

**Land Adjoining And Rear Of Jersey Cottages  
Heyford Road  
Kirtlington**

**17/00539/OUT**

**Applicant:** Manor Farm Developments Ltd, S Nicholson, JF & CM Budgett,  
DC Grayland & HC Tylor

**Proposal:** OUTLINE – Proposed residential development for up to 20 new  
dwellings and associated works with all matters reserved except  
access

**Ward:** Fringford and Heyfords

**Councillors:** Cllr Ian Corkin  
Cllr James Macnamara  
Cllr Barry Wood

**Reason for Referral:** Major development

**Expiry Date:** 23 June 2017                      **Committee Date:** 15<sup>th</sup> June 2017

**Recommendation:** Refuse

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**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 land to the south and east of 1-4 Jersey Cottages and paddock and is approximately 1.26ha 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 erection of up to 20 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 will be from a new access slightly northwards of the existing one which serves the Jersey Cottages from Heyford Road. The existing access will be closed off. The development will be served by a 5.5m wide access road with 2m footways provided on both sides. The footway will be extended south of the proposed access to a new pelican crossing allowing access to the existing footway network on the western side of Heyford Road.
- 2.3 An indicative layout has been submitted showing 20 dwellings served by a single access from Heyford Road with an area of open space to the east, separating the proposed housing from Home Farm. Three plots are shown located to the north of this access, with the remainder to the south. Nos. 1 to 4 Jersey Cottages will remain and are not included in this application.

## **3. RELEVANT PLANNING HISTORY**

- 3.1 An application was received in 2015 for residential development which included the replacement of Jersey cottages, 15/01128/OUT, but this was withdrawn by the applicant following a number of concerns raised by officers about the principle and layout of development and impact on heritage assets.

## **4. PRE-APPLICATION DISCUSSIONS**

- 4.1 Pre-application advice was sought in December 2016, under application 16/00329/PREAPP, for the development of the site for 20 dwellings. The conclusion of the advice given was that the site was not considered to be acceptable for residential development in the form and scale proposed due to the impact on the visual amenities and rural character of the village and its setting. It was also considered to be harmful to the traditional settlement pattern and would have a significant adverse impact on Kirtlington Park neither preserving nor enhancing the character and appearance of the Conservation Area nor the setting of Home Farm, a listed building.
- 4.2 Further advice was given that if the scheme received clear support from the Parish Council and a significant number of village residents and any harm to the heritage assets and visual amenities of the area could be shown to be limited and outweighed by public benefits it may result in a positive officer recommendation being given having regard to the presumption in favour of sustainable development contained within the NPPF.

## **5. PUBLICITY**

- 5.1 This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 25.05.2017, although comments received after this date and before finalising this report have also been taken into account.

5.2 The comments raised by third parties are summarised as follows below and the letters can be viewed in full in the application documentation which is published on the Council's website.

5.3 9 letters have been received objecting to the proposal and they are summarised as follows:

- Not consistent with Local Plan
- Site not in 2014 SHLAA
- Kirtlington Park is an attractive historical part of Kirtlington
- Within the Conservation Area
- Highway safety and increased traffic
- Impact of loss of trees and dry stone wall to create access on Conservation Area and visual amenities
- Capacity of school
- Housing too large/expensive. Doesn't cater for average village dweller.
- Noise from pelican crossing and vehicles pulling away
- 'Town Green' wouldn't be used by public
- Impact on wildlife
- Site forms part of agricultural heritage of the village
- Within the overall scheme of park designed by Capability Brown
- Detrimentially affect character and appearance of Registered Park and its setting
- Set a precedent for building within the park
- There are less sensitive areas in the village for development
- Impact on rural and linear character of the village
- Visual impact of the development
- Impact on the setting of the listed building (Home Farm)
- Environmental Impact Assessment needed
- Strain on local infrastructure and amenities
- Public transport limited and reliance on cars
- Distance from village facilities
- Benefits of scheme don't outweigh the harm to the Conservation Area and Registered Park and Garden
- No consideration of alternative sites for development within the village
- Comments on Kirtlington Parish Council's response regarding village boundaries and sites for affordable housing

5.4 9 letters in support of the proposal have been received, including two from the same responder and one from a representative of a responder. They are summarised as follows:

- Developer has listened to needs of villagers
- Reduced No. of houses from previous scheme
- Affordable housing and mix of smaller units
- Current residents can remain in village
- Benefits outweigh concerns of location in Conservation Area
- Enhance the area
- Provide safer egress onto A4095 for existing dwellings
- In accord with draft Neighbourhood Plan
- Does not contradict linear form of village
- Not visually intrusive
- Safe access to village amenities
- Minimal impact on traffic flow
- Within current boundaries of the village

