



GALLAGHER ESTATES LTD

Wykham Park Farm, Oxfordshire

Environmental Statement Volume 1 (Text)

B.8 Landscape and Visual Impact Assessment Revision 2 Issued

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B.8. LANDSCAPE AND VISUAL IMPACT ASSESSMENT

Introduction

B.8.1 Wardell Armstrong was commissioned in Summer 2012 by Gallagher Estates Ltd to undertake a landscape and visual impact assessment (LVIA) of the proposed development. The application is for a southward urban extension of Banbury, Oxfordshire, of a residentially led mixed development, on an approximate 50 hectare site known as Wykham Park Farm (WPF).

B.8.2 This report identifies and assesses the significance of the likely landscape and visual impacts of the proposed development on the site and surrounding area. It is based on, and should be read in association with drawings B8.1 – B8.31. An indicative site layout is shown on the Parameters Plan drawing number JJG043/27/B.

B.8.3 Landscape effects associated with a development relate to changes to the fabric, character and quality of the landscape resource and how it is experienced. The landscape assessment includes:

- direct effects upon specific landscape elements, especially prominent and eye catching features;
- change in character, which is the distinct, recognisable and consistent pattern of elements that creates distinctiveness and a sense of place;
- subtle effects that contribute towards the experience of intangible characteristics such as tranquillity, wildness and cultural associations; and
- effects on designated landscapes, conservation sites, and other acknowledged special areas of interest.

B.8.4 Visual effects relate closely to landscape effects, but they concern changes in views. Visual assessment concerns people's perception and response to changes in visual amenity. Effects may result from new landscape elements that cause visual intrusion or new features that obstruct views across the landscape. Both landscape and visual effects can be positive, negative or neutral. Neutral views are where beneficial and adverse impacts cancel each other out, or the changes are neither beneficial nor adverse.

Methodology

B.8.5 The methodology for this assessment follows the recommendations and guidance set out in the Guidelines of Landscape and Visual Impact Assessment (GLVIA), Second Edition, edited by The Landscape Institute and Institute of Environmental Management and Assessment (2002).

B.8.6 Formal consultation was not undertaken specific to the landscape and visual assessment. However, following submission of the planning application and accompanying Environmental Statement (ES), the local planning authority (LPA) requested further information under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The additional information requested, via letter dated 23 August 2013, included:

- An assessment of the historic landscape context of the site in terms of boundaries, land-use, field size and surviving features - included at paragraphs B8.42 and B8.43;
- Description and assessment of non designated heritage features recognised in the walk over survey - included at paragraph B8.43;
- Assess effects on national, district and local landscape character - included at paragraphs B8.70 and B8.71.
- Provision of a Zone of Theoretical Visibility (ZTV) drawing and methodology followed - included as B8.21 and B8.22 respectively;
- Provision of visualisations and their methodology of production - included as Appendices B8.24 – B8.28 and B8.30 respectively together with the Visualisation Location Plan included at B8.23;
- In addition, although not requested, an Indicative Landscape Planting plan has also been produced - included as Appendix B8.29.

B.8.7 The landscape and visual assessment was carried out by an initial desk based assessment and identification of likely receptors, followed by a site survey and analysis to verify viewpoints.

B.8.8 The initial desk-based analysis determined the proposal's broad bare ground zone of theoretical visibility. Once this was established, a number of representative viewpoints showing the site and its surrounding landscape context were taken from

potential visual receptors in this area. Not every viewpoint has or can be captured, and those included represent the clearest views of the site available in the area. They are comprehensive but not exhaustive and are representative of the range of views available. Other views of the site may be available from private property, but have not been considered in this assessment. Viewpoint locations are shown on drawing number B8.1 and reproduced in drawings B8.3 to B8.20.

B.8.9 The methodology used to reproduce the viewpoints follows recommendations and guidance set out in Landscape Institute Advice Note 01/11. Photographs were taken to represent peoples' natural view, which is the equivalent of taking photographs with a 50 mm (approximate) lens, and at a height of approximately 1.5m, broadly average eye level. Photographs were taken in September 2012 using a digital camera with an equivalent of a 50mm lens, mounted on a stable, levelled tripod with a professional panoramic head attached. This positions the focal centre of the camera lens above the pivot of the tripod and allows the photographs to be stitched together accurately using software.

B.8.10 The visual assessment considers the site and its surroundings, focusing on a radius of approximately 3.5km. It is considered that observers beyond this distance are generally unable to perceive detail particularly in a wide panorama, although, the effect of certain changes, particularly changes to skylines, at greater distances may still be perceptible. The site appearing in any views available outside that distance would form a very small percentage of the overall panorama, and potential changes to any available views would be imperceptible. Impacts are likely to be imperceptible in panoramic views where the site is visible but forms a very small percentage of the overall view.

B.8.11 Descriptions of existing and estimated potential views of the development and an assessment of the significance of changes to each viewpoint are included in Table B8.5 below. The criteria for establishing impact of the changes to the views assessed are shown in Table B8.4.

B.8.12 Footpaths and sensitive landscape receptors in the vicinity of the site are shown on drawing number B8.2.

Baseline Conditions

Planning policy framework

B.8.13 Planning policies give an indication of the relative value placed on the landscape. These policies are prepared by local authorities and through the consultation process are judged to reflect the aspirations and values of a local community. The site falls in the Cherwell District Council area and full relevant policy details can be found in the Planning Statement which accompanies this submission and a summary within A4 of this ES.

B.8.14 Planning policy for the Cherwell district is contained in the saved policies of the Cherwell Local Plan, adopted 1996. This Plan has been replaced by the Non-Statutory Cherwell Local Plan 2011. However, despite work on the 2011 Plan being discontinued prior to adoption, it has been approved as interim planning policy for development control purposes prior to the adoption of the Local Development Framework. It is unknown when the latter document will be adopted.

B.8.15 Policies relating to landscape issues (countryside protection and landscape conservation) that cover the site and its landscape context include:

C7 "Development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape."

C13 "The Ironstone Downs, the Cherwell valley, the Thames Valley, North Ploughley, Muswell Hill and Otmoor are designated Areas of High Landscape Value within which the Council will seek to conserve and enhance the environment."

C28 "Control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development. In sensitive areas such as Conservation Areas, the Area of Outstanding Natural Beauty and areas of High Landscape Value, development

will be required to be of a high standard and the use of traditional local building materials will normally be required.”

B.8.16 The relevant countryside related policies from the 2011 Local Plan include:

EN1 “In determining planning applications the Council will take into account the likely impact of a proposal on the natural and built environment and will seek to enhance the environment whenever possible. Development which would have an unacceptable environmental impact will not be permitted.”

EN31 “Beyond the existing and planned limits of the towns of Banbury and Bicester development of a type, size or scale that is incompatible with a rural location will be refused.”

EN34 “The Council will seek to conserve and enhance the character and appearance of the landscape through the control of development. Proposals will not be permitted if they would:

cause undue visual intrusion into the open countryside;

cause undue harm to important natural landscape features and topography;

be inconsistent with local character;

harm the setting of settlements, buildings, structures or other landmark features;

harm the historic value of the landscape”

B.8.17 In addition to the 2011 Local Plan policies and the Saved Policies of the 1996 Plan, there is supplementary planning guidance in the form of landscape character assessment documents. This level of continued assessment demonstrates the sensitivity and weight the Council places on its landscape resource. The four current studies are summarized below.

B.8.18 A Landscape Assessment of Cherwell District, produced by Cobham Resource Consultants in 1995, was taken forward in the Council's Countryside Design Supplementary Planning Guidance (SPG) of 1998. This was used by the District

Council to develop a consistent coordinated approach to planning policy, development control, landscape management/conservation, recreation and tourism.

B.8.19 The site falls wholly in the Ironstone Hills and Valleys Character Area. The character assessment can be reviewed at the following weblink¹. The assessment includes an Enhancement Strategy that evaluates and identifies guidelines for future management. The area is identified for both “*Conservation*” and “*Repair*”. The authors recognised that there would be future development pressure on the landscape around Banbury and gave guidance on appropriate development strategies in that regard. Essentially, as Policy C28 above recognises, development is not precluded but

“should only be permitted if it is sensitively sited and the scale, size, materials, and character of the scheme are designed to blend into the area, as is the case with much of the high quality infill housing found in many of the district’s villages. Care needs to be taken, however, that the characteristic spatial structure of villages is not too greatly changed.”

B.8.20 This character area forms part of an Area of Landscape of High Value (ALHV) identified in Policy C13 of the 1996 Local Plan. As Policy C28 above demonstrates, development in the ALHV is not precluded and indeed some land previously identified as farmland in the Oxfordshire Wildlife and Landscape Study (OWLS) (see below paragraph), has subsequently been developed.

B.8.21 Existing planning policy for the district is contained in the saved policies of the Cherwell Local Plan, adopted 1996. These are the policies used when making planning decisions. The saved policies can continue to be used until they are replaced by the Local Development Framework.

B.8.22 A Landscape Sensitivity and Capacity Assessment (LSCA) (Halcrow Group Ltd of Sept 2009) was undertaken as part of the Local Development Framework process. Consultation closed April 2010. The document can be accessed via the Cherwell District Council website at the following weblink². The assessment considered a

¹ <http://www.cherwell.gov.uk/index.cfm/help/utilities/flashsetup/www.cherwell.gov.uk/index.cfm?articleid=2854&articleaction=form&formid=28>

² http://www.cherwell.gov.uk/media/pdf/p/n/Landscape_Sensitivity_and_Capacity_Report_-_Part_1.Pdf

larger area than the site, and included land extending south to Wykham Lane, north to the Salt Way/Bloxham Road junction and east to White Post Road in Bodicote. Sensitivities and capacities for the wider site studied were identified as:

- *Landscape Sensitivity - High-Low*
- *Visual Sensitivity - Moderate*
- *Overall Sensitivity - High/Moderate*
- *Value - High/Low*
- *Capacity to accept development - Moderate/Low*
- *Capacity to accept playing fields - High/Low*
- *Capacity to accept informal recreation - High*
- *Capacity to accept woodland - High*

B.8.23 The LSCA text identifies that sensitivities and capacities vary across the site, but the different sensitivity and capacity areas have not been graphically identified. An interpretation of where the application site sits in the overall sensitivity/capacity assessment was, therefore, undertaken and identified below.

B.8.24 The site lies in Natural England's National Character Area 95, being Northamptonshire Uplands. This can be reviewed at weblink³.

B.8.25 OWLS is an investigation of landscape character and biodiversity across the county, jointly sponsored by: Oxfordshire County Council, Natural England and The Earth Trust. The site falls wholly in landscape type 'Upstanding Village Farmlands', which is a "hilly landscape with a strong pattern of hedgerows and nucleated villages characteristically built from the local ironstone." A full description can be found using the following weblink⁴, but its key characteristics are:

- *"steep sided, undulating landform;*
- *well defined geometric pattern of medium-sized fields enclosed by prominent hedgerows and*
- *a strong settlement pattern of compact, nucleated villages of varying sizes with little dispersal in wider countryside."*

³ <http://www.english-heritage.org.uk/publications/wm-area-farmsteads-character-statements/95-Northamptonshire-Uplands.pdf>

⁴ <http://owls.oxfordshire.gov.uk/wps/wcm/connect/occ/OWLS/Home/Oxfordshire+Landscape+Types/Upstanding+Village+Farmlands/>

B.8.26 The immediate area of Bodicote is:

“characterised by large-sized fields dominated by arable farming, with some smaller grass fields used for pony grazing. They are enclosed by low hawthorn hedges which are generally in good condition. Hedges bordering roadsides and old lanes are taller, well-maintained and more species-rich. There are a few young ash, field maple and oak trees in the hedges, and some small tree clumps close to farms.

.....Locally important habitats include plantations, semi-improved grassland, scrub and species-poor hedges with trees. There are also species-rich hedges bordering some roads and green lanes.”

B.8.27 Forces for change are identified as being:

- *“The hedgerow network is generally intact and in good condition, even in places dominated by intensive arable farming. However, around Bodicote the hedgerow pattern is weaker, with roadside hedges tending to be overgrown and internal field hedges generally low and gappy.*
- *There is some residential development within the main settlements that is out of character, particularly in the larger settlements to the south of Banbury. There are also some industrial estates, but they are generally well screened by landscape planting.*
- *Other land uses, such as the disused airfield and wireless station near Barford, can be visually intrusive.”*

B.8.28 The landscape strategy recommends *“Conserve and enhance the strong pattern of hedgerows and hedgerow trees, and the nucleated settlement pattern and strong vernacular character of the villages”* and this should be achieved by:

- *“Strengthen and enhance the field pattern by planting up gappy hedges using locally characteristic species such as hawthorn, and hedgerow trees such as oak and ash.*
- *Promote environmentally-sensitive maintenance of hedgerows, including coppicing and layering when necessary, to maintain a height and width appropriate to the landscape type, particularly along roadsides.*
- *Conserve the surviving areas of permanent and ridge and furrow pasture on the steeper slopes and hillsides*

- *Maintain the nucleated pattern of settlements and promote the use of building materials, characteristically the ironstones and slate tiles of the Northamptonshire Uplands, and a scale of development and that is appropriate to this landscape type*
- *Enhance tree cover through small-scale woodland planting next to streamlines and on steeper hillsides, so that it does not block off views of the landscape, keeping the feeling of openness.”*

B.8.29 Its key recommendations are to:

“Safeguard and enhance the landscape character of the hedgerow network.”

Site description

B.8.30 The site consists of 6 relatively large and regularly shaped arable fields, defined by straight hedges and a woodland strip. For the purposes of this assessment, they are numbered site fields 1 - 6 from the west; 2 being north of 3.

B.8.31 The site is a complicated shape, broadly rectangular, on an east west axis, but with two ‘chunks’ of land removed – one being a field north of site field 2 at the north west corner and the other being a field and grounds of Wykham Farm Cottage property south of site field 5, near the site’s south east corner.

B.8.32 The western and majority of the site area is occupied by a plateau at approximately 130m AOD, falling gently southeastwards from a high point of 133m AOD on the north western corner and steepening towards a low point of approximately 125M AOD on the southeastern corner. The plateau gradients vary broadly between 1: 45 and 1:50, whereas those on the land to the south steepen to 1:8. These steeper gradients roll northward in the east of the site and form the beginnings of a shallow dry valley, along which the hedge separating fields 5 and 6 has been planted. This feature runs southward beyond the site boundary, through the Wykham Farm, Great Barn and Wykham Farm Cottage complex, where it picks up a seasonal ditch emanating from the site, and continues south beyond Wykham Lane, eventually joining the Sor Brook south of the site.

B.8.33 A narrow tract of west facing land lies on the western edge of the site, with gradients as steep as 1:3. This is the beginning of another dry valley running southward outside the site, terminating south of Wykham Lane near Tudor Hall School. An access road to the school runs through this piece of land, with Wykham Park Lodge at its northern end.

B.8.34 Internally, field boundaries are generally straight and hedged, with occasional trees. A relatively immature north-south woodland strip separates site fields 5 and 6. The overall hedge structure is relatively strong, providing some visual containment on site, although because the fields are relatively large and, particularly on the plateau, relatively topographically uniform, there is a general feeling of openness on site.

B.8.35 The site's boundaries follow strong features on the ground. Either accompanied by, or comprising of, varying amounts of vegetation, they are the A361 Bloxham Road to the west, including a small, dense, triangular copse growing in the site's northern corner, an historic hedged track/green lane known as Salt Way to the north, a low field hedge to the east and to the south a narrow strip of young plantation effectively blocking views. The weakest boundaries are the hedges north of site field 2, west of site field 4 and east of site field 6 because they have no associated route and are the least substantial in terms of structure (width and height) and visual containment.

