed access route, a 'village green' within the centre of the development and planting and open space to the northern and western boundaries. The Design and Access Statement however lacks detail and fails to fully justify why the site has been identified, why it is suitable for the development proposed and how the concept of the layout indicated has evolved in respect of the character of Kirtlington Village and the sites opportunities and constraints. The Design and Access Statement submitted covers only the high level aspects of master-planning and contains less detail than we would expect for a scheme of this scope and scale. While it states that the development will seek to take cues from the historic core, and a brief analysis of the character of Kirtlington has been conducted, there is little explanation of how these would be distributed and applied across the development and so does not set a clear vision for how future development can come forward. There is also very little information which summarises how the findings relate to the future urban form, architecture and public realm at Lince Lane. A set of parameter plans and defined character areas would be expected. Given the sites prominent location from the southern approach, and expansion beyond the existing built up limits of the village,

there are a number of sensitive edges which will require specific design solutions if they are to be successfully integrated into the existing village.

- 5.30 Section 7 of the NPPF – Requiring good design, attaches great importance to the design of the built environment and advises at paragraph 56 that ‘good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 5.31 The NPPF advises at paragraph 58 that planning policies and decisions should aim to ensure that developments achieve a number of results including the establishment of a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit and that developments should respond to the local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Paragraph 60 advises that whilst particular styles or tastes should not be discouraged, it is proper to seek to promote or reinforce local distinctiveness.
- 5.32 Paragraph 61 states: ‘although visual appearance and the architecture of individual buildings and are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment’.
- 5.33 Paragraph 63 states ‘In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area’.
- 5.34 Paragraph 65 states: ‘Local Planning Authorities should not refuse planning permission for buildings or infrastructure which promote high level of sustainability because of concerns about compatibility with an existing townscape, if those concerns have been mitigated by good design, (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposals economic, social and environmental benefits).
- 5.35 The adopted Cherwell local Plan also contains established Policy C28 which states that ‘control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including choice of materials, are sympathetic to the character of the urban or rural context of that development’. Policy C30 states that ‘design control will be exercised to ensure.....(i) that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity and, (iii) that new housing development or any proposal for the extension (in cases where planning permission is required) or conversion of an existing dwelling provides standards of amenity and privacy acceptable to the Local Planning Authority.
- 5.36 A major concern in respect of this development proposal is the context within which it sits. Kirtlington is a well contained settlement with a strong linear pattern following the original route of Portway, with greens located at junctions with other historic routes and bound on the east side by Kirtlington Park. The village has seen some more recent modern development, generally located on the western side, and whilst this generally shows poor relation to the remainder of the village, this tends to have been in a long, linear cul-de-sac form.
- 5.37 The Countryside Design Summary SPG identifies the village of Kirtlington within the Ploughley Limestone Plateau character area, while the site itself falls within Cherwell Valley character area. As the site provides a significant expansion of the village, it is appropriate to consider the site as also within the Ploughley Limestone character



area. The Countryside Design Summary SPG provides an analysis of the predominant characteristics of both the landscape and built environment identifying subsequent implications for new developments. Specific to this site, new development should reinforce the existing street pattern, which creates the basic village form. In linear villages, development should strengthen the dominant street scene, limit backland development and should reflect the character of the locality in terms of the relationship between buildings, open space and roads.