5.5 The applicant's agent has responded to one of the above objections, from Worlledge Associates, and this response is summarised as follows:

- The boundary and openness for the former 'Town Green' is not legible as former common land. It is now only readable from historic maps
- There will not be a loss of a significant part of the ancient 'Town Green'
- The historic relationship of Home Farm to its historic landscape setting is already changed (early 19<sup>th</sup> century)
- Home Farm is not understood as an integral part of the Park nor as a line of cottages on the edge of a green.
- There is a more generous buffer against new development than with the previous scheme and retains a greater sense of openness around the building.
- The site was part of a larger piece of common land brought within the ownership of the Dashwoods and demarcated by a wall. It was deliberately screened off from the new driveway and entrance lodge by a belt of trees.
- It was not meant to form part of the experience of entering the park. Experiences of the designed landscape will remain unaffected by the proposed development.
- The boundary wall signifies the presence of the Park but not as strongly as the original tree-lined boundary.
- The site does not have the character of parkland. This ambiguous status is compounded by the status of the land immediately to the north of the application site that was not included in the Registered Park when it was enclosed at the same time.
- It has a different character to the designed landscape in the park
- The wall will maintain the sense of enclosure and the visibility of the earlier tree lined park boundary will remain unaffected
- The designed entrance to the park will remain as currently.
- Access into the site will modify the existing access into Jersey Cottages and not compete with the designed entrance
- The historically linear form of development will remain legible. Development opposite the application site has introduced development in depth and this has not removed the legibility of the linear development of historic buildings to the south.

5.6 Two responses have been received from national campaign groups and their comments are summarised as follows:

CAMPAIGN TO PROTECT RURAL ENGLAND: **object** on the following grounds:

- Cherwell has a 5 year housing supply
- Represents a mass increase in the size of the village
- Unsympathetic to the character of the village due to its form and to the landscape and due to its location and proximity to Kirtlington Park
- Not sustainable due to the lack of facilities in the village such as the small school, loss of green space and increase in traffic
- It is in the Conservation Area

SAVE: **object** on the following grounds:

- Endorses points made by the Gardens Trust below
- Kirtlington and its park is an outstanding example of the 18<sup>th</sup> century English genius for architecture and landscape design
- Eroding edges of such landscapes damages their integrity

- Highly damaging to have development outside a park shelter-belt as inside, as the protecting trees are intended to be seen from without as well as from within
- Country house parkland is a key feature of English landscape and must be protected from damaging development.

## 6. RESPONSE TO CONSULTATION

6.1 Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2 KIRTLINGTON PARISH COUNCIL: **Supports** the application in principle for the following reasons:

- In line with feedback received from wider village (individual discussions and written feedback following public consultation event for the proposal).
- CDC officers referred to share of Cat A housing as 17 dwellings.
- In 2014 Kirtlington Parish Council (KPC) carried out a survey about development in the village and 43% of respondents wanted no more houses and 44% wanted some but only a few.
- Kirtlington needs a small number of social/affordable houses to keep those with close family connections in the community.
- Existing mix of houses within the village is currently unbalanced. Smaller homes are required.
- Kirtlington has several constraints on development:
  - linear village and boundaries beyond which development should be opposed were agreed unanimously at a Parish Council meeting in 2016 (Western boundary – old Woodstock Way, Eastern boundary – original sections of the park, North boundary – Akeman Street and South boundary- 30mph sign on Bletchingdon Road).
  - In recent appeals regarding the site to the west of old Woodstock Way mention was made of the landscape views and rural setting of the village to the west.
  - Primary school at or around capacity with playground at the minimum size. No space to expand the buildings.
  - Infrastructure problems with sewerage and water pressure.

KPC knows of no other available and accessible site which would provide a few social/affordable houses and the Cat A village contribution whilst not causing any primary school children to be bussed out of the village. Any more than 20 houses would be a problem for the village and any fewer would not deliver the required social housing.

- KPC supports the proposal as it is overwhelmingly villagers' preferred site offered for development, provides affordable housing, is commensurate with Kirtlington's share of new housing required of Cat A villages in the Cherwell Local Plan Part 1, its location is within boundaries defined in 2016 and fits into the traditional linear pattern of the village whilst offering small dwellings.
- The site is in the Conservation Area but the PC considers any perceived harm will be overcome with consideration of arboreal and 'estate' wall issues.
- Clear distinction needs to be made between land outside the historic park and the historic park designed by Capability Brown. It is not within the historic park, nor part of any vistas in the historic park. It is adjacent to it and is well screened from it and

does not affect the setting of Kirtlington Park House nor vistas in or from the historic park.