B.8.36 The site also supports three footpaths linking to Salt Way from the south. The most westerly one follows the majority of the western boundary, the central one crosses site field 5 and the most easterly one follows the narrow woodland strip between site fields 5 and 6. These footpaths continue beyond the site boundary linking Salt Way with Wykham Lane located south of the site. Salt Way forms a traffic free section of the national sustrans network, and is accessed at points outside the site - just to the west of White Post Road and at its junction with Bloxham Road.

Immediate site environs

B.8.37 The site's immediate context is built development to the north, being the southern extent of Banbury. Easington School and residential development lie immediately north of Salt Way, the well defined and strong hedgerow lined track, forming the

majority of the site's northern boundary. Built development in the form of Bodicote lies to the east, separated from the site by relatively level agricultural land, a cricket/sports ground and recreation area.

B.8.38 The A361 Banbury to Chipping Norton road forms the western boundary of the site with a triangle of land, occupied mainly by the Tudor Hall School playing fields, separating the site and the road further south. Agricultural land lies south of the site, extending to and beyond Wykham Lane, which runs east west approximately 500m south of the site and is a narrow local road, displaying rural characteristics. Several properties including WPF and Wykham Farm lie off it to the north and Tudor Hall School building complex to the south. Other land uses in the immediate site area include allotments and a cemetery, both south east of the site and lying north and south of Wykham Lane respectively.

Character of the surrounding area

B.8.39 WPF is located in a wider largely agricultural area adjacent to the southern edge of Banbury, between the A361 to the west and the A4260 Banbury to Oxford road to the east. It follows a low local ridge southeast of the site, passing through Bodicote, Twyford and Adderbury. The M40 lies approximately 2km east of the site's eastern boundary, with Junction 11 approximately 3.5km to the north east. They are separated by Banbury's residential southern extent and the village of Bodicote. The hamlet of Broughton lies 2km to the west and the villages of Bloxham and Adderbury some 2.5km to the south. The Sor Brook, a tributary of the River Cherwell, meanders broadly west east in a steep sided valley approximately 1km south of the site. There are numerous references to 'mills' along its length. This area south of the Sor Brook falls in an Area of High Landscape Value identified in the 1996 Local Plan.

B.8.40 The site lies in a wider context of arable and pastoral agricultural landscape of complicated, undulating topography. Land gradually rises to the west again encompassing small nucleated settlements such as Sibford Ferris, Sibford Gower and Upper Brailes, with numerous localised highpoints forming distinctive hills to an elevation exceeding 200m AOD, some of which display evidence of historic fortifications. The landscape is dotted with individual farmsteads and numerous small hamlets and villages, many with Conservation Area designations, including one

covering central Bodicote south of White Post Road. Spires and telecommunication masts are frequent features. Fields vary in size but are generally regular and linear, defined by a mixture of stockproof fencing, hedgerows and hedges. The Sor Valley to the south of the site and the majority of its adjacent fields, support narrow but continuous and complete hedgerows. This vegetation gives the immediate area substantial physical and visual containment.

B.8.41 Extensive woodland and shelterbelts are uncommon, although there are numerous copses and small blocks of mature deciduous woodland such as that on Crouch Hill to the north west of the site and immediately south of Wykham Lane. There are also isolated clusters of structural vegetation, particularly parkland type trees, such as those at Tudor Hall School, Broughton Grange and Broughton Castle, to the south west of the site. These small but frequent vegetation blocks combine effectively with the local topography to interrupt and contain views.

B.8.42 With respect to the historic context of the application area, this is covered within the Cultural Heritage chapter of the ES (paragraph numbers B9.48 - .53). The earliest detailed cartographic evidence studied, the Wykham Tithe Map, indicates that the number of fields within the application area has gradually been reduced through the removal of hedgerows, with an original configuration of eight relatively large and uniformly sized and shaped fields, which reduced to six fields, by the removal of two hedgerows to form field 4. Field boundaries are assumed to have been hedgerows, although the presence of tree cover within the hedgerows is unknown. It is assumed that although retained in agricultural use that production has altered from pasture to arable.

B.8.43 The Salt Way to the north of the application area has been a route way since at least the medieval period and may have prehistoric origins. The Salt Way is not a designated heritage asset and did not appear on the Oxford Historic Environment Record at the time of consultation (A recent planning appeal on adjacent land (the Horgan Land APP/C3105/A/12/2178521) has established that “.....*the Salt Way has some importance as a heritage asset.....but that this importance has been overstated by the Council....*”. The Salt Way can therefore be considered as a locally important heritage asset which should be considered under paragraph 135 of the NPPF.

Visibility of the site

B.8.44 A field investigation has identified representative public viewpoints (visual receptors) of the site. These are mainly within a radius of approximately 3.5km of site, because beyond this the naked eye is generally unable to distinguish great detail and the site will form a small percentage of what will inevitably be a panoramic view. The photo locations are shown on drawing number B8.1.

B.8.45 The site, from both short and long distances to approximately 3.5km, is not visually prominent. The A4260 ridge line effectively blocks views from the east. Strong boundary vegetation combines with the local topography and surrounding vegetation, particularly that to the south. In fact the site is quite difficult to locate in the wider landscape from longer distance views to the south, and is identifiable principally by reference to the large conifers growing at Tudor Hall School and Broughton Grange. The site's northern plateau and its steeper southern slopes are obscured by on and off site topography and vegetation. Views of the site from the north include close but clear glimpses of the northern plateau through gaps in the Salt Way vegetation. From the east, the north and east parts of the site are just discernable, across the open field and cricket/sports ground filtered by a series of low, relatively weak hedges. These hedges and the eastern site boundary would currently be insufficient to effectively visually contain potential built development on the eastern part of the site. Close views from the south are unavailable due to the effective visual barrier formed by the southern boundary vegetation.

B.8.46 The clearest overview of the site in its context is from a footpath on the eastern slope of the high point of Crouch Hill north east of the site. This is a well frequented local landmark with numerous footpaths, at the base of which runs Salt Way. Although seen as part of a wide panorama containing built elements, specifically the Walter Drive residential development immediately to its east, the site's northern plateau is a prominent middle distance element in a mainly rural view. This view, however, is tempered by tree growth along the A361, in particular the triangular copse on the north of the site, visually filtering and splitting it up, and therefore, reducing its prominence.

B.8.47 Close residential properties, although not forming part of this assessment, are few in number. Those closest to the site lie to its north, in the form of suburban detached houses off Beaconsfield Road and Sycamore Drive, south of the site in the form of individual country residences accessed off Wykham Lane, and to the west are Wykham Park Lodge lying between the site and Bloxham Road and Crouch Cottages bordering the west of Bloxham Road, immediately opposite the proposed roundabout access into the site. Those to the south sit at a lower elevation to the site, and combined with the substantial southern boundary vegetation, views of the site are thought to be effectively blocked. Views from all others are thought to be heavily filtered by boundary vegetation.

Visual sensitivity

B.8.48 A consideration of the combination of the sensitivity of visual receptors and the magnitude of the change determines the level of significance of the predicted impact. Residential properties (although not forming part of this assessment) and places visited for leisure activities, for example footpaths and heritage features, are considered to be of high sensitivity, whereas industrial landscapes, major roads and places of work are considered to be of low sensitivity. The impact significance is determined by the sensitivity of the receptor, the distance of the receptor to the development, the extent of change in the view, the number of viewers affected and the duration of activity apparent from each viewpoint, or a sequence of points that may have transient views (e.g. along a road or footpath).

B.8.49 The following have been used to establish a judgement concerning visual effect significance:

- Large-scale views which introduce new, discordant or intrusive elements are more likely to be significant than small changes or changes involving features already present in the view;
- Changes in views from recognised and important or amenity routes are likely to be more significant than changes affecting less important paths and roads; and
- Changes affecting large numbers of people are generally more significant than those affecting a relatively small group of users. However, in relatively remote or tranquil landscapes, where numbers could be low, the sensitivity

of the users may be very high and this could be reflected in the significance of the change.

B.8.50 The assessment analyses the value and sensitivity of the landscape, which is a measure of its capacity to accommodate change without loss of character. The magnitude of landscape effects depends on the type and character of development proposed compared with the type and character of the receiving landscape and its context. The criteria for establishing impact of the changes to the landscape resource are shown in Table B8.3. Any long-term residual changes are also noted.

Landscape value

B.8.51 Landscape value is subjective, and is based on the importance to society of the affected landscape, based on, and taking into account, views of consultees and the public.

B.8.52 Information about what is important about the landscape and why, is required in order to:

- Establish the level of importance of the affected landscape and whether this is at a local, regional or national level;
- Enable any losses of landscape features, characteristics, or functions to be assessed in relation to the importance or value attached to them;
- Enable the effects on other, less tangible, perceptual landscape characteristics to be assessed such as scenic quality, tranquillity or wilderness;
- Assist in identifying features which could be enhanced; and
- Identify mitigation proposals, through avoidance or relocation, by appropriate remedy or offsetting negative effects through compensatory measures.

B.8.53 This assessment has used the industry standard GLVIA (Table 1) to help establish site's current landscape value in combination with the interpretation of the LSCA. The value of the landscape contributes to its overall sensitivity to development which is the degree to which a particular landscape type or area can accommodate change arising from a particular development, without detrimental effects on its character. This will vary with:

- existing land use;
- the pattern and scale of the landscape;
- visual enclosure/openness of views, and distribution of visual receptors;
- the scope for mitigation, which would be in character with the existing landscape and
- the value placed on the landscape.

B.8.54 In combination with the LSCA, this assessment has taken the following factors into account in establishing the site's sensitivity to development:

- the LPA chose not to include the application site in the ALHV designation in the Local Plan of 1996;
- the boundary vegetation combined with the internal hedge structure provides a significant visual filter to external views, both screening parts of the site and breaking it up into smaller parcels of land;
- the site is not intervisible with surrounding urbanising elements although has a direct relationship with the built southern edge of Banbury, via and through Salt Way and is sufficiently distant from, and so will not to cause an impact on, Bodicote Conservation Area;
- in addition to the site being undeveloped 'open countryside', the local community is likely to have regard for the site as a whole due to its proximity and the leisure opportunities it presents (footpath links).

B.8.55 As the LPA have placed landscape value on neither the site nor the surrounding area, its value, therefore, both as an individual site and as part of a wider landscape, has been acknowledged as being of no particular consequence in terms of 'conservation' and 'preservation' of its current character. The landscape value of the site is, therefore, considered to accord with the interpretation of the LSCA, being:

- Landscape Sensitivity - **Low/moderate** overall, but increasing to high to the east towards Bodicote;
- Visual Sensitivity - **Moderate** with impacts primarily on users of Salt Way;
- Overall Sensitivity - **Moderate** apart from around Wykham Park, Wykham Farm (both listed) and the edge of Bodicote which are high;
- Value - **Low**, apart from farm settings and paths which are high;

- Capacity to accept development - **Moderate**, but low in farm settings and paths;
- Capacity to accept playing fields - **High** on flatter areas;
- Capacity to accept informal recreation - **High**;
- Capacity to accept woodland - **High**.

B.8.56 Where sensitivities are shown as 'low' and capacities as 'high', it does not mean that the LPA are unconcerned with the development's aesthetics and impacts on the wider accepting landscape (considered below). Although no specific landscape value has been placed upon the site, or the land in which it sits, adverse impacts will require minimizing and the highest design standards applied.

Value

B.8.57 Table B.8.1 explains how criteria are applied to arrive at an assessment of landscape value and is contained in the GLVIA. These criteria have been applied to this assessment.

Table B.8.1 – Criteria for the assessment of landscape value

Value		Typical criteria	Typical scale	Typical examples
High	Exceptional	High importance and rarity. No or very limited potential for substitution	International /National	World Heritage site, National Park, AONB
	High	High importance and rarity. Limited potential for substitution	National, regional & local	National Park, AONB, AHLV / AGLV etc
Medium	Medium	Medium importance and rarity. Limited potential for substitution	Regional, local	AHLV/AGLV, Regional Scenic Areas etc
	Medium-low	Medium importance and rarity. Some or good potential for substitution	Regional, local	Undesignated but value expressed for instance in demonstrable use
Low	Poor	Low importance and rarity	Local	Areas identified as having some redeeming feature or features and possibly identified for improvement
	Very poor	Low importance and rarity	Local	Areas identified for recovery

Magnitude

B.8.58 Table B.8.2 below explains how criteria are applied to arrive at an assessment of magnitudes that have been applied to this assessment.

Table B.8.2 – Criteria for the assessment of magnitude

Level	Typical criteria
Negligible	Very minor loss of or alteration to key elements/features/characteristics of the baseline, i.e. pre - development landscape or view and/ or introduction of elements that are not uncharacteristic with the surrounding landscape - approximating the 'no change' situation.
Low	Minor loss of or alteration to key elements/ features/characteristics of the baseline, i.e. pre- development landscape or view and/or introduction of elements that may not necessarily be considered to be uncharacteristic when set within the attributes of the receiving landscape.
Medium	Partial loss of or alteration to key elements/features/characteristics of the baseline, i.e. pre-development landscape or view and/ or introduction of elements that may be prominent but may not necessarily be considered to be substantially uncharacteristic when set within the attributes of the receiving landscape.
High	Total loss, or major alteration, of key elements/features/characteristics of the baseline, i.e. pre-development landscape or view and/ or introduction of elements considered to be totally uncharacteristic when set within the attributes of the receiving landscape.

Significance

B.8.59 Overall impacts may be adverse (worsens), neutral (either does not change or changes but neither worsens nor improves) or beneficial (improves), and take into account mitigation measures, and at different stages of the project lifecycle. Intermediate levels, such as slight – moderate, may also apply. Tables B.8.3 and B.8.4 assign criteria to each landscape and visual level, as applied in this assessment.

Table B.8.3 – Significance criteria for landscape impact

Level	Typical criteria
No change	No discernible deterioration or improvement in the existing landscape
Imperceptible	The degree of change is so small as to have little or no effect
Slight adverse	The proposals would not quite fit into the landform and scale of the landscape; affect an area of recognised landscape character
Slight beneficial	The proposals would improve landscape quality and character; fit in with the scale, landform and pattern of the landscape; enable the restoration of valued characteristic features partially lost through other land uses

Level	Typical criteria
Moderate adverse	The proposals would be out of scale with the landscape or at odds with the local pattern and landform; will leave an adverse impact on a landscape of recognised quality
Moderate beneficial	The proposals have the potential to fit in very well with the landscape character; improve the quality of the landscape through removal of damage caused by existing landuses
Substantial adverse	The proposals cannot be fully mitigated and may cumulatively amount to a severe adverse effect; are at a considerable variance to the landscape degrading the integrity of the landscape; substantially damaging to a high quality landscape
Severe adverse	The proposals are wholly at variance with the landform, scale and pattern of the landscape; changes permanently degrade, diminish or destroy the integrity of valued characteristic features, elements and /or their setting; a high quality landscape would be permanently changed and its quality diminished.

Table B.8.4 – Significance criteria for visual impact

Level	Typical criteria
No change	No discernable deterioration or improvement in the existing view. No part of the development, or work or activity associated with it, is discernible.
Imperceptible	The degree of change is so small as to have little or no effect. Only a very small part of the proposals is discernible and/or they are at such a distance that they are scarcely appreciated. Consequently they have very little effect on the scene.
Slight	The proposals would cause a barely perceptible change to the view. The proposals constitute only a minor component of the wider view, which might be missed by the casual observer or receptor. Awareness of the proposals would not have a marked effect on the overall quality of the scene.
Moderate	The proposals have a noticeable effect on the view. The proposals may form a visible and recognisable new element within the overall scene and may be readily noticed by the observer or receptor.
Substantial	The proposals would cause a substantial effect on the view. The proposals form a significant and immediately apparent part of the scene that affects and changes its overall character.
Severe	The proposals become the dominant feature of the scene to which other elements become subordinate and they significantly affect and change its character.

