

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

14/02139/OUT

Ward: Kirtlington

District Councillor: Councillor Holland

Case Officer: Linda Griffiths

Recommendation: Approval

Applicant: Gladman Developments Ltd

Application Description: Outline – Demolition of existing bungalow and agricultural buildings and residential development of up to 75 dwellings including highway works, landscaping and public open space

1. Site Description and Proposed Development

- 1.1 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 75 dwellings on an area of land of 2.46 hectares on the eastern part of the site, with the remainder proposed as public open space. To the south and west of the site is Kirtlington Golf Club. Lince Lane/Oxford Road runs to the south and east and there are agricultural fields to the north. There is an existing public right of way which runs from north to south across the site and runs parallel to the eastern boundary. There are no Tree Preservation Orders on the site. The site abuts the western existing built up edge of the village along its eastern boundary.
- 1.2 Vehicular access into the site is proposed via a new 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. Improved and new footways are proposed back into the village centre. Access is for consideration as part of this outline submission. The application site is elevated above the adjacent A4095 by approximately 1 metre, and the frontage to the A4095 is bounded by a low stone wall. The existing public right of way which runs along the eastern boundary of the site exits via a stile onto the A4095 highway verge. This will be retained as part of the development.
- 1.3 Within the local area there are Schedule Ancient Monuments, Conservation Area, Registered Parks and Gardens and Listed Buildings. The site lies within the Cherwell Valley which is designated as an Area of High Landscape Value as identified within the adopted Cherwell Local Plan. The site is not within a conservation area although Kirtlington Conservation Area lies just to the east, within which lies Kirtlington Park Registered Parks and Gardens with numerous listed buildings, including the Grade II Listed St Mary's Church to the east of the site.

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.

107 letters have been received. The following issues were raised

- Despite being a reduced number remains many more homes than can be accommodated and is still an unbalanced and unbalancing proposal for Kirtlington, smaller, discrete sites of a style that enhances the appeal of the village would be acceptable
- Highway and drainage/sewerage infrastructure is not adequate, there are regular power cuts. HGVs cannot pass near the village shop and often mount the pavement. Parked cars are hit every few months
- Primary school cannot accommodate the additional pupils and does not have room to extend
- Secondary school cannot accommodate the additional pupils
- Contrary to policy which only allows in-filling or brownfield development as well as small developments of up to 25 houses
- Access for pedestrians (apart from along the main road) to the main part of the village would be via a narrow, often overgrown and poorly maintained footpath with no scope for widening
- Loss of privacy, peace and quiet
- Increased traffic through the village and associated dangers of the A4095, particularly with reference to Troy Lane and pedestrians crossing near the shop, school and pubs
- Unsuitable access on a dangerous bend with limited visibility
- Use of viable farmland when there are infill sites available within the village
- Scale of the development will alter the nature and feel of the village
- Approved developments at Upper Heyford will over-stretch the already over worked road junctions to the point of gridlock, this will add to the problems
- The site is a hilltop, there are better sites in the village where small developments would not damage the visual aspect of the approach to the village
- Neighbourhood plan must be taken into consideration
- Kirtlington currently has approximately 400 houses and this would be an increase of almost 20%
- Village is used as a cut through when there are problems on the A34 or M40
- There is a need for affordable housing in the village, but the benefits of the percentage of affordable homes would be swamped by the adverse consequences of such an unbalanced development for the village. Small development of 15 low cost houses would be more sensible
- Station Road has a bottle neck at the junction with the B4027 at Enslow which is a particular problem in the mornings with traffic queues forming past Ingleby Paddock and towards the golf course
- Are any extra amenities such as doctors surgery and shop planned
- Loss of views across fields, overlooking and loss of sunlight to rear gardens
- Impact on local wildlife, including bats and Red Kite
- Ecology report is deficient
- The heightened differential (about 1.5m) above existing housing bordering the development will be invasive to those properties and families
- Increased light pollution affecting the ability to enjoy the stars
- Archaeology
- Potential flood risk from the higher land
- Little employment in the village
- Whilst agree additional housing is required, this location is unsuitable for reasons already specified above
- Increased travel by car to deliver children to schools outside the area and work. There is no railway station within walking distance and the buses stop early evening
- Principle of building outside the village envelope, on a greenfield site will lead to further applications

- Internal roads indicated provide for later links to the adjacent land
- Ecology report does not refer to 'wildlife and its conservation in Kirtlington' which was published by KWACS in 2008. This is available on the Kirtlington website and TVERC hold a copy and is the best source of recent information about wildlife in Kirtlington
- Contrary to current and emerging planning policy
- Localism, the development is not supported by the overwhelming majority of people who live in the parish
- This is not a logical expansion to the village, increasing it beyond its natural boundaries
- Comments made in respect of the previous application for 95 still stand, many of the points raised are still relevant to this application. The fact that this is a reduced number makes no difference at all. Furthermore, they are now proposing to cram them on a smaller part of the site which is worse as the remaining parcels could be given further planning permissions in the future
- This village at its base consists of some 400 dwellings and to absorb 75 new dwellings in one phase would be intolerable; too many people all at once and impossible to assimilate from a socialising point of view, the development at Gossway Fields and Roman Point being a case in point
- No development should take place in the villages until the road infrastructure, including the M40 and A34 junctions have been improved. This would preclude the provision of a by-pass for Kirtlington
- Development is physically isolated from the village
- Construction is already underway in Chesterton for 50 houses, Bletchington 58 houses, Bicester 1000s of homes, Upper Heyford 1800+ and possibility of 1500 in Woodstock, all of which are either on or lead to the A4095
- Kirtlington is linear in nature and the addition of an 'outcrop' on its western side is not in keeping
- The results of the one-off traffic survey simply does not reflect the day to day experience of using the A4095 in Kirtlington as either a driver or a pedestrian. Counts were made at the proposed access point and do not take account of traffic travelling through the core of the village and onto the Bletchington Road.
- Ecology report dismisses the value of, and the impact of the proposed development on Kirtlington Quarry which is both an SSSI and RIGS in respect of its internationally important geology and is a designated Local Nature Reserve.
- Geographically and socially foresee problems with assimilation, leading to the creation of an un-integrated and isolated block of separate housing. It is also unclear what the architectural style and finish of the proposed houses would be, which if not built sympathetically and in character with the rest of the village will also have a negative impact and reinforce any separateness.
- Houses will be too expensive for local people and likely afforded by newcomers who work elsewhere
- Public transport consists of 1 bus per hour. It is not possible to walk to another settlement without using 50/60mph roads with no footpaths and many blind corners
- Housing needs in the wider local area are being met by large developments at Bicester and Upper Heyford
- The railway station at Tackley is only accessible by car in the winter
- Unsustainable development beyond the built up limits of the village in open countryside, not allocated for development, contrary to policy and the NPPF
- The Parish Council has demonstrated its commitment to the Mid-Cherwell Neighbourhood Plan and has made suggestions as to the scale of development considered appropriate in the village resulting from the recently conducted residents survey
- Landscape and Visual Assessment is deficient

- Relationship with adjacent golf course and stray balls
- Traffic assessment is inadequate

2 letters of support from village residents state that their grown up children would love to come back but current house prices are much too high and hope it includes bungalows and low cost housing for young people who were born in the village. It will be good for the village.

1 letter of support has been received from a resident in Penrith

3. Consultations

- 3.1 Kirtlington Parish Council (KPC) supported by the Parish Development Survey 2014, objects strongly to the principle of a development of 75 houses at the side of Kirtlington, which is disproportionately large in relation to the current settlement. KPC object to the building of this large new estate beside the village on currently farmed agricultural fields. This is a speculative development proposal which is an abuse of the correct plan-led process for identifying sites for new housing.