- It will not be unsympathetic to the surrounding area or set a precedent for further development in the park.
- Provision of new green space is sufficient to reduce the harm to the setting of Home Farm but a condition is required restricting any proposed dwellings from within 35m of Home Farm. This green should be nominated as a Local Green Space.
- The design of the dwellings in an appropriate vernacular for the village should be a reserved matter.
- Access should be safe and visually secondary to the existing entrance to the Park.
- The archaeological field investigations haven't revealed anything of interest on the site.
- Important screening is primarily due to the trees outside the red line boundary. A condition is required to provide a management plan for these trees for sufficient screening to be maintained for at least 30 years. Screening both from the historic park and from Heyford Road is an important part of village acceptance of the proposal.
- Conditions are sought to protect root protection zones of trees outside the red line boundary.
- A Landscape and Visual Assessment is required as a reserved matter with regard to views from the north. Planting is required to the north of the site to mitigate the visual effect.
- No dwellings should be within 11m of the extent of the canopy of the southern belt of trees to reduce future pressure on the trees.
- The trees and stone wall are important boundary features along Heyford Road.
- It needs to be made clear who is responsible for the repair/maintenance of the wall.
- Works to the wall need to be sympathetic to it.
- The illustrative layout is improved from the previous scheme.
- Villagers aspirations are for 2 and 3 bed dwellings.
- Provision of sufficient parking is required and these spaces should be protected from future development.
- Information is required at the reserved matters stage regarding materials, heights of buildings, and boundary treatments.
- Information regarding ownership and on-going maintenance of green spaces is required.
- Conditions required by Oxfordshire County Council in respect of key transport issues should be respected.
- KPC wish to be consulted on works within the highway including lighting.

6.3 KIRTLINGTON PARISH COUNCIL (following receipt of amended information):  
**Comment** that they only have one issue and one concern regarding the revised Transport Survey.

- Kirtlington does not have a cycle route and access to nearby (Tackley) railway station as it passes through the Cherwell flood zone and is often impassable in winter.
- The Road Safety Audit Sage 1 report mentions that the existing illumination is inadequate for the pelican crossing at night and recommends improvements to lighting. This would be very unpopular within the village and especially from residents on this stretch of road. It also mentions that the pelican crossing will have a red man phase indicating that it will have lights. This is of great concern and KPC considers that this should be established before granting planning permission.

#### STATUTORY CONSULTEES

6.4 HIGHWAY AUTHORITY: **Object** on the following grounds:

- Drainage issues
- Improved bus stop infrastructure and area of hardstanding is required for bus stops on the Heyford Road
- Full width resurfacing of Heyford road adjacent to the bell-mouth is required
- Resurfacing of a 50m length with a high PSV aggregate (designed to DMRB for skid resistance appropriate for this location) in the northbound lane of Heyford Road is required
- More information is required detailing the formal pedestrian crossing to the south of the access across Heyford Road
- A legal agreement is required to secure:
  - Financial contribution of £2,180 to provide improvements to the bus stop infrastructure.
  - Section 106 contribution of £1000 per dwelling towards the cost of enhancing this service towards a Connector level of service, as defined in the Local Transport Plan 4, with two daytime buses per hour in both directions with some evening and Sunday buses.
- A Section 278 Agreement is also required to be entered into between the applicant and OCC for works in the highway, to include:
  - A new access onto the Heyford Road
  - Improvements to the bus stop infrastructure to include the provision of what is stated above.
  - Provision of a hardstanding area on the southbound carriageway, to accommodate waiting area for bus stop.
  - New pelican crossing as detailed in the Transport Assessment, drawing number 15013/103.
- If consent is granted the Highway Authority has requested the attachment of conditions relating to the access specification, provision of visibility spays, construction of works within Heyford Road, surface water drainage scheme, a Construction Traffic Management Plan (CTMP), and preparation and submission of a travel plan.
- The applicant should provide plans showing any roads being proposed for adoption within the development, as they will need to enter into a Section 38 Agreement with OCC.

These issues could be overcome by the imposition of conditions.

- 6.5 OCC DRAINAGE: **Object** as the drainage strategy and proposals for the site should demonstrate compliance with Cherwell local planning policy and non-statutory technical standards for SUDS. There should be no excess run-off of water out onto the highway. This issue could be overcome with the imposition of conditions.
- 6.6 HISTORIC ENGLAND: **Do not wish to offer any comments** recommending the Council seeks advice from its own specialists.
- 6.7 THE GARDEN TRUST AND OXFORDSHIRE COUNTY GARDENS TRUST: **Object.** They state that the parcel of land is outside the most sensitive area of the park landscape but is within the designated area. They consider that the development will neither conserve nor enhance the character and appearance of the Registered Park (RPG) and its setting and will set a precedent for further unsympathetic development within the RPG. They comment that no mention is made within the application whether other sites not affecting a designated heritage asset have been considered by the applicant, and why a less sensitive area was not chosen in preference.

