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APPLICATION FOR OUTLINE PLANNING PERMISSION FOR THE PROVISION OF EIGHT SINGLE-STOREY AND TWO-STOREY DETACHED AND SEMI-DETACHED DWELLINGS WITH ACCESS, PARKING AND AMENITY SPACE ON LAND OFF LINCE LANE, KIRTLINGTON, OXFORDSHIRE.

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## **PLANNING STATEMENT**

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SEPTEMBER 2022

## STRUCTURE

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## **1.0 Introduction**

1.1 This Statement has been prepared to accompany an application submitted to Cherwell District Council for outline planning permission for the provision of eight single-storey and two-storey detached and semi-detached dwellings with access, parking and amenity space on land off Lince Lane, Kirtlington, Oxfordshire.

1.2 The Statement is structured as follows;

- Section 2 – The Site and Surrounding Area
- Section 3 – Planning History
- Section 4 – The Proposals
- Section 5 - Planning Policy Context
- Section 6 – Planning Assessment
- Section 7 – Conclusions

1.3 The application should be read in conjunction with the following technical reports:

- Transport Statement prepared by Transport Planning Associates
- Drainage Strategy prepared by RIDA
- Preliminary Ecological Appraisal prepared by James Johnston Ecology (with associated Biodiversity Metric)
- Design and Access Statement prepared by Stephen Johns Design

## **2.0 The Site and Surrounding Area**

- 2.1 The site is located on the south-western edge of Kirtlington, on the northern side of Lince Lane, and comprises an irregular shaped section of land extending to an area of approximately 0.93 hectares. The site forms part of a larger grassland agricultural field, which has a gradual fall from north to south, and rises slightly from east to west.
- 2.2 The site is adjoined by residential development to the east with, abutting the southern part of the eastern boundary, a series of detached chalet-style dwellings accessed off a short spur road leading from Lince Lane. To the north of these dwellings, and adjoining the remainder of the eastern site boundary, are a series of predominantly semi-detached single storey dwellings accessed off Oxford Close, with garden areas extending up to the site boundary. To the west of the site is Corner Farm, comprising a dwelling with a range of utilitarian farm buildings, beyond which (further to the west) is Kirtlington Golf Club. The land to the north of the site is generally open.
- 2.3 The extent of the site is shown outlined in red on the site location plan accompanying the application. For planning policy purposes, the site is not subject to any planning designations, save for a public right of way (270/10/30) that runs on a north-south alignment along the eastern boundary of the site, linking Lince Lane in the south with Hatch Way to the north.

### 3.0 Planning History

- 3.1 The site – that is the wider field parcel of which the current application site forms part – has a material recent planning history.
- 3.2 In this regard an application (14/01531/OUT) was submitted in September 2014 for outline planning permission for a residential development of up to 95 dwellings with highway works, landscaping and Public Open Space. An appeal was submitted against the non-determination of that application and dismissed in August 2015.
- 3.3 Prior to the appeal decision in connection with application 14/01531/OUT, a further application (14/02139/OUT) was submitted in December 2015 for outline planning permission for the demolition of the existing building and agricultural buildings and a residential development of up to 75 dwellings including highway works, landscaping and public open space. That application was refused by the Council in March 2015 on the basis<sup>1</sup> that the scale of the development would fail to respect the traditional settlement pattern of Kirtlington, resulting in an incongruous, unsustainable and inappropriate form of development that would cause demonstrable harm to the character of the village and the visual amenities of the immediate locality.
- 3.4 An appeal against that refusal was subsequently submitted and dismissed with the Inspector at the time opining:
- That the Council were able to demonstrate a five-year supply of housing land;
  - That the development would not have a significant impact on the landscape of the wider area, with the effect on medium and long-distance views very limited;
  - That, notwithstanding the above, the wider site contributes to the pleasant rural setting of the southern part of Kirtlington, with the proposed development prominent in local views and resulting in a negative impact on the local landscape and village setting.

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<sup>1</sup> In addition to matters relating to the failure to submit a Planning Obligation.