Relevant details of the development

B.8.60 Reference should be made to section A2 of this planning application for a full description of the development and drawing JIG043/27/B. However the basic development will consist of:

- a roundabout on Bloxham Road providing the site access via an internal spine road;
- 1000 residential units;
- commercial and employment (B1) buildings with ancillary offices;
- a local centre including retail, food retail, community and leisure uses;
- a primary school;
- green infrastructure including retention and enhancement of significant hedgerows and woodland areas, where appropriate, strategic open space comprising parks with sports pitches, play areas, informal public open spaces, allotments and new structure planting;
- infrastructure including roads, footpaths, cycleways and sustainable drainage features including ponds and watercourses; and
- the maximum building height will be 12.5m across the development.

B.8.61 The main actions affecting the site landscape and/or having the potential to give rise to visual impacts over the life of the proposed development are listed below although it is recognised that each phase will have its own construction cycle. The sequence of works in relation to the infrastructure works, development timescales and order of the individual development blocks is unknown. The works shown below are, therefore, merely an attempt at the scope and chronological order of the elements of the whole development that could cause a potential impact. Individual operations may be phased, many of the operations will be carried out concurrently, and some, for example erection and removal of hoarding, will be repetitious. The duration of the potential impacts is identified in brackets:

- movement of site plant and staff including lighting and headlights during the hours of darkness (temporary);
- erection of boundary security fencing/hoarding (temporary);
- site clearance including removal of vegetation (east of Bloxham Road to form the roundabout) internal hedgerows and gaps formed in internal and boundary hedge vegetation (permanent);

- excavation / groundworks for the Bloxham Road roundabout, internal roads, balancing ponds, major service runs and development platforms - presumed cut and fill balance to be achieved on site;
- construction of the spine road;
- spine road planting;
- construction of remainder of infrastructure road network;
- infrastructure road network planting;
- erection of individual plot infrastructure, buildings and structures including use of cranes and scaffolding;
- completion of public realm works;
- occupation/operation lighting;
- individual development plot planting and
- removal of boundary security fencing/hoarding.

B.8.62 Work will generally be carried out in the daytime, with occasional night time works as necessary, and so the use of plant and vehicle headlights associated with the development will be restricted to early mornings and evenings for a few months in the winter.

B.8.63 It is anticipated that, subject to gaining planning permission, construction may commence in 2014, and be completed by 2022.

B.8.64 It has been assumed that if the proposed development were not to go ahead, that the landscape character would remain as the current situation, with the land continuing to be used and managed for agricultural purposes.

Potential impacts landscape

B.8.65 The main features of the development that will have a landscape impact are listed above. The impact on landscape character is based on its baseline value assessment, taking into account its perceived importance, features, setting and immediate landscape context. That for the site as a whole is low/moderate, but increasing to high to the east towards Bodicote. The landscape impact on the site can be divorced from the impact on the wider landscape because intervisibility is not a key character of the site.

B.8.66 The magnitude of the development is the same for both landscape and visual impacts, and has been determined by reference to Table B.8.2. The magnitude of the development proposals on the site has been judged as being **low - medium**, because the site lies adjacent to, and is seen in the context of, Banbury's southern built edge. Any tranquillity the site currently has will be removed from the outset of construction works.

B.8.67 In essence, the site has landscape features that significantly contribute to its character and provide visual containment to views across and into the site. The site's natural topography is such that it could remain legible on completion of the development, depending on if landuses are suited to their precise location and ground works can be kept to a minimum.

B.8.68 Although the development proposals will result in the removal of existing hedges (between fields 1 and 2, the western part of that between fields 2 and 3 and the northern part of that between 1 and 3) and the land use will clearly be altered from agriculture to built environment, the development will result in the loss of few key characteristics (topography or vegetation cover) of the pre-development landscape. The introduction of built elements that may be of a prominent scale, cannot be considered to be uncharacteristic when set against the urban edge context.

B.8.69 With regard to significance of the development, it is assumed it will be appropriately designed and detailed, with well considered spaces, set in an existing mature landscape by the retention of the majority of existing vegetation. The precise level of vegetation removal is uncertain, but the removal of tree growth along Bloxham Road will be of significance and will cause the largest adverse landscape impact. This will be tempered, it is assumed, by significant internal tree planting, with low density and heavily planted development fronting the rural boundaries. The overall landscape impact that the development will cause will be **slight adverse** on the site's baseline landscape at the outset. This is because the proposals although developing a previously undeveloped site, will retain the site's essential topography and the majority of its vegetation. Tranquillity will fluctuate, and be most marked at construction and around the roundabout and spine road.

B.8.70 With regard to district and local landscape character effects the Landscape Assessment of Cherwell District identifies the area for ‘conservation and repair’. However, it also recognizes the severe pressure for development around Banbury and gives design guidance (see para .19) on development proposals. The OWLS (paras 25 – 29) identifies the area around Bodicote as *“characterised by large-sized fields dominated by arable farming...”* and *“..... the hedgerow pattern is weaker, with roadside hedges tending to be overgrown and internal field hedges generally low and gappy”*. Its key recommendation is *“Safeguard and enhance the landscape character of the hedgerow network.”*

B.8.71 Whilst clearly not adhering to the ‘conservation and repair’ approach, it has been assumed for the purposes of this assessment that the development will follow the design guidance on the basis that planning permission will not be granted unless it is followed. The proposals are sited in part of the landscape character area that is perhaps of lower quality than, and not representative of the valuable key characteristics of, the remainder of the landscape character area. As the site is relatively well visually contained, its influence on other key characteristics of other parts of the local landscape character is limited and so the proposals will have little or no effect on the landscape character key characteristics. By retaining and strengthening as many site and boundary features as possible, as well as providing new positive landscape features, adverse effects on the district and local landscape character can be minimized. With regard to national landscape character effects, if the guidance referred to above is successfully followed, then there should be **little or no adverse** effect.

Potential impacts - visual

B.8.72 The main features of the development that will have a visual impact are listed B8.59. A summary of representative view point descriptions is shown in Table B.8.5 below, and relates to the views shown in numbers B8.3 – B8.20. Changes to views have been assessed during construction and on day 1 of completion of the entire development. Assumed numbers of viewers/receptors are relative to each other.

B.8.73 It should be remembered that:

- where thin or narrow deciduous planting filters views of the site, it is likely to be more obvious when leaf drop has occurred;
- sensitivities to adverse visual impacts and the presence of large development generally reduces with time and
- the site will become progressively less obvious and better assimilated into the receiving landscape as vegetation matures.

Table B.8.5 – Representative viewpoint summary

Receptor	Description of existing view	Description of proposed view including mitigation	Visual impact significance
<p>Viewpoint 1 Drawing B8.3</p>	<p>Close view looking north from Wykham Lane where it is met by the footpath on the western site boundary. The view is of the steeper topography outside the site's western boundary. The dark tree line on the centre left horizon is the vegetation separating the site from the A361.</p> <p>It is assumed that this view will be experienced by few - moderate numbers of people, presumed to mainly be pedestrians, and vehicle passengers to a lesser extent, with a high and moderate respectively sensitivity to change.</p>	<p>The development will skyline and other than obscuring some tree growth along Bloxham Road will not make physical changes to this view. Cranes may be visible and there may be a glow of plant and machinery activity including possible headlights during the hours of darkness during construction. Post construction occupation and operational lighting will be visible during the hours of darkness. The building will become less prominent over the medium term as additional planting to the southern boundary matures. In due course, depending on species, size at planting and rate of growth, tree tops may also just be discernible.</p> <p>A visualisation of this view can be seen at B8.26</p>	<p>Slight/ moderate during construction and occupation/operation reducing to imperceptible in the medium term.</p> <p>Impacts during construction will be temporary.</p> <p>Impacts during occupation/operation will be permanent.</p>
<p>Viewpoint 2 Drawing B8.4</p>	<p>Close view looking north through a gap in the hedge north of Wykham Lane, across a field of asparagus. The site's southern boundary is the vegetation strip on the central horizon. The individual trees on the far right horizon are those in the grounds of Wykham Farm. The building roof can just be seen nestling amongst them.</p> <p>It is assumed that this view will be experienced by few people, presumed to mainly be vehicle passengers, with a moderate sensitivity to change.</p>	<p>The development will not make physical changes to this view. However, cranes may just be discernible and there may be a glow of plant and machinery activity including possible headlights during the hours of darkness during construction. Static and moving headlights may be visible at leaf drop.</p> <p>Post construction the glow of occupation and operational lighting will be visible during the hours of darkness. Static and moving headlights may be visible at leaf drop.</p>	<p>Nil/ imperceptible during construction and occupation/operation.</p> <p>Impacts during construction will be temporary.</p> <p>Impacts during occupation/operation will be permanent.</p>

Receptor	Description of existing view	Description of proposed view including mitigation	Visual impact significance
		In due course, depending on species, size at planting and rate of growth, tree tops may also just be discernible.	
Viewpoint 3 Drawing B8.5	<p>Close view looking north through a gap in the hedge north of Wykham Lane. Houses on Foxwood and Leabrook Close at Banbury's southern edge can be seen against a vegetated backdrop to the left of the hedge on the right of the view. This hedge is the eastern boundary of the site and the rear half of the adjacent field in front of the Foxwood and Leabrook Close houses forms part of field 6.</p> <p>The curved roofed buildings in the centre are part of Echo Warren, with Wykham Farm Cottage behind and to their right. The vegetation on the horizon to the right is the narrow woodland strip between fields 5 and 6.</p> <p>It is assumed that this view will be experienced by few people, presumed to mainly be vehicle passengers, with a moderate sensitivity to change.</p>	<p>Built development will not be seen in this view, although cranes may just be discernible and there may be a glow of plant and machinery activity including possible headlights during the hours of darkness during construction. Static and moving headlights may be visible at leaf drop.</p> <p>Post construction the glow of occupation and operational lighting will be visible during the hours of darkness. Static and moving headlights may be visible at leaf drop.</p> <p>In due course, depending on species, size at planting and rate of growth, tree tops may also just be discernible.</p> <p>That part of field 6 in the view is planned as allotments with play space to the south. It is assumed that a dense hedge will define their southern boundary, and eventually screen views of the allotments and existing houses on Foxwood and Leabrook Close beyond.</p>	Moderate/slight adverse during construction, reducing to slight adverse at initial operation reducing to slight beneficial as the allotment's southern hedge matures.
Viewpoint 4 Drawing B8.6	Close view looking west from White Post Road in Bodicote, across the recreation ground and cricket pitch. Cars parked at the allotments can be seen near the centre left horizon, behind which is the site's eastern woodland strip, which	Built development will not be seen in this view, although cranes may just be discernible and there may be a glow of plant and machinery activity including possible headlights during the hours of darkness during construction. Static	Nil/ imperceptible during construction and occupation/ operation.

Receptor	Description of existing view	Description of proposed view including mitigation	Visual impact significance
	<p>extends to the right, across the width of the view. Higher land west of the site forms a backdrop on the left, beyond residences lying south of the recreation ground.</p> <p>It is assumed that this view will be experienced by moderate numbers of people, presumed to mainly be pedestrians, and vehicle passengers to a lesser extent, with a moderate - high and moderate - low respectively sensitivity to change.</p>	<p>and moving headlights may be visible at leaf drop.</p> <p>Post construction the glow of occupation and operational lighting will be visible during the hours of darkness. Static and moving headlights may be visible at leaf drop.</p> <p>In due course, depending on species, size at planting and rate of growth, tree tops may also just be discernible.</p> <p>A visualisation of this view can be seen at B8.25</p>	<p>Impacts during construction will be temporary.</p> <p>Impacts during occupation/operation will be permanent.</p>
<p>Viewpoint 5 Drawing B8.7</p>	<p>Close view looking south west from a footpath junction with Salt Way. The site's low eastern boundary hedge can just be seen visually merging with the base of the site's woodland strip which occupies approximately 85% of the skyline. The hedge on the right of the view marks Salt Way's southern boundary. Higher land to the west can just be seen forming a backdrop on the left of the view.</p> <p>It is assumed that this view will be experienced by a moderate number of pedestrians, with a high sensitivity to change</p>	<p>Field 6 beyond the low boundary hedge in the view is planned as allotments with play space to the south. Built development will not be seen in this view, although cranes may just be discernible above the woodland strip to be maintained. A glow of plant and machinery activity including possible headlights during the hours of darkness during construction will be visible. Static and moving headlights may be visible at leaf drop.</p> <p>Post construction the glow of occupation and operational lighting will be visible during the hours of darkness. Static and moving headlights may be visible at leaf drop.</p> <p>In due course, depending on species, size at planting and rate of growth, tree tops may also just be discernible.</p>	<p>Slight adverse during construction, reducing to slight/imperceptible adverse at initial operation reducing to nil/imperceptible as the development's eastern hedge matures.</p>

Receptor	Description of existing view	Description of proposed view including mitigation	Visual impact significance
		It is assumed that the development's eastern boundary hedge will be significantly strengthened.	
Visualisation 1, B8.24	<p>Close view looking south across site field 4, from Salt Way. The view is heavily filtered by the hedge vegetation between the Salt Way and the site although the vegetation, even though in full leaf, is sufficiently thin, to allow a view of the southern boundary hedge.</p> <p>It is assumed that this view will be experienced by a moderate number of pedestrians, with a high sensitivity to change.</p> <p>This view has been included as a Visualisation location because it provides a more typical representation of the views that will be obtainable for the Salt Way than Viewpoint 6, some metres to its east.</p>	<p>Indicative changes to the view at completion are shown in the visualisation and include:</p> <p>The main temporary visual changes during construction will include:</p> <ul style="list-style-type: none"> • loss of undeveloped agricultural land; • hoardings; • cranes and scaffolding; • site plant and staff movement; • building, plant and machinery lighting; • temporary compounds (construction staff car park, offices etc). <p>The main visual changes of the permanent development will include:</p> <ul style="list-style-type: none"> • introduction of residential buildings (mainly 2 storey); • occupation and operational lighting during the hours of darkness. 	<p>Substantial adverse during construction and operation. Impacts will be permanent.</p>
Viewpoint 6 Drawing B8.8	<p>Close view looking south across site field 5, from a footpath junction with Salt Way.</p> <p>The site's southern boundary vegetation forms</p>	<p>Built development will be seen above the hedge on the right of the view in field 4.</p> <p>The main temporary visual changes during construction</p>	<p>Substantial adverse during construction and operation. Impacts will be permanent.</p>

Receptor	Description of existing view	Description of proposed view including mitigation	Visual impact significance
	<p>approximately 45% of the skyline, with the roof of Wykham Farm Cottage just visible amongst it to the left of the telegraph pole. The vegetation on the left of the view is the hedge between site fields 5 and 6, and that to the right separating fields 5 and 4. Higher land to the west can just be seen forming a backdrop on the left of the view.</p> <p>It is assumed that this view will be experienced by a moderate number of pedestrians, with a high sensitivity to change.</p>	<p>will include:</p> <ul style="list-style-type: none"> • loss of undeveloped agricultural land; • hoardings; • cranes and scaffolding; • site plant and staff movement; • building, plant and machinery lighting; • temporary compounds (construction staff car park, offices etc). <p>The main visual changes of the permanent development will include:</p> <ul style="list-style-type: none"> • introduction of residential buildings (mainly 2 storey); • occupation and operational lighting during the hours of darkness. <p>The main temporary visual changes during construction in the main part of the view (field 5) will include:</p> <ul style="list-style-type: none"> • site plant and staff movement; • building, plant and machinery lighting. <p>The main permanent visual changes in the main part of the view (field 5) will include:</p> <ul style="list-style-type: none"> • creation and use of play space. 	

