

OS Parcel 1424 Adjoining And Rear Of Jersey
Cottage
Heyford Road, Kirtlington

15/01128/OUT

Ward: Kirtlington

District Councillor: Councillor Holland

Case Officer: Shona King

Recommendation: Refuse

Applicant: JF And CM Budgett, HC Tyler, SH Nicolson And Manor Farm Dev

Proposal: OUTLINE - Demolition of 1 to 4 Jersey Cottages, residential development for the erection of up to 34 dwellings, open space and associated works

Committee Date: 1 October 2015

1. Application Site and Locality

- 1.1 The application site is located to the northern side of Kirtlington to the east of Heyford Road. It comprises 4 dwellings, 1-4 Jersey Cottages and paddock and is approximately 1.4ha in area.
- 1.2 The northern boundary of the site is defined by a hedge, trees and fences. The western boundary comprises a dry stone wall, approximately 1.6m high, with a belt of mature trees within the site. The southern boundary of the site is formed by woodland which extends along the entire southern boundary and merges with a larger block of woodland to the east of the site. The eastern boundary is defined with a post and rail fence which borders Home Farm and its associated agricultural buildings.
- 1.3 To the south of the site, beyond the woodland is the driveway into Kirtlington Park and parkland to the north is a paddock forming part of Home Farm. The western side of Heyford Road is characterised by a strong building line of dwellings fronting onto Heyford Road with a couple of cul-de-sacs, Akeman Close and Foxtowns. Conversions of traditional farm buildings have also taken place to the rear of Foxtownsend Farm.
- 1.4 The application site lies partly within the Conservation Area and partly within the Grade II Registered Park and Garden of Kirtlington Park. There are several Grade II listed buildings adjacent to the application site including Home Farm.
- 1.5 There are no Tree Preservation Orders within the site. The site is within 2km of a SSSI (Kirtlington Quarry) and there are records of Spotted Fly catchers, a legally protected species within 250m of the site. There are also records of common swift within 250m which are a UK BAP Priority and Section 41 Species and it abuts a UK BAP Priority and Section 41 Habitat, lowland mixed deciduous woodland. The site lies within a buffer zone for potentially contaminated land and is a site of medium level archaeological interest.

2. Description of Proposed Development

- 2.1 Consent is sought for the demolition of 1-4 Jersey Cottages and the erection of up to 34 dwellings with open space and associated works. The application is in outline

with only access to be considered at this time. Appearance, landscaping, layout and scale are reserved for subsequent approval.

2.2 Vehicular access is to be via the existing access serving Jersey Cottages. It is proposed to upgrade the access to provide footways either side of the estate road with 10m of footway either side of the junction with Heyford Road.

2.3 An indicative layout has been submitted showing 32 dwellings served by a single access from Heyford Road with an area of open space and a pond.

3. Publicity

3.1 The application was publicised by way of neighbour notification letters and a notice displayed near to the site. The comments raised by third parties are summarised as follows below and the letters can be viewed in full in the application documentation.

21 letters have been received and the following issues have been raised:

- Sewage and flooding
- Impact on heritage assets
- Impact on the visual amenities of the area
- Loss of trees
- Impact on village infrastructure
- Traffic congestion and highway safety
- Unsustainable development
- Loss of open countryside
- Contrary to the housing strategy
- Contrary to the Neighbourhood Plan
- Outside the built up area
- Impact on wildlife and habitat
- Air, light and noise pollution
- Loss of boundary wall
- Recent application to south of Kirtlington
- Number of dwellings for size of village
- Density of development
- Impact on the character of the area/village
- Site lends itself to development
- Not carbon neutral
- Location of the development
- Contrary to the local plan
- Lack of employment
- Poor transport links

4. Response to Consultation

4.1 **Kirtlington Parish Council**: The Parish Council objects to this application as it stands and its reasons are set out from (2) below.

1. General comments

The application proposes the removal of existing housing which is of little design or architectural merit, therefore subject to design and layout the development could provide a visual improvement which could balance the impact on the Conservation

Area and Registered Park. Despite the site's location partially within the conservation Area and a Grade II Registered Park and Garden, houses on this site, if appropriately located, would be a good fit with the existing north-south settlement pattern of the village, and would be concealed behind the existing estate wall and the belt of trees fronting the Heyford Road (however, see the reservations below). The site is also sufficiently well screened from the historic parts of the Park (see Heritage Impact Assessment pp 10-11) not to affect the setting of Kirtlington Park House (Grade 1 listed).

2. Conservation Area, screening and the site boundary

- (i) As there are existing trees on the site (particularly around the site entrance and around the existing properties) and overhanging the red line boundary, this application should not have been validated without a BS5837:2012 compliant tree survey. This is needed and should include a tree removal plan.
- (ii) The belt of trees fronting the Heyford Road, including the estate wall, are features of great importance to the screening of the proposed development from the Heyford Road and the properties opposite, but they lie outside the red line boundary. The Parish Council requests an extension to the land within that boundary to include all the trees in order to ensure the permanent retention/improvement of the existing trees. Works to the estate wall are described in the Heritage Impact Assessment, but as the wall is not within the red line boundary, such works cannot be enforced.
- (iii) Any trees within the Conservation Area are subject to Tree Preservation Orders. Although the trees along the Heyford Road and to the south of the site are not Ancient Woodland, they are BAP priority habitat and as such need to be given adequate protection. The Heritage Impact Assessment states that woodland is likely to have existed in this tree belt and in the plantation to the south of the site since between 1811 and 1875. The roots of these trees will extend well beyond their canopy, and the roots are likely to have compensated for the restrictions imposed on them by the presence of the Heyford Road by putting on additional growth to the east. Natural England's Standing Advice for non-developable buffers to Ancient Woodland is 15m; however, as the trees are not Ancient, such a buffer may not seem enforceable. Given the importance of these trees, however, the Parish Council requests enforcement.
- (iv) If a 15m standoff from the existing trees is not achievable, back gardens should not back onto areas of existing trees, particularly the woodland to the south of the site. Although the layout is only illustrative, the houses at the southern end of the site will be in shade, which tends to lead to house owners requesting tree thinning works from the woodland's owner. There is also the temptation to tip garden waste over the fence into the adjacent woodland.
- (v) Only by retaining the existing trees along the Heyford Road and then augmenting this belt with another 15m wide buffer (with or without additional planting), would the proposed houses be adequately offset from the Heyford Road to reduce their visual dominance when viewed from the Heyford Road (see setting to listed buildings below). The situation in winter is particularly relevant to this point.
- (vi) There is currently inadequate screening of the site along its northern boundary with viewpoints available from the Heyford Road into the site when

entering the village from the north. The Heritage Impact Assessment suggests that this boundary will be reinforced with hedgerow planting, but the Parish Council considers this will not provide adequate mitigation of the visual effects of the proposed development.

3. Impact on adjacent Listed Buildings and the Foxtownsend area of the Conservation Area

The Heritage Impact Assessment states that the layout has considered the setting of the listed building of Home Farm and those at Foxtownsend Cottages on the opposite side of the Heyford Road. The Parish Council feels that the proposed development is not sufficiently screened from the west and north facades of Home Farm. If the additional trees along the Heyford Road can be imposed, this would go some way to mitigating any adverse effects of the proposed development on Foxtownsend Cottages.

4. Access

The main access proposals are inadequate to show the effects on existing trees and on the extent of estate wall that needs to be removed and replaced to accommodate the new footways. A revised detailed drawing is required. In the illustrative layout, properties are proposed butting up against the estate wall, which is not in keeping with the existing access into the park to the south of the site, where the Lodge is set back behind curved walls. The existing park entrance should have priority as a special and historic feature in the estate wall along the approach road to the village centre, and the Parish Council requires that the access into the proposed development does not compete with it. The Parish Council considers that the first properties fronting the entrance road are too close to the entrance, thereby restricting the vision splay. Furthermore, some of the existing historic wall also impedes the vision splay, and some remodelling of that wall would be necessary. Whereas the Oxfordshire County Council's Response to Consultation (p.3) requires one pedestrian provision across the A4095, the Parish Council requests a second pedestrian crossing nearer to the school.

5. Scale of development, density and mix of housing

In the context of the Cherwell Local Plan Examination, and following a Development Survey in the village, to which over 81% of the electorate had responded, Kirtlington Parish Council decided that an acceptable level of planned development within the parish for the period of the Local Plan would be 30 new homes, phased over the whole plan period until 2031. Although the net increase in housing in the planning proposal in this application is 30, it is not for phased development over the period, which the Parish Council insists is necessary, for infrastructure reasons and for gradual population growth, for the development to be sustainable. This formula of 30 new houses phased over the period is also part of Kirtlington's discussion within the Mid-Cherwell Neighbourhood Plan, in which the Parish Council also requires 100% of the affordable housing provision within Kirtlington to be for local families, as the District will gain affordable housing elsewhere within the Neighbourhood Plan.