## 4.0 The Proposal

4.1 The application seeks planning permission for the provision of eight single-storey and two-storey detached and semi-detached dwellings with access, parking and amenity space. The application is submitted in outline with all matters reserved for future consideration, save for means of access and layout. The application is accompanied by the following plans and documents:

- P101B Site Location Plan (1:1250)
- P102F Proposed Site Plan (Black and White) (1:1000)
- P103 Illustrative Street Scenes (1:100)
- 104A Proposed Site Plan (Coloured) (1:1000)
- Preliminary Ecological Appraisal
- Drainage Strategy
- Transport Statement
- Design and Access Statement

4.2 As shown on the site plan, access to the proposed development would be from the south off Lince Lane, with the accessway following a sinuous north-south alignment containing (generally) development to the east of the access with soft landscaping to the west.

4.3 The proposal involves the provision of eight detached and semi-detached single and two-storey dwellings, with the proposed mix/type of units as set out in Table 1 below:

Plot	Size (Bedrooms)	Type	Scale
1	2	Detached	Single Storey
2	2	Detached	Single Storey
3	2	Detached	Single Storey
4	4/5	Detached	Two-Storey
5	3	Semi-Detached	Two-Storey
6	3	Semi-Detached	Two-Storey
7	4/5	Detached	Two-Storey
8	4/5	Detached	Two-Storey

Table 1: Housing Mix

4.4 Plots 1-6 would broadly front the access way to the west (save for plot 1 which would incorporate a double frontage) with garden areas to the rear (east). Plots 1-3 would each be detached and single storey in scale and served by a single garage with parking space

- to the front thereof. Plot 4 would be a detached two-storey dwelling with Plots 5 and 6 a pair of two-storey detached dwellings, with four parking spaces to Plot 4 and 2 parking spaces to each of Plots 5 and 6.
- 4.5 Plots 7 and 8 would be located at the head of the cul-de-sac on an east-west alignment. Each would be two-storey in scale with garden areas to the rear (north), with four parking spaces to each property.
- 4.6 The land on the western side of the proposed access way, which would vary in depth between approximately 8.0m and 20.0m would be soft landscaped to provide an appropriate interface/transition to the open countryside. The public footpath that current extends along the eastern site boundary would be formally diverted to run through the site.

## 5.0 Planning Policy Context

- 5.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 there is a statutory obligation to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2 Having regard to the planning designations affecting the site, this section of the Statement outlines the thrust of related National Planning Policy advice before going on to summarise the relevant Development Plan policies in the context of Section 38(6) of the Planning and Compulsory Purchase Act 2004.

### **National Planning Policy Framework (NPPF)**

- 5.3 The NPPF was first published on 27 March 2012 and, with immediate effect, replaced a raft of advice and guidance contained in various Planning Policy Guidance notes (PPGs), and Planning Policy Statements (PPSs). In July 2018 a revised version of the NPPF was issued (NPPF2), followed by further revisions in February and June 2019 (NPPF3). In July last year a further set of revisions to the Framework were published (NPPF4)
- 5.4 As with the original (2012) NPPF, sustainable development remains at the heart of the Framework, with three interdependent and overarching objectives – economic, social and environmental – driving the achievement of sustainable development. In order to ensure that sustainable development is pursued in a positive manner, the Framework embodies, in paragraph 11, a presumption in favour of sustainable development.
- 5.5 For decision-taking – in respect of applications for planning permission – the presumption in favour of sustainable development means (paragraph 11):
- (c) approving development proposals that accord with an up-to-date development plan without delay; or
  - (d) where there are no development plan policies or the policies which are most important for determining the application are out-of-date<sup>2</sup>, granting planning permission unless:

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<sup>2</sup> Footnote 8 in the Framework states that where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites, then the most important policies for determining an application for the provision housing are deemed to be out-of-date and the tilted planning balance in Paragraph 11(d) applies.



- (i) the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

### Housing

- 5.6 Paragraph 60 states that, in order to support the Government's objective of significantly boosting the supply of houses, it is important that a sufficient amount and variety of land can come forward where it is needed. The Framework goes on to state (in paragraph 69) that small and medium sized sites can make an important contribution to meeting housing requirements, and that policies and decisions should support the development of windfall sites.
- 5.7 Paragraph 74 requires that Local Planning Authorities should identify (annually) a supply of deliverable sites sufficient to provide a minimum for five years' worth of housing against their housing requirement. As detailed in footnote (2) above, the tilted planning balance set out in Paragraph 11 (d) of the Framework applies when a five-year supply of deliverable housing sites cannot be identified.