The grounds for objection are summarised under the following main headings:

Failure under the Localism Act

Kirtlington is one of eleven local parishes involved in the emerging Mid Cherwell Neighbourhood Plan in association with Heyford Park. The local co-operation achieved in this planning process is genuine 'localism' to achieve an agreed plan for growth by those most closely involved.

Following the 2014 village survey about village growth and in response to CDC enquiry regarding the SHMA needs for the modified local plan, KPC proposed a small organic growth in Kirtlington plus an allocation of houses for the brown field site of Heyford Park within the Mid Cherwell Neighbourhood Plan. KPC suggested up to 10 new dwellings in the village every 5 years until 2031 only if in tandem with the essential improvements to infrastructure. In terms of localism, this constructive co-operation locally is in stark contrast to the non-local and aggressive development opportunism of the applicant.

Local opinion is also clearly reflected in the number of individual objections submitted to CDC in opposition to this application. These objections contain further local information and should be read.

Dangerous Access

OCC highways should review very closely the information provided which does not demonstrate safe access. The point of access varies in different maps submitted. KPC emphasises its concern that the rising topography before a left hand bend just to the west of the access is an unacceptable hazard on the A4095 allowing insufficient visibility both to vehicles approaching from the west and for vehicles entering/leaving the site. Accidents have occurred in this part of the A4095. Also very relevant will be the heavy goods vehicle traffic to be generated on the same road due to new commercial glasshouses and their biomass boiler which has an entrance only 1km west of the access.

Footpath access

Neither the short section of unmade footpath from the site to Hatch Way, nor any extension to the footpath parallel to Station Road to beyond the existing private homes is on land owned by the landowner and footpath improvements cannot be assumed. The narrow, unmade footpath access to Hatch Way is inadequate for a development on this scale to be considered as linking the estate to the existing

community. It is implausible that most residents will usually go to the village centre on foot, and the development will remain detached from the main settlement, except by car using the dangerous access on the A4095 and increasing within village traffic.

Failure to demonstrate sustainability

The proposed development fails sustainability criteria in many respects.

Sewerage and other utilities

Thames Water has repeated its concerns about water and sewerage. Local residents have recorded that already the village sewerage system is insufficient, and have recorded their evidence of foul sewage overflow in the fields, draining into a stream leading to the Cherwell water system. The applicant's claims to have met demands must be reassessed. Correspondence by villagers has noted water pressure problems and electricity cuts already.

Primary School Capacity

The primary school is at full capacity now. OCC has stated that Kirtlington school has no capacity, nor any land to provide space for further development to increase the size of the school. It is a priority of KPC that children of parishioners can attend the primary school in the village. It is OCC transport policy that a primary school be available in villages within walking distance.

Transport, Travel and Pedestrian Safety

There is no easy access to a rail station by foot, bicycle or bus. The future Oxford Parkway station will not be accessed by the bus route and for Chiltern Railway services would be an insufficient journey. Kirtlington residents will continue to use Bicester North Station. Thus any access to rail requires car journeys.

Bus

There are only three buses to Kidlington centre per day. Walking to Kidlington centre from the nearest bus stop takes around 25 minutes for the able bodied. There are no buses leaving Oxford after 7.00pm. Total lack of public transport in other directions east or west. No public transport to medical centres at Islip and Woodstock. No dental practise easily accessible by public transport.

Road Infrastructure

The traffic survey is totally inadequate as it does not reflect either new planning applications granted or the current delays at rush hours.

Repeatedly villagers complain about the amount of traffic through Kirtlington because two commuter routes go through Kirtlington. Heavy Goods vehicles use the A4095 continuously and other lorries travelling on B430 south from junction 10 of the M40 turn onto the A4095 and through this village for an alternative route to the A34 avoiding the Weston on the Green bridge.

The traffic survey presented has not been through any traffic modelling software.

Increased traffic will be generated by developments approved in Bicester and Witney, and at Chesterton including all those at Whitelands farm, at Woodstock, at Long Hanborough. All the developments around Banbury, at Heyford Park, all villages to the north and 58 houses at Bletchington.

As mentioned above the heavy goods traffic to be generated by the activities of the large commercial glasshouses and agricultural buildings with biomass boiler as well as traffic of the fruit farm business. Further heavy goods traffic is planned for depots, waste disposal, industry and retail in and around Bicester effecting the A4095.

Traffic Load and pedestrian safety

As well as adding to surrounding road traffic, a development of 75 new properties would increase the number of private vehicles accessing the centre of the village. This traffic would add further delays and congestion in the village. Risk to pedestrians, the elderly, the disabled and children is great. Access on foot to the

shop, school, church and village hall from the proposed development involves crossing the A4095.

Local Employment

The application suggests there is plentiful local employment accessible without a car. It is nonsense to suggest that there is local employment available for all those purchasing the 4 and 5 bedroom houses. It is clear that all or most residents in the development will commute out of the area by car.

Community

Applicant claims in the application that an estate of many new houses helps maintain "community". This is not the case. Kirtlington already has a very strong sense of village community and where a large estate is created at the side of the village there is a strong possibility of the opposite social effect. It is inaccurate to suggest that Kirtlington lacks young families as evidenced by the full capacity of the school. The mix of houses shows no 2 bedroom homes. 45 out of the 49 houses are shown as large 4 and 5 bedroom houses, while for housing association use there are only 2 and 3 bedroom houses and none suitable for large families.

Much of the documentation provides unnecessary information on other locations. Many of the socio-economic and employment comments relate to all of Cherwell and are irrelevant to Kirtlington.

Abuse of the plan-led process

Stated at the CDC local Plan examination on 18 Dec 2014 that the categorisation of villages would be reviewed in the second part of the local plan. Kirtlington is among the Category A villages and is inappropriate as it is not sustainable for much growth. The distribution of new homes across Category A villages is planned as pro rata. Kirtlington has 2.4% of the combined population across Category A so a development of 18 new homes would be the allocation. Application is premature pending acceptance of the Mid Cherwell Neighbourhood Plan, the CDC modified plan and the Local Plan part 2.

Other points identified in relation to the application.

The visibility of dwellings rising two storeys above ground level is underestimated from one bridleway and two footpaths, not to mention existing homes. The photos are of a scale and dimension that are misleading and from too few vantage points.

The Air Quality Report nor the Noise Screening report identify disturbance during construction of such a large development.

The maps of the Historic Context document show how the North/ South linear settlement shape of Kirtlington has been maintained. As the document states growth has been by 'small increments'. The village has been able to accommodate such gradual growth maintaining a good sense of community. In contrast, the proposed development is very large in relation to the existing village, not in accordance either with the traditional linear shape of the village or with small incremental growth.

In the Ground Conditions Desk Study, Hydrock states that both current and predicted chemical status are poor and that natural soil concentrations are below typical generic acceptance criteria for residential land use in terms of risks to human health. They recommend a list of further work which we highlight the need for an appropriate asbestos survey of the existing structures on site and contamination analysis.

The Ecological Survey makes no reference to the local ecology report, **Wildlife and its Conservation in Kirtlington** (2008) available on the Kirtlington Village website, nor takes sufficient account of newts and other reptiles, birds and rare plants recorded in close proximity to the site.

The 75 dwellings are all proposed on the eastern half of the site, separated from the western half by the planting of a new hedge. KPC questions the relevance of demolition of the existing buildings in the south western corner of the western half of the site. No plans or justification for this demolition, nor any comments given as to the future intended use of this large area of agricultural land.

Use of the SHLAA

The figure in the SHLAA report are not a reflection of policy but an imaginative exercise, no longer valid for Kirtlington because of all the problems of sustainability and access already listed in this objection. A reasonable contribution by Kirtlington to the Oxfordshire SHAA would be 18 houses, so long as growth is supported by considerable improvements to sewerage, road, and other infrastructure, new school premises etc.