Receptor	Description of existing view	Description of proposed view including mitigation	Visual impact significance
		It has been assumed that a view from this location will remain available even if the footpath is diverted.	
<p>Viewpoint 7 Drawing B8.9</p>	<p>Close filtered view looking south across site field 4, from Salt Way.</p> <p>The site's southern boundary vegetation forms approximately 45% of the skyline, with the roof of Wykham Farm Cottage just visible amongst it to the left of the telegraph pole. The vegetation on the left of the view is the hedge between site fields 5 and 6, and that to the right separating fields 5 and 4.</p> <p>It is assumed that this view will be experienced by a moderate number of pedestrians, with a high sensitivity to change.</p>	<p>A filtered view of the built development will be seen through gaps in the hedge in the view's foreground. The main temporary visual changes during construction will include:</p> <ul style="list-style-type: none"> • loss of undeveloped agricultural land; • foreshortening of view; • hoardings; • cranes and scaffolding; • site plant and staff movement; • construction lighting, • moving and static headlights; • temporary compounds (construction staff car park, offices etc). <p>The main visual changes of the permanent development will include:</p> <ul style="list-style-type: none"> • introduction of residential buildings (mainly 2 storey); • occupation and operational lighting during the hours of darkness; • introduction of additional planting south of Salt Way; • foreshortening of view. 	<p>Moderate/substantial adverse during construction and operation. Impacts will be permanent.</p>

Receptor	Description of existing view	Description of proposed view including mitigation	Visual impact significance
<p>Viewpoint 8 Drawing B8.10</p>	<p>Long distance view looking south west towards Banbury (the built development centre right above the gate) and Bodicote, the majority of which is screened from view by the foreground hedge. The 2 long, low buildings just below the skyline above and to the left of the foreground hedge are located on the eastern edge of Bodicote, north of Canal Lane. The site lies to their right, screened from view by the foreground hedge. The M40 motorway can just be seen below and to their left.</p> <p>It is assumed that this view will be experienced by a few - moderate number of people, presumed to mainly be vehicle passengers, with a moderate sensitivity to change.</p>	<p>The development will not impact on this view.</p>	<p>Nil</p>
<p>Viewpoint 9 Drawing B8.11</p>	<p>Long distance view looking north west towards the low ridge south east of the site and the A4260. The middle distance buildings to the left are at Twyford Wharf adjacent to the Oxford Canal. Manor Farm house, located west of the M40 and between Bodicote and Twyford, can just be seen amongst trees on the left horizon, immediately left of the large middle distance tree canopy. The site lies well beyond the ridge and is not visible in the view.</p> <p>It is assumed that this view will be experienced by a few - moderate number of people, presumed to mainly be</p>	<p>The development will not impact on this view.</p>	<p>Nil</p>

Receptor	Description of existing view	Description of proposed view including mitigation	Visual impact significance
	vehicle passengers, with a moderate sensitivity to change.		
Viewpoint 10 Drawing B8.12	Middle distance view looking north west. Bodicote's southern edge can be seen near the centre right horizon. Trees in Tudor Hall School grounds can be seen on the centre left horizon. The site lies obscured by trees south of Wykham Lane extending on the horizon right of the school. It is assumed that this view will be experienced by a few pedestrians, with a high sensitivity to change.	The development will not impact on this view.	Nil
Viewpoint 11 Drawing B8.13	Middle distance view looking north across the Sor Brook. The tall individual conifer trees on the centre left horizon are in Tudor Hall School grounds. The site lies obscured by trees south of Wykham Lane extending on the horizon right of the school. It is assumed that this view will be experienced by a few - moderate number of people, presumed to mainly be vehicle passengers, with a moderate sensitivity to change.	The development will not impact on this view.	Nil
Viewpoint 12 Drawing B8.14	Middle distance view looking north across the Sor Brook. The curved roofs just below the tall trees on the centre right horizon are part of Echo Warren, with the narrow woodland strip between fields 5 and 6 on the horizon to their right. Site field 6 lies to the right of the trees. The remainder of the site lies to their left, screened by southern boundary and Wykham Lane vegetation.	Built development will not be seen in this view, although cranes may just be discernible and there may be a glow of plant and machinery activity including possible headlights during the hours of darkness during construction. Static and moving headlights may be visible at leaf drop. Post construction the glow of occupation and operational lighting will be visible during the hours of darkness.	Temporary construction impacts will be nil-imperceptible . Permanent development impacts at occupation/ operation will be nil - imperceptible

Receptor	Description of existing view	Description of proposed view including mitigation	Visual impact significance
	<p>It is assumed that this view will be experienced by few - moderate numbers of people, presumed to mainly be pedestrians, and vehicle passengers to a lesser extent, with a high and moderate respectively sensitivity to change.</p>	<p>In due course, depending on species, size at planting and rate of growth, vegetation on the southern boundary of field 6 may just be discernible.</p>	
<p>Viewpoint 13 Drawing B8.15</p>	<p>Long distance view looking north east over the Sor Brook from a footpath north of Bloxham. The 4 tall conifer trees near the centre right horizon are in the Tudor Hall School grounds, with the building to the right amongst vegetation being part of the WPF building complex. The site lies beyond, and is screened by, the line of dark vegetation above WPF.</p> <p>It is assumed that this view will be experienced by a few pedestrians, with a high sensitivity to change.</p>	<p>The development will not impact on this view.</p>	<p>Nil</p>
<p>Viewpoint 14 Drawing B8.16</p>	<p>Long distance view looking north east over the Sor Brook from Ell's Lane, north of Bloxham. The 4 tall conifer trees on the centre left horizon are in the Tudor Hall School grounds. The site lies to their right, obscured by trees south of Wykham Lane extending on the horizon right the of the school.</p> <p>It is assumed that this view will be experienced by a few - moderate number of people, presumed to mainly be vehicle passengers, with a moderate sensitivity to change.</p>	<p>The development will not impact on this view.</p>	<p>Nil</p>

Receptor	Description of existing view	Description of proposed view including mitigation	Visual impact significance
<p>Viewpoint 15 Drawing B8.17</p>	<p>Close view looking south east from a footpath on Crouch Hill's south eastern slope.</p> <p>The site is seen over the roofs of the Walter Drive residential development, and is visually split by trees along Bloxham Road. Part of site fields 2 and 3 can be seen to their right, and part of site fields 2 and most of 4, to their left. The view of field 5 is currently filtered by its western hedge boundary, and field 6 is completely screened by the narrow woodland strip to its west. The site occupies approximately 75% of the width of the view. Higher ground to the east forms a distant backdrop over the entire width of the view.</p> <p>The Horgan land is the sliver of green field immediately above the Walter Drive development and to the left of field 2. Part of Crouch Cottages can just be seen in vegetation to the right of the view.</p> <p>It is assumed that this view will be experienced by a few - moderate number of pedestrians, with a high sensitivity to change.</p>	<p>The main temporary visual changes during construction will include:</p> <ul style="list-style-type: none"> • hoardings; • cranes and scaffolding; • site plant and staff movement; • construction lighting, • moving and static headlights; • temporary compounds (construction staff carpark, offices etc). <p>The main visual changes of the permanent development include:</p> <ul style="list-style-type: none"> • removal of tree vegetation to the east of Bloxham Road; • introduction of residential buildings (mainly 2 storey) on fields 2 - 5 and employment and local centre building roofs in field 1; • occupation and operational lighting during the hours of darkness. <p>This view will be seen in conjunction with the Horgan land development. Cumulative impacts will not be caused.</p> <p>A visualisation of this view can be seen at B8.28.</p>	<p>Temporary construction impacts will be moderate - substantial adverse.</p> <p>Permanent development impacts will initially be moderate - substantial adverse gradually reducing to moderate adverse if and when potential replacement planting to Bloxham Road matures.</p>

Receptor	Description of existing view	Description of proposed view including mitigation	Visual impact significance
<p>Viewpoint 16 Drawing B8.18</p>	<p>Close view, looking south east into site field 1, from the footpath on the site's western boundary. Horizons are formed by site hedges – that to the left is between site fields 1 and 2, the central vegetation above is between fields 2 and 3, and that to the right is between 1 and 3. The taller dark vegetation on the extreme right of the view is vegetation on the site's southern boundary.</p> <p>The Horgan land lies beyond the hedge to the left of the view.</p> <p>It is assumed that this view will be experienced by a moderate number of people, both pedestrians with a high sensitivity to change and vehicle passengers with a low sensitivity to change.</p>	<p>The main temporary visual changes during construction will include:</p> <ul style="list-style-type: none"> • removal of tree vegetation to the east of Bloxham Road; • removal of hedge vegetation (permanent change); • roundabout and spine road construction works; • hoardings; • cranes and scaffolding; • site plant and staff movement; • construction lighting, • moving and static headlights; • temporary compounds (construction staff car park, offices etc). <p>The main visual changes of the permanent development will include:</p> <ul style="list-style-type: none"> • removal of all hedge vegetation with the exception of the southern boundary; • introduction of roundabout and spine road; • introduction of residential buildings, (max height 12.5m) mainly 2 storey, on fields 1 - 3 and employment and local centre buildings in field 1; • occupation and operational lighting during the hours of darkness; • site planting. 	<p>Temporary construction impacts will be severe adverse.</p> <p>Permanent development impacts will be severe adverse.</p>

Receptor	Description of existing view	Description of proposed view including mitigation	Visual impact significance
		This view will be seen in conjunction with the Horgan land development. Cumulative impacts will not be caused.	
Viewpoint 17 Drawing B8.19	<p>Close view, looking south east into site field 2 through a gap in Bloxham Road vegetation on the footpath on the site's western boundary and the entrance to WPF shop lane. The horizon is formed by the hedges between site field 2 and fields 3 and 4.</p> <p>It is assumed that this view will be experienced by a moderate number of people, both pedestrians with a high sensitivity to change, and vehicle passengers with a low sensitivity to change.</p>	<p>The main temporary visual changes during construction will include:</p> <ul style="list-style-type: none"> • removal of tree vegetation to the east of Bloxham Road; • removal of hedge vegetation between fields 2 and 3 (permanent change); • spine road construction works; • hoardings; • cranes and scaffolding; • site plant and staff movement; • construction lighting, • moving and static headlights; • temporary compounds (construction staff carpark, offices etc). <p>The main visual changes of the permanent development include:</p> <ul style="list-style-type: none"> • removal of hedge vegetation between fields 2 and 3; • introduction of spine road; • introduction of residential buildings (mainly 2 storey); • occupation and operational lighting during the 	<p>Temporary construction impacts will be substantial adverse.</p> <p>Permanent development impacts will be substantial -moderate adverse.</p>

Receptor	Description of existing view	Description of proposed view including mitigation	Visual impact significance
		<p>hours of darkness;</p> <ul style="list-style-type: none"> • site planting. <p>A visualisation of this view can be seen at B8.27</p>	
<p>Viewpoint 18 Drawing B8.20</p>	<p>Long distance view looking east from a footpath north west of Broughton. The buildings just below the centre horizon are residences on Burns Road, on Banbury's western edge. The site lies to their right, hidden by topography and vegetation.</p> <p>It is assumed that this view will be experienced by a few pedestrians, with a high sensitivity to change.</p>	<p>The development will not impact on this view.</p>	<p>Nil</p>

B.8.74 The development will also indirectly cause slight adverse visual impacts in the form of additional traffic egressing the site and using the local road network, being temporary during construction and permanent at operation. Traffic management will also be required to construct the Bloxham Road roundabout, causing temporary substantial adverse visual impact. Vegetation removal on the east of Bloxham Road will also be required, both to construct the roundabout and achieve adequate visibility. This will open up clear and close views of the development from Bloxham Road, resulting in substantial adverse landscape and visual impact, reducing to slight-moderate adverse as vegetation matures.

B.8.75 Close private residential views of the site, although not forming part of this assessment, are thought to be limited in number, with potentially adverse changes. Changes to views from those to the south, with a view of the site heavily filtered by boundary vegetation, are likely to be slight - nil, increasing to slight during leaf fall. Those from Wykham Park Lodge west of the site may include filtered views of employment buildings. It is unknown to what extent the western boundary will be strengthened. It is likely that a greater potential impact will be psychological, caused by the receptor's proximity to development on land that was previously 'open countryside'. Viewer numbers are relative.

B.8.76 It is thought unlikely that local footpaths are used during the hours of darkness. If they are, however, then users are unlikely to be concerned with changes to views.

Residual impact

B.8.77 The extent of residual impacts will be highly dependent on the final detail of the built development, particularly its height, and the planting. The treatment of planting - placement, species and density as well as maintenance and long term management - is most critical along the northern boundary with Salt Way, the footpath on the western boundary and around the proposed Bloxham Way roundabout. This is because these are the areas where intervisibility between the development and receptors, sensitivity in the case of footpaths and large numbers on Bloxham Road, is most marked and will cause the greatest adverse landscape and visual impact that could be satisfactorily mitigated. If appropriate planting is undertaken that effectively blocks or substantially reduces views of the built structures, then long term residual landscape and visual impacts could be reduced to moderate - slight

adverse for views from the west adjacent to Bloxham Road and to the north adjacent to Salt Way.

B.8.78 If site wide mitigatory planting is carried out, the impact on views from footpaths south east of Crouch Hill could reduce to moderate adverse by the development being satisfactorily assimilated into the wider landscape context. Screening views from here would be both physically difficult – for vegetation to attain sufficient height - and unacceptable, as there is potential to block the long distance view.

B.8.79 Any residual impacts are likely to reduce over time, as vegetation matures and the development ‘beds in’ and receptors’ sensitivities to adverse visual impacts and the presence of large development generally reduces.

B.8.80 Changes to views from Crouch Cottages are likely to be severe adverse during construction and operation. This is likely to reduce to substantial adverse long term, when potential planting has matured, but the roundabout and site access roads will remain highly visible. Although neighbouring the main A361 Bloxham Road, traffic movements will substantially increase during construction and operation.

B.8.81 Whether or not diversions are made, views from footpaths crossing the site will be permanently severely adversely impacted during construction and operation.

Cumulative Impact

B.8.82 Descriptions of developments in the area with potential to cause cumulative impacts are included in Section A2 of this ES. The sites considered were:

- Land South of the Salt Way at Crouch Farm, Bloxham Road (known as the Horgan Land) and
- Longford Park.

B.8.83 In order to cause a cumulative impact, the character of the receiving landscape resource/setting would need to be altered as a consequence of the potential combined impacts of multiple developments. Where views of the site will noticeably be seen in conjunction with some or all of the developments with potential for cumulative impact, they have been included in Table B8.5 and if cumulative impacts occur, they have been identified.

B.8.84 Any impacts caused by this development are unlikely to alter the category of those caused by the Horgan land development. The development of the Horgan land has the potential to adversely impact on views from Bloxham Road, Salt Way and Crouch Hill.

B.8.85 It is thought there will be no intervisibility between the site and Longford Park.

B.8.86 It has been assumed that developments will well and appropriately designed and detailed, with well considered spaces including retention of internal and boundary vegetation, significant internal structure planting, with low density and heavily and appropriately planted development fronting rural boundaries.

Mitigation

B.8.87 Mitigation measures could include:

- Keeping groundworks to a minimum by locating large footprint landuses on the most level areas and so retain the site's essential topography;
- Siting high density, more urban and active type developments away from Salt Way and, in order to protect farm settings, the southern boundary;
- Retaining and strengthening all internal hedges, using existing gaps for access where possible, retaining all boundary vegetation and strengthening that to the east and west;
- Maintaining an open space buffer to the south of Salt Way;
- Providing a landscape corridor for the footpath on the western boundary;
- Undertaking significant site wide tree and shrub planting including small woodland blocks, to break up the development mass and help assimilation with the wider landscape;
- Undertaking significant planting around the Bloxham Road roundabout;
- Protecting and reinforcing existing links to Salt Way and providing a network of links throughout the development;
- use of appropriate materials, colours and architectural articulation, to break up overall size and shape, avoiding uniform colours and extensive unbroken elevations and roof lines and
- limiting unnecessary commercial and highway lighting.

Conclusions

B.8.88 A landscape and visual impact assessment has been carried out, following current recommendations and guidance set out in the GLVIA, Second Edition, for a mixed use development on green field land south of Banbury.

B.8.89 The landscape value of the application site as a whole is considered to be:

- Landscape Sensitivity - Low/moderate overall, but increasing to high to the east towards Bodicote;
- Visual Sensitivity - Moderate with impacts primarily on users of Salt Way;
- Overall Sensitivity - Moderate apart from around Wykham Park, Wykham Farm (both listed) and the edge of Bodicote which are high;
- Value - Low, apart from farm settings and paths which are high.