If approved they would wish to see thickening to the western, northern and eastern boundary tree belts. The repair of the boundary wall along the length of the application site on the western perimeter and also the reduction in housing numbers from 34 in the previous application (15/01128/OUT) is welcomed.

They would wish to see the principles within Policy ESD15 and Policy Villages 2 of the Cherwell Local Plan 2031 adhered to.

6.8 ENVIRONMENT AGENCY: **No comment to date**

6.9 THAMES WATER: **Comment** that they have not been able to determine the waste water infrastructure needs of the application and recommend that should the Local Planning Authority look to approve the application ahead of further information being provided, a 'Grampian Style' condition should be applied requiring the submission and approval of a drainage strategy detailing any on and/or off site drainage works. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. In addition they state that due to insufficient information they have been unable to determine the foul infrastructure needs of the development and they require a drainage strategy for foul water detailing the peak discharge rate, point of connection to the public sewer as well as how the flow is discharged to enable the assessment of the impact of the development on the local sewer.

**No objections** are raised with regard to water infrastructure capacity or surface water run-off management.

NON STATUTORY CONSULTEES

6.10 CDC PLANNING POLICY: **No comment to date**

6.11 CDC DESIGN AND CONSERVATION: **Object**. The proposed development will be harmful to the Registered Park and Garden, listed buildings adjacent to the site and the Kirtlington Conservation Area. It is considered that there will not be a substantial public benefit to outweigh the harm and there is no evidence produced as part of the application that the proposed benefits of meeting local housing need could not be provided elsewhere in a more suitable location.

6.12 CDC ECOLOGY: **Comments** that information regarding the potential of the development to impact on protected species needs to be provided prior to determination of the application as there is a number of protected species records in the local surrounding area including reptiles, bats and notable bird species, as well as nesting swifts on Heyford Road. There is potential for reptiles to be present on site and no specific survey for reptiles has been undertaken. The stone wall may also have potential for roosting bats but this does not seem to be assessed within the report.

Trees within the site have potential for bat roosting but are shown to be retained. Bat surveys would be required if any of these trees require removal or remedial work as part of the reserved matters to determine if the works are likely to have an impact on a roost. Two of the buildings to the north of the site have been identified as bat roosts and the other two have bat roosting potential. Although the buildings are not expected to be impacted by the proposed works, any new lighting scheme should be sensitively designed to avoid lighting the buildings or foraging/commuting routes, as this could lead to abandonment of the roost.

The biodiversity enhancement scheme provides suitable mitigation and enhancements for bats and nesting birds within the scheme, including a minimum of 10 bat boxes (5 on trees and 5 Habitat integrated boxes on the new builds). Due to the local swift records it is recommended that enhancement for swift nesting in addition to the other species is provided with the incorporation of swift bricks.

The creation of the attenuation basin is welcomed but it would be beneficial if a permanently wet attenuation feature was provided and included seeding the marginal habitat with an appropriate native wildflower seed mix. Landscaping should comprise of native species local to the local landscape area. It is recommended that in line with the NPPF and Local Policy ESD10, that the woodland is managed in the long-term in line with a woodland management plan with the aim to achieve no net loss of biodiversity as a result of the development. A long-term management plan should be provided as part of an overall Landscape and Ecological Management Plan (LEMP) for the site.

- 6.13 CDC BUSINESS SUPPORT UNIT: **Comment.** It is estimated that this development has the potential to attract New Homes Bonus of £101,926 over 4 years under current arrangements for the Council. This estimate includes a sum payable per affordable home.
- 6.14 CDC STRATEGIC HOUSING: **Comments** that the proposal for the residential element of the outline application is for a total of 20 units. The planning contribution for affordable housing in rural areas is 35% and so we would require 7 of these units to be for affordable housing. The policy tenure split is for 70% of these to be affordable rent and 30% to be for shared ownership. Therefore a proposed mix will be as follows:

**Affordable Rent**

2x 1Bed 2 person maisonette

3 X 2Bed 4 person house

**Shared Ownership**

2X 2Bed 4 person House

All properties should meet the nationally described space standards

50% of the properties should meet Building Regs Part M4(2).

It is preferred that the parking adjoins the property where possible.

The registered provider will need to be agreed in advance with the District Council.