Breaches of existing planning policy

The proposal breaches Policies C1, C2, C8, C9 and C27 of the Cherwell Local Plan 1996.

Breaches of emerging policy

Cherwell Submission Local Plan October 2014 Policy Villages 2. There is clear emphasis on the Local Plan Part 2 and Neighbourhood Plan and as such a plan led process will ensure that future housing delivery is planned in a holistic manner with appropriate growth for specific locations within each category of settlement. This would prevent ad-hoc unsustainable development such as the current application.

The Parish Council considers that the application fails to meet the criteria in Policy Villages 2, Policy C214 and Policy C227. KPC believe that there would be an adverse impact on wildlife assets and in relation to Policies C1 and C2 and refers the District Council to comments made by in response to 14/02139/OUT and Wildlife and its Conservation in Kirtlington (2008)

It would be a travesty of the concept of 'plan' in the local plan process if this application should succeed.

Gladman Developments is a non-local firm which has specialised in overcoming local views and local knowledge and exploiting timing issues in the planning process. The proposed development is inappropriate in planning terms and should not succeed against so much local opposition.

Kirtlington Parish Council has instructed Peter Brett Associated to carry out a review of the Transport Assessment submitted by Striling Maynard Transportation Consultants on behalf of Gladman Development Ltd. Their conclusions on the transport assessment are set out in a Technical Note dated 20 Feb 2015 and are set below-

This note has considered the robustness of the TA submitted on behalf of Gladman Developments Ltd for the proposed development of land accessed on the A4095 Lince Road to 75 dwelling units.

The note has identified that there will be an increase of traffic in the local road network as a result of the proposed development. The increased levels of traffic on the village roads are of concern as the road network may not adequately deal with it. Specifically, there is a narrowing on the main road (A4095) through the village resulting in delays and further opportunities for conflicts and accidents. The TA should have demonstrated adequate capacity at other constrained junctions in the local road network including Oxford Road/Bletchington Road junction.

The access to the proposed development is to be located on a bend with reduced forward visibility which would result in safety concerns because of the level of traffic using the access. In previous consultations on the proposed site, CDC had raised concerns about the adequacy of the proposed access to serve the proposed development without the means of a secondary access. Further, the Council has indicated the need to address the level differences between the existing level of the site and the carriageway in access design.

A review of the accident data presented in the TA shows that two serious accidents have occurred at the bends close to the proposed site access. This is a cause for concern as the proposed access is on the bends.

The emerging Local Plan and modifications identify Kirtlington as a service village not suitable for large scale development. The development of 75 dwelling units on a village of less than 1000 residents is clearly a large scale development. Although the site is identified in the emerging SHLAA as potentially developable, the document continues to state that the site contravenes existing planning policy.

Further, the TA has not demonstrated that consented developments within close proximity including the 1075 housing development and 15,000sq.m of employment at the former RAF Upper Heyford has been taken into account in the traffic calculations. Due to the reasons summarised above, the TA is not considered robust enough to determine the impact of the proposed development.

Kirtlington Parish Council wish to comment in respect of OCC's consultation response as follows:

We have now seen the Oxfordshire County Council's Response dated 10th February 2015 and available on the CDC website on 25th February 2015. We wish to respond to several points in this report.

Access:

We are surprised that Oxfordshire County Council (OCC) Highways, who previously thought there was not an appropriate level of forward visibility at the access, now suggests that an access in the same place as before (c.f. ref. no. 14/01531/OUT) has sufficient visibility ahead. We disagree strongly.

We draw attention to the report prepared by Peter Brett Associates dated 20th February, which provides an independent professional review of the Gladman TA Report. They conclude that the Gladman's TA Report is not considered robust enough to determine the impact of the proposed development. Furthermore their conclusion supports comments made by Kirtlington Parish Council (KPC) in their response dated 12th February about the access (Section 2a) and about traffic and road infrastructure (Section 3c iii), and to the many individual comments posted by villagers on the CDC website objecting to this development and referring to accidents.

Important details are:

- that just west of the access the visibility is obscured not just by a bend but also by a rise. Topography does not seem to have been considered by either Gladman or the OCC report. It is a very dangerous place for an access;
- that neither the Gladman nor the OCC report considers all the traffic from commuters expected along the routes through Kirtlington from all the other developments that now have planning permission, or are awaiting permission, from Bicester to Witney, from Banbury and northern villages to Oxford, including nearby at Chesterton, Heyford Park, Bletchington, etc.
- consideration is not given to the effect of increased traffic at dangerous road constrictions in Kirtlington;
- consideration is not given to queues already at local junctions at rush hours;
- about 1 km. west of the proposed access and on the other side of the blind rise referred to above, planning permission has been granted for a fruit farm with biomass boiler where constant heavy transport traffic is anticipated.
- serious accidents have been recorded.

Location:

Within the KPC response (12th February) it is argued why Kirtlington should not be

considered a Category A village, as such growth is shown to be unsustainable (see all the points under Section 3), and as review of category status is to be undertaken in the future in the second part of the Local Plan, the assumption of Category A status is untenable at this stage. What is more, the OCC report shows (last line of the Location paragraph) that Kirtlington is just one of 16 villages over which 96 dwellings should be directed: 96 divided by 16 is 6 dwellings.

The intention of the emerging Local Plan of Cherwell District Council, which has already progressed considerably, should be taken into account when assessing development applications. The intention is clear, limited rural growth, even in Category A villages, spread over several villages and over a period of time.

Property:

It is very important to note, under the heading, Property, the OCC report suggests the mix of house sizes on which their calculations are based, and yet the Gladman proposal (p.13, §3.2 of the *Residential Benefits: Socioeconomic Sustainability Statement*) shows 45 of the 49 dwellings for sale are to be of 4 and 5 bedrooms, i.e. considerably more bedrooms and population increase. This would affect all the OCC calculations (see below), and emphasizes still further the danger of the access (see above). In population terms the proportionate increase to a modest village is entirely unsuitable, and the location not well linked to the village will be disruptive of community relations. This is not conducive to a sustainable development.

Drainage and Sewerage:

Drainage and sewerage problems are already serious in Kirtlington. OCC request further information. A full plan for how and when these will be resolved, financed by whom, should be received by CDC before this outline planning is granted.

Ecology:

The full ecology report, referring to material that already exists, should be received by CDC before this outline planning is granted.

Public Rights of Way:

The improvements suggested might not be possible for one very small existing footpath, as it is constrained by neighbouring properties. The proposed development is cut off from easy access to the heart of the village. It will become a separated community.

Education:

The material in this section by OCC is contradictory. They agree the school is essentially at capacity. They agree that no physical extension of the existing school is feasible. One aspect of the outdated criteria for labelling Kirtlington category A was that it has a primary school. The OCC transport policy is that children should go to a primary school in their own village, but this OCC report admits that this would not be possible with the population increase of this development, but the area is considered (and please note above that OCC underestimated the size of houses and so potential population growth).

The secondary school issue would be huge if the requested further development at Woodstock goes ahead, as that would swamp Marlborough.

General:

Oliver Spratley, Asset Strategy Support Officer, concludes:

“The contributions which are being sought are necessary to protect the existing levels of infrastructure for local residents. They are relevant to planning the incorporation of

this major development within the local community, if it is implemented. They are directly related to this proposed development and to the scale and kind of the proposal.” So,

1. Please note that he uses the term “major development”; that is our point it is a major development and not a minor development, and thus unsuitable.
2. Because (see under Property above) the officer used the wrong numbers for mix of house sizes, there would be even greater population increase than suggested in the OCC report. This affects the impact on all the infrastructure systems, as well as increasing the danger at the access.
3. It is clear from different parts of the report that not all the Section 106 charges generated can in fact be invested locally “to protect existing levels of infrastructure for local residents”, e.g. there is no physical space to expand the school in the village, his reference to the bus service has serving Heyford Park as a priority (and Heyford Park already contributes to this), etc.