The Parish Council considers that the site density is too great. With the constraints imposed by existing, adjacent trees, the requirement for improved screening along the northern boundary and restrictions imposed by settings to listed buildings, this site will not have the capacity for up to 34 dwellings. A revised illustrative layout should be provided. This density will also affect the number of cars, their parking and their use of the access.

6. Parking provision

The Parish Council considers the proposed car parking provision to be inadequate. This inadequate provision is throughout the whole illustrative plan, but it is particularly the case for the properties fronting the entrance road, where houses have little off-street parking, and for some houses the parking is not adjacent to the homes; residents can be expected to park as close to their front door as possible and so one would expect the road to become cluttered with cars. This is visually poor and dangerous for children. Furthermore, the Parish Council believes that parking provision should relate much more closely to the number of bedrooms per property.

7. Other layout concerns

Access to the rear gardens of the terrace houses is not clear. This gives rise to various concerns, such as access for emergency, waste bin management, etc.

8. Missing information

(i) Archaeology:

The county archaeologist has lodged an objection until an archaeological field evaluation has taken place. This information may have a bearing on the suitability of this site for development; therefore such work must be carried out and submitted to all parties prior to further consideration of this application.

(ii) Survey of Great Crested Newts:

The Extended Phase 1 survey was commissioned in May 2014 with a report published in July 2014. This timescale is likely to have had severe restrictions on the timing of Great Crested Newt (GCN) Surveys. There is a dried up pond on the northern edge of the site and there is a known historic population of GCN in the village pond. The report states that a GCN report will be produced, but it does not appear that this has been submitted as yet, and it should be submitted to all parties prior to further consideration of this application.

(iii) Tree survey:

BS5837:2012 compliant tree survey, as stated in paragraph 2(i) above is needed and should be submitted to all parties prior to further consideration of this application.

9. Infrastructure

The primary school is currently at capacity with no physical space to expand since its recent extension. This is an infrastructure problem that would be of considerable significance for any development proposal which is not phased over the whole plan period to allow gradual, small increases in population.

The Flood Risk Assessment includes a response from Thames Water Utilities Ltd (dated 25 February 2015) to the following question "Is the requested address or area at risk of flooding due to overloaded public sewers?" to which they state "The flooding records held by Thames Water indicate there have been no incidents of flooding in the requested areas as a result of surcharging public sewers". The Parish Council refers the District Council to Mr. Andrew Banks's letter submitted in respect of this application, which describes the history of serious problems in this regard just downhill from the site. Following Mr. Banks's letter, the Parish Council has made a few enquiries around the village, and finds that individual parishioners have indeed had repeated sewage problems:-

- in addition to Mr. Banks's problems, his neighbours have had problems,

- in another case, downhill from the proposal site, foul sewage has flowed down the parishioner's driveway on several occasions,
- in another two cases foul sewage overflows into pasture near homes and into the river system.

These individual parishioners have written to Thames Water on several occasions, but the problems remain. Other parishioners told of repeated times of low water pressure. Following these enquiries, the Parish Council is writing to Thames Water about the current situation. Granting this application should, therefore, not be allowed until the current sewerage and water pressure inadequacies have been rectified and full information given as to how and when the additional load will be catered for.

10. Prematurity

Kirtlington is one of the parishes taking part in the emerging Mid-Cherwell Neighbourhood Plan. The boundaries are already agreed with the District Council; working parties have been meeting and the first draft of the neighbourhood plan is ready for discussion with members of the Forum. This application prejudices the allocation of sites by the Mid-Cherwell Neighbourhood Plan forum for the whole area within its boundaries.

Furthermore, the application runs contrary to the recommendation in the Local Plan Examination Inspector's Report in paragraph 216, in which, referring to Category A villages, he requires the Local Plan Part 2 review process of categorization of rural areas to take place "before any new development sites are allocated therein". As Kirtlington Parish Council queries the village's categorization as A, this delay is relevant. So, accepting this planning application before Local Plan Part 2 runs contrary to the now adopted Local Plan.

4.2 **Cherwell District Council:**

Planning Policy Officer: The site is located on the eastern side of Heyford Road to the northern edge of the village of Kirtlington. The site includes 4 residential properties in the north western part of the site and paddocks to the east and south. The site is bounded by paddock to the north, Home Farm to the east which includes the farmhouse and a number of outbuildings, woodland to the south, and Heyford Road to the west.

This is a part brownfield part greenfield site outside the built-up limits of the village. Most of the site falls within the Historic Park and Garden of Kirtlington Park and Kirtlington Conservation Area. Home Farmhouse is a Grade II Listed Building.

Kirtlington has a population of 988 people (2011 Census).

Development Plan Policies

On the 20 July 2015 the Council adopted the Local Plan 2011-2031 - Part 1. The Local Plan replaces a number of the saved policies of the 1996 adopted Cherwell Local Plan. These are set out in Appendix 7 of the Local Plan 2011-2031.

The policies in the Local Plan 2011-2031 and the saved policies of the 1996 Local Plan most pertinent to this planning application are set out below.

Local Plan 2011- 2031 - Part 1 (July 2015)

Policy Villages 1: Village Categorisation

Policy Villages 2: Distributing Growth Across the Rural Areas

Policy BSC 1: District Wide Housing Distribution

Policy BSC 3: Affordable Housing

Policy BSC 4: Housing Mix
Policy ESD 13: Local Landscape Protection and Enhancement
Policy ESD 15: The Character of the Built and Historic Environment

Local Plan 1996 - Saved Policies (policies not replaced by Local Plan 2011- 2031)

Policy H18: New dwellings in the countryside
Policy C8: Sporadic development in the open countryside
Policy C18: Development proposals affecting a listed building
Policy C28: Layout, design and external appearance of new development

National Planning Policy Framework

The main paragraphs of the NPPF which apply are as follows:

Paragraph 14 - Presumption in favour of sustainable development.
Paragraph 17 - Core Planning Principles
Paragraph 28 - Supporting a prosperous rural economy
Paragraphs 29, 30, 32 and 34-36 - Promoting sustainable transport
Paragraphs 47-50 - Delivering a wide choice of high quality homes
Paragraph 54 - Planning housing development to reflect local needs in rural areas
Paragraph 55 - Enhancing or maintaining the vitality of rural communities
Paragraph 56, 57, 61-65 - Requiring good design.
Paragraph 109 - Conserving and enhancing the natural environment.

Planning Practice Guidance

The paragraphs of the PPG most pertinent to this application from a Local Plan perspective are:

Paragraph: 001 Reference ID: 50-001-20140306 - Housing supply and affordability in rural areas, sustainability of villages and smaller settlements
Paragraph: 001 Reference ID: 8-001-20140306 - Natural environment
Paragraph: 007 Reference ID: 41-007-20140303 - Weight attached to emerging neighbourhood plans
Paragraph: 014 Reference ID: 2a-014-20140306 - Housing needs
Paragraph: 022 Reference ID: 2a-022-20140306 - Affordable housing
Paragraph: 030 Reference ID: 3-030-20140306 - Five year housing supply

Non Statutory Cherwell Local Plan 2011

Whilst some policies within the Non-Statutory Local Plan may remain material, others have in effect been superseded by those of the Local Plan 2011 – 2031 – Part 1. The Planning Policy Team should be contacted on 01295 227985 if advice is required on individual policies.

The following are the main policies which apply for this application:

Policy H19 New dwellings in the countryside
Policy EN30 Sporadic development in the countryside

Other Material Policy Considerations

Five year housing land supply

The five year land supply was comprehensively reviewed for the 2014 Annual Monitoring Report which was published on 31 March 2015. The AMR concluded that the district has a 5.1 year supply of deliverable sites for the five year period 2015-2020 (commencing on 1 April 2015). This is based on the housing requirement of the adopted Local Plan 2011-2031 Part 1 which is 22,840 homes for the period 2011-2031 and is in accordance with the objectively assessed need for the same period contained in the 2014 SHMA (1,140 homes per annum of a total of 22,800). The five year land supply also includes a 5%

buffer for the reasons explained at paragraph 6.28 of the AMR. The presumption in favour of sustainable development, as advised by the NPPF, will therefore need to be applied in this context.

Neighbourhood plan

An application for designation of a Neighbourhood Plan area (Mid-Cherwell) was submitted on 8 August 2014 by Ardley with Fewcott Parish Council which is the lead Parish on behalf of a consortium. The consortium includes: Kirtlington Parish Council, Duns Tew Parish Council, Lower Heyford Parish Council, Middleton Stoney Parish Council, Somerton Parish Council, Steeple Aston Parish Council, Middle Aston Parish Council, North Aston Parish Council, Fritwell Parish Council, Upper Heyford Parish Council, Heyford Park Residents Associated, and Dorchester Group.