- 5.38 Having regard to the above, it is considered that the proposal does not represent a scheme that enhances the setting and distinctive character of the village, and given the scale and location of this development, it clearly is contrary to the established settlement pattern of Kirtlington with limited connectivity back into the main village core.
- 5.39 In terms of access, connectivity and integration, the main concern stems from the single point of access for 95 houses, forming an additional, larger cul-de-sac to the existing 20<sup>th</sup> Century development at Oxford Close. Policy ESD16 of the Submission Local Plan relating to the character of the built and historic environment, requires new development to be designed to integrate with existing streets and public spaces. The inward looking nature of the cul-de-sac adjacent to the site presents an awkward boundary, and prevents an appropriate level of interaction with the existing village.
- 5.40 As previously expressed, a major concern relates to the proposed size of the development and the context within which it sits. Kirtlington is a well contained settlement with a strong linear pattern following the route of Portway, with Village Greens located at junctions with other historic routes and bound on the eastern side by Kirtlington Park, an important Grade 1 Listed Historic Parkland. The village has seen some 21<sup>st</sup> Century infill development and some 20<sup>th</sup> Century development, the bulk of which is located adjacent to the application site in long linear form. It is considered that any development on this site should reinforce the existing street pattern, which creates the basic village form. In linear villages, such as Kirtlington, development should strengthen the dominant street scene, limit back land development and reflect the character of the locality in terms of the relationship between buildings, open space and roads. The development form indicated within the submission does not respect the traditional settlement pattern.
- 5.41 Having regard to the above, it is considered that given the scale of the proposal it does not represent a scheme that enhances the setting and distinctive character of the village, contrary to the established historic settlement pattern which lacks good connectivity back into the village. In terms of access, connectivity and integration, the Council's concern stems from the single point of access for 95 houses, forming an additional large cul-de-sac. The settlement pattern of a village can be as important to its character as the buildings. Policy C27 of the adopted Cherwell Local plan states that development proposals in villages will be expected to respect their historic settlement pattern and Policy ESD16 (the character of the built environment) of the Submission Local Plan requires new development to be designed to integrate with existing streets and public spaces. Policies C28 and C30 of the adopted Cherwell Local Plan also go on to state that all new development should be sympathetic to the character of the urban or rural context of the development, development in areas of high landscape value will be required to be of a high standard of design and that new housing development must be compatible with the appearance, character, layout, scale and density of existing dwellings in the locality. The submitted master plan has been assessed and it is considered that a development of this form, size and location pays no regard to the traditional settlement pattern or strong linear form of Kirtlington and would therefore be contrary to the aforementioned policies.
- 5.42 The development as indicated does not allow appropriate integration with the existing village. The Public Right of Way that runs along the eastern boundary of the site is

poorly maintained and is currently impassable at the Oxford Close end. This route is also very narrow and does not provide an obvious or hospitable route back into the village and is therefore not considered to be an appropriate main and clear means of connection into the village to suggest that the new development would be well integrated with the remainder of the village. As a result it is more likely that residents will use the car rather than walk to the facilities within the village and to Kirtlington Primary School.

#### **Visual Amenity and Landscape Impact**

- 5.43 The application site quite clearly lies beyond the existing built up limits of Kirtlington in an area of open countryside which is identified as being of High landscape Value (Saved Policy C13 of the Adopted Cherwell local Plan). Policies C7 and C8 of the adopted Cherwell Local Plan also seek to protect the landscape, preventing sporadic development that would cause harm to the topography and character of the landscape and the explanatory text states that tight control should be exercised over all development proposals in the countryside if the character is to be retained and enhanced. Careful control of the scale and type of development is necessary to protect the character of these designated areas. Policy EN34 of the Non-Statutory Cherwell Local Plan seeks to conserve and enhance the character and appearance of the landscape although the formal designation relating to the Area of High Landscape Value has been removed. This does not mean however that landscape quality is no longer important. The landscape significance of these areas is carried through in the Submission Local Plan through Policy ESD 13 which seeks to conserve and enhance the distinctive and highly valued local character of the entire district. The NPPF also advises that the open countryside should be protected for its own sake.
- 5.44 Paragraph 113 of the NPPF states that Local Planning Authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscaped areas will be judged. Distinctions should be made between the hierarchy of internal, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and contribution to they make to wider ecological works.
- 5.45 Paragraph 115 of the NPPF advises that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status protection in relation to landscape and scenic beauty. The application site does not lie in any nationally designated landscape, such as a National Park or AONB but it does lie within an area designated locally within the adopted Cherwell Local Plan as an 'Area of High landscape Value'. There are no tree preservation Orders on or adjacent to the site.
- 5.46 The application is accompanied by a Landscape and Visual Assessment which has been prepared by Barnes Walker, Landscape Architect and Urban Design on behalf of the applicant. This appraisal of landscape and visual effects has been undertaken with reference to and using aspects of the guidance found within 'Guidelines for Landscape and Visual Impact assessment published by the Landscape Institute and Institute of Environmental assessment 2013. It has been assessed by the Council's Landscape Officer who considers that the conclusions of the landscape and visual assessment are fair showing that the development will have limited effect on the wider landscape, but that the greatest impact will be from the footpath to the rear of Oxford Close and from the open views into the site from Lince Lane where the effects will be major adverse.
- 5.47 It is accepted that the development proposed by virtue of its nature, being development of a green field site beyond the existing built up limits of the village into open countryside will result in localised harm on the approach into the village and from localised viewpoints, and the introduction of houses, access roads and