Therefore, local residents will be negatively impacted, and the amount of money will not cure this negative impact. The development cannot be considered sustainable.

Kirtlington Parish Council, therefore, asks the Case Officer to consider the above points in relation to the OCC Report.

Cherwell District Council Consultees

3.2 Planning Policy Officer:

The site is located at the south west 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 proposals are:

Policy H13: The Category 1 Settlements

Kirtlington is a Category 1 Settlement where new residential development will be restricted to infilling, minor development comprising small groups of dwellings on sites within the built-up area of the settlement and conversions.

Policy H18: New dwellings in the countryside

Policy H18 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

Policy C8 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

Policy C9 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 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 a 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 on Conserving and enhancing the natural environment.

PPG The PPG states that it is important to recognise the 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 sites 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 PPG provides guidance on understanding housing needs, rural housing, natural environment, and conserving and enhancing the historic 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) as proposed to be modified. 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 H15 The Category 1 Villages. Kirtlington is a Category 1 village where new development will be restricted to infilling, conversions, and minor development comprising small groups of dwellings on sites within the built-up area of the village.

Housing: Policy H19 New dwellings in the countryside

Transport: 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.

Submission Local Plan 2011-2031 (January 2014) as Proposed to be Modified (as at 6 February 2015)

A new Local Plan (Part 1) was submitted to the Secretary of State on 31 January 2014 for Examination. Following Hearings in June 2014, Proposed Modifications were submitted on 21 October 2014. Hearings continued from 9 December 2014 to 23 December 2014. The Inspector's report is expected in the Spring of 2015.

The site is not identified as a strategic housing site in the new Local Plan. The draft policies of most relevance (as proposed to modified) are:

Policy Villages 1: Kirtlington is identified as a Category A village where minor development, infilling and conversions will be permitted within the built-up limits of the village.

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 at Category A villages which 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 Policy 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 into account the shortfall (2,314 homes) within the next five years. The calculations do not include new deliverable sites permitted since June 2014 and the land supply position will shortly be reviewed.

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 (Aug 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 proposal is for a smaller scale development than sought through the previous application (14/01531/OUT) which would have been out of scale to the rest of the village. The current proposal is more reflective of the conclusions of the SHLAA Update 2014 for site KR010 (an indicative assessment of potential). Detailed consideration of design and visual and landscape impact will, however, be required including the extent of the incursion into open countryside to the west.

At the present time, a five year supply of deliverable housing land cannot be demonstrated (under the requirements of the Oxfordshire SHMA 2014) and the emerging Local Plan does envisage some housing development being provided at Kirtlington.

It is noted that the level of affordable housing proposed accords with emerging policy (BSC3) and the needs for affordable housing is of course high.

In advance of the Local Plan Part 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 proposed developments on a case by case basis.

- 3.3 **Urban Design and Conservation Officer:** this proposal attempts to address some of the issues raised in respect of the previous application (14/01531/OUT) by reducing the number of units proposed, and containing these to a reduced area of the site. While this is considered to be a positive move, the issue of development on this site in principle remains the same.

The site is located at a prominent approach to the southwest entrance to the village and is currently in agricultural use with the Corner Farm occupying the south west corner. The area is rural in character with Kirtlington Golf Club immediately adjacent to the site along the south and west boundaries. Open fields to the north and the rear gardens of a number of 20th Century bungalows to the east boundary, which currently comprise the built up limits of the village. Identified as a category A village in the Submission Local Plan, Kirtlington may accommodate minor development within the built up limits of the village. As an unallocated site beyond the built up limits of the village, the proposed scheme therefore contravenes current policy.

The NPPF sets out the importance of good design as a key aspect of sustainable

development, and considers that good design is indivisible from good planning.

Paragraph 58 sets out that planning decisions should aim to ensure that developments:

1. Function well and add to overall quality of the area;
2. Establish a strong sense of place;
3. Optimise the potential of site and support local facilities;
4. Provide an appropriate mix of uses;
5. Respond to local character and history, and reflect the identity of local surroundings and materials;
6. Provide safe and accessible environments; and be
7. Visually attractive.

Paragraph 59-61 sets out that it is appropriate for planning decisions to seek to guide the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area. Planning decisions should also seek to promote or reinforce local distinctiveness and address the connections between people and places and seek the integration of new development into the natural, built and historic environment.

In accordance with paragraph 63 and 64 outstanding/innovative design that shows an appropriate response to its context shall be supported and development that fails to take the opportunities available for improving the character and quality of an area and the way it functions shall be refused.

Saved Policies from the Adopted Cherwell Local Plan:

Policy C27: Developments in villages are to respect the settlement pattern to protect and enhance the character of the village.

Policy C28: Relates to the layout, design and external appearance of new development to ensure an appropriate/ sympathetic response to its context.

Policy C30: Relates to the design of new residential development to ensure it is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.

Cherwell Local Plan - Submission, January 2014

ESD16: 'The Character of the Built and Historic Environment' sets out the requirements to ensure that new development seeks to respect and enhance the historic environment and secure high quality urban design by respecting traditional development patterns and reflecting local distinctiveness.

Countryside Design Summary SPG (1998)

Although relatively outdated this document still provides a good baseline analysis of the character of Cherwell District; its countryside, its settlements, its buildings and the way in which they relate to one another. It is considered this document should be consulted in conjunction with the Kirtlington Conservation Area Appraisal as part of an analysis of local character.

The application is accompanied by a Design & Access Statement prepared by FPCR Environment and Design Ltd. I have undertaken a peer review of this document, but firstly set out the principle objections to the proposed development to provide the context for the design assessment.

Design Assessment

Advice was provided at pre-app (14/00149/preapp) on the original 95unit scheme by the Design and Conservation team recommending that we could not support the scheme based on the principle of development. While the number of units has been reduced from to 75 units, our objection remains due to:

1. The departure from the traditional settlement pattern,
2. Nature of back land development and,
3. Access, connectivity and integration.

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 Plateau character area. The document provides an analysis of the predominant characteristics of both the landscape and built environment identifying subsequent implications for new developments. Specific to this site, and also required by policy C27 and C28, 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 of the 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.

Access, connectivity and integration remain a major concern. Despite the number of units being reduced, there is still only a single point of access for 75 houses, forming an additional, larger cul-de-sac to the existing 20th century development at Oxford Close. Policy ESD 16 (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 case that this will be a cut through for residents who become aware of its existence, rather than a clear and desirable pedestrian connection to the village. Therefore with the 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.

Therefore the objection is maintained as it is felt that there are more sympathetic ways to extend this historic village, and that neither this location nor this framework is suitable additions to it.

Design and Access Statement:

The Design and Access Statement submitted covers only the high level aspects of masterplanning 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, the DAS does not provide an appropriate level of analysis of the character of Kirtlington, particularly the historic core, and there is little explanation of how these would be distributed and applied across the scheme. Therefore it is felt that this 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 DAS does not provide an explanation or justification to a design approach for this edge or 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 LAP would benefit from being more centrally located.

Materials along the 'main street' reference brick and render. Render is not characteristic of the village and it is unclear from the analysis how this has come about. A high proportion of natural stone would be expected on such a prominent site.

Conclusion

It is acknowledged that the proposed scheme has sought to respond to the comments provided to the previous application for 95 units. The reduced number of units across a smaller portion of the site is a positive move. However the design for this site cannot be separated from the way that it sits within its setting. Therefore, while a number of principles that the scheme promotes would be appropriate in another setting, they are not appropriate here and it is still felt that the main objections to the principle of development on the site have not been overcome.