The application for designation of Mid-Cherwell Neighbourhood area was approved by the Council's Executive at a meeting on 7 April 2015.

Overall Policy Observations

The adopted Local Plan 2011-2031 Part 1 identified Kirtlington as a Category A village, one of the most sustainable villages in the district, where minor development, infilling and conversions will be permitted within the built-up limits of the village.

Policy Villages 2 of the adopted Local Plan 2011-2031 Part 1 provides for a total of 750 dwellings at Category A villages which includes Kirtlington to meet Local Plan housing requirements. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014. However, from the Housing Delivery Monitor in the 2014 AMR it can be determined that a total supply of 473 dwellings is presently expected from deliverable sites (10 or more dwellings) in the rural areas that did not have permission on 31 March 2014. This leaves only some 277 left to be identified to meet the Policy Villages 2 requirement through to 2031 (the Housing Delivery Monitor shows this as 275). Sites will be identified through the preparation of Neighbourhood Plans where applicable, and through the determination of applications for planning permission.

In principle, the provision of some additional housing at Kirtlington to meet Policy Villages 2 requirements accords with the Development Plan. However, the site is in a sensitive location - Kirtlington Park and Conservation Area. The site lies outside the built-up limits of the village, would extend development into the countryside and would introduce an area of built development in a presently very loose knit part of the village. Very careful consideration of visual and landscape impacts including impact on heritage assets needed and on the built form of the village.

In identifying and considering sites under Policy Villages 2, particular regard will be given to the following criteria:

- Whether the land has been previously developed land or is of lesser environmental value
- Whether significant adverse impact on heritage or wildlife assets could be avoided
- Whether development would contribute in enhancing the built environment
- Whether best and most versatile agricultural land could be avoided
- Whether significant adverse landscape and impacts could be avoided
- Whether satisfactory vehicular and pedestrian access/egress could be provided Whether the site is well located to services and facilities

- Whether necessary infrastructure could be provided
- Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period
- Whether land the subject of an application for planning permission could be delivered within the next five years
- Whether the development would have an adverse impact on flood risk.

As the Council now has a defensible five year housing land supply position the application site is not needed to assist in housing delivery in the near term. The likely extent of any harm should therefore be considered in this context and policies in the NPPF, new, saved and non-statutory plans for protection of the countryside.

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 as evidenced by the SHMA Work has commenced on Local Plan Part 2 and there will be further opportunities for considering Kirtlington's needs both through Local Plan Part 2 and Neighbourhood Plan.

In conclusion, although Kirtlington is a sustainable village with a nursery, primary school, food shop, post office, public house, recreational facilities and a village/community hall Policy Villages 2 makes provision for some development to be accommodated. However there are concerns over the potential impact on Kirtlington Park, the Conservation Area and the nearby listed building, and harm caused to the character of the village, landscape impact and the existing settlement pattern. These will all need careful consideration. The development impact on the existing services and facilities will also need to be considered.

Policy Recommendation

A Planning Policy objection is raised subject to further detailed assessment of heritage and landscape impacts.

Conservation Officer: The Conservation Officer comments as follows:

Principle of development

The Heritage Impact Assessment states

- There are significant concerns in principle with the development of a key area of (previously undeveloped) green space in the registered parkland and at the entrance to the conservation area. The proposed development is considered to cause substantial harm to the heritage assets and their settings and it is not considered that the substantial public benefits that could potentially outweigh the harm have been demonstrated in the application.
- There is no link between the proposed development and the long term viability of the heritage assets, other than the proposal to repair the stone boundary wall. This is considered insufficient justification for the level of harm proposed.

Form of development

The Heritage Impact Assessment claims that it is an appropriate form of development due to its layout, density and retention of open green spaces. It also refers to its inward looking nature retaining the distinction between the parkland area and the surrounding village.

- Notwithstanding the concern in principle with development in this location, there are concerns with a form of development at the gateway to the village

which is designed to be inward looking and being concealed behind boundaries.

- This form of development does not preserve, enhance or better reveal the character and appearance of the conservation area or registered parkland. The proposed settlement does not integrate well with either the historic parkland or the village and is not considered to be a sustainable form of development.

Demolition of Jersey Manor Cottages

The Heritage Impact Statement claims these buildings are of mid to late 20th century, are not sympathetic to the local vernacular and are not of any heritage interest.

- There are no concerns with the demolition of these buildings, which would enhance the character and appearance of the Kirtlington Conservation Area and Kirtlington Park Registered Park.

Planning history for Jersey Manor Cottages

The semi-detached houses in this location were erected in 1954 and the detached buildings were added in 1978. This pre-dated the designation of the Registered Park boundary in 1995 and the Conservation Area boundary in 1988 and should not set a precedent for further non-sympathetic development on the site.

Impact on Kirtlington Park

Kirtlington Park – setting of grade I listed building

The Heritage Audit identifies that there is no inter-visibility with the grade I listed Kirtlington Park house and claims that the site does not have any impact on the setting of the building. Historic England (formerly English Heritage) has produced guidance on 'The Setting of Heritage Assets', which it identifies as 'the surroundings in which the asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve'.

- The application site is situated at some distance from Kirtlington Park House and does not form part of its immediate setting. It does however form part of its extended setting and the way in which the park is experienced. Non estate housing situated on a parkland estate is clearly an incongruous element that causes harm to the significance of the historic parkland and the experience of the wider setting of listed building.

Impact on Kirtlington Park – registered parkland

Kirtlington Park was added to the Registered Park and Garden in 1995. A brief history of the development of the park is included in the Register description, which includes the establishment of a 'new park' in 1279 (which later became the 'old park') and was incorporated into the Sir James Dashwood's 'new park' in 1750. The document describes the early proposed design for the parkland by Thomas Greening (the Royal Gardener) and the later work carried out by Capability Brown.

The Heritage Audit by Asset Heritage does a more detailed analysis and identifies that the application site was not part of the Capability Brown scheme, but originally formed 'Town Green' and was incorporated into the Dashwood park at enclosure in 1811. The document speculates about why the application site has been included within the Registered Park, whilst the area to the north has not. It also identifies that

Jersey Cottages have been specifically excluded from the Registered Park boundary.

- The Registered Parkland was designated at national level by English Heritage (now Historic England). If there are queries regarding the boundary of the Registered Parkland this should be addressed formally with the Designations Team of Historic England. Unless the boundary is re-drawn the application site is considered to lie within the Registered Parkland and should be treated accordingly.
- A decision needs to be made, by Historic England, about the significance of this element of the parkland and whether it should remain on the Register prior to the granting of any consent for significant development on the site.
- The application site may not have been designed by Capability Brown, but has been incorporated into the parkland at a later date and has assimilated with the overall character of the park.
- The specific exclusion of Jersey Cottages from the Registered Parkland (in an area that would ordinarily have been included within the application site boundary) demonstrates the level of harm caused by the properties to the parkland. The provision of more houses to this area would cause additional significant harm to the registered parkland. If the development were permitted and built out and the parkland boundary was reviewed in future the almost inevitable conclusion would be that the development area should be removed from the registered parkland boundary.
- Development of private, modern suburban or 'Executive' homes not associated with the estate should not be permitted on a Registered Parkland as a matter of principle.

Impact on setting of Home Farm

Home Farm is a grade II listed building of 16th century or earlier. The listed building description is basic (for identification purposes only) and does not discuss its history or origin. The Heritage Audit describes its physical position and layout and its association with Town Green, but does not give any detail about its historical development.

The name 'Home Farm' would indicate that the building is directly associated with Kirtlington Park, although this is not addressed in the Heritage Audit. Further information is required in this respect. If the listed building is directly related to Kirtlington Park, either initially or following enclosure it would enhance the significance of the land (including the application site) surrounding it in association with the registered park and setting of the grade I listed building.

The Heritage Impact Assessment claims that 'The application site makes some contribution to the setting of the grade II listed Home Farm (in enabling views across open land to the front of this building, albeit this is within a changed context without particular historic significance) and, as an established piece of open land on the edge of the conservation area, makes some contribution also to the latter's character and appearance'.

The Supporting Planning Statement claims that the development will 'enhance the setting of the listed farmhouse to the east by the demolition of the twentieth century farm buildings close to the building and returning the site of these to grass and to replace the roof on the lean-to on the northern side of the farmhouse with a tiled roof to match the main roof'

- The proposed development would cause harm to the setting of the listed building of Home Farm as it alters its immediate surroundings from a rural setting to that of a housing estate.
- The Heritage Impact Assessment details the proposed design and layout of the development proposal and how it has been designed to minimise the harm, but does not claim that there is no harm.
- The current setting of the listed building does include some modern agricultural buildings, which is entirely to be expected with a listed farmhouse and the removal of these structures is not considered to mitigate the harm caused by the proposed development.