### Transport

- 5.8 Insofar as it relates to matters of sustainable transport, paragraph 105 advises that significant development should be focused on locations that are, or can be made, sustainable. Nevertheless, it is recognised that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken in to account in decision-making.
- 5.9 In consideration of applications for planning permission, paragraph 110 advises that it should be ensured that – (i) appropriate opportunities to promote sustainable transport modes can be (or have been) taken up, (ii) safe and convenient access to the site can be achieved for all users, (iii) all transport elements of a scheme are appropriately designed, and (iv) any significant impacts of the development on the transport network, or highway safety, can be mitigated to an acceptable degree.

- 5.10 Paragraph 111 advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

### Effective Use of Land

- 5.11 Paragraph 119 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses. In addition, development should make efficient use of land (Paragraph 124) taking account of a range of factors, including the need for different types of housing, and the desirability of maintaining an area's prevailing character and setting.

### Design

- 5.12 Paragraph 126 highlights that good design is a key aspect of sustainable development by creating better places in which to live and work, with paragraph 130 seeking developments that:

- will function well and add to the overall quality of the area;
- are visually attractive as a result of good architecture;
- are sympathetic to local character and history;
- establish or maintain a strong sense of place;
- optimise the potential of the site to accommodate and sustainably an appropriate amount and mix of development; and
- create places that are safe, inclusive and accessible.

- 5.13 Permission should be refused for development of poor design that fails to reflect local design policies and government guidance on design, taking in to account any local design guidance and supplementary planning documents (paragraph 134). Conversely, significant weight should be given to development that reflects local design policies and Government guidance (paragraph 134).

### Flooding

- 5.14 Paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. The paragraph goes on to state that '*where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere*'.

- 5.15 Paragraph 167 advises that Local Planning Authorities should, when determining planning applications, ensure that flood risk is not increased elsewhere, with (where appropriate) application supported by a site-specific flood-risk assessment. Furthermore, development proposals should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (Paragraph 169).

### The Natural Environment

- 5.16 Paragraph 174 advises that planning policies and decisions should contribute to, and enhance, the natural and local environment by, *inter alia*, (a) protecting and enhancing valued landscapes, (b) recognising the intrinsic character and beauty of the countryside and (d) minimising impacts on and providing net gains for biodiversity.

### Development Plan

- 5.17 The Development Plan for the area comprises the following:
- The adopted Cherwell Local Plan 2011-2031 (CLP 2015);
  - The saved policies of the Cherwell Local Plan 1996 (CLP); and
  - The Mid-Cherwell Neighbourhood Plan 2018-2031 (MCNP)
- 5.18 The main relevant policies of each document are identified below.

### The adopted Cherwell Local Plan 2011-2031 (CLP 2015)

- 5.19 The Cherwell Local Plan 2011-2031 (Part 1) was adopted in July 2015, with the main relevant policies considered to be:

- PSD1 Presumption in Favour of Sustainable Development
- BSC1 District Wide Housing Distribution
- BSC2 The Effective and Efficient Use of Land
- BSC4 Housing Mix
- ESD1 Mitigating and Adapting to Climate Change
- ESD2 Energy Hierarchy and Allowable Solutions
- ESD3 Sustainable Construction
- ESD7 Sustainable Drainage Systems
- ESD10 Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 Local Landscape Protection and Enhancement

- ESD15 The Character of the Built and Historic Environment
- Villages 1 Village Categorisation
- Villages 2 Distributing Growth Across the Rural Areas
- INF1 Infrastructure

#### *The saved policies of the Cherwell Local Plan 1996*

5.20 The Cherwell Local Plan 1996 was adopted in November 1996 with a number of the originally 'saved' policies replaced on adoption of the CLP 2015. However, some policies remain 'saved' (beyond adopted of the CLP 2015), with the most relevant being:

- C28 Layout, design and external appearance of new development
- C30 Design of New Residential Development
- ENV1 Environmental Pollution