- 3.4 **Housing Officer:** The affordable housing statement ascribes the correct number of affordable homes, however, the unit types proposed do not fit with the current need at this time.

Although I had stated in my previous comments a 50/50 tenure split, because the number of affordable units has now reduced, I will require a 70/30 tenure split as per our normal requirements.

To clarify, the applicant has proposed too many 3 beds and too few smaller properties for affordable housing. An indicative mix which I suggest would be as follows:

Rent	Intermediate
12 x 2b4p houses	6 x 2b4p houses
6 x 3b5p houses	2x3b5p houses

Clustering numbers are supported. i.e. between 6 and 10 units. Again as noted by the applicant in their affordable housing statement, the affordable housing properties should be tenure blind as much as possible, while still delivering the standards that are prescribed by the HCA's Design and Quality Standards, including the necessary HQI requirements. 50% of the rented units should also conform to the lifetime homes Standards. The RP will need to be agreed with the council.

- 3.5 **Anti-Social Behaviour Manager:** Historically, shortly after the Kirtlington Golf Course opened, the then landowner, Mr East, complained to the Council that golf balls in play on the course were being hit over the boundary with his farm and were striking his buildings and landing on grazed pastures. Following an extensive investigation I understand that fencing was installed at key areas on the boundary between the two sites to protect Corner Farm and its land from stray balls. It would appear that this fencing has either fallen into disrepair or has been removed. It seems that reliance is now placed on planting and trees and shrubs to prevent golf balls straying. In order to ensure this arrangement is adequate and to identify the elements of the boundary which may require reinforcement or protection by way of planning condition I would

recommend that the applicant be asked to submit a specialist report prepared by an experienced golf course architect that appraises the boundary details within that context.

- 3.6 **Landscape Officer:** This site was the subject of a previous application for 95 dwellings. The number proposed has been reduced to 75 and the area to be developed reduced in size. This is still a large development in relation to the existing village.

The LVIA follows a logical format and is user friendly. The revised LVIA has been undertaken by a different practice but has used the same viewpoints so I have been able to directly compare the revised assessment with the comments I made on 29th September 2014. The reduction in scale of the development makes very little difference to the impact of that development in the landscape. The filtered views of dwellings in the SW of the corner of the site from VP's 5 and 6 are likely to be very slightly less, but the impact from these VP's overall is the same. My assessment differs very little from either the original LVIA or the LVIA accompanying this application.

Just to clarify the views from VP's 3 and 4. Both viewpoints are distance views of the site. In the overall panorama from the viewpoints looking towards the site any glimpse of the development would be in the context of a wide panorama of open countryside. The southern edge of the village of Kirtlington is already visible from this direction so the proposal would not be introducing new development into totally open countryside. New planting proposed on this boundary will screen any initial visibility within 10-15 years as is evidenced by Gossway Copse.

The conclusion of the LVIA is fair. There will be limited impact on the wider landscape. The site has a relatively small ZVI. Again, the greatest impact will be from the PROW at the rear of the dwellings backing onto the site, and views into the site from the proposed entrance.

The combined LEAP/LAP should be located centrally so that it is easily accessible and has adequate overlooking.

The D and A statement mentions increasing biodiversity by habitat creation. More detail will be needed about where and how this is to be done.

- 3.7 **Arboricultural Officer:** Previous comments regarding the protection and enhancement of the existing boundaries to the east and north of the site have been taken on board with adequate provision of buffer zones and rejuvenation of hedgerows. To ensure the longevity of these buffer zones (including the required buffer zone for the west boundary) it is essential that an access strip is provided to allow for maintenance and to ensure that the 'zones' remain independent from residential gardens.

The LEAP to the north-east of the site may be located too close to existing residential garden boundaries increasing the risk of nuisance and ASB issues. I would recommend that the LEAP is relocated further away back along the northern boundary. Any proposed tree planting within existing and proposed hedgerows should take into consideration the potential impact of shading that the trees may have upon residential gardens. The lack of open space within the interior, places increased emphasis on the requirement for highway verges of a suitable width for the purpose of street tree planting. Such planting will increase local amenity and wildlife habitat whilst softening and enhancing architectural features.

- 3.8 **Environmental protection Officer:** No comments received

3.9 **Ecology:** No comments received in respect of this application

Oxfordshire County Council Consultees

3.10 **Transport Officer:**

Access the amended plans overcome previous reasons for refusal. An appropriate level of visibility has been demonstrated at the access, including forward visibility from various points at and approaching the junction. Junction radii have been increased and any over-run by large vehicles will be minimal. Appropriate pedestrian provision is proposed and must link to the local network. The local speed limit will require extending out of the settlement.

Location

The Submission local Plan (January 2014) identifies Kirtlington as a 'Type A' village, representing a village with the highest level of sustainability. As a Type A village, Kirtlington is considered to be suitable for minor development '*typically but not exclusively for less than 10 dwellings*', infilling and conversions are permitted within built-up limits.

Policy Villages 2 of the Submission Local Plan identifies 16 villages where '*development of 10 dwellings or more will be directed*'. Kirtlington is one of 16 villages across which an allocated 96 dwellings would be directed.

Public Transport

There is currently an hourly weekday daytime bus service to Oxford with some additional journeys. There is negligible evening service and no Sunday service. An enhanced service would aim to provide at least two buses per hour to Oxford during journey to work times and to provide a longer operating day, to cover the range of likely journey to work times, plus a limited service on Sundays. The aim of collecting developer contributions is to achieve a commercially sustainable bus service between Upper Heyford and Oxford via Kirtlington.

The development is around 400 metres from the Oxford Arms and The Mount bus stops. The provision of a continuous footpath from the junction with Lince Lane, along the Northern side of the A4095 to connect with the existing footway is essential.

Bus stop provision in Kirtlington falls well below the quality level expected on a busy inter-urban route. New residents will expect to find modern bus stops on both sides of the road, complete with integral pole/flag and information case units. Some hard-standing areas will also be required to make buses accessible from the village footpath network.

Travel Plan

A framework travel plan has been submitted with this application, a further travel plan update would be required. In addition, a residential travel information pack should be produced to ensure that all residents are aware of the travel choices available to them at the outset.

Drainage

A full surface water drainage design including relevant calculations must be submitted and approved by the Lead Flood Authority (OCC) prior to any development commencing on site.

Public Rights of Way

The public right of way is well provided for in this application by the provision of a footpath statement. At present this is a rural path with no maintenance necessary. There is a desire to upgrade the surface as part of the development. Any upgrade of

the surface would be subject to agreement with the county council and specifically the Countryside Access Team. Future maintenance of the path of the upgraded will need to be secured. Any rights of way furniture, for example, stiles, will need to be upgraded to gates or where possible removed to leave a gap.

A number of planning conditions are recommended.

Legal Agreement to secure public transport contributions, travel plan monitoring and rights of way treatments and maintenance.

In respect of the concerns raised by Kirtlington Parish Council in respect of the above comments, the highway authority has been asked to comment further. A response is awaited.

3.11 **Education:**

Primary – Kirtlington CE (VA) Primary School is already operating close to capacity and would have difficulty in absorbing increased local population. The schools 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 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.

£291,519 Section 106 required for necessary expansion of permanent primary school capacity in the area.

Secondary – the area is served by The Marlborough CE School, 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.

£305,834 Section 106 required for necessary expansion of permanent secondary school capacity in the area.

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.

£14,479 Section 106 required as a proportionate contribution to the expansion of Special Education Needs provision in the area.