B.8.90 It has been assumed that the development will be well and appropriately designed and detailed, topography will be altered as little as possible, the majority of the site's existing vegetation will be retained and strengthened, and include significant internal and peripheral tree planting including buffer corridors to boundary footpaths and low density and heavily planted development fronting rural boundaries.

B.8.91 With regard to significance, the development will cause a **slight adverse** landscape impact. This is because the proposals, although developing a previously undeveloped site, will retain the site's essential topography and the majority of its vegetation.

B.8.92 The site is generally discreet in the wider landscape, with significant views of the site restricted to close receptors. The main impacts on views will be from Salt Way, Crouch Hill, site footpaths and Bloxham Road, where impacts will vary between moderate and severe adverse. The adverse impact on views could be reduced to neutral as planting matures, but visual impacts will remain severe, because the changes are so dramatic. Although the development will be visible from the locations identified, a well and appropriately designed development can fit within the context of the landscape.

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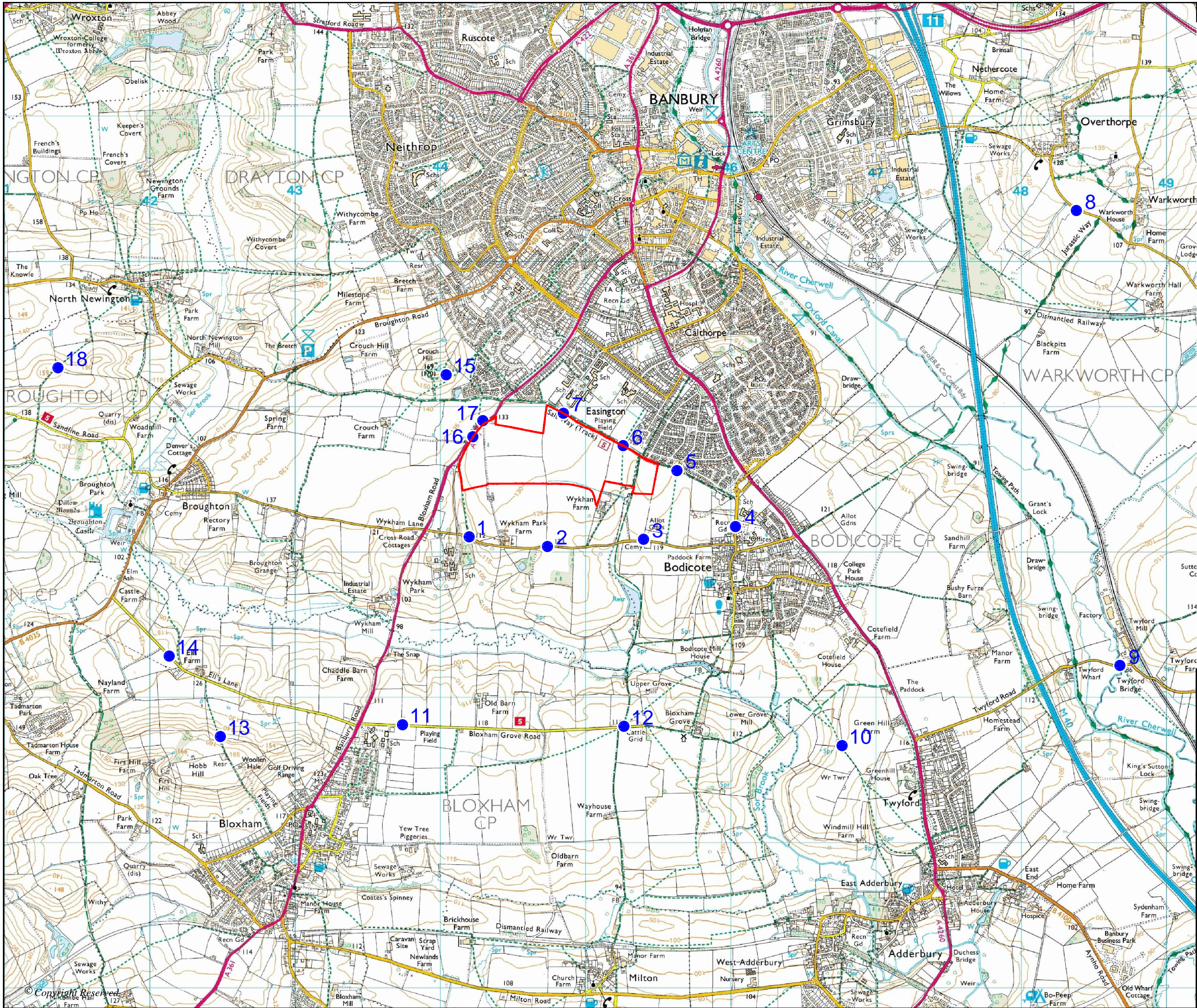
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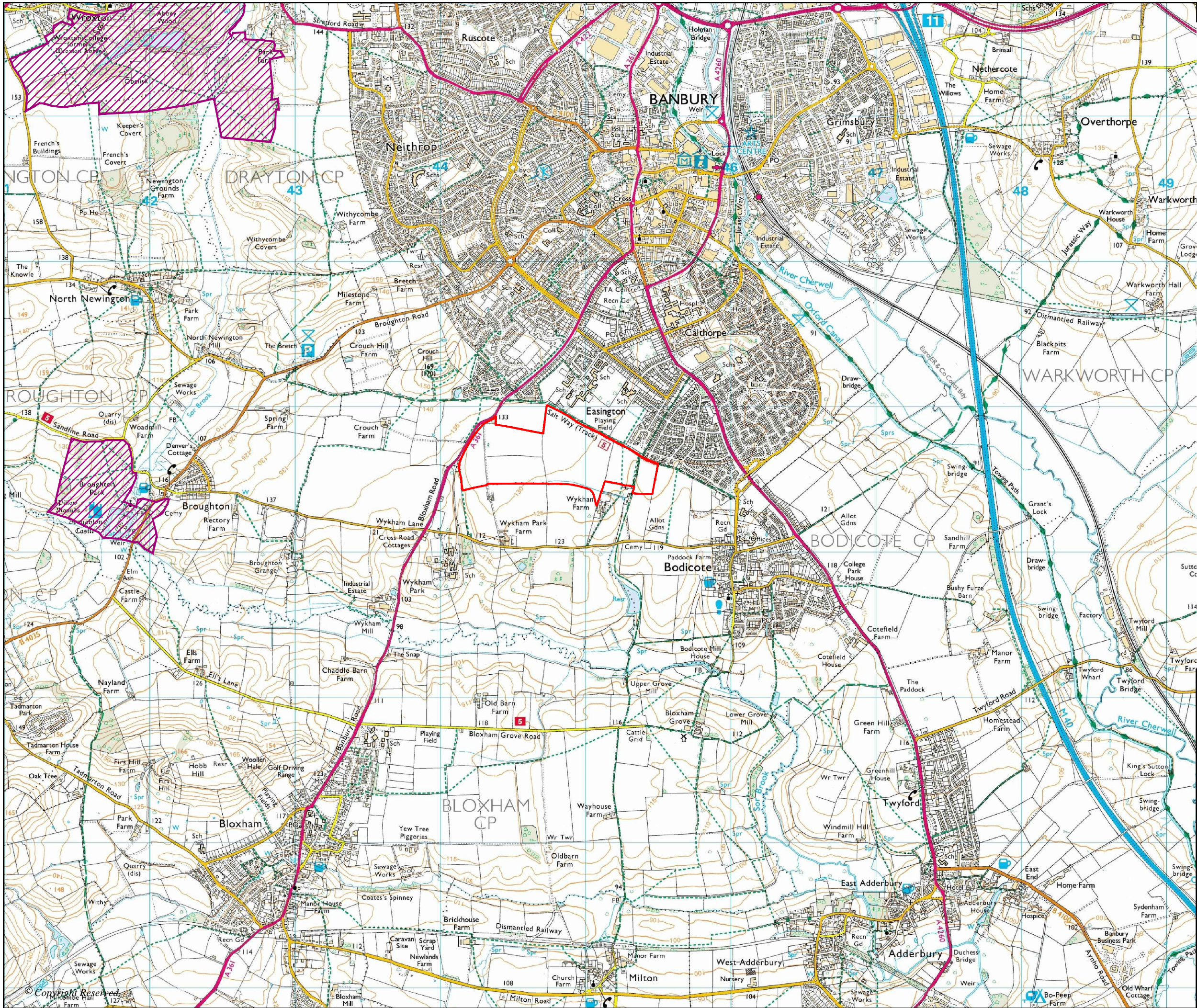
DO NOT SCALE FROM THIS DRAWING

LEGEND

- SSITE BOUNDARY —
- VIEWPOINT LOCATION ●

REVISION	DETAILS	DATE	DRAWN	CHKD	APPD
CLIENT					
GALLAGHER ESTATES					
PROJECT					
WYKHAM PARK FARM					
DRAWING TITLE					
VIEWPOINT LOCATION PLAN					
DRG No	SCALE	DATE			
B8.1	1:25,000@A3	OCT 2012			
DRAWN BY	CHECKED BY	APPROVED BY			
CJ	MB	SCW			
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<input type="checkbox"/> NEWCASTLE UPON TYNE	TEL 0191 232 0943	<input type="checkbox"/> SHEFFIELD	TEL 0114 245 8244		
<input type="checkbox"/> WEST BROMWICH	TEL 0121 580 0909	<input type="checkbox"/> EDINBURGH	TEL 0131 555 3311		
<input type="checkbox"/> LONDON	TEL 020 7287 2872	<input type="checkbox"/> LIVERPOOL	TEL 0151 484 5431		





DO NOT SCALE FROM THIS DRAWING

- LEGEND**
- Planning Application Site Boundary
 - Registered Parks and Gardens
 - Public Right of Ways
 - Footpath
 - Bridleway
 - National Trail/Long Distance Route
 - Other route with public access
 - Byway

REVISION	DETAILS	DATE	DRAWN	CHK'D	APPRO
CLIENT					
GALLAGHER ESTATES					
PROJECT					
WYKHAM PARK FARM					
DRAWING TITLE					
DESIGNATIONS AND PUBLIC RIGHTS OF WAY					
DRG No	SCALE	DATE			
B8.2	1:25,000@A3	OCT 2012			
DRAWN BY	CHECKED BY	APPROVED BY			
CJ	MB	SCW			
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<input type="checkbox"/> WEST BROMWICH	TEL 0121 580 0909	<input type="checkbox"/> SHEFFIELD	TEL 0114 245 6244		
<input type="checkbox"/> LONDON	TEL 020 7287 2872	<input type="checkbox"/> EDINBURGH	TEL 0131 555 3311		
		<input type="checkbox"/> LIVERPOOL	TEL 0151 484 5431		







Viewpoint 03

B8.5





Viewpoint 05

B8.7





Viewpoint 07

B8.9

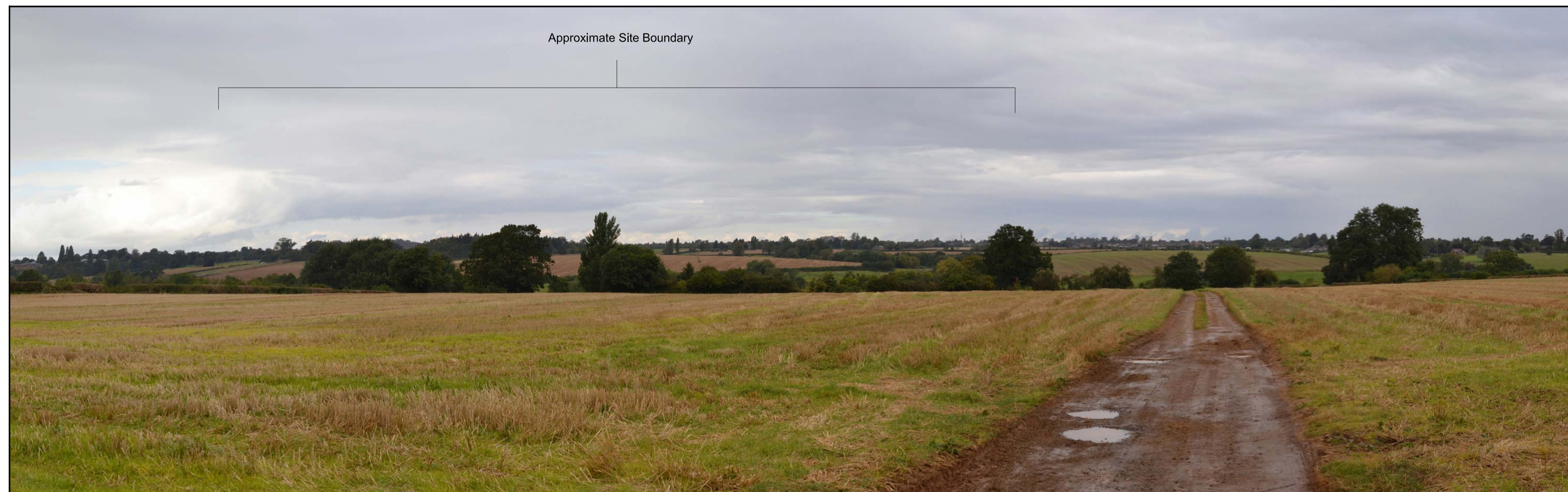














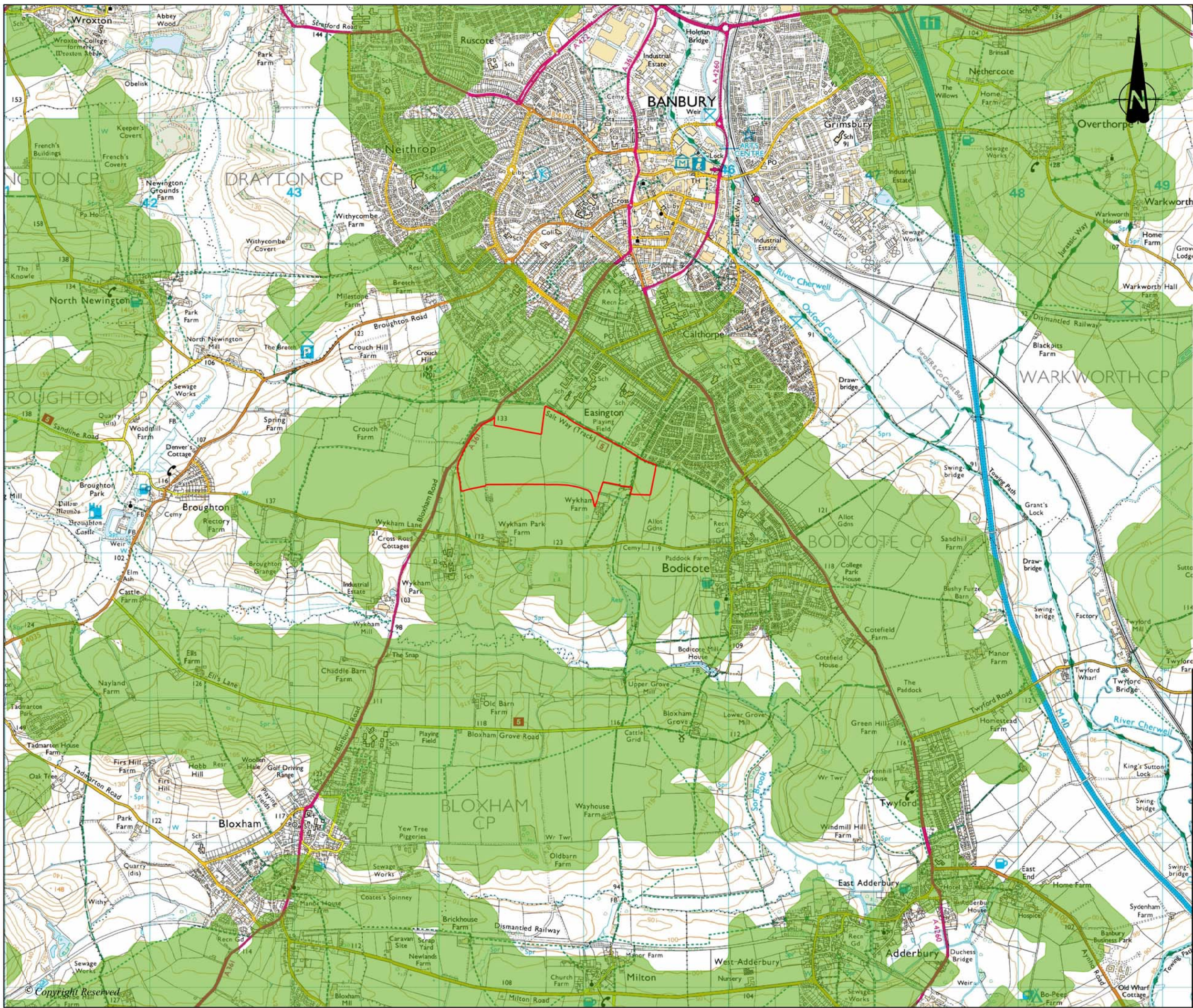












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LEGEND

- SITE BOUNDARY —
- ZONE OF WHERE THE SITE IS THEORETICALLY VISIBLE



REVISION	DETAILS	DATE	DRAWN	CHKD	APPD

CLIENT
GALLAGHER ESTATES

PROJECT
WYKHAM PARK FARM

DRAWING TITLE
ZONE OF THEORETICAL VISIBILITY

DRG No WM10671_100	SCALE 1:25,000@A3	DATE OCT 2013
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DRAWN BY CJ	CHECKED BY CJ	APPROVED BY JF
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- NEWCASTLE UPON TYNE TEL 0191 232 0943
- LEIGH TEL 01942 260101
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- SHEFFIELD TEL 0114 245 6244
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- LIVERPOOL TEL 0151 404 5431