associated domestic paraphernalia would have an urbanising effect on this part of the village and open countryside. However, the wider visibility of the site within the wider area is restricted by intervening vegetation and longer distance views. Having regard to the above, whilst it is considered that the development proposed will cause demonstrable harm to the immediate locality in terms of its scale, size and form, the harm being identified as Major/Adverse, it is considered that the harm to the wider open countryside and the impact upon the Area of High Landscape Value is not sufficient to justify a refusal based on visual and landscape impact and Policy C7 of the adopted Cherwell Local Plan and the advice within the NPPF.

### **Ecology**

- 5.48 The application is accompanied by an ecological appraisal including the results of an Extended Phase 1 and subsequent protected species surveys, undertaken on a site located on the south-western fringe of Kirtlington, prepared by FPRC Environment and Design Ltd on behalf of the applicants. The report states that the site is dominated by species-poor semi-improved grassland currently utilised as pasture bound by hedgerows and fences. Additional habitats present include patches of tall ruderal herbs generally associated with small areas of abandonment, a stagnant pond, tree standards, scattered scrub and a small allotment and amenity grassland associated with the bungalow.
- 5.49 The site was surveyed on 23 April 2014 following the Extended Phase 1 survey technique as recommended by Natural England which involved a systematic walk over the site by an experienced ecologist to classify the broad habitat types and to particularly identify any habitats of principal importance for the conservation of biodiversity as listed within section 41 of the NERC Act 2006. The surveys included the potential for the presence of bats, reptiles, birds and Great Crested Newts. An old bat roost in the roof of the bungalow and the potential for reptiles to be present are the main findings of the ecological survey, but given the habitats on site, the Council's Ecologist agrees that no other protected species are likely to be directly affected. A rare species of bat was recorded foraging or commuting nearby during the survey.
- 5.50 The application site is not within a statutory or non-statutory designated site, although Kirtlington Quarry SSSI and Local Nature Reserve are located 270m north; and Shipton-on-Cherwell and Whitehill Farm Quarries SSSI, 1.8km southwest of the site. These sites are designated for their geological interest and as such the submitted report makes no assessment upon potential geological impacts within the report. No statutory designated sites for their ecological interest are located within 5km for internationally important sites and 2km for nationally/regionally important sites.
- 5.51 In terms of Non-Statutory Designated Sites, Kirtlington Park Local Wildlife Site and Conservation Target Area and Lower Valley Conservation Target Area are located 390m east and 300m west respectively. The appraisal however, due to the distance buffers between the site and the development area, does not consider that these offer a constraint to the development as it is unlikely that the development would have a detrimental impact.
- 5.52 The NPPF – Conserving and Enhancing the Natural Environment, requires at paragraph 109, that, 'the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures'.
- 5.53 Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that 'every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity and:

'Local Planning Authorities must also have regard to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of the Conservation Regulations 2010, which states that a 'competent authority' in exercising their functions, must have regard to the requirement of the Habitats Directive within the whole territory of the member States to prohibit the deterioration or destruction of their breeding sites or resting places'.

5.54 Under Regulation 41 of the Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under regulation 53 of the conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict derogation tests are met:-

1. Is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development)
2. There is a satisfactory alternative
3. Is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species

5.55 Therefore where planning permission is required and protected species are likely to be found present at the site, or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that Local Planning Authorities must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions and also the derogation requirements might be met.