- 3.12 **Archaeology:** The field evaluation requested on 14/01531/OUT has been undertaken and consisted of a geophysical survey and targeted trenched evaluation. The evaluation did not record any significant archaeological features on the site. A number of features were recorded which relate to former field boundaries and an undated track-way.

- 3.13 **Property:** The County Council considers that the impacts of the development proposal (if permitted) will place additional strain on its existing community infrastructure. The following housing development mix has been used

- 1 x one bed dwellings
- 21 x two bed dwellings
- 41 x three bed dwellings
- 11 x four bed dwellings

It is calculated that this development would generate a net increase of 201.77

residents including

- 14.94 residents aged 65+,
- 137.04 residents aged 20+
- 18.16 residents aged 13/19
- 22.66 Residents aged 0-4

Legal agreement required to secure

- Library, the development is served by Kidlington library which is significantly under-sized in relation to its catchment population £17,150.45
- Central Library, in Oxford requires remodelling to support service delivery that includes provision of library resources across the county £3,460.36
- Waste Management, to meet the additional pressures on the various Household Waste and Recycling Centre provision in Oxfordshire, enhancements to these centres are either already taking place or are planned, and, to this end, contributions are now required from developers towards their redesign and redevelopment £12,913.28
- Museum Resource Centre is the principal store for Oxfordshire Museum, Cogges Manor Farm Museum, Abingdon Museum, Banbury Museum, the Museum of Oxford and the Vale and Downland Museum. It provides support to these museums and schools throughout the county for educational, research and leisure activities. The MRC is operating at capacity and needs an extension to meet the demands arising from further development throughout the county. An extended facility will provide additional storage space and allow for increased public access to the facility £1,008.85
- Adult Day Care, the development is served by Oxford Options and this development will place additional pressures on this adult day care facility. To met the additional pressures on day care provision the County Council is looking to expand and improve the adult care facility in Oxford Options £16,434.00
- Administration and monitoring, this may increase depending on the value of any Transport related contribution £5,000

Other Consultees

3.14 **Thames Water:** comment as follows

Waste: Following an initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. A Grampian style condition is therefore suggested.

Water: recommends an informative is attached to any permission regarding pressure etc.

Supplementary comments: the receiving sewer may not have sufficient spare capacity to accommodate the calculated net foul flow increase from the proposed development. Thames Water request that an impact study be undertaken to ascertain with a greater degree of certainty, whether the proposed development will lead to overloading of the existing infrastructure, and, if required, recommend network upgrades.

3.15 **Environment Agency:** have not commented in respect of this application

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 section:-

- 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 open countryside
- Policy EN30: Sporadic development in the countryside
- Policy EN31: Beyond the existing and planned limits of Bicester and Banbury
- Policy EN34: appearance and character of the landscape

Cherwell Local Plan – Proposed Submission Local Plan (October 2012)

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 22nd August to 3rd 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 Spring. The plan sets out the Council's strategy for the District to 2031.

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

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 and Master Plan
- Visual Amenity and Landscape Impact
- Ecology
- Flooding and Drainage
- Archaeology and Cultural heritage
- 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 site 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 housing in Oxford Close and the edge of 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 accords with the principles of the SHLAA in terms of the site area and density.

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 to be up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing 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 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 with 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 on locations which are, or can be 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, 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 district's 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 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 the 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 very little 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 routes, play space and areas of public open space and landscaping. The Design and Access Statement however still lacks detail and does not fully justify why the site has been identified, why it is suitable for the development proposed and how the concept of the indicative layout has evolved in respect of the character of Kirtlington Village and the site's opportunities and constraints and 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.
- 5.30 While it is stated in the Design and Access Statement that the development will seek to take cues from the historic core, it is considered that the level of analysis of the character of Kirtlington, particularly the historic core, is minimal, and there is little

explanation of how these would be applied across the scheme, therefore it does not set a clear vision for how future development can come forward. Furthermore, very little information is pulled out to summarise how the findings relate to the future form, character, architecture and public realm at the entrance into the development adjacent to Lince Lane. A set of parameter plans and defined character areas would normally be expected.

- 5.31 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.
- 5.32 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.
- 5.33 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’.
- 5.34 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’.
- 5.35 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).
- 5.36 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.
- 5.37 Having regard to the above comments and advice, it is intended to seek amendments to the submitted Design and Access Statement to address the issues raised and to ensure that any development on the site is of a high quality which has been informed and inspired by local vernacular. Members will be further updated in this respect at the meeting.
- 5.38 In respect of the previous application for 95 dwellings on the larger site, one of the main concerns was the context in which the development sat. Kirtlington is a well

contained settlement with a strong linear pattern following the original route of Portway, with village greens located at junctions with other historic routes and bound on the east side by Kirtlington Park, an important Grade 1 Listed Historic Parkland. The village has seen some 21st Century infill development and some 20th 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.

- 5.39 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.
- 5.40 This revised proposal now seeks consent for the erection of 75 dwellings on a smaller site of 2.5 hectares along the eastern extent of the land. 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.
- 5.41 Paragraph 14 of the NPPF requires that, in the absence of a five year housing land supply that, consideration is given to whether the harm caused by the development 'significantly and demonstrably outweighs the benefits'. It is considered that this revised application, which now seeks consent for the erection of 75 dwellings on a reduced area of site of 2.5 hectares along the eastern part of the site, is on balance acceptable. The comments of the Council's Urban Design Officer are noted, however, as stated above, the harm as required by the NPPF must be carefully considered against the benefits of the development. The development indicated better reflects the traditional settlement pattern for Kirtlington in terms of its more linear form, and landscaping and screening along the western boundary of the built development will provide further screening from the more distant views of the site from the public rights of way. In terms of the built form, amendments are sought to the Design and Access Statement to ensure that the development better reflects local vernacular and traditional settlement pattern in terms of layout, scale and materials. Members will be updated at the meeting in this respect.
- 5.42 This revised proposal is also more reflective of the site identified in the SHLAA Update 2014 (ref KR010) which indicates that this site has development potential for up to 75 dwellings. It is considered that the site now identified in this proposal, could provide a linear pattern of development similar to the surrounding residential properties.
- 5.43 In terms of connectivity with the remainder of the village. This has not been raised as

an issue by the Highway Authority, and new footpath links are to be provided along Lince Lane/Oxford Road to link with the existing footpath network and improvements are proposed to the existing Public Right of Way along the eastern boundary of the site which links through to the remainder of the village at the Oxford Close junction. It is considered, on balance, in respect of this development for 75 dwellings on a reduced area of the site, that, a refusal based on a lack of connectivity and integration with the remainder of the village cannot be justified.

Visual Amenity and Landscape Impact

- 5.44 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.
- 5.45 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.
- 5.46 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.
- 5.47 The application is accompanied by a Landscape and Visual Impact Appraisal which has been prepared by FPCR Environment and Design Ltd on behalf of the applicant and has been prepared based upon the 'Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3)' published by the Landscape Institute and the Institute of Environmental Management and Assessment 2013.
- 5.48 In terms of the submitted Landscape and Visual Impacts Appraisal, the study area for the assessment of visual effects was determined through a combination of desk study and field survey with visibility of the site explored using a series of key viewpoints from nearby settlements and residential properties, public rights of way, recreational areas and the road network. Details of the viewpoints taken can be read in more detail in the LIA as submitted.
- 5.49 The report concludes that the site has a relatively small 'Zone of Visual Influence' due to the local built development, topography and tree cover within and around the site.

The existing boundary vegetation visually contains the site and screens the majority of views from potential receptors to the west and south of the site. New planting and proposed areas of open space to the site boundaries will define the southern, western and northern boundaries which would further enhance the screening effects.