Impact on setting of listed buildings to west of Heyford Road

The Heritage Impact Assessment states 'The proposals quite evidently do not cause harm to what is significant about the setting of the listed buildings on the western side of Heyford Road'.

- The majority of the listed buildings along Heyford Road will be screened from the development by the existing tree belt, although as stated elsewhere this does not make it an acceptable form of development.
- The impact on the setting of 3-4 Foxtownsend Cottages will be greater due to the proximity to the altered, upgraded access way and the encroachment of modern houses up to the site entrance.
- The harm to the setting of these listed building is considered to be less than substantial.

Impact on character and appearance of Kirtlington Conservation Area – settlement form

The proposed site lies within the Kirtlington Conservation Area, which includes the historic settlement and the entire extent of the Registered Parkland boundary.

The Kirtlington Conservation Area Appraisal identifies that some of the key characteristics of the area are the linear form, the convergence of routeways, the greens and the continuity of enclosure. The historic development of the settlement is well documented and there are a range of historic maps that pre-date the Ordnance Survey.

The historic settlement form of Kirtlington is as a linear settlement linked by a series of village greens (including Town Green discussed below). There has been some later development to the south of the settlement and outside the conservation area, which does not respect this, but the settlement form to the north end of Kirtlington remains largely intact.

The Heritage Impact Statement claims '..... As an established piece of open land on the edge of the conservation area, makes some contribution also to the latter's character and appearance; its more significant contribution in this respect, however, derives from the western boundary wall and tree belt, which are strong features of the streetscape' and 'It does not make a substantial contribution to what is most significant about the character and appearance of the conservation area, other than through its western boundary, which contributes to the characteristic identified in the Kirtlington Conservation Area Appraisal as the continuity of enclosure along the main route through the village'

- It is considered that the proposed development would have a harmful impact on the settlement form. The proposed development would be on previously undeveloped land in a key location at the northern gateway to the village. The

suburban nature of the development is also entirely contrary to the linear form of the remainder of the settlement.

- There would be a visual impact on the conservation area, particularly from the north. It is acknowledged that the development would be partially screened by the existing tree belt and wooded plantation along the Heyford Road, but this should not be used as mitigation for a poor form of development.

Impact on character and appearance of Kirtlington Conservation Area – significance of Town Green

The proposed development incorporates the former Town Green, which formed a key part of the settlement pattern of the historic village. The presence of this green had an impact on the configuration of the remainder of the settlement 'Maps from the C18 indicate that prior to the formation of the current park the Town Green was cited in the north of the settlement to the east of Portway. This might explain why the building line is particularly strong on the west side of the main route as much of the east side was open until mid C20th'.

The inclosure of Town Green (in 1815) is one of the key areas of change to the historic settlement of Kirtlington. 'Apart from the inclosure of Town Green and with the exception of the council houses..... and the more recent infill in the north westthe general plan of Kirtlington is much as in the map of 1750. A fair number of the present houses must have been standing then.'

- The former Town Green was allocated to Sir Henry Dashwood at inclosure and was incorporated into the parkland surrounding Kirtlington. The character of this area is different to the remainder of the parkland, but this does not diminish its significance.
- The parkland has preserved the open space nature of Town Green and therefore retains its historic significance far better than the proposed housing estate.
- The Heritage Impact Assessment states that an area of open space is allocated at the north end of the site 'The pond and village green are reflective of the original Town Green and its large central pond, the site of which originally lay just to the south, now within the large plantation'. The very different alignment and layout would not replicate former Town Green and is not considered to mitigate against the loss of the greenspace.

Impact on character and appearance of Kirtlington Conservation Area – proposed new access

The scale of the development will necessitate an upgraded access to the site. This will include the loss of a section of dry stone walling and some trees to the east of Heyford Road. The loss of historic fabric and mature trees from the conservation area are considered to cause harm to the significance of the area. The character of the access will also be altered from that of a simple track to a suburban road.

The Kirtlington Conservation Area Appraisal discusses the character of 'Carriage ways, pavements and footpaths' on the settlement of Kirtlington and the positive impact that informal rural routes can have on the character of the settlement and how this can be destroyed by formal adoption.

The Heritage Impact Assessment acknowledges that there is less than substantial harm to the significance of the conservation area by the proposed alterations to the access, but claims that there is 'no appreciable difference in overall character arising from this loss as the tree belt will continue up to the new widened opening in the

same way'. It does not discuss the impact on character by the creation of an entrance to an essentially suburban estate.

The Heritage Impact Assessment outlines that as part of the proposed development a section of the dry stone wall will be repaired and have a noticeably positive effect on the streetscape. It offers this as mitigation for the loss of the wall and although not specifically stated it suggests that the public benefit of this would outweigh the harm caused. This does not, however, take into account the harm caused by the creation of a more formal access to the site.

Conclusion

The Heritage Impact Assessment itself states 'While it is of course undeniable that the proposed development will constitute a substantial change to the character and appearance of the application site, and thus to this part of the conservation area and the Registered Park, the scheme as designed responds in every way it can to the established context and character of the conservation area (and the setting of Home Farm as a listed building), in a manner that helps to 'place-shape' the proposed scheme'.

Considerable emphasis within the submission is placed on boundaries and how the development will be screened. The terminology used within the application includes 'mitigation', 'loss', 'unfortunate necessity' and 'screened'. Harm is acknowledged, but is identified within the document as being 'less than substantial'.

- The Heritage Impact Assessment acknowledges the substantial change that the development would have on the conservation area, registered park and setting of the listed building of Home Farm, but that is not the test laid out in the National Planning Policy Framework. Paragraph 137 of the document states 'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. The proposed development cannot be considered to either preserve or enhance / better reveal the significance of any of the heritage assets.'
- It is positive that the historic tree belt and stone wall along Heyford Road will be retained as they are of historic merit in their own right, but hiding the proposed development behind this area is not considered an appropriate response.
- There are a number of heritage issues, which the proposed development has been identified as having an impact on (as identified above). The accumulative effect is considered to be 'significant harm'. There are not considered to be significant public benefits to outweigh this harm.

NPPF

The proposed development is considered to cause substantial harm to the heritage assets of Kirtlington Conservation Area and Kirtlington Park Registered Parkland and on the settings of Kirtlington Park grade I listed building (extended setting) and Home Farm grade II listed building and to a lesser extent the grade II listed buildings to the west of Heyford Road.

It is not considered that the substantial public benefits that could potentially outweigh the harm have been demonstrated in the application.

It is recommended that the application should be refused.

The Cherwell Local Plan 2011-2031 : Part 1 Adopted 20 July 2015

The proposed development is considered to be contrary to Policy ESD 15: The Character of the Built and Historic Environment as it is not considered that the development

- Contributes positively to an area's character and identify by crating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes within the Cherwell Valley and within conservation areas and their settings.
- Conserve, sustain and enhance designated and non-designated 'heritage assets' including buildings, features, archaeology, conservation areas and their settings and ensure new development is sensitively site and integrated in accordance with advice in the NPPF and NPPG.
- Respect the traditional pattern of routes, spaces, blocks, plots, enclosure and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces and building configured to create clearly defined active public frontages. .
- Promote permeable, accessible and easily understandable places by creating spaces that connect with each other, are easy to move through and have recognisable landmark features.

Housing Officer: The affordable housing statement for this application denotes a requirement for 11 affordable housing units, however 35% of 34 units is 11.9 therefore there should be a provision of 12 affordable units.

The applicant is correct in the assertion that there should be a 70/30 tenure split in the affordable housing requirement.

It is also agreeable that the detail of the affordable housing units can be agreed at reserved matters stage, should this application be awarded outline planning permission.

However I would suggest the following as an indicative mix for the applicant to consider.

Rent
4x1b2p Maisonettes
3x2b4p Houses
1x2b4p bungalow

Shared Ownership
4x2b4p Houses

The affordable housing units should be dispersed into two clusters with 50% of the rented to meet Lifetime Homes Standards.

All the affordable housing will need to meet the HCA's Design and Quality Standards including the necessary HQI requirements

The registered provider that takes on the affordable housing will need to be agreed with the Council.

Landscape Officer: The site is on the northern periphery of Kirtlington. It is bounded on the Heyford road side by an estate dry stone wall which is in need of repair in places, on the western and southern sides by woodland. The northern

boundary has sparse vegetation and is open to view from Heyford Road as you drive towards the village and from Akeman Street to Chesterton. The Home Farm House is Grade 2 listed and also comprises some modern Farm buildings which it is proposed to demolish.