- 6.15 CDC RECREATION AND LEISURE: **Comments:** The following contributions will be sought for off-site sports, community, and arts provision:

Sports Facilities Provision:

Off-site contribution towards providing increased outdoor sports facilities capacity within the locality of Kirtlington/Bicester (actual project to be specified when district sports studies are published later this year). Based on 20 residential dwellings x 2.39 persons x £466.03 per person = £22,276.234

Off-site contribution towards creating additional indoor sports facilities capacity within the locality of Kirtlington/Bicester (actual project to be specified when district sports studies are published later this year). Based on 20 dwellings x 2.39 persons x £314.26 = 15,021.628

Community Halls Provision: A contribution towards helping the local community hall accommodate an increase in capacity will be based on a sum per dwelling. These are:

<u>Unit</u>	<u>Contribution</u>
1 bed	£104.73
2 bed	£151.21
3 bed	£235.39
4+ bed	£323.70

Public Art Provision:

There will be a requirement to provide public art either on site to enhance a new communal area or community resource or offsite to encourage community cohesion and improve cultural infrastructure. Expected contribution £150 per dwelling with an agreed public art plan, or £200 per dwelling and CDC will take on the development and delivery of appropriate public art intervention.

6.16 CDC LANDSCAPE SERVICES: **Comments** that the following contributions are required:

- Provision of an unequipped play area and a financial contribution of £12,394.26 towards maintenance
- Attenuation basin – financial contribution of £11.63 per sq m towards maintenance
- Provision of public open space – 1104 sq m minimum provision and a financial contribution of £9.32 per sq m.

6.17 CDC ARBORICULTURALIST: **No comment to date**

6.18 CDC WASTE AND RECYCLING: **Comments** that accessible and adequate storage for waste and recycling is required. Guidance is 1.8 sqm per household.

A Section 106 contribution of £106.00 per property will also be required.

6.19 OCC ARCHAEOLOGIST: **No comment to date**

6.20 OCC PLANNING AND PROPERTY: **No objection.** OCC is not seeking Education contributions to mitigate the impact of this development on primary school, secondary school, Special Educational Needs or Early Years infrastructure. Existing capacity is forecast to be sufficient, taking into account this proposed development and other development already approved.

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 Levy Regulations 2010 (as amended).

The County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. A condition is required seeking the provision of hydrants in accordance with the requirements of the Fire & Rescue Service. It is recommended that new dwellings should be constructed with sprinkler systems.

## 7. RELEVANT PLANNING POLICY AND GUIDANCE

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 7.2. 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 (CLP 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 (CLP 1996)

- 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

#### 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Kirtlington Conservation Area Appraisal (2011)
- CDC Annual Monitoring Report (AMR) 2016
- CDC Countryside Design Summary SPG (1998)
- 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 very limited weight can be afforded to the Neighbourhood Plan.

## **8. APPRAISAL**

### 8.1 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
- Service and infrastructure impacts, and affordable housing
- Planning balance

#### Planning policy and principle of the development

- 8.2 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.
- 8.3 The site in question is not allocated for development in any adopted or draft plan forming part of the Development Plan. Kirtlington is designated as a Category 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 of the Local Plan.
- 8.4 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 specific housing need that cannot be met elsewhere. Quite clearly the development proposed fails to comply with this policy and in doing so also conflicts with Policy C8 which seeks to prevent sporadic development in the open countryside but also serves to restrict housing development.
- 8.5 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 across the Plan period, in addition to the rural allowance for small site 'windfalls' and planning permissions 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.
- 8.6 Notwithstanding the conflict with saved Policy H18 and C8, 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 ecological 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.

- 8.7 The Cherwell Local Plan 2011-2031 recently passed through examination and was found sound and consistent with the NPPF. Likewise, and taking account of recent appeal decisions, the saved policies within the Cherwell Local Plan 1996 are considered up-to-date insofar as they are consistent with the NPPF. The NPPF advises that proposed development that conflicts with the Development Plan should be refused unless other material considerations indicate otherwise.
- 8.8 The NPPF is a material consideration in respect of the consideration of this proposal. 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
- 8.9 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'. Cherwell District Council can currently demonstrate a five year housing land supply and the enhanced presumption in favour of sustainable development set out in the NPPF does not apply.
- 8.10 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. The key issues are expanded upon below however other material considerations can include whether there is public support for the scheme and whether there are any other more suitable sites for development within Kirtlington. These other considerations will be returned to in the planning balance at the end of this report.

#### Visual amenities and landscape impact

- 8.11 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.

- 8.12 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 along with the provision of a pedestrian crossing will increase the 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.
- 8.13 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 SPG 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 almost 100m to the east of Heyford Road with no frontage onto Heyford Road, which at this point is defined by a strong linear building line fronting the west side of Heyford Road. Jersey Cottages is the exception to this, with parkland and farmland extending to the north and south along Heyford Road.
- 8.14 As such the proposal 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, and issue returned to later in this report.

#### Design issues and form of development

- 8.15 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.'
- 8.16 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 this would be emphasised by the siting behind the park wall and a mature tree belt. 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.