ZONE OF THEORETICAL VISIBILITY (ZTV) METHODOLOGY

- 1 Wardell Armstrong LLP conforms with the latest Landscape Institute (LI) Advice Note 01/11 when producing ZTVs. This document outlines the process that Wardell Armstrong LLP follows.
- 2 A ZVI diagram illustrates the area of the landscape from which a viewer can theoretically see the object in question. This is often also referred to as the visual envelope and the map as the ZTV diagram. This is a desk-based technique. This kind of information can be manually derived from cross sections but the process is laborious. Computer software is used to provide this information.
- 3 The first step in the production of a ZTV is to obtain a computer representation of the ground surface in the vicinity of the proposed development, referred to as a Digital Terrain Model (DTM).
- 4 The data is usually obtained from the Ordnance Survey. The DTM for ZTV analysis is derived from OS terrain 50 mapped on grid post spacing of 50m.

To produce a ZTV, the XYZ data of the viewpoint or object under analysis is required. XYZ data is the easting and northing point plus the height or Z co-ordinate of the subject above the ground level.

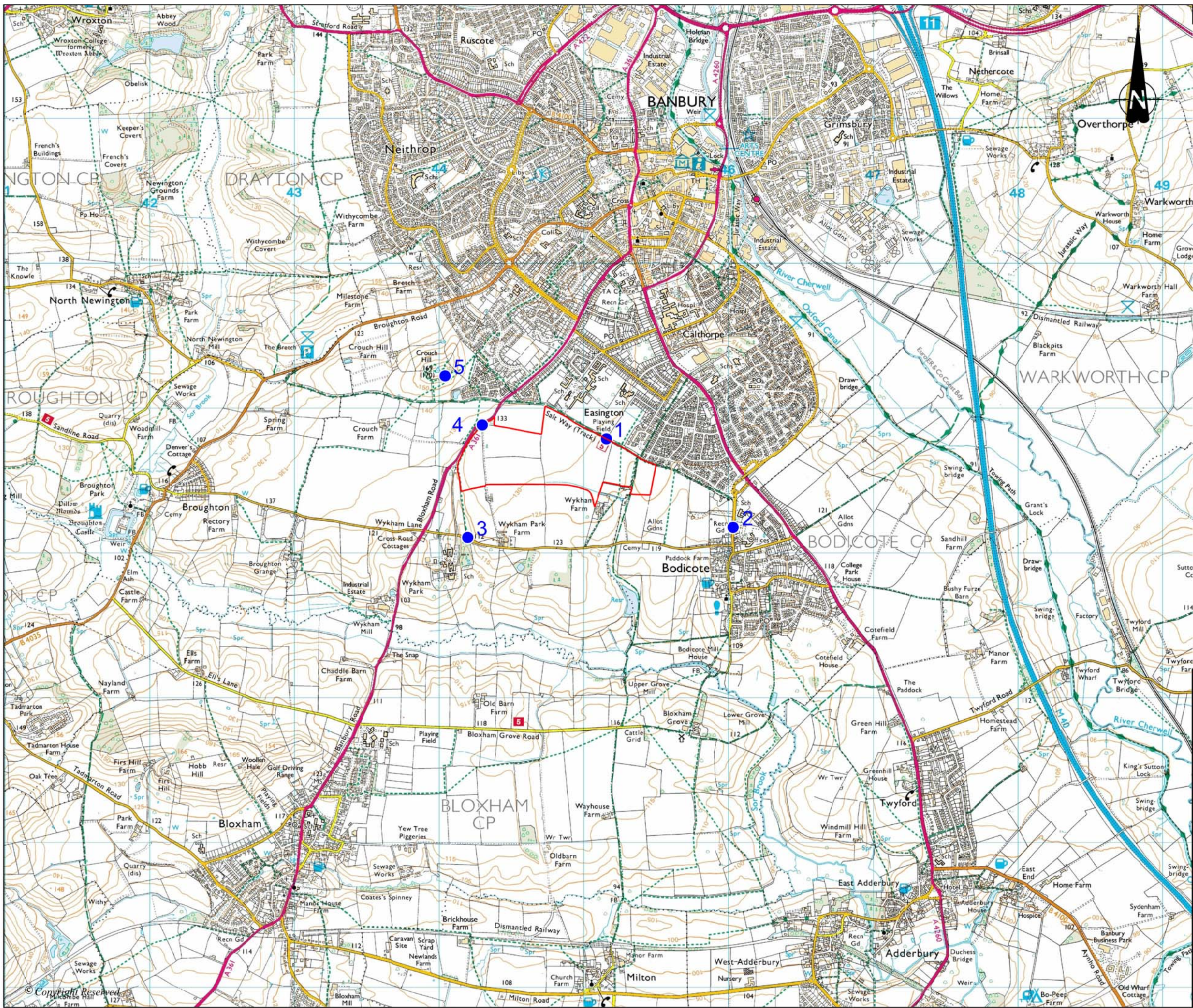
The XYZ object data for the development is then entered into the ZTV program that uses the DTM to compute theoretical inter-visibility.
- 5 The ZTV is indicative of general areas from which the whole or part of the development could be theoretically visible, within the limits of accuracy of the data used. The ZTV analysis does not indicate significance of impact, merely the presence of a theoretical line of sight.
- 6 The results of the analysis are mapped by colour shading to indicate if any part of the site is theoretically visible. The site levels have been determined by reference to the three D model used in the production of the visualizations. This information is then overlaid onto the OS map of the proposed site and surrounding area so that the information may be properly understood and analysed.
- 7 The ZTV analysis uses a test height from the normal eye level of a standing person (at approximately 1.5 m above ground level). Theoretical visibility from cars and upper storeys of buildings may vary somewhat. This method produces a bare ground ZTV that relies solely upon topography and does not take into account the screening provided by trees or buildings. Neither does it address the effects of distance. This means that the results provide a worst case scenario of the development visibility.
- 8 ZTVs are created using MapInfo Software which takes into account the curvature of the Earth.

DO NOT SCALE FROM THIS DRAWING

LEGEND

SITE BOUNDARY

VISUALISATION LOCATION



REVISION	DETAILS	DATE	DRAWN	CHKD	APPD
CLIENT	GALLAGHER ESTATES				
PROJECT	WYKHAM PARK FARM				
DRAWING TITLE	VISUALISATION LOCATION PLAN				

DRG No	SCALE	DATE
WM10671_101	1:25,000@A3	OCT 2013
DRAWN BY	CHECKED BY	APPROVED BY
CJ	MB	JF

<input type="checkbox"/> STONE-ON-TRENT (HEAD OFFICE)	TEL 0845 111 7777	<input type="checkbox"/> CARDIFF	TEL 029 2072 9191
<input type="checkbox"/> NEWCASTLE UPON TYNE	TEL 0191 232 0943	<input type="checkbox"/> SHEFFIELD	TEL 0114 245 6244
<input type="checkbox"/> WEST BROMWICH	TEL 0121 560 0909	<input type="checkbox"/> EDINBURGH	TEL 0131 555 3311
<input type="checkbox"/> LONDON	TEL 020 7297 2872	<input type="checkbox"/> LIVERPOOL	TEL 0151 404 5431



Existing



Visualisation



Photomontage Parameters

Grid Ref	445170.3mE 238788.8mN	Horizontal Scale	6.1 mm per °
Elevation	129.9m AOD	Horizontal Field of View	90°
Viewing Direction	265°	Vertical Field of View	28°
Distance to Development	20m	Viewing Distance	350mm @ A2
Camera Details	Nikon D3100 With Sigma Fixed 30mm Lens	Weather and Lighting Conditions:	Overcast
Camera Height	1.62m		
Time and Date of Image Capture	10:40 15/10/2013		

Viewpoint Description

Close view looking south across the site, from the Salt Way.

For viewpoint location plan please see WA drawing number: WM10671/101
 Photograph used is a composite panoramic image
 Development layout shown is indicative and for illustration purposes only
 Please refer to WM10671/108 for methodology statement

Viewpoint	VP1	Drg No	WM10671/102	Date	October 2013
Drawn By	JDS	Checked By	DM	Approved By	CR
<input type="checkbox"/> STOKE-ON-TRENT (HEAD OFFICE) TEL 0178 227 6700		<input type="checkbox"/> CARDIFF TEL 029 2072 9191			
<input checked="" type="checkbox"/> NEWCASTLE UPON TYNE TEL 0191 232 0943					



CLIENT	Gallagher Estates Ltd
PROJECT	Wykham Park Farm Banbury
DRAWING TITLE	Visualisation 1

Existing



Visualisation



Photomontage Parameters

Grid Ref	446026.3mE 238174.7mN	Horizontal Scale	6.1 mm per °
Elevation	117.7mAOD	Horizontal Field of View	90°
Viewing Direction	290°	Vertical Field of View	28°
Distance to Development	610m	Viewing Distance	350mm @ A2
Camera Details	Nikon D3100 With Sigma Fixed 30mm Lens	Weather and Lighting Conditions:	Overcast
Camera Height	1.60m		
Time and Date of Image Capture	12:12 15/10/2013		

Viewpoint Description

Close view looking west from White Post Road in Bodicote, across the recreation ground and cricket pitch.

For viewpoint location plan please see WA drawing number: WM10671/101
 Photograph used is a composite panoramic image
 Development layout shown is indicative and for illustration purposes only
 Please refer to WM10671/108 for methodology statement

Viewpoint	VP2	Drg No	WM10671/103	Date	October 2013
Drawn By	JDS	Checked By	DM	Approved By	CR
<input type="checkbox"/> STOKE-ON-TRENT (HEAD OFFICE) TEL 0178 227 6700		<input type="checkbox"/> CARDIFF TEL 029 2072 9191			
<input checked="" type="checkbox"/> NEWCASTLE UPON TYNE TEL 0191 232 0943					



CLIENT	Gallagher Estates Ltd
PROJECT	Wykham Park Farm Banbury
DRAWING TITLE	Visualisation 2

Existing



Visualisation



Photomontage Parameters

Grid Ref	444199.4mE 238104.5mN	Horizontal Scale	6.1 mm per °
Elevation	107.7mAOB	Horizontal Field of View	90°
Viewing Direction	25°	Vertical Field of View	28°
Distance to Development	320m	Viewing Distance	350mm @ A2
Camera Details	Nikon D3100 With Sigma Fixed 30mm Lens	Weather and Lighting Conditions:	Little Cloud/Blue Sky
Camera Height	1.60m		
Time and Date of Image Capture	14:12 15/10/2013		

Viewpoint Description

Close view looking north from Wykham Lane where it is met by the footpath on the western site boundary. The view is of the steeper topography outside the site's western boundary. The dark tree line on the centre left horizon is the vegetation separating

For viewpoint location plan please see WA drawing number: WM10671/101
 Photograph used is a composite panoramic image
 Development layout shown is indicative and for illustration purposes only
 Please refer to WM10671/108 for methodology statement

Viewpoint	VP3	Drg No	WM10671/104	Date	October 2013
Drawn By	JDS	Checked By	DM	Approved By	CR
<input type="checkbox"/> STOKE-ON-TRENT (HEAD OFFICE) TEL 0178 227 6700		<input type="checkbox"/> CARDIFF TEL 029 2072 9191			
<input checked="" type="checkbox"/> NEWCASTLE UPON TYNE TEL 0191 232 0943					



CLIENT Gallagher Estates Ltd

PROJECT Wykham Park Farm Banbury

DRAWING TITLE Visualisation 3



Photomontage Parameters

Grid Ref	444290.6mE 238888.4mN	Horizontal Scale	6.1 mm per °
Elevation	132.3mAOD	Horizontal Field of View	90°
Viewing Direction	140°	Vertical Field of View	28°
Distance to Development	On Site Boundary	Viewing Distance	350mm @ A2
Camera Details	Nikon D3100 With Sigma Fixed 30mm Lens	Weather and Lighting Conditions:	Clearish Sky/Sun
Camera Height	1.60m		
Time and Date of Image Capture	15:32 15/10/2013		

Viewpoint Description

Close view, looking south east into site field 2 through a gap in Bloxham Road vegetation on the footpath on the site's western boundary and the entrance to WPF shop lane.

For viewpoint location plan please see WA drawing number: WM10671/101
 Photograph used is a composite panoramic image
 Development layout shown is indicative and for illustration purposes only
 Please refer to WM10671/108 for methodology statement

Viewpoint	VP4	Drg No	WM10671/105	Date	October 2013
Drawn By	JDS	Checked By	DM	Approved By	CR
<input type="checkbox"/> STOKE-ON-TRENT (HEAD OFFICE) TEL 0178 227 6700		<input type="checkbox"/> CARDIFF TEL 029 2072 9191			
<input checked="" type="checkbox"/> NEWCASTLE UPON TYNE TEL 0191 232 0943					
 your earth our world					

CLIENT	Gallagher Estates Ltd
PROJECT	Wykham Park Farm Banbury
DRAWING TITLE	Visualisation 4

Existing



Visualisation



Photomontage Parameters

Grid Ref	444030.0mE 239121.9mN	Horizontal Scale	6.1 mm per °
Elevation	156.7mAOD	Horizontal Field of View	90°
Viewing Direction	125°	Vertical Field of View	28°
Distance to Development	350m	Viewing Distance	350mm @ A2
Camera Details	Nikon D3100 With Sigma Fixed 30mm Lens	Weather and Lighting Conditions:	Sunny/Little Cloud
Camera Height	1.60m		
Time and Date of Image Capture	15:32 15/10/2013		

Viewpoint Description

Close view looking south east from a footpath on Crouch Hill's south eastern slope

For viewpoint location plan please see WA drawing number: WM10671/101
 Photograph used is a composite panoramic image
 Development layout shown is indicative and for illustration purposes only
 Please refer to WM10671/108 for methodology statement

Viewpoint	VP5	Drg No	WM10671/106	Date	October 2013
Drawn By	JDS	Checked By	DM	Approved By	CR
<input type="checkbox"/> STOKE-ON-TRENT (HEAD OFFICE) TEL 0178 227 6700 <input type="checkbox"/> CARDIFF TEL 029 2072 9191 <input checked="" type="checkbox"/> NEWCASTLE UPON TYNE TEL 0191 232 0943					



CLIENT	Gallagher Estates Ltd
PROJECT	Wykham Park Farm Banbury
DRAWING TITLE	Visualisation 5

DO NOT SCALE FROM THIS DRAWING



- LEGEND**
- Proposed primary infrastructure
 - Indicative Internal Road Layout
 - Residential
 - School
 - Employment and Local Center
 - Existing Internal hedgerow to be retained. All Boundary hedgerows to be retained.
 - Allotments
 - Outdoor Sports and Play
 - New Woodland buffer - (90% trees and 10% shrubs)
 - Damp Open Woodland - Native trees and shrubs in wildflower meadow. (70% trees and 30% shrubs)
 - Swale - 10-20m wide strip accommodating swale and shrub planting in wildflower meadow.
 - New hedgerow - (20% trees and 80% trees)
 - Salt Way Buffer and School Entrance - Informal wildflower and specimen tree planting.
 - Outdoor Space and Play Areas - Formal edged boundaries to development accommodating pocket park with playground set amongst informal planting and wildflower meadow.
 - Primary and Secondary Access/Highway Landscape - Low level and low maintenance ground cover shrubs with formal and informal tree planting, incorporating/straddling movement corridors. Fairly open for visibility/overlooking/safety.
 - Entrance Landscape - Formal large tree/avenue planting managed to achieve long term closed canopy to provide/retain Bloxham Road character.