5.56 The Council's Ecologist has assessed the Ecological appraisal which has been submitted with the application and raises no objection, and further advises that in general the ecological enhancements recommended should result in a net gain to biodiversity if carried out appropriately, she also recommends that as there is a known population of swifts in Kirtlington, swift nest boxes should be considered, together with integrated bat boxes. A number of conditions are recommended should planning permission be granted.

5.57 Consequently, having regard to the above, it is considered that Article 12 (1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present on the site will continue, and will be safeguarded, notwithstanding the proposed development. It is therefore considered that the proposal accords with the advice within the NPPF and Policies C2 and C5 of the adopted Cherwell Local Plan and Policy ESD10 of the Submission Local Plan.

#### **Flooding and Drainage**

5.58 A Flood Risk Assessment has been submitted as part of the application which demonstrates that the site is not at risk of flooding. The site lies outside any fluvial flood risk areas, being located within Flood Zone 1. The report has determined that the site is at low risk from all forms of flooding. The surface water drainage strategy is to direct all the surface water run-off from the development to new surface water networks that flow south east, to correspond with the natural ground falls. An attenuation pond is proposed at these low points to retain excess water and the new private surface water networks will be designed in line with current British Standard guidance, up to the 100 year storm period including an allowance for climate change. The use of SuDS with controlled (restricted) outflow to the local watercourses in line with the required run-off rates will help mitigate any flood risk impact to the surrounding areas.

5.59 The Environment Agency has assessed the submitted Flood Risk Assessment and

raises no objection subject to the imposition of a condition requiring the submission of a surface water drainage scheme for the site based on the FRA and Surface Water Drainage Strategy dated September 2014.

### **Archaeology and Cultural Heritage**

- 5.60 The site is located in an area of archaeological potential 650m south of Akeman Street, the roman road from Alcester to Cirencester (PRN 8921). Another possible prehistoric trackway and minor Roman road, the Portway, has been recorded 500m north of this site (PRN 8926). The projected course of the Portway passes 130m east of this proposed site. Roman settlement has been recorded 240m south east of the proposal area during an archaeological excavation which was recorded a Roman stone building and stone lined well along with a c2nd or 3<sup>rd</sup> field system (PRN 16989). Two Saxon sunken featured buildings were also recorded along with a third possible Saxon building along with a quantity of Neolithic pottery. Evidence of further Roman settlement evidence was recorded 170m east of the proposed site during an excavation which recorded a Roman pit (PRN 28269) along with a Saxon ditch and medieval features. Roman burials have been recorded 500m north of the site (PRN 1762) and numerous Roman coins have been found in the area.
- 5.61 Medieval remains have been found in a number of locations within the settlement itself. A series of earthworks have been recorded immediately south east of the application area which have been interpreted as a possible deserted medieval village (PRN 13284).
- 5.62 Section 12 of the NPPF – Conserving and Enhancing the Historic Environment sets out the planning guidance concerning archaeological remains and the historic environment. Paragraph 126 emphasises the need for local planning authorities to set out a clear strategy for the conservation and enjoyment of the historic environment, where heritage assets are recognised as an irreplaceable resource which should be preserved in a manner appropriate to their significance.
- 5.63 Paragraph 128 states that: ‘in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset’s importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and , where necessary, a field evaluation’.
- 5.64 Paragraph 129 states: ‘Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset) taking account of the available evidence and necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid, or minimise conflict between the heritage asset’s conservation and any aspect of the proposed’.
- 5.65 Paragraph 131 in respect of the consideration of planning applications states that local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
  - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and
  - The desirability of new development making a positive contribution to local character and distinctiveness

- 5.66 Paragraph 132 states: 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'.

The NPPF at paragraphs 133 and 134 go on to say that where a development will lead to substantial harm it should be refused, or where it will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.