- 8.17 The illustrative layout submitted with the application has the appearance of a suburban estate with no connectivity through and terminating in private drives, 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.
- 8.18 The layout is indicative only however officers are concerned about the proximity of a number of the plots to the trees around the site. In particular officers are concerned about the proximity of the dwellings, and the size of the gardens, to the trees to the southern boundary of the site. It is likely that there will be pressure from the occupiers of those properties to fell/carry out works to the trees due to proximity to and overshadowing of gardens/windows and the nuisance related to leaf loss in the autumn.
- 8.19 On the matter of whether an acceptable living environment for existing and proposed occupiers can be achieved, 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. Adequate details of the layout of plots and the detailing of elevations can be secured at reserved matters stage in this respect.

#### Impact on the Heritage Assets

- 8.20 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.
- 8.21 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”.
- 8.22 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.
- 8.23 The Conservation Officer has objected to the application as it is considered that the proposed development will be harmful to the Registered Park and Garden, listed buildings adjacent to the site and the Kirtlington Conservation Area. It is also considered that there will not be a substantial public benefit to outweigh the harm and there is no evidence produced as part of the application that the proposed benefits of meeting local housing need could not be provided elsewhere in a more suitable location.
- 8.24 Whilst it is argued by the applicant that the application site is distinct from the wider, formal landscaped parkland and as such does not have the same level of significance, it is within the boundary of the Registered Park and the development is considered to be inappropriate resulting in harm to the Park and its setting. The

Gardens Trust has objected to the application as they consider that “development here will neither conserve nor enhance the character and appearance of the Registered Park (RPG) and its setting”. Further they consider that “the north and west park are today still much as Brown intended them and if this development is allowed it would set a dangerous precedent for further unsympathetic development within the RPG”. The loss of this area of park land will in your officers’ opinion weaken the understanding of the estate and park land lying behind the stone boundary wall eroding its significance.

- 8.25 As noted in the consultation response, whilst the site lies beyond the tree belt enclosing the formal parkland, currently the site provides a traditional rural setting to the parkland and views across the site on the approach to the village help inform an understanding of the extent of the parkland and its deliberate enclosure. The introduction of modern housing in this location would significantly erode this character and setting and would cause harm to the significance of the Grade II Registered Park and Garden, and the wider setting of Kirtlington Park House.
- 8.26 The proposed development will result in harm to the setting of the Grade II listed Home Farm but it is acknowledged with the provision of the ‘green’ to the west of Home Farm some semblance of a rural setting for the listed farm is retained. The Heritage Impact Assessment also refers to the removal of unsightly barn structures associated with Home Farm; these are outside the red and blue line areas and do not appear to form part of the proposal and therefore the Council has no control over their removal. In any case, modern farm buildings are not necessarily inappropriate in a rural setting, and the benefits arising from their removal are limited. Works to Home Farm itself could be a public benefit however officers are not persuaded that the proposed residential development is necessary to secure this benefit.
- 8.27 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, and which would therefore read as a modern self-contained cul-de-sac development. 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. As noted earlier in this report the Conservation Officer has also raised concerns about the urbanising effect of introducing a pelican crossing on Heyford Road, with harm resulting to the character and appearance of the Conservation Area.
- 8.28 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.
- 8.29 All in all the proposed development is considered to cause significant, albeit less than substantial harm, to the heritage assets and their settings, and it is not considered that public benefits that could potentially outweigh this high degree of harm have been demonstrated in the application. Furthermore there is no direct link between the proposed development and the long term viability of the heritage assets, other than a proposal to repair the stone boundary wall as proposed in the Heritage Impact Assessment submitted with the application. This is considered insufficient justification for the level of harm proposed.

## Archaeology

- 8.30 The site is located in an area of significant 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.
- 8.31 Comments have not been received from the County Archaeologist to date. However, an archaeological evaluation has been submitted with the application which was carried out following the withdrawal of the previous application on the site (15/01128/OUT). The conclusion of the evaluation advises that there is little evidence of any activity within the site dating from late pre-historic to early modern periods. Little evidence of archaeological importance was exposed by the evaluation and none of the geophysical anomalies appear to have been of any archaeological significance. In response to the pre-application submission which included this evaluation the County Archaeologist raised no objection. Therefore, and in the absence of further comment from the County Archaeologist, the impact on archaeology is considered acceptable and could be mitigated by condition.