PLANT SPECIES AND PROPOSED SIZES

- Pedunculate Oak (*Quercus robur*) and Sliver Birch (*Betula pendula*) a mix of sizes from 8 - 10 to 14 - 16 container grown.
- Scot's Pine (*Pinus sylvestris*) a mix of sizes from 900 - 1.2 B/R and 10 - 25L container grown.
- Ash (*Fraxinus excelsior*), Rowan (*Sorbus aucuparia*), Field Maple (*Acer campestre*) Wych Elm (*Ulmus glabra*) and Wild Cherry (*Prunus avium*) a mix of sizes from 8 - 10 to 18 - 20. B/R.
- Hawthorn (*Crataegus monogyna*), Blackthorn (*Prunus spinosa*), Elder (*Sambucus nigra*), Dog Rose (*Rosa canina*), Field Rose (*Rosa arvensis*), Hazel (*Corylus avellana*), Dogwood (*Cornus sanguinea*) and Guelder Rose (*Viburnum opulus*) a mix of sizes from 400 - 1.2. B/R.
- Holly (*Ilex aquifolium*) a mix of 0.5 - 10L. Bushy.

REVISION	DETAILS	DATE	DRAWN	CHECKED	APPROVED
CLIENT GALLAGHER ESTATES					
PROJECT WYKHAM PARK FARM					
DRAWING TITLE INDICATIVE LANDSCAPE PLANTING					
DRG No WM10671_107	SCALE N.T.S	DATE OCT 2013			
DRAWN BY CJ	CHECKED BY CJ	APPROVED BY JF			
<input type="checkbox"/> STONE-ON-TRENT (HEAD OFFICE) TEL 0845 111 7777	<input type="checkbox"/> CARDIFF TEL 029 2072 9191	<input type="checkbox"/> LEIGH TEL 01942 260101			
<input type="checkbox"/> NEWCASTLE UPON TYNE TEL 0191 232 0943	<input type="checkbox"/> SHEFFIELD TEL 0114 245 6244	<input type="checkbox"/> EDINBURGH TEL 0131 555 3311			
<input type="checkbox"/> WEST BROMWICH TEL 0121 580 0909	<input type="checkbox"/> LIVERPOOL TEL 0151 404 5431				
<input type="checkbox"/> LONDON TEL 020 7287 2872					

8.30 VISUALISATION METHODOLOGY

1. Introduction

Wardell Armstrong LLP conforms with the latest Landscape Institute (LI) Advice Note 01/11 when producing visualisations. This document outlines the process that Wardell Armstrong LLP follows.

2. Data collection

The viewpoints for visualisation are selected by a Landscape Architect. The viewpoint positions were selected to be practical for the visualisation process, including safe and legal access to the point for taking photographs and associated surveying.

The viewpoints were discussed with a representative of the local planning authority (LPA) prior to site work being undertaken. The LPA had requested that 11 visualisations be produced. However, having undertaken a visual survey of the site and surrounds, it was concluded that 5 visualisations, taken from relatively close representative locations around the site, including a panorama from a higher elevation, would adequately demonstrate the placement of the development in its landscape context. The additional 6 visualisations requested by the LPA were, therefore, not produced as they would have provided little or no meaningful additional information, upon which to base an understanding of the development's effects, to the 5 visualisations produced. The visualisations were, therefore, not agreed with the LPA prior to submission.

The team conducting the site work consisted of a photographer and surveyor who follow the process through.

The camera equipment used is stated on the visualisation, along with a panoramic head mounted on a tripod. Appropriate surveying equipment is also used to establish the position of the photo.

The camera settings are in accordance with the LI guidance, and are set for the conditions at the time of the photo.

Appropriate control points within the photo are surveyed to a high level of accuracy to allow the development to be accurately correlated to the photo.

3. Image Processing

For each panoramic photo, individual images are stitched together using industry standard software. The images are individually checked to ensure a clean stitch and the original quality is maintained. Stitched images are stored as uncompressed .tiff files.

4. Modelling

The control features surveyed on site are processed and modelled within industry standard survey processing software.

The proposed development is modelled fully in three dimensions in the survey software. The development shown is an indicative layout for illustration purposes only, the actual development and individual building types may differ from those shown. The layout has been created to cover all fundamental elements of the development which need to be incorporated in the final visualisation.

True panoramic images are captured out of the 3D view from the survey software. The position from which the image is captured is the coordinates of the photo point plus the setup height of the camera.

5. Visualisation

Industry standard image handling software is used to produce the final visualisation image.

The stitched image for a viewpoint is the base for the visualisation, plus the images captured from the survey software. The modelled control features on the development image are aligned to correlate to their real world equivalents in the photo so as to ensure the modelled development is represented to the correct size and location. The visualisation is produced using the aligned modelled development.

Colours and lighting conditions for the development are matched to those at the time of the photo. Final images are cropped to the required field of view and saved as .png format.

6. Presentation

Industry standard drafting software is used to produce the final deliverable drawing. Both existing and proposed images are shown at the same size and scale, with all required details displayed in the title block of the drawing.

The final drawings are printed as paper copies at a suitable resolution for delivery to allow review on site as required.

7. Overall Approach

The intention of Wardell Armstrong LLP is to produce high quality visualisations using a transparent process which meets with LI guidance and are therefore comparable with other visualisations produced to the same guidelines.



Department for
Communities and
Local Government

Mrs Elizabeth Marjoram
Bird Wilford & Sale Solicitors
19-20 Church Gate
Loughborough
Leics, LE11 1UD

Our Ref: APP/C3105/A/12/2178521
Your ref: EHM/Crouch Farm

23 September 2013

Dear Madam

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 78)
APPEAL BY MR M HORGAN AND BARWOOD STRATEGIC LAND II LLP;
SITE AT LAND EAST OF BLOXHAM ROAD, BANBURY**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, John Wilde C.Eng MICE who held a public local inquiry on 20-22 November 2012 and 19-20 March 2013 into your clients' appeal under Section 78 of the Town and Country Planning Act 1990 against a failure by Cherwell District Council ("the Council") to give notice within the prescribed period of a decision on an outline application for residential development of up to 145 dwellings with associated access, on land east of Bloxham Road, Banbury, Oxfordshire, in accordance with application Ref 12/00080/OUT, dated 20 January 2012.
2. The appeal was recovered for the Secretary of State's determination on 9 May 2013, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, so that it could be considered at the same time as three other appeals in the same district¹.

Inspector's recommendation and summary of the decision

3. The Inspector, whose report is enclosed with this letter, recommended that the appeal be allowed. For the reasons given in this letter, the Secretary of State agrees with the Inspector's recommendation. All paragraph numbers, unless otherwise stated, refer to the Inspector's report (IR).

Matters arising after the close of the inquiry

4. Following the close of the inquiry, the Regional Strategy for the South East (Revocation) Order 2013 came into force on 25 March 2013 and has partially revoked the South East Plan ("the RS"). The Secretary of State considers that the

¹ Land North of the Bourne and adjoining Bourne Lane, Hook Norton – ref: 2184094;
Land off Barford Road, Bloxham - ref:2189896;
Land South of Milton Road, Bloxham – ref:2189191.

RS Policies which remain extant are not relevant to his decision on this appeal. Given the reasons for the decision on this appeal, as set out in the remainder of this letter, the Secretary of State does not consider that the partial revocation of the RS raises any matters that would require him to refer back to parties for further representations prior to reaching his decision.

5. On 26 June 2013, the Council submitted to the Planning Inspectorate further information about housing land supply issues, copied to you and those representing the appellants for the other three recovered appeals referred to in paragraph 2 above (referred to below as “the four parties”). This led to representations from the four parties requesting a right to respond, to which the Secretary of State acceded in his letter of 3 July 2013. A response was subsequently received on behalf of the four parties on 17 July 2013, leading to further submissions from the Council dated 25 and 30 July 2013 which, in turn, led to a further response on behalf of the four parties on 12 August 2013. Copies of all the relevant correspondence may be obtained on written request to the address at the foot of the first page of this letter. The Secretary of State has given careful consideration to all this correspondence but, for the reasons given below and in the decision letters relating to the other three cases does not consider that it raises any issues on which he requires further information before proceeding to decisions on these cases.

Policy Considerations

6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan (DP) unless material considerations indicate otherwise. In this case, the DP comprises the saved policies of the Cherwell Local Plan, adopted in November 1996; and the extant policies of the RS as referred to in paragraph 4 above.
7. Material considerations include the National Planning Policy Framework (the Framework); Circular 11/95: *Use of Conditions in Planning Permission*; and the Community Infrastructure Levy (CIL) Regulations 2010 as amended. The Secretary of State has also had regard to the fact that on 28 August 2013 Government opened a new national planning practice guidance web-based resource. However, given that the guidance is currently in test mode and for public comment, he has attributed it limited weight.
8. Other material considerations include the emerging pre-submission draft local plan (PSDLP), which was published by the Council in August 2012. However, as it has yet to be submitted for examination and so is subject to change, it has been afforded little weight. Similarly, the revised housing land supply figures submitted by the Council to the Secretary of State as referred to in paragraph 5 above have yet to be subjected to independent examination as part of the local plan process and so have been given little weight.

Main Issues

9. The Secretary of State agrees with the Inspector that the main considerations are those set out at IR3(a) and (b).

The Development Plan and the Framework, including sustainability

10. The Secretary of State agrees with the Inspector that the appeal site is a greenfield site in open countryside (IR4). However, notwithstanding the proposed revisions to

the housing land supply figures for the District put forward by the Council following the close of the inquiry (as explained in paragraphs 5 and 7 above), the Secretary of State does not consider that the Council have yet been able to demonstrate conclusively a five year housing land supply with the appropriate buffer (IR5-6).

11. Therefore, having carefully considered the matters discussed by the Inspector at IR7-13, the Secretary of State agrees with him that, in accordance with the Framework, housing applications should be considered in the context of the presumption in favour of sustainable development (IR7) and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole (IR13). The Secretary of State therefore also agrees with the Inspector (IR14) that the justification for the proposed development rests on its sustainability credentials and that, overall, for the reasons given at IR15-16, it fulfils the requirements of paragraph 7 of the Framework and can be considered to be sustainable.

Salt Way as a heritage asset

12. For the reasons given at IR17-23, the Secretary of State agrees with the Inspector's conclusion at IR24 that, although Salt Way has some importance as a heritage asset both in its own rights and as part of its setting, the actual physical effect of the proposed development would be limited.

Integration with the existing development form

13. For the reasons given at IR25-26, the Secretary of State agrees with the Inspector's conclusion at IR27 that the proposed development would not fail to integrate with the existing development form.

Character and appearance

14. For the reasons given at IR28-37, the Secretary of State agrees with the Inspector's conclusion at IR38 that, although there would be no conflict with LP policy C7 as there would be no demonstrable harm to the topography and character of the landscape, some harm would occur to the rural character of Salt Way, thereby creating some conflict with LP policy C5.

Conditions

15. The Secretary of State agrees with the Inspector's reasoning and conclusions on conditions as set out at IR55-57 and, like the Inspector, is satisfied that the proposed conditions as set out at Annex A to this letter are reasonable, necessary and comply with Circular 11/95.

Planning obligations

16. With regard to the section 106 Agreement completed in response to the Council's second reason for refusal (IR39-48), the Secretary of State agrees with the Inspector that the proposed contributions to the Council in relation to off-site sports provision, indoor sports facilities and commuted maintenance sums (IR41-43) can be considered to be compliant with CIL Regulation 122, as can both the transport and the non-transport contributions to Oxfordshire County Council (IR47-48); and he accordingly affords weight to all of these provisions of the Agreement. However, the Secretary of State also agrees with the Inspector (IR 44-46) that the commuted maintenance costs to the Council and contributions towards the cost of a

Community Development Worker, public art and refuse bins do not meet the tests and he gives them no weight.

Overall conclusions

17. Although the appeal proposal would be contrary to certain policies within an out of date development plan, the Council does not have a proven 5-year supply of housing land so that, in accordance with the provisions of the Framework, full weight can no longer be given to the relevant policies of that plan. Furthermore, although the appeal scheme would also conflict with the Council's emerging spatial strategy contained in the PSDLP and with the Council's latest housing land availability figures, that Plan is at a very early stage and the revised figures have not been subjected to independent examination, so that both are likely to be subject to change. Little weight can therefore be attached to these considerations against the scheme.
18. The appeal scheme represents sustainable development which would make a significant contribution towards addressing the undersupply of housing in the District. Therefore, although it would cause some limited and localised harm to the character and appearance of the countryside, the Secretary of State is satisfied that this would not significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies of the Framework taken as a whole.

Formal Decision

19. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants outline planning permission for residential development of up to 145 dwellings with associated access, on land east of Bloxham Road, Banbury, Oxfordshire, in accordance with application Ref 12/00080/OUT, dated 20 January 2012, subject to the conditions listed at Annex A of this letter.
20. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
21. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

22. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.
23. A copies of this letter have been sent to Cherwell District Council and the agents acting for the appellants in the other three recovered cases. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Jean Nowak

Authorised by the Secretary of State to sign in that behalf

CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than twelve months from the date of this permission.
- 3) The development hereby permitted shall begin not later than twelve months from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall commence until a phasing plan for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved phasing plan.
- 5) No building on the site shall exceed 6.2 metres in height at eaves height or 10.5 metres at ridge height.
- 6) The details required under condition 1 shall include a plan showing the details of the finished floor levels of the proposed dwellings in relation to existing ground levels on the site.
- 7) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the first occupation of the dwelling to which it relates. Development shall be carried out in accordance with the approved details.
- 8) No development shall commence until a full arboricultural survey and report on all existing trees and hedgerows within and around the perimeters of the site has been submitted to and approved in writing by the Local Planning Authority. The survey and report shall include details of all the trees and hedgerows to be removed and those to be retained and the method of protection of the retained trees and hedgerows during the course of development. The tree and hedgerow retention and protection shall be implemented in accordance with the approved scheme.
- 9) No development shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation including a timetable which has been previously submitted by the applicant and approved by the Local Planning Authority.
- 10) Prior to the first occupation of any dwelling within the development or the construction of any phase of the development, whichever is sooner, a management plan for the enhancement and creation of biodiversity, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved.