- 5.50 The report states that in terms of residential receptors, these are restricted to properties located directly adjacent to the site boundaries along the Oxford Close and Oxford Road. It considers that the retention of existing vegetation and the proposed boundary planting to the site boundaries would help soften the visual impact of the new development with strategically located areas of public open space to allow for built development to be set back to the eastern boundary. It therefore assesses the effects on visual amenity to be Moderate/Adverse.
- 5.51 In terms of the Public Right of Way 270/10/30, users would have views of the eastern edge of the development. The landscape treatment of this right of way includes setting it within a green buffer corridor which will include tree and hedgerow planting, with the housing set back and fronting this area to provide natural surveillance. It considers the effects on users to be Major/Moderate Adverse. There would also be some views across to the development from the south.
- 5.52 The report concludes by stating, *'it is assessed that the site's landscape character has the ability in which to absorb development of the scale and type proposed, and as presented by the master Plan, without causing any long term unacceptable landscape and visual harm. The Proposed Development of well-designed locally distinct new homes and attractive streets and green space would be appropriate within this landscape context and effects as a result of the proposed development would not give rise to any unacceptable landscape and visual harm'*.
- 5.53 The Landscape and Visual Impact Appraisal has been assessed by the Council's Landscape Officer who considers that the conclusion of the LVIA is fair and there will be limited impact on the wider landscape, stating that the site has a relatively small 'zone of influence' and the greatest impact will be from the Public Right of Way at the rear of the dwellings backing onto the site, and views into the site from the proposed entrance. In respect of viewpoints 3 and 4 of the Landscape Visual Impact Appraisal, as these are distance views of the site, in the overall panorama from the viewpoints looking towards the site, any glimpse of the development would be in the context of a wide panorama of open countryside. The southern edge of the village of Kirtlington is already visible from this direction, and the Landscape Officer having assessed the proposal considers that it would not be introducing new development into totally open countryside and new planting proposed on this boundary will screen any initial visibility within 10-15 years as it evidenced by Gossway Copse.
- 5.54 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 within the immediate vicinity of the site, and the introduction of houses, access roads and associated domestic paraphernalia would have an urbanising effect. However, the wider visibility of the site within the wider area is restricted by intervening vegetation and long distance views and topography.
- 5.55 Having regard to the above, whilst it is considered that the development proposed will cause harm to the visual amenities of the immediate locality, the harm being identified as Major/Adverse, it is considered unlikely to adversely impact on the Area of High Landscape Value and cause sufficient harm to the setting of the village from the wider open countryside. 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 on landscape impact and harm to the open countryside cannot therefore be justified in respect of this proposal.

- 5.56 An arboricultural assessment has also been submitted as part of the application documents which has been assessed by the Council's arboricultural Officer who has not raised any objections to the proposal. There are no trees within the centre of the site itself, as tree and hedgerows are confined to the peripheries. There will therefore be no significant tree loss to facilitate the development.

Ecology

- 5.57 The application is accompanied by an Ecological Appraisal prepared by FPCR Environment and Design Ltd on behalf of the applicant, and includes the results of an Extended Phase 1 and subsequent protected species surveys (badger, bat and great-crested newt surveys). 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 tree standards and scattered scrub.
- 5.58 The site was surveyed on 23rd April 2014 following the Extended Phase 1 survey technique as recommended by Natural England. This involved a systematic walk over of 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 Natural Environment and Rural Communities Act 2006 (NERC 2006). Given the nature of habitats within and surrounding the site, particular consideration was given to the potential presence of bats and amphibians, for which further protected species surveys were completed. A badger survey was also completed.
- 5.59 The findings of the survey state that no great crested newts were recorded within the site or the pond within the golf course to the west. A single pond to the southeast of the site could not be accessed to be surveyed, however, the presence of great crested newt within the pond or onsite is considered unlikely. No evidence of bat roosting was found on site, but bat activity across the site was generally unexceptional with one barbastelle bat pass and activity from common pipistrelle, soprano pipistrelle, brown long-eared and noctule bats also recorded. Mitigation measures will need to ensure that the hedgerows remain unlit to ensure there is no significant effect on commuting and foraging corridors for these species.
- 5.60 A bat survey report of buildings on the site was undertaken by FPCR on behalf of the applicants. External aspects of the buildings were examined to determine any potential access points and roost sites on 23rd April 2014. Structural features with the potential for use by roosting bats were recorded and suitable access points, such as small gaps under eaves/soffit boards, raised or missing tiles and gaps at gable ends were sought. The interior of the buildings including any roof voids, were also visually assessed for evidence of bat activity and/or potential to be used for bats on the above date. Following the completion of external and internal building assessments, nocturnal surveys were undertaken to determine the presence of bats in the buildings. These surveys were undertaken on 6th June and 9th July 2014 at dawn when weather conditions were suitable.
- 5.61 The results of the above surveys revealed that in building 1, four suspected brown long-eared *Plecotus auritus* bat droppings were recorded in the roof void but these were considered to be several years old. Buildings 2, 3, 4, 5 and 6 were considered to offer no/negligible potential for roosting bats due to the lack of roosting opportunities. Therefore, nocturnal presence/absence surveys were not undertaken.
- 5.62 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.

- 5.63 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’.
- 5.64 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:
- 5.65 ‘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’.
- 5.66 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
- 5.67 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.
- 5.68 The Council’s Ecologist has not yet responded in respect of this application, but having assessed the Ecological Appraisal in respect of the previous application for 95 dwellings on the larger site, (14/01531/OUT) raised no objections and advised that in general the ecological enhancements recommended should result in a net gain to biodiversity if carried out appropriately. A number of conditions were recommended, including the provision of integrated swift and bat boxes.
- 5.69 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 of the NPPF and Policies C2 and C5 of the adopted Cherwell Local Plan and Policy ESD 10 of the Submission Cherwell Local Plan.

Flooding and Drainage

- 5.70 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 report has determined that the site is at low risk from all forms of flooding. The surface water drainage strategy is to control the surface water discharge from the development prior to discharge into the existing manhole which conveys water to a drainage ditch along Lince Lane, as proved by the results of a CCTV survey. Attenuation volumes will be retained in a detention basin which is indicated in the southern part of the site. The report advises that permeable paving is not suitable for this site as infiltration tests reveal infiltration is too slow. Rainwater run-off from roofs and hard paved areas will be directed through the prevention measures and then via a new Thames Water adopted gravity network within the highways to an on-site detention basin. This will account for the additional surface water run-off generated by the site and prevent increased discharge to the downstream watercourses for the extreme events.
- 5.71 The Environment Agency have yet to comment in respect of this application, but on the previous submission for 95 units, they raised 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 submitted with the application.

Archaeology and Cultural Heritage

- 5.72 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 8962). 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 3rd 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.
- 5.73 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).
- 5.74 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.
- 5.75 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’.