## Transport

- 8.32 Policy ESD15 of the CLP 2031 Part 1 states, amongst other matters, that new development proposals should: *be designed to deliver high quality safe...places to live and work in*. This is consistent with Paragraph 35 of the NPPF which states that: *developments should be located and designed where practical to...create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians*.
- 8.33 The Highway Authority has objected to the application on the grounds that further information and highway improvement works are required. However their response also indicates that subject to conditions relating to the submission of a drainage scheme and additional information regarding the formal pedestrian crossing to the south of the access across Heyford Road, their objection can be overcome. Improved bus stop infrastructure and an area of hardstanding for bus stops on the Heyford Road, full width resurfacing of Heyford road adjacent to the bell-mouth and resurfacing of a 50m length of highway with a skid resistant surface in the northbound lane of Heyford Road is also required; it is requested that these be secured by way of a legal agreement.
- 8.34 The Highway Authority 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. It is recommended that a light controlled pelican crossing is constructed to ensure pedestrian safety to make the development acceptable and s106 contributions towards bus routes and bus stops are sought.
- 8.35 All in all, the issues raised in the consultation response from the Highway Authority appear technical and do not go to the heart of the acceptability of new housing development in this location. Therefore, subject to the recommended conditions and a planning obligation, your officers consider that the proposal can be made acceptable in transport terms.

## Ecology

- 8.36 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”.
- 8.37 The Council’s Ecologist has advised that a reptile survey of the site should be carried out to determine the impact of the development on reptiles and inform appropriate mitigation measures. There are a number of reptile records in the local area and there is potential for reptiles to be present on site within the tall ruderal, woodland habitat and the stone wall boundary provides good opportunities for shelter and hibernation. The proposed stone wall repair work has potential to impact on reptiles, should they be present. In addition the stone wall may also have potential for roosting bats and further information about the roosting potential of the stone wall is required.
- 8.38 In addition trees within the site have potential for bat roosting but are shown to be retained. Bat surveys would be required if any of these trees require removal or remedial work as part of the reserved matters to determine if the works are likely to have an impact on a roost. Any new lighting scheme should be sensitively designed to avoid lighting the existing buildings to the north of the site, two of which have been identified as bat roosts and the other two have bat roosting potential, or foraging/commuting routes, as this could lead to abandonment of the roost.
- 8.39 The biodiversity enhancement scheme provides suitable mitigation and enhancements for bats and nesting birds within the scheme, but it is recommended that, due to the local swift records, enhancement for swift nesting in addition to the other species is provided with the incorporation of swift bricks.
- 8.40 The creation of the attenuation basin adjacent to Home Farm within the ‘Town Green’ would be beneficial if a permanently wet attenuation feature was provided and included seeding the marginal habitat with an appropriate native wildflower seed mix. It is recommended that in line with the NPPF and Local Policy ESD10, that the woodland is managed in the long-term in line with a woodland management plan with the aim to achieve no net loss of biodiversity as a result of the development. In addition a long-term management plan should be provided as part of an overall Landscape and Ecological Management Plan (LEMP) for the site.
- 8.41 Whilst conditions could be applied to address a number of the issues identified above, the matter of carrying out further survey work to establish the extent of any presence of protected species on the site, in particular reptiles, required addressing prior to determination as potentially this could impact on the extent of the areas that are suitable for development. Without this information, the Council cannot be satisfied that the proposal for up to 20 dwellings on this site would not have a detrimental impact on protected species.

## Flooding and Drainage

- 8.42 Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 seek to ensure that new development is directed to areas at lowest risk of flooding, and that new development does not increase the risk of flooding elsewhere. The use of sustainable drainage systems to manage surface water runoff within the site is supported.

The applicant has 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.

- 8.43 Thames Water has requested a condition requiring that a drainage strategy, detailing any on and/or off site drainage works, is submitted to and approved by the local planning authority as they consider that the development may lead to sewage flooding. The drainage works set out in the strategy would need to be completed prior to discharge of foul or surface water from the site into the public system. The reason for the strategy is to ensure that sufficient capacity is made available to cope with the new development and to avoid adverse environmental impact upon the community.
- 8.44 Oxfordshire County Council has requested a condition requiring that 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, is submitted to and approved in writing by the local planning authority and the works set out in the scheme implemented prior to the completion of the development.
- 8.45 The Environment Agency was consulted on the application but they have not responded to date. 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 subject to the recommended conditions.

#### Planning Obligations

- 8.46 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, service provision, 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.
- 8.47 In respect of planning obligations the NPPF advises at paragraph 204 that these should only 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.

- 8.48 Having regard to the above the following contributions would be sought in the event that planning permission was to be granted:

#### Affordable housing

7 units with 70% of these to be affordable rent and 30% to be for shared ownership. The mix would be 2x 1Bed 2 person maisonettes and 3 X 2Bed 4 person house for Affordable Rent, and 2X 2Bed 4 person House Shared Ownership. All properties should meet the nationally described space standards with 50% of the properties meeting Building Regs Part M4(2). It is preferred that the parking adjoins the property where possible. The registered provider will need to be agreed in advance with the District Council.