- 5.67 The County Archaeologist assessed the initial submission and raised an objection on the grounds that as the site is located in an area of archaeological potential, the results of an archaeological field evaluation would need to be submitted as part of the application in order that the potential impact of this development on any surviving archaeological features could be assessed. The applicants were advised of this and Oxford Archaeology was commissioned by CgMS to undertake an archaeological evaluation of the site. The archaeological work was carried out from 17<sup>th</sup> to 19<sup>th</sup> December 2014 and a Geophysical Survey Report produced by Stratascan dated December 2014 and an Archaeological Evaluation Report produced by Oxford Archaeology dated January 2015 were received by the Local Planning Authority on 27<sup>th</sup> January 2015.

- 5.68 The final comments from the county Archaeologist are awaited but the reports did not identify any significant archaeological remains or features. The proposed development therefore will not adversely affect the site in terms of its archaeological importance and the development is therefore considered to be in accordance with the above mentioned advice within the NPPF.

- 5.69 The application proposal has also been assessed in terms of its impact upon the adjacent heritage asset, the Kirtlington Conservation Area. It is considered that due to the distance between the site and the Conservation area boundary that the development proposed will not adversely affect the setting of the adjacent Conservation Area. There are no listed buildings within immediate proximity of the site. The development in that respect is therefore in accordance with the advice within the NPPF and Policy C18 of the adopted Cherwell Local Plan.

#### **Transport Assessment and Access**

- 5.70 The application has been submitted with a Transport Assessment and Travel Plan prepared by Stirling/Maynard transportation Consultants on behalf of the applicants. A single vehicular access into the site is proposed from the A4095 at the eastern end of the site from Lince Lane, a single carriageway road which in the vicinity of the site is approximately 6.5m wide. On the approach into the village from the south, the road is subject to a 50mph speed limit which reduces to 30mph at the entrance into the village. There is no footway immediately along the site frontage.

- 5.71 Access into the site is taken off the bend in Lince Lane via a simple priority junction with right turn facility and a footpath from the access to continue to link to the existing footpath on Oxford Road. Vision splays of 2.5m by 43m are proposed.

The highway authority have assessed the Transport Assessment but have raised objections on the grounds that the proposal as submitted lacks detail with regard to the geometry and visibility available at the vehicular access and therefore fails to demonstrate the proposed access would operate safely. The submitted plans do not include tracking diagrams for large vehicles, for example, refuse trucks turning to or from the site. Plans should be submitted to demonstrate that such manoeuvres would not involve running over the opposite side of the carriageway or turning lane. The

applicants were advised of the above objection and a revised submission was sent to the highway authority and copied to CDC in November.

- 5.72 The revised plans indicate that a vision splay of 2.4 x 90m is available in both directions. For vehicles travelling eastbound towards the access 134m visibility is available and westbound towards the access a 68m forward visibility is available. In respect of vehicles in the right turn lane waiting to turn right into the site the plans indicate that 84m forwards visibility is available to the off side lane and 103m to the near side lane. These plans have been passed to the highway authority for consideration but a response is still awaited, and it is therefore not clear whether the objection has been addressed. A reason for refusal is therefore recommended on highway grounds.
- 5.73

In terms of accessibility, the Transport Assessment considers that the whole of Kirtlington village is within cycling distance of the site, together with other surrounding villages and the fringes of Woodstock and Kidlington, bringing a further range of facilities within cycling distance of the site. This statement however, appears to make no assessment of the terrain, type of roads/lanes, many of these roads are not lit and are essentially narrow country lanes which are unlikely to be attractive to cyclists, particularly during the winter months.

5.74

The Transport Assessment also states that the bus routes into the village offer a regular service from early morning until early evening Monday to Saturday providing opportunities for travel to Bicester, Oxford and Kidlington. In addition there is a later bus back from Oxford on Saturday evening although there is no service on Sundays. However, these buses are only every 2 hours to Kidlington for the majority of the day.