#### *The Mid-Cherwell Neighbourhood Plan 2018-2031*

5.21 The Mid-Cherwell Neighbourhood Plan 2018-2031 was formally 'made' in May 2019 with the most relevant policies considered to be:

- PD1 Development at Category A Villages
- PD4 Protection of Important Views and Vistas
- PD5 Building and Site Design
- PD6 Control of Light Pollution
- PH1 Open Market Housing Schemes
- PH3 Adaptable Housing
- PH5 Parking, Garaging and Waste Storage Provision

#### *Other Material Planning Considerations*

5.22 The following are also material considerations in the context of Section 38(6) of the Act:

- The Cherwell Residential Design Guide SPD (July 2018)
- The Cherwell Developer Contributions SPD (February 2018)
- Planning Practice Guidance (PPG)

## 6.0 Planning Assessment

6.1 This section of the Statement considers the principal planning issues associated with the proposed development having regard to the following factors:

- Decision-Making Context
- Strategic Housing Policies
- Design and Impact on the Character and Appearance of the Area
- Effect on neighbouring residential amenity
- The quality of living environment for future occupiers
- Existing and Proposed Landscaping
- Highways, Access and Parking
- Flood Risk and Drainage
- Ecology
- Other Considerations

6.2 These matters are considered in turn below.

### Decision-Making Context

6.3 As noted in the preceding Section, paragraph 11(d) of the Framework states that *'where there are no development plan policies or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'*.

6.4 Footnote 8 in the Framework states that policies may be considered out-of-date where a proposal involves an application for housing development and the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In this regard, the Council have acknowledged and accepted (as noted in the Annual Monitoring Report (December 2021) that there is currently only a 3.5-year housing land supply. Moreover, whilst there is a made Neighbourhood Plan that covers the area, not all of the requirements in Paragraph 14 of the Framework are met and, furthermore, the site does not fall within any of those areas identified in footnote 7 of the Framework as 'areas or assets of particular importance' that the Framework seeks to protect.

- 6.5 Accordingly, it follows that the 'tilted' planning balance is applicable in this case, that there is a presumption in favour of the development and that planning permission should be granted for the scheme unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme.

### Strategic Housing Policies

- 6.6 Notwithstanding the conclusion set out above in connection with housing land supply and the application of the 'tilted' planning balance, it is nevertheless appropriate – given that the policies of the Development Plan are focussed on delivering sustainable forms/patterns of development - to consider matters of the compatibility of housing development on the site with the wider strategic housing policies of the Development Plan.

- 6.7 In this regard, the strategic housing policies of the CLP 2015 focus the majority of housing development to Banbury and Bicester. Outside of these areas, Policy Villages 1 provides a categorisation of the villages of the District to ensure that unplanned, small-scale development within villages is directed towards those villages that are best able to accommodate limited growth. The policy (Policy Villages 1) established which villages are, in principle, appropriate for conversions and infilling (Category C) and which are suitable for accommodating minor development (Categories A and B). Policy Villages 2 then provides for additional planned development to be accommodated at the most sustainable villages (Category A) in order to meet District housing requirements and to help meet local needs. The sub-text goes on to indicate that housing sites at villages are to be allocated through work on the Local Plan Part 2. However, that work has been abandoned and the Council are now progressing the new Local Plan 2040. There are, therefore, no housing sites allocated for development at the Villages through the Local Plan.

- 6.8 Kirtlington is identified, in Policy Villages 1 as a Category A Settlement with the related policy text indicating that appropriate forms of development within the built-up limits of the village include minor development, infilling and conversions. The sub-text to Policy Villages 1 indicates that when assessing whether proposals amount of acceptable 'minor development' regard will be had to a range of criteria including:

- The size of the village and the level of service provision
- The site's context within the existing built environment
- Whether it is in keeping with the character and form of the village
- Its local landscape setting

- The appropriateness of the scale of the development, particularly in Category B (satellite) villages.