The development would be visible from Heyford Road in the village mostly as glimpses through the tree belt in summer and much more clearly in winter due to a lack of much under storey. It would be visible from Akeman Street as you approach the T junction due to very thin gappy vegetation along the northern boundary and from Heyford road approaching the village from the north. The development is unlikely to be visible in the wider landscape due to the topography and intervening tree cover. There are no PRoW in the area from which the proposal would be visible due to intervening topography.

The indicative layout is very poor. It does not have an interface with Heyford Road, the existing farmhouse or northern boundary. There appears from map evidence to be an existing pond on the northern boundary which has been ignored. Gardens and their accompanying clutter face the public view and the layout is dominated by roads. There needs to be a LAP as there are more than 10 dwellings.

Arboricultural Officer: No comment to date

Environmental Protection officer: No comment to date

Ecologist: Currently I would object on the basis that there is insufficient information on European Protected Species. Given the number of dwellings to be demolished and their location in good bat foraging habitat I think we need a bat survey - at the least a scoping one initially - to rule out potential of these dwellings first. The buildings themselves have been missed out of the Phase 1 Survey remit entirely as far as I can see.

In addition the Phase 1 survey states that Great Crested Newts are a possibility on site (7.3.4), however we do not have any information yet on whether they are present and whether mitigation can be achieved on site if they are.

I therefore cannot at this time state whether there will be an unacceptable impact on European protected species as a result of these proposals, whether licences are required and whether they are likely to get licences (which we also need to assess prior to determination). In short there is a lack of ecological information and I would request this is submitted prior to determination so the impacts are known up front.

The remainder of the site has been assessed by the Phase 1 survey. The conclusions are appropriate and the recommendations in Section 7 should be conditioned. The landscaping scheme will need to demonstrate a net gain for biodiversity overall in line with NPPF recommendations and include measures within the built environment such as built in nesting provisions or bat tubes as well as planting to replace biodiversity lost on site. Currently there will be an overall loss for biodiversity on site (7.2.3).

Waste and Recycling Manager: Happy with the developers proposal for waste and recycling storage. If the developer needs any more advice please refer to: Waste and Recycling guidance which can be found on the Cherwell District Council website <http://www.cherwell.gov.uk/index.cfm?articleid=1735> Section 106 contribution of £106.00 per property will also be required.

Community Development Officer: As this is a development of under 50 dwellings, on this occasion we will not be seeking a community contribution.

Oxfordshire County Council:

Transport:

Public Transport

The application site is located adjacent to the Upper Heyford to Oxford bus route, where the County's Bus Strategy proposes to increase the level of provision towards an increased level of bus service of two buses per hour.

The County's strategy is to provide attractive bus services on its main routes, so new residents have access to a credible alternative to the car, especially for journeys to work and to education.

The application site is located approximately 250 metres from the Kirtlington Park bus stops. The infrastructure at these stops is rather deficient, with a complete absence of a marked stop at the entrance to Kirtlington Park and a substandard pole and flag in the northbound direction.

The Bicester-Upper Heyford – Oxford bus service currently operates on an hourly basis, Mondays to Saturdays. There is no Sunday service and no late evening service (apart from a single journey on Fridays and Saturdays).

Most of the cost of enhancing the bus service will come from section 106 contributions from development at Upper Heyford. Other contributions have been agreed from a development in Bletchington, and have been requested also from other proposed developments along the route.

The current bus stops fall far short of the standards set out in the Oxfordshire Bus Stop Infrastructure Design Guide (2006). The bus stop is the access point to the public transport network and should meet minimum standards, including hard-standing areas where there is no footpath (such as on the eastern side of Heyford Road). The modern bus stop pole, flag and information case units will provide the means of providing up-to-date timetable information and so will give the new passengers the confidence to use the bus service.

This development will be required to contribute £1000 per residential dwelling towards the cost of enhancing the Bicester – Upper Heyford – Oxford bus route to operate twice per hour, with improved evening and Sunday bus services and an additional £5000 towards upgrading the nearby bus stops.

Strategic comments

Kirtlington is a category 'A' village.

The CRAITLUS study identified 14 villages that could accommodate new development in a sustainable way with minimal adverse impact on the transport network.

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 were permitted within built-up limits.

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

Pedestrian

It is proposed that pedestrian access to the site be achieved via the main site access onto Heyford Road (west of the site). The applicant proposes improvements to the existing verge/highway as there is no footway immediately adjacent to the application site on the eastern side of the highway. The improvements cater for a crossing point for pedestrians which lead to the full length footway on the west side of Heyford Road.

Any future layout within the site must show a comprehensive pedestrian network; in the main with footways provided on both sides of the carriageway. The access detail at this time initiates such a design from the access/junction point. The location of the site also benefits from nearby bus stops within a short walk away.

Layout

It is appreciated that an indicative layout is submitted at this time, however, the final layout of the proposal will be subject to Oxfordshire County Council perusal when the reserved matters/detailed planning application is submitted.

Adoption of streets

Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners.

Traffic Impact

In terms of traffic activity (trip generation) it is evident that there will be a minor increase in traffic movements in the morning and in the evening during the commuter peak hour from the development proposal. To assess the trip generation of the development an analysis of data using the latest TRICS database was undertaken. It is a computerised database and trip rate analysis package used for transport planning and development control purposes. TRICS provides vehicle trip rates for a variety of land uses and enables the breakdown of surveys by very specific criteria in this case dwelling houses both privately owned and affordable.

The database comprises of over 6500 transport surveys at over a 110 different types of development and allows comprehensive trip rate analysis and auditing.

TRICS continues to be the nationally accepted standard source of trip generation information. TRICS was established in 1989 by a consortium of County Councils and is the system that challenges and validates assumptions about the transport impacts of new developments.

Using TRICS data it is estimated within the applicants' Transport Statement that around 16 to 17 vehicles two way flow in any one busy hour will be generated by the development. The Highway Authority agrees with these figures. To conclude the associated trip generation traffic is considered negligible given the numbers it will generate such small changes in traffic flow would not result in a significant material change in highway operation.

To conclude in terms of traffic generation and impact there is likely to be an insignificant effect on the adjacent highway network as a result of the proposed development. Furthermore, it is considered there are no existing highway safety

issues on the adjacent/nearby local highway network that would be exacerbated by the proposed development.

Should the application be recommended for approval there are no objections subject to a Legal Agreement and a number of conditions that must be imposed:

- A section 106 contribution of £1000 per residential dwelling towards the cost of enhancing bus services through Kirtlington.
- A section 106 contribution of £5000 towards the cost of improving the Kirtlington Green bus stops with two modern pole, flag and information case units and a hard-standing area adjacent to the Kirtlington Green entrance.

Conditions

1. That prior to the first occupation of the proposed development the access works on Heyford Road between the land and the highway shall be formed laid out and constructed strictly in accordance with the Local Highway Authority's specifications including the footway pedestrian provision across Heyford Road shall be undertaken within a section 278 agreement under the Highways Act 1980.
2. Prior to the commencement of the development hereby approved, full details of the vehicular access visibility splays, including layout and construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development the visibility splays shall be constructed in accordance with the approved details and the land and vegetation within the visibility splays shall not be raised or allowed to grow above a maximum height of 0.6m above the adjacent carriageway level.
3. Prior to the first occupation of any dwellings hereby approved, all of the estate roads, footways/footpaths shall be laid out, constructed and lit and drained in accordance with Oxfordshire County Council's conditions and specifications for the construction of roads.
4. Section 106 agreement to contribute £1000 per residential dwelling towards the cost of procuring additional bus vehicles and journeys operating along Heyford Road through Kirtlington.
5. No development shall commence on site for the development until a 'Construction Traffic Management Plan' providing full details of the phasing of the development has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during construction. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.
6. A residential travel information pack should be produced and submitted to the Travel Plans Team at Oxfordshire County Council for approval prior to first occupation.
7. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
 - Discharge Rates

- Discharge Volumes
- Maintenance and management of SUDS features (this may be secured by a Section 106 Agreement)
- Sizing of features – attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations
- Phasing
- Any surface water storage must be sited outside any know areas of flooding

Informatives:

Prior to the commencement of development, a separate consent must be obtained from Oxfordshire County Council's Road Agreements Team for the proposed access and footway crossing works under Section 278 of the Highway Act 1980. For guidance and information please contact the County Council's Road Agreements Team on 01865 815700 or email Road.Agreements@oxfordshire.gov.uk

Education:

Kirtlington CE Primary School is already operating close to capacity and would have difficulty in absorbing increased local population. The school's site area just meets minimum guidelines for the current number of pupils, and would be below the minimum guidelines for a larger school. Initial assessment is that a small-scale expansion of the school, from an annual intake of 15 to one of 20, is likely to be possible but a full assessment would be required.