### **Adjacent Golf Course**

- 5.75 The site lies to the east of the Kirtlington Golf Course and one of the Tees which is situated close to the boundary with the application site. The possible issue of the safety of the application site arising from the proximity of the Kirtlington golf course on the boundary of the site was raised with the applicants during the consideration of the application. This issue was also highlighted in a letter submitted on behalf of the owners of the golf course drawing attention to the historic position relating to their site and the application site and the objections raised by the landowner and farmer Mr East regarding golf balls which were being hit onto the land causing damage to buildings and potential hazard to cattle. Following these complaints, fencing was erected by the Golf Club owners together with planting along the boundary in question to prevent the escape of golf balls from their site onto the land which now forms the basis of this application. The letter goes on to say that the physical fencing was removed some 3 years ago as the planted screen was considered sufficient to prevent the escape of golf balls from the site.
- 5.76 The Council's Anti-Social Behaviour manager advised that the use of planting to create a barrier must be considered a temporary solution to the problem as with time the trees and shrubs could deteriorate and become less effective. He therefore requested that the applicant's be required to submit a specialist report prepared by a golf course architect appraising the current arrangements for boundary protection and recommendations as to what would be required in the long term to protect the proposed dwellings and their inhabitants.
- 5.77 The applicants responded stating that whilst the safety concerns from stray golf balls from Kirtlington golf course were acknowledged, on balance they did not consider this to be a major '*planning issue*' relevant to the decision or a significant concern to be weighed in the planning balance. They also go on to say that the fact that the application site is close to a golf course may be seen as a positive visual landscape

feature and as a responsible developer point out the significant existing landscaping on the golf course and the equally significant buffer on the western boundary of the site and the layout which is sensitive to the proximity of the golf course and does allow this significant offset in consideration of potential future residents of the scheme. They further state that it is their understanding that large nets (which were previously in place) are no longer acceptable mitigation as they are deemed to be intrusive landscape features and it is therefore difficult to consider what further mitigation is either achievable or appropriate.

5.78 In respect of a recent appeal decision on land to the west of Warwick Road (application number 13/00656/OUT), the Inspector considered a similar issue with respect to a residential development and its relationship with the adjacent golf driving range and 9 hole golf course. In respect of that appeal, the appellants had commissioned a survey to assess the impact of the golf club on the proposed development and vice versa. The Inspector agreed that this issue required consideration because it is necessary to ensure the safety of future occupiers of the proposed development. Whilst that report acknowledged that a significant number of golf balls were currently being hit out of the driving range into part of the site, since the application was for up to 300 dwellings, the Inspector considered that permission could not be refused for the entire development even if it was found at reserved matters stage that a part could not be safely built.

5.79 In the case of this particular application, whilst it is unfortunate that the applicants are not willing to commission a survey and report as requested, it is considered that a recommendation of refusal based on the relationship between Kirtlington Golf Club and the residential development of the site cannot be justified and that this matter should therefore be dealt with by condition, requiring that a landscaped buffer is provided between the built development and the golf course to avoid potential damage and conflict from stray balls should planning permission be forthcoming.

5.80 **Delivery of the Site**

Part of the justification for the submission of this application is based on the District's housing land supply shortage. The potential of this development is to contribute to the shortage of housing is a key factor weighing in favour of this proposal. It is therefore vital that this land is delivered within the 5 year period.

5.81

As with other residential applications submitted for consideration on this basis, it is considered that if planning permission is granted, a shorter implementation period should be imposed which will help to ensure that the development contributes to the five year housing land supply. The application has been submitted by Gladmans who would look to market the site upon the receipt of a planning permission and cite the new development on the Barford Road at Bloxham which has been successfully marketed as an example.

**Planning Obligation**

5.82 The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation, to enable the development to proceed. The draft Supplementary planning Document (SPD) relating to the requirements was considered by the Council's Executive in May 2011 and was approved as interim guidance for development control purposes.

5.83 New development often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. National Planning Policy sets out the principle that applicants may reasonably be expected to provide, pay for, or contribute towards the cost of all or part of the additional infrastructure/services. Obligations are the mechanism to secure these measures.