6.9 Policy PD1 (Development at Category A Villages) of the made MCNP is consistent with the strategic policies of the CLP 2015 and details that, within the geographic extent of the MCNP, there are three Category A villages – Fritwell, Kirtlington and Steeple Aston. Although the MCNP does not allocate housing sites in, or adjacent to, any of the three Category A villages, the plan recognises the contribution that housing development at these settlements should make to the overall (rural) housing requirements set out in the CLP 2015. Accordingly, the MCNP – through Policy PD1 – details that across the period of the MCNP, an additional 25 dwellings should be provided at Fritwell, 17 dwellings at Kirtlington, and 20 dwellings at Steeple Aston.

6.10 The Policy (PD1) indicates that the principle of such housing will be supported within the identified settlement areas. Outside of the settlement area, any residential development proposal will be considered having regard to all of the following criteria:

- (a) The site should be immediately adjacent to the settlement area;
- (b) The site should not be the best and most versatile agricultural land and the use of previously developed land is likely to be particularly acceptable;
- (c) The development should conserve and, where possible, enhance the landscape;
- (d) The development should conserve and, where possible, enhance the special interest, character and appearance of the conservation areas and the significance of other heritage assets;
- (e) The development should not give rise to coalescence with any other nearby settlement.

6.11 The settlement area for Kirtlington, as defined in the MCNP, is set out in Figure 1 below. As noted therein, the application site is located outside of, but directly adjacent to, the western boundary of the settlement area. However (and notwithstanding the five-year housing land supply position and the application of the 'tilted' planning balance) it is important to acknowledge and recognises that there have been very few sites coming forward for additional housing development within the Kirtlington Settlement Area (recognising the limitations imposed due to heritage constraints). Indeed, capacity within the Settlement Area is heavily unconstrained and very unlikely to deliver the required additional housing requirements over the MCNP period (17 dwellings). Moreover, the very fact that Policy PD1 includes criteria for assessing acceptable development outside of, but on the edge of, the Settlement Area is, in itself, tacit

- acknowledgement that the required housing delivery within the Settlement Area is unlikely to be achieved.
- 6.12 Whilst, in the context of the application of the 'tilted' planning balance, the noted strategic housing policies are out-of-date, it is important to emphasise – in the context of supporting the wider (national) objective of delivering sustainable patterns of development – that the proposals would provide additional housing at a Category A Service Village that is (a) defined through the CLP2015 as one of the most sustainable settlements in the District, (b) is a settlement where additional growth over the plan period is already anticipated through the Development Plan and (c) is a settlement where delivery of that growth is likely to require a site located outside of, but on the edge of, the built-up area/Settlement Area.
- 6.13 To that extent, and irrespective of the fact that Paragraph 11(d) of the Framework is engaged, the proposals are, at a strategic level, wholly consistent with the housing policies of the Development Plan.

#### Design and Impact on the Character and Appearance of the Area

- 6.14 The application is accompanied by a Design and Access Statement (DAS) prepared by Stephen Johns Design that, notwithstanding the outline nature of the application, provides a detailed rationalisation and justification for the design approach adopted having regard to the form and character of the settlement. The DAS demonstrates that the design and layout of the scheme responds positively to the character of the area and would deliver a locally distinctive development that appropriately respects and reflects the character of the area.
- 6.15 Notwithstanding the conclusions of the DAS, it is appropriate to have regard to the conclusions of the previous appeal Inspector (see Section 3.0) given that – irrespective of the fact that the current scheme is much reduced in scale and extent to the previous proposals – the impact on the landscape setting of Kirtlington was one of the key considerations.
- 6.16 In this regard, the Inspector opined (in relation to the most recent appeal for 75 dwellings) that those proposals would not have a significant impact on the wider landscape character of the area (a position that was also accepted by the Council). That being the case, it logically follows that a scheme for eight dwellings, across only a small part of the site proposed for 75 dwellings, and contiguous with the existing built-up