Growth beyond this is less likely to be feasible. Such a scale of expansion would be broadly in line with the pupil generation expected from around 100 new homes, or slightly more, given the existing pressure on places at the school. If the school cannot expand sufficiently to meet 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.

There is another application for housing development currently at appeal. If that is allowed, then this new proposal in addition would mean a significant risk that, in some years, not all village children would be able to attend the school. We would be able to provide more confidence regarding the education implications of this application after the appeal has been decided.

Education contributions

- £141,477 Section 106 contribution for necessary expansion of permanent secondary school capacity in the area by a total of 8.04 pupil places. This site lies in The Marlborough CE School's designated catchment area.
- £6,704 Section 106 as a proportionate contribution to expansion of Special Educational Needs provision in the area by a total of 0.22 pupil places. This site is served by a Special Resourced Unit at The Marlborough CE School, in Woodstock as well as those special schools which serve the whole county.

Conditions

Planning permission to be dependent on a satisfactory agreement to secure the resources required for the necessary expansion of education provision. This is in

order for Oxfordshire County Council to meet its statutory duty to ensure sufficient pupil places for all children of statutory school age.

Informatives:

Indexation

Financial contributions have to be indexed-linked to maintain the real values of the contributions (so that they can in future years deliver the same level of infrastructure provision currently envisaged). The price bases of the various contributions are covered in the relevant sections above.

General

The contributions requested have been calculated where possible using details of the development mix from the application submitted or if no details are available then the County Council has used the best information available. As the planning application is an outline proposal and in recognition that the delivered scheme may differ from that so far assumed and assessed the council provides & requires a matrix mechanism for inclusion within the S106 agreement. The matrix sets out the contributions payable per 1, 2, 3 & 4+ bedroomed dwelling built. This avoids potential over / under payment of infrastructure contributions. The matrix for this application is:

Service	1 Bed	2 Bed	3 Bed	4+ Bed
Primary Education	£0.00	£1,968.94	£4,516.98	£5,906.82

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:
 - 0 x One Bed Dwellings
 - 10 x Two Bed Dwellings
 - 19 x Three Bed Dwellings
 - 5 x Four Bed Dwellings
- It is calculated that this development would generate a net increase of:
93.02 additional residents including:
 - 6.88 resident/s aged 65+
 - 63.11 residents aged 20+
 - 8.38 resident/s ages 13-19
 - 10.49 resident/s ages 0-4

Legal Agreement

OCC is not seeking property contributions to mitigate the impact of this development on infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended).

If a S106 agreement is required to secure either transport or education contributions then the County Councils legal fees in drawing up and/or completing a legal agreement will need to be secured. An administrative payment would also be required for the purposes of administration and monitoring of the proposed S106 agreement.

Conditions:

The County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. There will probably be a requirement to affix fire hydrants within the development site. Exact numbers and locations

cannot be given until detailed consultation plans are provided showing highway, water main layout and size. We would therefore ask you to add the requirement for provision of hydrants in accordance with the requirements of the Fire & Rescue Service as a condition to the grant of any planning permission.

Informatives:

Fire & Rescue Service recommends that new dwellings should be constructed with sprinkler systems

Contributions required to mitigate the impact of the development on infrastructure but which due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) OCC cannot require a s106 obligation in respect of:

- Library £7,906.70 - This development is served by Kidlington Library which is significantly under-size in relation to its catchment population
- Central Library £1,595.29 - Central Library in Oxford serves the whole county and requires remodelling to support service delivery that includes provision of library resources across the county.
- Waste Management £5,953.28 - 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.
- Museum Resource Centre £465.10 - The MRC is the principal store for the 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.
- Adult Day Care £7,568.00 - This development is served by Oxford Options and this development will place additional pressures on this adult day care facility. To meet the additional pressures on day care provision the County Council is looking to expand and improve the adult day care facility in Oxford Options

Total* £23,488.37

*Price Base 1st Quarter 2012

County Archaeologist: Objects - The site is located in an area of archaeological interest to the south of the Roman Road of Akeman Street and to the east of a second possible Roman road, the Portway. Iron Age settlement has been recorded to the north of the site, North of Akeman Street along with Iron Age and Roman burials and two possible Saxon burials have been recorded immediately south of Akeman Street. A gold Roman coin has been recovered immediately south of the proposed site and a second Roman coin has been found in the vicinity. A Roman stone building has been recorded along the line of the Portway, to the south of Kirtlington.

It is therefore possible that further archaeological deposits related to these sites, including further Roman buildings, could survive within the application site which, as

there has been very little modern development of the site, could be relatively well preserved.

The site is also within Kirtlington Park, a grade II registered Park and Garden.

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

County Ecologist: OCC Ecology have not reviewed this application. The District Council should be seeking the advice of their in-house ecologist who can advise them on this application.

In addition, the following guidance document on Biodiversity & Planning in Oxfordshire combines planning policy with information about wildlife sites, habitats and species to help identify where biodiversity should be protected. The guidance also gives advice on opportunities for enhancing biodiversity:
<https://www.oxfordshire.gov.uk/cms/content/planning-and-biodiversity>

Other External Consultees:

Historic England: Our specialist staff has considered the information received and we do not wish to offer any comments on this occasion.

Recommendation - The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Thames Water: Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Environment Agency: Do not wish to comment

Garden History Society: No comment to date

5. Relevant National and Local Planning Policy and Guidance

Development Plan Policies

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

Cherwell Local Plan 2011 - 2031 Part 1

VIL1 - Village Categorisation

VIL2 - Distributing Growth Across the Rural Areas

VIL4 - Meeting the Need for Open Space, Sport & Recreation

BSC3 - Affordable Housing

BSC4 - Housing Mix

BSC10 - Open Space, Outdoor Sport & Recreation Provision

BSC11 - Local Standards of Provision - Outdoor Recreation

ESD3 - Sustainable Construction

ESD7 - Sustainable Drainage Systems (SuDS)

ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment

ESD13 - Local Landscape Protection and Enhancement

ESD15 - The Character of the Built Environment

Cherwell Local Plan 1996 (Saved Policies)

H18 - New dwellings in the countryside

C8 - Sporadic development in the open countryside

C28 - Layout, design and external appearance of new development

C30 - Design of new residential development

C33 - Protection of important gaps of undeveloped land

ENV12 - Development on contaminated land

TR1 - Transportation funding

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Kirtlington Conservation Area Appraisal

Mid-Cherwell Neighbourhood Plan: The Mid Cherwell Neighbourhood Plan remains at an early stage of preparation following the formal designation of the Neighbourhood Area on 7 April 2015. In particular a pre-submission Plan is yet to be published for consultation. Therefore only limited weight can be afforded to the Neighbourhood Plan.

6. Appraisal

The key issues for consideration in this case are:

- Planning policy and principle of the development
- Visual amenity and landscape impact
- Design issues and form of development
- Heritage assets
- Archaeology
- Transport and access
- Ecology
- Flooding and drainage
- Planning obligation
- Planning balance

Planning policy and principle of the development

- 6.1 The Development Plan for Cherwell District comprises the Cherwell Local Plan 2011-2031 and saved policies in the 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.
- 6.2 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 A settlement in the Cherwell Local Plan 2011-2031 and as such is one of the more sustainable villages in the district, where minor development, infilling and conversions will be permitted within the built-up limits of the village. However the site is not within the built up limits and the proposal does not therefore qualify for consideration under Policy Villages 1.

- 6.3 Saved Policy H18 of the Cherwell Local Plan 1996 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. 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.
- 6.4 Policy Villages 2 of the Cherwell Local Plan 2011-2031 is concerned with the distribution of housing growth across the rural areas. It states that a total of 750 homes will be delivered at Category A villages in addition to the rural allowance for small site 'windfalls' and planning permission for 10 or more dwellings as at 31 March 2014. In identifying and considering sites particular regard will be given to a number of criteria including:
- Whether land has been previously developed land or is of lesser environmental value;
 - Whether significant adverse impact on heritage or wildlife assets could be avoided;
 - Whether development would contribute in enhancing the built environment.
- 6.5 The provision of some additional housing at Kirtlington could therefore accord with the Development Plan, subject to development proposals being acceptable having regard to these criteria and other material considerations. In this case the application site is, as stated previously, within a Grade II Registered Park, in the setting of Grade II listed buildings and within the Kirtlington Conservation Area. It is also in an area of archaeological interest and has the potential as habitat for protected species. The proposal would also extend development into the countryside and would introduce an area of built development in a presently very loose knit part of the village. These issues will be considered further below.
- 6.6 The Cherwell Local Plan 2011-2031 and the saved policies within the Cherwell Local Plan 1996 are considered up-to-date. The NPPF advises that proposed development that conflicts with the Development Plan should be refused unless other material considerations indicate otherwise.
- 6.7 The NPPF is a material consideration in respect of the consideration of this proposal.
- 6.8 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
- Approve 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
- 6.9 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'.
- 6.10 The five year land supply was comprehensively reviewed for the 2014 Annual Monitoring Report which was published on 31 March 2015. The AMR concluded that

the district has a 5.1 year supply of deliverable sites for the five year period 2015-2020 (commencing on 1 April 2015). This is based on the housing requirement of the adopted Local Plan 2011-2031 Part 1 which is 22,840 homes for the period 2011-2031 and is in accordance with the objectively assessed need for the same period contained in the 2014 SHMA (1,140 homes per annum of a total of 22,800). The five year land supply also includes a 5% buffer for the reasons explained at paragraph 6.28 of the AMR. The presumption in favour of sustainable development, as advised by the NPPF, will therefore need to be applied in this context.