- 5.84 In respect of planning obligations, the NPPF advises at paragraph 204 that they should be sought where they meet all of the following tests:
- Necessary to make development acceptable in planning terms
  - Directly related to the development, and:
  - Fairly and reasonably related in kind and scale to the development

- 5.85 Having regard to the above, the Heads of Terms relating to the additional development would include the following:-

#### CDC Contributions

- Affordable housing – 35%
- Refuse and recycling - £67.50 per dwelling
- Off-site sports – (to be confirmed)
- Indoor sports – (to be confirmed)
- Community Hall – (to be confirmed)
- Community development - £22,968.12 to support and integrate the new residents into the community
- Play area - £122,889.10 towards future maintenance of a combined LAP/LEAP on site
- Hedgerow maintenance - £38.96m2
- Attenuation areas - £16.26m2
- Informal open space on site - £27.31m2
- Mature tree maintenance - £3,027.34 per tree
- Monitoring fee – (to be confirmed)

#### OCC Contributions

- Public transport – (to be confirmed)
- Treatment of public right of way – (to be confirmed)
- Primary education - £370,740 for the necessary expansion of permanent primary school capacity
- Secondary education - £388,892 for the necessary expansion of permanent secondary school capacity
- Special education needs - £18,413
- Library
- Strategic waste and recycling
- Museum resource centre
- Social and healthcare
- Adult learning
- Administrative costs

#### Other contributions

- Thames Valley Police - £17,640.75

#### **Engagement**

- 5.86 With regard to the duty set out in paragraphs 186 and 187 of the Framework, a number of problems or issues have arisen during the consideration of the application. It is considered that the duty to be positive and proactive has been discharged through the desire of the District Council to seek to work with the applicants in an attempt to resolve the issues raised in respect of the submission, prior to the determination of the application.

#### **Conclusion**

- 5.87 Given that the adopted Cherwell Local Plan housing policies are out of date and the emerging housing policies can only be given limited weight, and the council cannot demonstrate a five year housing land supply, paragraphs 14 and 49 of the Framework are engaged. Paragraph 14 makes it clear that permission should be

granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

- 5.88 The proposal seeks to provide up to 95 new dwellings, 35% of which would be affordable and this is seen as a benefit. The proposal however, notwithstanding the Councils' housing land supply position, is not considered acceptable and the site is not considered suitable for residential development in the form and scale proposed due to its impact on the visual amenities of the locality and the historic form and character of the village. In accordance with paragraph 14 of the NPPF, the adverse impact of the development on the locality and the character and form of the village therefore significantly and demonstrable outweighs the benefits that housing would bring. Therefore, in respect of this application proposal, the development would not constitute sustainable development and, consequently, the presumption in favour does not apply.

## **6. Recommendation**

**That Members resolve, that should they have determined the application, that, the application would have been refused on the following grounds:**

### **Refuse:**

1. Notwithstanding the Council's present inability to demonstrate that it has a five year housing land supply as required by paragraph 47 of the NPPF, the development of this site as proposed cannot be justified on the basis of the land supply shortfall alone. The proposal constitutes development which by virtue of its scale, size and form fails to respect the traditional settlement pattern of Kirtlington, extending beyond its built up limits into the open countryside, resulting in an incongruous, unsustainable and inappropriate form of development which pays little regard to the traditional settlement pattern and which would relate poorly to the remainder of the village, and cause demonstrable harm to the character of the village and visual amenities of the immediate locality, contrary to Policies H18, C8, C27, C28 and C30 of the adopted Cherwell Local Plan and Policies ESD13 and ESD16 of the Submission Cherwell Local Plan and Central government advice within the National Planning Policy Framework.
2. The proposal fails to demonstrate appropriate and safe access. The submission lacks detail with regard to the geometry and visibility available at the vehicular access, together with tracking diagrams for large vehicles turning into or from the site and therefore fails to demonstrate that the proposed access would operate safely to the detriment of highway safety, contrary to the advice within the National Planning Policy Framework.
3. In the absence of a satisfactory planning obligation, the Local Planning Authority is not convinced that the infrastructure and affordable housing directly required as a result of this scheme will be delivered. This would be contrary to Policy H5 of the adopted Cherwell Local Plan and Policy INF1 of the Submission Local Plan and Central government guidance within the national Planning policy Framework.

### **STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.