- edge of Kirtlington, would equally not have a detrimental impact on the wider landscape character.
- 6.17 Notwithstanding that conclusion, the Inspector went on to conclude that the scale of that development (75 dwellings) would have an unacceptable negative impact on the localised landscape setting of the village. In this regard, the site forms part of a larger open field that effectively forms the boundary between the built-edge of the village and the open countryside on the south-western side of the village. The existing development that forms the boundary between the two comprises a combination of two-storey, chalet-style and single storey dwellings, all of which have gardens (and related means of enclosure) that extend up to and form the boundary with the open countryside. Whilst the Inspector opined that the existing development along this edge was not a particularly 'detracting feature' in the wider landscape, the approach to that edge (with private gardens up to the edge, a range of domestic paraphernalia, and differing means of enclosure) does not reflect current design-based best practice where the emphasis is placed on buildings fronting out towards the rural edge (contained by access ways), with gardens juxtaposed against existing built development (i.e. to the rear) and landscaped (public) edges provided to form the interface/transition between the built-edge and countryside.
- 6.18 It is that approach to design and layout that the proposed scheme actively embraces. In particular, the access way provides a clear defining edge, with (well-spaced) buildings fronting towards the open countryside and an extensive landscaped swathe provided between the western edge of the access way and the western site boundary. That swathe, which is up to 20m wide in places, would contain an indigenous hedgerow along the western site boundary with extensive (strategic) tree planting that softens and filters views of the development in the local landscape. Thus, whilst the existing developed edge of the village may not represent a significant detracting feature, the proposed approach would deliver a softer edge and a much finer transition between open countryside and settlement and, in such respects, would therefore be appropriately sensitive to the localised landscape setting of Kirtlington.
- 6.19 Furthermore, buildings would, as noted in the DAS, vary in scale, with single storey along the site frontage (Plots 1-3) and two-storey to the north (Plots 4-8). As shown in the illustrative street scene this scale of development, when combined with the spacious disposition between buildings and the extensive landscaping proposals (full details of which would come forward at the Reserved Matters Stage) would ensure a development that appropriately merges the rural and built edge and would not detract from the local landscape setting of the village – indeed, for the reasons given, there would be a material enhancement given the 'soft' edge that would be created.

6.20 Accordingly, it is considered that the proposals would appropriately respect and preserve the landscape setting to this part of Kirtlington. Moreover, and given that the scheme would not result in the loss of the best and most versatile agricultural land, nor would it result in coalescence, the proposals would be fully consistent with the requirements of Policy PD1 of the MCNP.

#### The effect on neighbouring residential amenity

6.21 Although the application is submitted in outline, matters of means of access and layout are for consideration with, as noted, plots 1-3 to be single-storey and the remaining dwellings (plots 4-8) to be two-storey.

6.22 Given the layout of the proposed development, the only dwellings with the potential to be impacted by the proposals are those to the east of the site in Oxford Close and those to the south, accessed off Lince Lane. As detailed in Section 2.0, the dwellings in Oxford Close are all single storey in scale with gardens extending towards the eastern site boundary with the dwellings to the south (off Lince Lane) comprising a mixture of chalet style and two-storey dwellings.

6.23 Plots 1-3 on the southern section of the site would be single storey in scale with their height, layout, form and juxtaposition to the dwellings to the east such that there would be no adverse impact on light, outlook and privacy. Furthermore, whilst Plots 4-6 would be two-storey in scale, where a rear-to-rear relationship exists with the existing dwellings in Oxford Close, the distance between rear elevations would be in excess of 30.0m, with a 17.0m distance between the flank elevation of Plot 7 and the nearest property in Oxford Close. These distances, and the resultant relationship, ensures (subject to the detailed design that would come forward at Reserved Matters stage) that there would be no unacceptable adverse impact on light, outlook or privacy to the occupiers of the properties in Oxford Close.

6.24 In all other respects the proposals would not have an adverse impact on the amenities of the occupiers these properties, or any other properties in the wider area.

#### The quality of living environment for future occupiers

6.25 For similar reasons to those set out above, the relationship between the proposed dwellings and the existing properties to the east of the site are such that these (existing properties) would not harm the amenities of future occupiers with reference to matters

of light, outlook and privacy. Furthermore, the layout of the proposed scheme has been carefully considered so that each of the proposed dwellings does not intrude on the amenities of another within the development, with the orientation and position of principal elevations such that privacy can be suitably secured at the detailed design stage.

6.26 In addition, and whilst details of the size of each dwelling (in terms of bedrooms) is not determined at this stage, the footprint/scale of each is such that a scheme can be designed at Reserved Matters stage to comply with the National Technical Housing Standards. Moreover, occupiers would benefit from generous areas of amenity space that would be level, private and useable.