### Off-site sports provision

£22,276.23 - outdoor sports (based on 20 residential dwellings x 2.39 persons x £466.03 per person)

£15021.63 – indoor sports (based on 20 dwellings x 2.39 persons x £314.26)

### Community Halls

A contribution towards helping the local community hall accommodate an increase in capacity will be based on a sum per dwelling. These are:

<u>Unit</u>	<u>Contribution</u>
1 bed	£104.73
2 bed	£151.21
3 bed	£235.39
4+ bed	£323.70

Play space - Provision of a unequipped play area and a financial contribution of £12,394.26 towards maintenance

Attenuation basin – financial contribution of £11.63 per sq m towards maintenance

Public Open Space - Provision of public open space – 1104 sq m minimum provision and a financial contribution of £9.32 per sq m.

Although a contribution toward the provision of public art has also been sought, this is not considered to meet the tests outlined above and in particular is not necessary to make the development acceptable in planning terms.

### Oxfordshire District Council

Contribution of £2,180 to provide improvements to the bus stop infrastructure. This contribution is comprised of £1,090 for a pole, flag, and timetable case at the northbound stop and another £1,090 for the same provision at the southbound stop.

Contribution of £1000 per dwelling towards the cost of enhancing this service towards a Connector level of service, as defined in the Local Transport Plan 4, with two daytime buses per hour in both directions with some evening and Sunday buses.

## **9. PLANNING BALANCE AND CONCLUSION**

- 9.1 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2 Economic role – The NPPF states that the planning system should do everything it can to support sustainable economic growth. Whilst 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 along with the use of local services and facilities by future residents which will help to support services and shops etc. it should be noted that employment opportunities within the village and the immediate area are very limited.
- 9.3 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. The proposal will

deliver affordable housing and the Parish Council's support for the scheme is based in part on this benefit, and the mix of housing that would be provided. Significant weight should be attributed to this benefit. Conversely however, 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.

- 9.4 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 serious harm to the various heritage assets affected and due to the lack of information provided regarding protected species it is not possible to properly assess the potential harm that the development may cause in these respects.
- 9.5 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 Area nor the setting of Home Farm. The proposal is in conflict with the relevant policies of the Development Plan in this respect.
- 9.6 Turning to other material considerations, the Parish Council has advised that they support the principle of the development and a number of members of the public have also made representations supporting the scheme. Paragraph 17 of the NPPF emphasises the importance of planning “empowering local people to shape their surroundings” and so some weight should be afforded to this expression of local support. Nevertheless a similar number of members of the public have made representations objecting to the application, and currently the Neighbourhood Plan is at an early stage of preparation. Paragraph 17 also emphasises, in the same bullet point, the importance of planning decisions being “genuinely plan-led”. The application site is not currently identified as suitable or the preferred option for development in any local or neighbourhood plan, and in the absence of clear, strong and unequivocal local support for the scheme it cannot be concluded with any degree of reliability that the site has the majority support of the village community. As such the level of local support that has been expressed is not sufficient to outweigh the significant conflict with the Development Plan.
- 9.7 No other sites have been put forward or discounted as potential development sites within the village by the applicant, but it is noted that there have been a number of schemes put forward on alternative sites to the east of the village that have been dismissed at appeal or refused planning permission. This does not mean however that there could not be other more suitable sites forthcoming, and in the context of a 5 year housing land supply, there is not an immediate pressure to release land for housing that would justify allowing the harm caused by the current proposal.
- 9.8 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. In particular he benefits of providing affordable housing and enhanced bus infrastructure along with the modest level of public support shown for the proposal does not outweigh the serious harm to heritage assets and visual amenities of the area, and the lack of integration with the existing settlement pattern.

## 10. RECOMMENDATION

**Refusal** for the following reasons:

1. By virtue of its siting, scale, size and form the proposal fails to respect the traditional linear settlement pattern of Kirtlington extending well beyond its built up limits to the east into open countryside and into Kirtlington Park, resulting in an incongruous and inappropriate form of cul-de-sac development which would relate poorly to the remainder of the village, and cause demonstrable harm to the rural character and setting of the village and visual amenities of the area. 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 considerable harm to the character and 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 in particular Home Farm and the wider setting of Kirtlington Park House. Whilst, on balance, this harm is less than substantial the public benefits do not outweigh this harm. Therefore the proposal is 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. In view of the harm identified in refusal reasons 1 and 2 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 unacceptable in principle contrary to Policy Villages 2 of the Cherwell Local Plan 2011-2031 and Central government advice within the National Planning Policy Framework.
4. 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, in particular relating to reptiles, 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.
5. In the absence of a satisfactory planning obligation the Local Planning Authority is not convinced that the infrastructure required to mitigate the impacts of the development on existing community infrastructure and services, along with the 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.