- 6.11 An Inspector for a recent appeal on the southern edge of Kirtlington (14/01531/OUT) stated that the Council could demonstrate a five year supply of deliverable housing sites and that the relevant policies for the supply of housing in the Local Plan are up to date (paragraph 55 of the appeal decision). She also concluded that saved Policies H18, C8, C28 and C30 were consistent with the NPPF in that they contribute to conserving and enhancing the natural environment and could be afforded significant weight.
- 6.12 In the light of the above the enhanced presumption in favour of sustainable development set out in the NPPF does not apply. Therefore the test in this case is whether there is conflict with the Development Plan, and if so, whether there are other material considerations that outweigh that conflict such that the proposal can be considered sustainable development. This issue is returned to at the “planning balance” section toward the end of this report.

Visual amenities and landscape impact

- 6.13 The application site lies beyond the existing built up limits of Kirtlington in an area of open countryside which forms part of the Grade II Kirtlington Park. Saved Policy C8 of the Cherwell Local Plan 1996 seeks 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 ESD 13 of the Cherwell Local Plan 2011-2031 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.
- 6.14 Whilst the development will have a limited effect on the wider landscape it will be visible from the north when entering the village along Heyford Road as well as from Akeman Street and from within the village itself. In your officer's opinion a housing development in this location would have a detrimental impact on the setting of the village introducing an urban feature into this very rural edge to the village. The required upgrading of the access and laying of footways will increase this urbanisation of this part of Kirtlington to the further detriment of the rural character and visual amenities of the area. Therefore the development is considered to be contrary to saved Policy C8 of the Cherwell Local Plan 1996 and Policy ESD13 of the Cherwell Local Plan 2011-2031.
- 6.15 The proposal will also represent an extension of the village contrary to the established linear settlement pattern of Kirtlington. The Council's Countryside Design Summary SPD suggests that “new development should reinforce the existing street pattern, which creates the basic village form. In linear villages, development should strengthen the dominant street scene and limit backland development.” The proposed development does not respect the street pattern as it is primarily a cul-de-sac development extending over 100m to the east of Heyford Road with limited frontage onto Heyford Road, and so is not well integrated with the

village and is considered to harm the character of the settlement and visual amenities of the area. Further the Countryside Design Summary SPD states that “development in historic parklands or within their setting must maintain or enhance the specific character, which defines this part of the District.” The proposed development does not maintain or enhance the parkland character.

Design issues and form of development

- 6.16 The NPPF advises that ‘securing high quality and inclusive design goes beyond aesthetic considerations’, and that decisions should ‘address the connections between people and places and the integration of new development’. Supporting advice in the Planning Practice Guidance (PPG) says that ‘achieving good design is about creating places or spaces that work well; successful integration of new development with their surrounding context is an important design objective, irrespective of whether a site lies on the urban fringe or at the heart of a town centre; proposals should promote accessibility and safe local routes by making places that connect appropriately with each other and are easy to move through; a place should have an appropriate number of routes to and through it; and that designs should ensure that new and existing buildings relate well to each other, that spaces complement one another.’
- 6.17 Access is the only matter to be considered at the current time and with this development proposal accessibility would be limited to the northern part of the site. The development would have a very limited connection with the village and in your officer’s view it would appear as a separate housing estate on the edge of the village. It would not be well integrated into the fabric of the built environment of Kirtlington and it would therefore fail to comply with the Framework and would not amount to sustainable development. If additional access points were to be created to link the site better into the village the wall enclosing the Park would need to be breached which would have an adverse impact on the character and appearance of the Conservation Area and the setting of the Park.
- 6.18 The illustrative layout submitted with the application has the appearance of a suburban estate and whilst this is only an indicative plan it is difficult to see how an alternative layout could be achieved without increasing the potential harm to the heritage assets such as introducing further access points into the wall bounding Heyford Road. It further demonstrates the lack of integration with the settlement.
- 6.19 Whilst the layout is indicative only due to the relationship with other dwellings it does not appear that the proposal will result in any detriment to the residential amenities of the existing residents nearby nor to those of the new residents.

Impact on the Heritage Assets

- 6.20 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that “in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. Likewise section 72 of the same Act states that in considering proposals for development in a Conservation Area, “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 6.21 Paragraph 132 of the NPPF states that “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". It continues "substantial harm to or loss of a grade II listed building, park or garden should be exceptional".

- 6.22 As stated above there are a number of heritage assets affected by the proposal. The site is partly within the Kirtlington Park Registered Park and Garden and the Kirtlington Conservation Area. There are a number of listed buildings surrounding the site including Grade II listed Home Farm and further to the east, the Grade I Listed Kirtlington Park. It is also within an area of archaeological interest
- 6.23 The Conservation Officer has provided a comprehensive response regarding the impact of the proposal on the Registered Park, the Conservation Area and the nearby listed buildings. The comments are set out above in section 4.2 of this report. In summary, the proposed development is considered to cause substantial harm to the heritage assets and their settings and it is not considered that substantial public benefits that could potentially outweigh the harm have been demonstrated in the application. Furthermore there is no link between the proposed development and the long term viability of the heritage assets, other than the proposal to repair the stone boundary wall. This is considered insufficient justification for the level of harm proposed.
- 6.24 Notwithstanding the concern in principle with development in this location, there are concerns with a form of development at the gateway to the village which is designed to be inward looking and being concealed behind boundaries. This form of development does not preserve, enhance or better reveal the character and appearance of the conservation area or registered parkland. The proposal does not integrate well with either the historic parkland or the village and is not considered to be a sustainable form of development.
- 6.25 The NPPF states at paragraph 137 that 'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. The proposed development cannot be considered to either preserve or enhance / better reveal the significance of any of the heritage assets.

Archaeology

- 6.26 With respect to the Archaeological interest of the site the County Archaeologist objects to the proposal. The site is located in an area of archaeological interest to the south of the Roman Road of Akeman Street and to the east of a second possible Roman road, the Portway. Iron Age settlement has been recorded to the north of the site, North of Akeman Street along with Iron Age and Roman burials and two possible Saxon burials have been recorded immediately south of Akeman Street. A gold Roman coin has been recovered immediately south of the proposed site and a second Roman coin has been found in the vicinity. A Roman stone building has been recorded along the line of the Portway, to the south of Kirtlington.
- 6.27 It is possible that further archaeological deposits related to these sites, including further Roman buildings, could survive within the application site which, as there has been very little modern development of the site, could be relatively well preserved. In accordance with the NPPF the County Archaeologist recommends that, prior to the determination of this application the applicant should be responsible for the implementation of an archaeological field evaluation. It is understood that the applicant was intending carrying out such an evaluation but to date no further information has been submitted to support the proposal.

Transport

- 6.28 The Highway Authority has not raised any objections to the application. They have stated that in terms of traffic generation and impact there is likely to be an insignificant effect on the adjacent highway network as a result of the proposed development. Furthermore, it is considered there are no existing highway safety issues on the adjacent/nearby local highway network that would be exacerbated by the proposed development.
- 6.29 The Highway Authority however is seeking a contribution towards upgrading the Bicester – Upper Heyford – Oxford bus route as well as a number of conditions including footway/pedestrian improvements required adjacent to the site on Heyford Road and the upgrading of the existing vehicular access.

Ecology

- 6.30 Paragraph 99 of Circular 06/05 states that: it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. Likewise Section 40 of the Natural Environment and Rural 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”.
- 6.31 The Council's Ecologist has raised an objection to the application as insufficient information has been provided on European Protected Species. The Ecologist has stated that a bat survey is required due to the number of dwellings to be demolished and their location in bat foraging habitat. This area has been omitted from the Phase 1 survey submitted with the application. The Phase 1 survey states that Great Crested Newts are a possibility on the site however no information on whether they are present or not has been submitted to date and whether mitigation can be achieved on site if they are. This information has been requested from the applicant's agent but has not been provided to date.
- 6.32 The remainder of the site has been assessed by the Phase 1 survey and the recommendations in Section 7 of the survey report can be supported.
- 6.33 Currently there will be an overall loss for biodiversity on site and this is contrary to advice given in the NPPF. The applicant has not demonstrated a net gain for biodiversity overall.