6.27 Given such, it is considered that a high-quality living environment would be created for future occupiers of the proposed development.

#### Existing and Proposed Landscaping

6.28 There are a small number of existing trees and vegetation on (and adjacent to) the site, principally along the eastern site boundary and a small section of the southern site boundary. This vegetation, which is largely domestic in scale, does not make a significant contribution to the character and visual amenities of the area, albeit the majority would be retained as part of the scheme.

6.29 As detailed in previous sections, the layout of the scheme and form of the site facilitates the provision of a significant range of additional landscaping, particularly along the western boundary of the site, as a means of providing a 'soft' transition between settlement edge and the wider open countryside. This landscaping, which would be across a swathe along the western edge of the site that varies in depth, but is up to 20m in places, would include a new indigenous hedge along the western boundary of the site together with extensive tree planting. Delivery of this landscaping, which could be controlled by planning condition and would come forward at the Reserved Matters Stage, would ensure the design principles noted above are secured, including improvements to the western edge of this part of the village.

6.30 In other landscape respects, garden areas would be generally laid to lawn, save for patio and pathways, with areas directly to the front of each dwelling (up to the edge of the accessway) soft landscaped with domestic-scale planting. Private garden boundaries would be enclosed by close-boarded fencing (1.8m high).

6.31 This landscape framework which, as noted would come forward in detail at the Reserved Matters stage, would ensure the development is appropriately integrated in to the surroundings.

#### Highways, Access and Parking

6.32 The application is accompanied by a Transport Statement (TS) prepared by Transport Planning Associates. The Statement considers the full range of transport issues associated with the proposed development and concludes:

- That the site is in a sustainable location with access to services and facilities by non-car modes, facilitated by footway provision/connections as part of the development;
- That the development would be served by a safe and convenient access off Lince Lane, with reasonable and suitable levels of visibility available from the access on to Lince Lane;
- That the traffic generated by the proposed development would be safely and appropriately accommodated on the surrounding highway network without detriment to conditions of highway or pedestrian safety;
- That the layout of the development could safely accommodate the needs and requirements of refuse and emergency vehicles; and
- That the quantum of proposed development could be accommodated on the site in a form that would ensure delivery of an appropriate and sufficient level of car parking.

6.33 Accordingly, the TS demonstrates that there are no transport-related constraints to the proposed development.

#### Flood Risk and Drainage

6.34 Data held by the Environment Agency indicates that the site is located in Flood Zone 1 and, therefore, suitable as a matter of principle for the proposed development. Furthermore, that same data shows that the site is not subject to surface water flooding, nor flooding from any other source (natural or otherwise). Accordingly, the evidence indicates that there are no constraints to the development in this respect.

6.35 Notwithstanding such, the application is accompanied by a Drainage Strategy (surface water) prepared by RIDA. The strategy, which has been prepared following a site investigation that demonstrates ground conditions are suitable for surface water discharge via infiltration (soakaways), involves collecting surface water falling on to impermeable surfaces (namely buildings (dwellings and garages)) and directing to individual soakaways located in the rear garden of each property. Other hardsurfaces, namely the access way and the driveway to each of the dwellings, would be constructed using permeable surfaces that would directly facilitate infiltration. Given that infiltration techniques are the preferred option in the drainage hierarchy, the demonstrable feasibility of this approach for dealing with surface water drainage ensures appropriate policy compliance in this respect.

### Ecology

6.36 The application is accompanied by a Preliminary Ecological Appraisal (PEA) prepared by James Johnston Ecology. The PEA concludes that, with the mitigation strategy implemented -

- That there would be no significant adverse ecology impacts;
- That there would be no adverse impact to any designated site;
- That there would be no loss or damage to any notable/priority habitat;
- That there would be no adverse impacts to any roosting or foraging bats;
- That there would be no disturbance to nesting birds;
- That there would be no harm to reptiles;
- That there would be no harm or unlawful habitat impacts for Great Crested Newts;  
and
- That there would be no potential badger impacts.