- 5.76 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’.
- 5.77 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
- 5.78 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’.
- 5.79 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.
- 5.80 The County Archaeologist assessed the initial submission in respect of the earlier application (14/01531/OUT), 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 17th to 19th 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 27th January 2015. The revised Archaeological Desk Based Assessment Report dated February 1015 was received on 6th February 2015.
- 5.81 The County Archaeologist has confirmed that as the surveys and report did not identify any significant archaeological remains or features on the site, that no objections are now raised to the development on archaeological grounds. 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.
- 5.82 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

- 5.83 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, but one starts approximately 60metres east of the site on the same side of the road and runs up into the village.
- 5.84 Access to the site is proposed via a priority junction on Lince Lane together with a right turn facility into the site on the outside of the bend in the middle of the site frontage. Following a speed survey, it is proposed that vision splays of 2.5m x 43m are appropriate for the development, although splays in excess of this can be achieved. A footpath link is proposed from the site access to the existing footpath on Oxford Road.
- 5.85 The highway authority in respect of the previous application for 95 dwellings (14/01531/OUT) raised objections on the grounds that the proposal as submitted lacked detail with regard to the geometry and visibility available at the vehicular access and therefore failed to demonstrate the proposed access would operate safely. The submitted plans did not include tracking diagrams for large vehicles, for example, refuse trucks turning to or from the site and requested further plans be submitted to demonstrate that such manoeuvres would not involve running over the opposite side of the carriageway or turning lane.
- 5.86 The revised plans submitted as part of this application, indicate that vision splays 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.
- 5.87 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.
- 5.88 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.
- 5.89 The revised submission and Transport Assessment provided as part of this application have been assessed by the Highway Authority who now raise no objections and consider that an appropriate level of visibility has been demonstrated at the access, including forward visibility from various points at and approaching the junction. Junction radii have been increased and any over-run by large vehicles will be minimal. Appropriate pedestrian provision is proposed and must link to the local network. The highway authority will require the speed limit to be extended out of the

settlement.

- 5.90 Kirtlington Parish Council has raised a number of concerns in respect of a number of consultation responses, including that from the highway authority. These comments have been passed to the highway authority and a further response is awaited.

Adjacent Golf Course

- 5.91 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 previous submission for 95 dwellings. 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.
- 5.92 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.
- 5.93 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 went 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.
- 5.94 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.

- 5.95 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 as the developable area has been reduced and all built development has been moved some distance from this boundary that this is less of an issue now. It is considered that any potential conflict can be dealt with by condition, requiring the provision of a landscaped buffer along this boundary.

Delivery of the Site

- 5.96 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.
- 5.97 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

- 5.98 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.
- 5.99 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.
- 5.100 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
- 5.101 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 – details awaited
- Indoor sports – details awaited
- Play areas, combined LAP/LEAP on site and £122,889.10 commuted maintenance sum
- Community halls – to be determined as dependant on the size of dwellings
- Attenuation areas - £14.91 m2
- Hedgerow maintenance - £35.78 m2

- Public open space, 4122.75m2 on site with maintenance cost of £25.07 m2
- Monitoring Fee £3,000

OCC Contributions

- Travel Plan monitoring fee £1240
- Improvement of bus stops at Oxford Arms and The Mount £10,000
- Enhancement of bus service (route number 25A) £1,000 per dwelling
- Treatment and maintenance of the public right of way
- Primary education - £291,519
- Secondary education - £305,834
- Special education needs - £14,479
- Local library - £17,150.45
- Central library - £3,460.36
- Waste management - £12,913.28
- Museum resource centre - £1,008.85
- Adult day care - £16,434.00
- Administration and monitoring - £5,000

Engagement

- 5.102 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.103 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.
- 5.104 The development of this site is contrary to the Adopted Development Plan policies. However, the Council does not currently have any up to date adopted policies to ensure the future delivery of housing and there remains a shortfall in housing land supply. In this case, it is the benefit of seeking to meet the housing land supply and the provision of affordable housing that weigh heavily in the balance. Whilst taking into account the high level of local objection to the development, it is considered, on balance, that having regard to the above, and the Council's shortfall in a five year housing land supply, that there are no significant harmful effects from the proposal that would justify recommending the application for refusal at this time and the application should therefore be approved.

6. Recommendation

Approval, subject to:

- a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions as outlined above, with delegation to officers to negotiate its final content
- b) A satisfactory Design and Access Statement and parameters plan

- c) Comments from OCC in respect of the concerns raised by Kirtlington Parish Council
- d) Comments from the Environment Agency
- e) the following conditions:

- 1. 1.No development shall commence until full details of the layout, scale, appearance and landscaping, (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the town and country Planning (General Development procedure) Order 2010 (as amended)

- 2. In the case of the reserved matters, application for approval shall be made not later than the expiration of 12 months beginning with the date of this permission
Reason As above

- 3. The development to which this permission relates shall be begun not later than the expiration of 12 months from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved
Reason: As above

- 4. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents (to be inserted)
Reason For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance within the NPPF

- 5. Prior to the commencement of the development hereby approved, the buildings and structures on the site at the date of this permission shall be demolished and the debris and materials removed from the site.
Reason: BR6

- 6. The proposed development shall not exceed a height of 8.5m measured externally from the approved finished floor levels
Reason: To ensure the development is in scale and harmony with its surroundings and to comply with Policy C38 of the adopted Cherwell Local Plan and Government guidance within the NPPF

- 7. That not less than 50% of the dwellings shall be constructed in natural limestone under a natural slate roof. The distribution of these dwellings across the site shall be agreed as part of the reserved matters submission.
Reason; To ensure that the development is constructed and finished in materials which are in harmony with traditional building materials used in the village and to comply with Policy C28 of the adopted Cherwell Local Plan and government guidance within the NPPF

- 8. Prior to the commencement of the development hereby approved, full details of the fire hydrants to be provided or enhanced on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.
Reason To ensure sufficient access to water in the event of a fire in

accordance with Government guidance within the NPPF

9. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed

Reason

10. Prior to the commencement of any development on the site, the proposed access, hereby approved, between the land and the highway shall be formed, laid out and constructed in accordance with the approved plans, strictly in accordance with Oxfordshire County Council's specification and guidance.

Reason: In the interests of highway safety and to comply with Government guidance within the NPPF

11. Prior to the first use of the access hereby approved, the existing access onto the A4095 shall be permanently stopped up and shall not be used by any vehicular traffic whatsoever.

Reason: as above

12. Prior to the commencement of the development, a Construction Environment management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved CEMP.

Reason In the interests of highway safety and to protect the amenities of the occupiers of adjacent residents during the construction of the development and to comply with Policy ENV1 of the adopted Cherwell Local plan and Government guidance within the NPPF.

13. No development shall commence until details for the provision of 10 incorporated bat roosts (of the type Schwegler 1FR, Ibstock or similar) have been submitted to and approved in writing by the Local Planning Authority. Details shall include the type of bat roosts to be used and their proposed locations within new dwellings. The approved works shall be implemented in full before the development is first brought into use.

Reason To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance within the NPPF

14. No development shall commence until details for the provision of 10 incorporated swift nest boxes (of the type Schwegler or similar) and 10 internal or external nest boxes for other bird species have been submitted to and approved in writing by the Local Planning Authority. Details shall include the type of nest boxes to be used and their proposed locations within new dwellings/on trees. The approved works shall be implemented in full before the development is first occupied.

Reason: as above

15. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a Reptile Method Statement, detailing how the site will be cleared to avoid harm to reptiles, shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the scheme shall be carried out in accordance with the approved details.

Reason: To ensure the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance within the NPPF

16. Prior to the demolition of the buildings on the site, the findings of an updated bat survey shall be submitted to and approved in writing by the Local Planning Authority. This shall include an appropriate mitigation strategy if necessary. Thereafter any mitigation scheme shall be carried out in accordance with the approved details.

Reason as above

17. Prior to the first occupation of any of the dwellings on the site, a final certificate certifying that the dwellings in question achieve Zero Carbon development shall be issued, proof of which shall be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework.

18. Prior to the commencement of the development hereby approved, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the commencement of any building works on the site the approved surface water drainage scheme shall be carried out and prior to the first occupation of any building to which the scheme relates, the approved foul sewage drainage scheme shall be implemented. All drainage works shall be laid out and constructed on accordance with the Water Authorities Associations current edition 'Sewers for Adoption'

Reason: To ensure the satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance within the NPPF

Planning Notes

1. Thames Water
2. High standard of design
3. No obstruction of footpath
4. Biodiversity/protected species
5. Bats
6. Nesting birds

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.