Flooding and Drainage

- 6.34 Objections have been received from nearby residents regarding adequacy of the existing drainage and sewerage infrastructure. Thames Water deals with such matters and they have raised no objections to the scheme. The applicant has also provided a flood risk assessment and the conclusions of which are that no significant flood risks have been identified and that appropriate surface water drainage management will ensure that the development will be safe from surface water run-off and there will be no increase in run-off from the development.
- 6.35 The Environment Agency was consulted on the application but they have advised that it is not a category of development that they respond to. No other technical evidence has been submitted that contradicts with the applicant's evidence. Therefore the scheme is considered to be acceptable in this regard.

Planning Obligations

6.36 The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation to enable the development to proceed. 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 necessary to make the development acceptable. Obligations are the mechanism to secure these measures.

6.37 In respect of planning obligations the NPPF advises at paragraph 204 that the following should be sought where they meet all 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.

6.38 Having regard to the above the contributions that would be sought in the event that planning permission were to be granted would include the following:

Cherwell District Council

Affordable housing – 12 dwellings (with an indicative mix of 4x1b2p Maisonettes, 3x2b4p Houses and 1x2b4p bungalow for rent and 4x2b4p Houses for shared ownership)

The affordable housing units should be dispersed into two clusters with 50% of the rented to meet Lifetime Homes Standards.

All the affordable housing will need to meet the HCA's Design and Quality Standards including the necessary HQI requirements

The registered provider that takes on the affordable housing will need to be agreed with the Council.

Play Space – Unequipped Local Area of Play to be provided on site with £15,194.85 contribution towards maintenance

Informal open space – to be provided on site with £14.99/m² towards maintenance

Maintenance of existing tree belt - £9.59/m²

Maintenance of new hedges on site – £11.30/linear metre

Maintenance of pond - £57.09/m²

Oxfordshire District Council

Education – A contribution of £135,046 towards the expansion of Kirtlington CE Primary School, by a total of 11.66 pupil places

Transport – A contribution of £1000 per residential dwelling towards the cost of enhancing bus services through Kirtlington.

A contribution of £5000 towards the cost of improving the Kirtlington Green bus stops with two modern pole, flag and information case units and a hard-standing area adjacent to the Kirtlington Green entrance.

Planning Balance

- 6.39 The NPPF sets out three dimensions to sustainable development, those being economic, social and environmental which are considered below. These dimensions should not be considered in isolation, but should be considered jointly and simultaneously, taking local circumstances into account. In practice this means that a planning balance exercise should be undertaken to determine if, taken as a whole, the adverse impacts of the proposal identified above are outweighed by the benefits such that it could still be considered sustainable development.
- 6.40 Economic role – The NPPF states that the planning system should do everything it can to support sustainable economic growth. The applicant's agent has stated that there will be an economic benefit provided by the construction of the proposed dwellings, sourcing materials through local building suppliers and future maintenance by local tradespeople. Also that the future residents will use local services and facilities which will help to support services and shops etc. It should be noted however that employment opportunities within the village and the immediate area are very limited.
- 6.41 Social role – 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. Objectors have expressed concern that a lack of local services and lack of capacity within existing facilities will make it difficult for future residents to integrate fully into the community and result in residents having to go elsewhere for essential services. In addition to this the location of the application site and its form are considered to create a development that is not well integrated with existing streets and public spaces and prevents an appropriate level of interaction with the existing village.
- 6.42 Environmental role – for development to be acceptable it must contribute to the protection and enhancement of the natural and built and historic environment. These issues have been covered in the sections above. The development is considered to result in harm to the various heritage assets and due to the lack of information provided regarding protected species and archaeology it is not possible to properly assess the potential harm that the development may cause in these respects.
- 6.43 The proposed development will result in conflict with the policies of the Development Plan and in particular the criteria for identifying and considering sites in Policy Villages 2 of the Cherwell Local Plan 2011-2031 as:
- the site is located outside the built up limits of the settlement with only a small part of the site having been previously developed
 - there is likely to be a significant adverse impact on heritage assets
 - it has not been demonstrated that there would not be adverse impacts on protected species, and
 - the development would not enhance the built environment.
- 6.44 In conclusion, when considering the economic, social and environmental impacts of the development as a whole, officers consider the limited benefits of the proposal are significantly and demonstrably outweighed by the adverse impacts such that planning permission should be refused for the reasons given at section 9 of this report, below.

7. Engagement

- 7.1 With regard to the duty set out in paragraphs 186 and 187 of the Framework, the agent has been kept informed of any problems or issues that have arisen during the application. It is considered that the duty to be positive and proactive has been discharged.

8. Conclusion

- 8.1 To conclude the site is not considered to be acceptable for residential development in the form and scale proposed due to its impact on the visual amenities and rural character of the village and its setting. It will also be harmful to the traditional settlement pattern and will have a significant adverse impact on Kirtlington Park and will neither preserve nor enhance the character and appearance of the Conservation nor the setting of Home Farm.
- 8.2 The Council can demonstrate a 5 year housing land supply which has been supported by the Inspector for the Local Plan Inquiry and the Inspector for the recent appeal for residential development at Lince Lane in Kirtlington. However even if it were to be determined that the Council cannot demonstrate a 5 year housing land supply in accordance with paragraph 14 of the NPPF the adverse impact of the development on the locality, character and form of the village as well as on the heritage assets significantly and demonstrably outweighs the benefits that housing would bring. The development would not constitute sustainable development and the presumption in favour does not apply.

9. Recommendation

Refusal for the following reasons:

1. The proposal constitutes development which by virtue of its scale, size and form fails to respect the traditional linear settlement pattern of Kirtlington extending well beyond its built up limits to the east into open countryside and Kirtlington Park, resulting in an incongruous, unsustainable and inappropriate form of development which would relate poorly to the remainder of the village, and cause demonstrable harm to the character of the village and visual amenities of the immediate locality. Therefore the proposal is contrary to saved Policies H18, C8, C27, C28 and C30 of the Cherwell Local Plan 1996, Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 and Central government advice within the National Planning Policy Framework.
2. The proposed development would by reason of its location, scale, and form cause substantial harm to the significance of the heritage assets of Kirtlington Conservation Area and the Grade II Registered Kirtlington Park, and would cause unacceptable harm to the settings of nearby listed buildings contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 and the National Planning Policy Framework in particular paragraph 17 'Core planning principles' and section 12 'Conserving and enhancing the historic environment', and the Planning Practice Guidance.
3. By reason of the site's location in an area of known archaeological interest with high potential for significant archaeological deposits to survive on site, in the absence of a detailed and adequate archaeological field evaluation the Local Planning Authority cannot be satisfied that the proposal would not result in

unacceptable and unavoidable harm to archaeological assets. Therefore the proposal conflicts with Policies ESD15 and Villages 2 of the Cherwell Local Plan 2011-2031, the National Planning Policy Framework in particular paragraph 17 'Core planning principles' and section 12 'Conserving and enhancing the historic environment', and the Planning Practice Guidance.

4. In view of the harm identified in refusal reasons 1, 2 and 3 above and in the context of the Council being able to demonstrate an up-to-date 5 year housing land supply, the proposal is considered to be unnecessary, undesirable and unsustainable new housing development that would conflict with the criteria for assessing proposals for minor development listed under Policy Villages 2 of the Cherwell Local Plan 2011-2031. Therefore the proposal is contrary to Policy Villages 2 of the Cherwell Local Plan 2011-2031 and Central government advice within the National Planning Policy Framework.
5. The application site has the potential for protected species and important habitats to be present on the site and in the absence of adequate survey information the Local Planning Authority cannot be satisfied that the proposal would not result in unacceptable and unavoidable harm to protected species and their habitats. Therefore the proposal conflicts with Policies ESD10 and Policy Villages 2 of the Cherwell Local Plan 2011-2031, the National Planning Policy Framework in particular paragraph 17 'Core planning principles' and section 11 'Conserving and enhancing the natural environment', and the Planning Practice Guidance.
6. In the absence of a satisfactory planning obligation the Local Planning Authority is not convinced that the infrastructure and affordable housing directly required as a result of this scheme will be delivered. This would be contrary to Policies BSC3 and INF1 of the Cherwell Local Plan 2011-2031 and central government guidance within the National Planning Policy Framework.