6.37 The report includes a range of mitigation/enhancement measures, including:

- Entry in to the NatureSpaceUK District Newt Licencing Scheme;
- Precautionary translocation of reptiles (as required) during on-site newt searches;
- Site Briefing/Tool-box Talk from Project Ecologist to relevant parties involved through the construction process;
- Financial contribution to off-site biodiversity enhancements; and
- On-site landscaping to include enhancement of retained areas of grassland and additional planting of native trees.

- 6.38 With the above mitigation/enhancement matters secured through both conditions and entry in to the District Licencing Scheme, the PEA concludes that there are no ecological constraints to the proposed development.

### Other Considerations

#### Scheme Benefits

- 6.39 The proposed scheme would deliver a number of material benefits that weigh in favour of the proposed development –
- The proposals would make a meaningful contribution to housing supply in the District, delivering a mix and range of unit sizes, including the provision of single storey dwellings;
  - The site is in a sustainable location, with the scale of the development proportionate to the size of the village, and logically complementing the existing development pattern;
  - Residents of the proposed development would contribute – as a product of additional local expenditure – to the viability of local services and facilities;
  - There would be short-term economic benefits through the build process as a product of employment opportunities and local supplier linkages; and
  - The scheme would fulfil the social, environmental and economic objectives of sustainable development.

#### Planning Context

- 6.40 As outlined in the preceding sections, it is also material to note that the MCNP identifies a need, across the plan period, for the delivery of approximately 17 additional dwellings at Kirtlington. The majority of Kirtlington is subject to a range of heritage-based constraints. These designated heritage assets are a significant limiting factor to acceptable development coming forward in these locations and, moreover, the tilted planning balance is not applicable to proposals affected by designated heritage assets (given the terms of Footnote 7 of the Framework). If, as is the case, the need for additional housing development at Kirtlington is accepted, then sequentially the site – which is not subject to

any planning designations, limitations or constraints – is considered to be the most preferable.

## 7.0 Conclusions

7.1 This Statement has been prepared to accompany an application submitted to Cherwell District Council for outline planning permission for the provision of eight single-storey and two-storey detached and semi-detached dwellings with access, parking and amenity space on land off Lince Lane, Kirtlington, Oxfordshire.

7.2 The Statement sets out that the Council are currently unable to demonstrate a five-year supply of housing land and – in recognising that none of the limitations set out in Footnote 7 of the Framework apply to the site – details that the 'tilted' planning balance as set out in paragraph 11(d) of the Framework applies to the scheme. That is, there is a presumption in favour of granting planning permission for the development and permission should only be refused if '*any adverse impacts.....would significantly and demonstrably outweigh the benefits*' of the scheme.

7.3 In this context, and having regard to wider Development Plan policy, the Statement details/demonstrates:

- That the proposals would, in locational terms, represent a sustainable form of development given that, in strategic terms, Kirtlington is identified in the CLP 2015 as a highly sustainable Category 'A' Settlement, with the MCNP identifying the need for Kirtlington to accommodate additional (modest) housing development across the plan period;
- That the form, layout and scale of development would complement and respect the existing settlement pattern, respond appropriately to the existing built context, and through layout and landscaping deliver a soft edge to the built form that would respect the localised landscape context and setting of the edge of Kirtlington;
- That, subject to full details that would come forward at Reserved Matters stage, there would be no adverse impact on neighbouring residential amenity;
- That an appropriate, and high quality, living environment would be secured for future occupiers of the dwellings;
- That the retention, where appropriate, of existing landscape and the delivery of additional landscaping would ensure the proposals are integrated in to the site and surroundings;
- That the proposals are acceptable in terms of the proposed access arrangements, parking provision, and safe turning and manoeuvring within the site;
- That the proposals would be fully compliant with flood risk and drainage policy;
- That there are no ecological constraints or limitations to the development; and



- That the scheme would deliver a range of benefits that weigh positively in the overall planning balance.

7.4 Accordingly, and irrespective of the application of paragraph 11(d) of the Framework, it is considered that the proposals would be fully compliant with Development Plan policy. Notwithstanding, the fact that paragraph 11(d) of the Framework is engaged in this case acts only to increase the presumption in favour of granting planning permission for the development.