- 11) Prior to the occupation of any part of the development hereby approved, a residential travel plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be implemented and operated in accordance with the approved details.
- 12) Prior to the occupation of any part of the development hereby approved, all approved pedestrian and cycle linkages between the development and the Salt Way and within the application site shall be completed and available for use.
- 13) Prior to the occupation of any part of the development hereby approved fire hydrants shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
- 14) No development shall take place until a scheme for the provision of up to 3 interpretation panels at the development visible from Salt Way, including details of precise locations, design, text, graphics, arrangements for implementation and ownership has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in full.



Report to the Secretary of State for Communities and Local Government

Inquiry held on 20/21/22 November 2012 and 19/20 March 2013

Site visit made on 20 March 2013

by **John Wilde C.Eng M.I.C.E.**

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 23 July 2013

Appeal Ref: APP/C3105/A/12/2178521

Land east of Bloxham Road Banbury

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr M Horgan and Barwood Strategic Land II LLP against Cherwell District Council.
 - The appeal was recovered for decision by the Secretary of State by letter dated 9 May 2013 so that it could be considered at the same time as three other appeals in the same district
 - The application Ref 12/00080/OUT, is dated 20 January 2012.
 - The development proposed is outline planning consent for residential development of up to 145 dwellings with associated access.
-

Recommendation

1. It is recommended that the appeal be allowed and outline planning permission be granted for residential development of up to 145 dwellings with associated access at Land east of Bloxham Road Banbury in accordance with the terms of the application, Ref 12/00080/OUT, dated 20 January 2012, and the plans submitted with it, subject to the conditions contained within the attached schedule.

Procedural matter

2. The application has been made in outline, with details of access to be considered at this stage. Layout, scale, appearance and landscaping have been reserved for later determination.

Main Issues

3. The main issues are: -
 - (a) The effect of the proposed development on the character, appearance and historical value of the area, and whether any identified harm would be outweighed by the need for housing in light of the lack of a five year housing supply and the surrounding policy considerations.
 - (b) Whether or not the proposed development should provide contributions towards a range of infrastructure, including outdoor and indoor sports facilities, transport measures, open space, library, museum and health

facilities and if so, whether arrangements for these contributions have been made.

Reasons

4. The appeal site lies to the east of Bloxham Road and to the south of a public right of way known as Salt Way. The site is a greenfield site outside of the development boundary of Banbury, which is currently defined by Salt Way. In planning terms the appeal site is therefore in the open countryside, although only about 1.5km from the centre of Banbury.
5. Paragraph 47 of the National Planning Policy Framework (the Framework) indicates that local planning authorities should identify and update annually a supply of specific deliverable housing sites to provide five years worth of housing against their housing requirements, with an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing the Framework goes on to say that the local planning authority should increase the buffer to 20%.
6. The Council have accepted that they cannot demonstrate a five year housing supply. The Statement of Common Ground shows the agreed housing land supply position, without buffers, to be 3.2 years for the district and 2 years for the Banbury and North Cherwell area.
7. Paragraph 49 of the Framework makes clear that *housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered to be up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.*
8. In their putative reasons for refusal the Council refer firstly to policies H18, C5 and C7 of the adopted Cherwell Local Plan (LP). Policy H18 is entitled *new dwellings in the countryside* and identifies a range of criteria for allowing housing outside of the development boundaries identified within the plan. The proposed development does not comply with any of the stated criteria and therefore, as the policy has wider implications than purely the supply of housing, a conflict exists.
9. However, the LP was adopted in 1996 and had an end date of 2001. Policy H18 was intended to prevent housing outside of the development boundary in force at that time. Furthermore, the policy was saved by direction of the Secretary of State in 2007 and the letter that confirmed the saving of the policy also stated that *where policies were adopted some time ago, it is likely that material considerations, in particular the emergence of new national and regional policy and also new evidence, will be afforded considerable weight in decisions.* This is reinforced by paragraph 216 of the Framework which states that *due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).* For these reasons therefore the conflict with policy H18 is significantly reduced.
10. Policy C5 relates to protection of the ecological value and rural character of several local features, one of which is identified as being the Salt Way. Conflict with this policy also therefore exists, although to an extent, the same caveats that I have mentioned in relation to policy H18 also apply to this policy.

11. Policy C7 makes clear that development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape. Conflict therefore exists with this policy if it can be shown that demonstrable harm occurs, and I will return to this matter later.
12. The Council's putative reasons for refusal also refer to various policies in the Non-Statutory Cherwell Local Plan 2011. However, as the title implies, this plan never went through the statutory adoption process and cannot therefore be afforded significant weight. Similarly the Proposed Submission Cherwell Local Plan (SLP) still has to undergo various stages, including further consultation and examination, before it becomes adopted. It too cannot therefore be afforded significant weight. I do note however that paragraph B.98 of the SLP makes clear that the aim of the Council is to provide 40% of new homes on previously developed land. The corollary of this is of course that 60% of new homes will have to be built on greenfield land.
13. As the adopted development plan is dated, the second bullet point in paragraph 14 of the Framework becomes particularly important in the determination of this appeal. This states that, in terms of decision making, the presumption in favour of sustainable development means that *where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole*. I have shown that the LP had an end date of 2001 and that policy H18 related to the housing situation at that time. It follows that the second bullet point of paragraph 14 should be the guiding principle in determining this appeal.
14. In their putative reason for refusal 1 the Council highlight a number of what they consider to be adverse impacts and I will address each of these in turn. Firstly however I will address the issue of sustainability, as without sustainability credentials, the proposed development would not come within the remit of paragraph 14.

Sustainability

15. The appeal site is about a 15 minute walk from Banbury town centre. As Banbury is the district's largest urban area there is a wide range of facilities including a railway station, leisure centre, shops and offices. The site is also within 800m of schools, local shops and a supermarket and there is an hourly bus service into Banbury from a stop about 200m from the site. In transport terms therefore the site can be defined as sustainable. However, the Framework also recognises in paragraph 7 that sustainability has several strands other than just the transport aspect. These are economic, social and environmental in its broadest sense.
16. In terms of the economic impact, the proposed development would create jobs both directly and indirectly. I have been supplied with information which shows that for each new dwelling there are over four jobs created. Socially the proposed development would provide both market and 30% Affordable Homes whilst environmentally it would provide new planting designed to enhance the range of habitats available for wildlife. I accept that this latter factor has to be balanced against the loss of agricultural land but nonetheless consider that the proposed development fulfils the requirements of paragraph 7 of the Framework and can be considered to be sustainable.

Putative reason for refusal 1 - Salt Way as a heritage asset

17. The Council consider Salt Way to be historic and as such be a heritage asset of local importance. They further consider that Salt Way and its setting would be harmed by the proposed development. To support this contention they produced evidence designed to show that Salt Way forms part of a medieval network of salt distribution routes between Droitwich and London. In contrast the appellants supplied information designed to show that this is by no means certain and that other routes could have been utilised in medieval times, although I do note that the Archaeological Evaluation produced on behalf of the appellants states in paragraph 3.2 that *the headland at the northern end of the modern field appears to have respected the line of the Salt Track, suggesting that this route was well established in the medieval period and may have prehistoric origins*. The Council also produced evidence regarding the age of the boundary trees and the patterns of the bordering fields. Overall though, I am not persuaded on the balance of probabilities that Salt Way constituted part of a medieval network involved in the distribution of salt from Droitwich towards London.
18. What is certain is that Salt Way is not a designated heritage asset as mentioned in paragraph 134 of the Framework and defined in the glossary of that document. If Salt Way is considered to be a heritage asset of local importance then paragraph 135 of the Framework is relevant. This informs that *the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*.
19. In respect of the significance of Salt Way the Council produced tables taken from the Highways Agency *Design Manual for Roads and Bridges Vol 11: Environmental Assessment Part 2 Cultural Heritage (HA 208/07)*. From these they deduced that Salt Way itself is of medium significance. They also concluded that while in itself it may only be of medium significance, in its historic landscape setting it is of medium/high significance and also that the historic landscape character of the area can be considered to be of high significance. From this assessment of significance the Council then conclude that the impact of the proposed development would be moderate/large in a negative sense.
20. A moderate impact is defined within HA 208/07 as *changes to many key landscape elements, parcels or components, visual change to many key aspects of the historic landscape, noticeable differences in noise or sound quality, considerable changes to use or access; resulting in moderate changes to historic landscape character*.
21. However the Council have arrived at their conclusion as to the significance of Salt Way by judging it to be *important as a good surviving example of a green trackway that has also been used as a Salt Way in the medieval distribution of salt from Droitwich towards London*. This to my mind as I have previously stated, has not been adequately demonstrated. Furthermore the assessment of the historic landscape setting and historic landscape character both seem to gloss over the proximity of residential development to the south and the major

road to the west. The impact of the proposed development also refers to direct physical impacts arising from the upgrading of Salt Way to provide site access, which *may* have a severe impact on any below ground evidence. It is then acknowledged however that this is a matter that could be adequately covered by an archaeological condition.

22. There would be no direct impact from the proposed development on the surface or boundaries of Salt Way except for the four points where the development would access it. Here there would be some harm caused to the boundary hedges. The proposed development would have a green buffer between it and Salt Way such that its visual impact would be reduced. In terms of noise, Salt Way, in the proximity of the proposed development, already experiences traffic noise from the major road to the west.
23. I am also aware that although mentioned in policy C5 of the LP, this is not in the context of a historical asset but is in terms of its ecological value and rural character. Furthermore, a Landscape Sensitivity and Capacity study (LSCS) carried out by Halcrow on behalf of the Council in 2010 looked at an area to the south of Banbury (site G) that included the appeal site. Whilst primarily a landscape study it also had a section on cultural heritage and no mention is made of Salt Way in this context. In 1995 the Local Plan Inspector commented on the land in the area of the appeal site in the following terms. *The open countryside to the south of Salt Way should be retained, thereby retaining the value of Salt Way for its amenity value and as a natural boundary to the built up area.* Again, no reference is made to the heritage value of Salt Way. I note the Council's concern regarding the potential future pressure for physical change to Salt Way. Notwithstanding this however, the actual alignment of Salt Way and its use as a linking footway route would remain, albeit in a more modern setting.
24. In light of the above I conclude that Salt Way has some importance as a heritage asset both in its own right and as part of its setting, but that this importance has in my view been overstated by the Council. I also note that the actual physical effect of the proposed development on Salt Way would be limited. In line with paragraph 135 of the Framework, I will take these matters into account in my final balancing exercise.

Putative reason for refusal 1 - Integration with the existing development form

25. The Council also consider that the proposed development would fail to integrate with the existing housing, in that, being south of Salt Way, it would be seen as a separate development. This, in their view, comes about primarily due to the green buffer that would be provided between the proposed housing and Salt Way. The green buffer would be up to 15m in depth and would mitigate the effect of the proposed housing on Salt Way itself. The site itself is relatively flat so in visual terms it would be difficult to assess the distance between the proposed housing and that already existing to the north of Salt Way. There would be four access points from the proposed development onto Salt Way where there would be easy access to local schools and services.
26. My attention has also been drawn to several other green corridors in Banbury including the Oxford Canal where development has taken place either side of the feature in question. These have successfully incorporated development into the urban fabric of the town whilst at the same time providing a green corridor that encourages journeys by foot or cycle.

27. Overall therefore on the issue of integration I find that the proposed development would not fail to integrate with the existing development form.

Putative reason for refusal 1 - Character and appearance

28. The Council's first putative reason for refusal stated that the proposed development would cause harm to the rural character and appearance of the area and would have a localised detrimental visual impact. Certainly the proposed development would breach the current limit of built development that is contained by Salt Way. The site is currently gently sloping farmland and the proposed development would replace this with built form, but this would not necessarily in itself cause visual harm so significant as to mean that the appeal should be dismissed.

29. The appeal site has the benefit of hedges and trees along all its boundaries. There is a large group of trees to the southwest of the site that would serve to prevent extensive views of the proposed development from people travelling north along Bloxham Road until they arrived near the proposed entrance itself. At this point signs of urbanisation are already apparent in the form of lighting columns, speed restriction signs and town nameplates and I do not consider that the proposed development would significantly harm what the Council consider to be the 'green arrival' to Banbury. Views from the north along Salt Way would be limited due to the green buffer and the existing hedges and trees.

30. Any views from publicly accessed areas to the south and east (primarily rights of way) would be relatively long distance and confined to the upper sections of the proposed dwellings due to the existing green boundaries. Further planting is also indicated along the south and east boundaries of the proposed development. From the viewpoint to the northwest of the site known as Crouch Hill the tops of some of the proposed dwellings would be visible but they would be softened by existing vegetation and would be seen along with the existing development to the north of Salt Way.

31. I acknowledge that the proposed development would conflict with policy ESD 15 of the SLP which seeks the provision of green buffers that would be kept free of built development. The justification for this policy makes clear that the aim of the policy is to maintain the distinctive identity of settlements and prevent coalescence as well as protecting valuable landscape or historic features. However, I have already found that the actual physical effect of the proposed development on Salt Way would be limited and there is no case to be made that it would promote coalescence as the nearest settlement to the south-west is Bloxham which is a considerable distance away. I have also already indicated that the SLP is an emerging document that can be afforded only limited weight.

32. The appeal site formed part of a larger site known as BAN 4 that was considered in an Options for Growth document prepared by the Council and dated September 2008. This document commented that BAN 4 was *relatively close to the town centre, secondary schools, hospital and a superstore and that there was sufficient land to create a coherent neighbourhood and new local centre without unacceptable harm to landscape further south*. Furthermore, paragraph 7.2 of this document informed that *the areas of land identified have been refined by undertaking initial planning assessments which included the*

following considerations. The eighth bullet point is *landscape and visual impact*.

33. I accept that the opinions expressed in the Options for Growth document were likely to be subject to further consultation and consideration, but nonetheless, as these comments related to a considerably larger area than the appeal site it is difficult to see how it can now be concluded that the development of the appeal site on its own could cause significant harm to the character and appearance of the area.
34. I also note that the sixth bullet point refers to the impact on the historic environment, which lends weight to my considerations relating to the impact of the development on Salt Way outlined above.
35. The Council make the point that the LSCS describes the overall sensitivity of site G (which includes the appeal site) to development as moderate. However the same document also states in paragraph 4.1 when referring to the south of Banbury that in *general terms this is the least sensitive direction for new development in landscape terms although long views would need mitigation*.
36. I accept that Salt Way currently demarcates the south-west extent of Banbury. However the demarcation principle was the same for other transport routes in the past, including the canal and mineral line. These have subsequently been superseded due to the need for housing and other development and I do not consider that Salt Way should necessarily be seen as an obstacle to further development just because of what and where it is.
37. The Council also considered that the development would breach the ridgeline that is seen as forming a natural topographical limit to development on the south of Banbury, and there was considerable discussion at the Inquiry as to the exact limits of this ridgeline. The slopes to either side of this ridgeline are however relatively gentle, meaning that the ridgeline itself is not a sharp feature. I am also aware that the LSCS, when considering site G, commented that *housing estates on the edge of Banbury and Bodicote overlook the site and are themselves visible in long views from the south*, and the Council themselves accepted that there are some breaches of the ridgeline. The ridgeline has therefore already been breached by development, and even if this was not the case, I do not consider that the ridgeline is so prominent a feature that it should be seen as a final and decisive constraint to development.
38. In light of this I consider that demonstrable harm would not occur to the topography and character of the landscape and that therefore there is no conflict with policy C7 of the LP. I accept that some harm would occur to the rural character of Salt Way by virtue of having built form to both sides, albeit for a limited distance. Some conflict would therefore exist with policy C5 of the LP.

Contributions

39. The Council's second reason for refusal related to the provision of contributions to mitigate the effects of the proposed development on local infrastructure. To this end I have been supplied with a signed Planning Obligation by Deed of Agreement under Section 106 of the Town and Country Planning Act (S106) dated 20 March 2013 which would ensure the provision of contributions towards a range of facilities including education, public transport, off site indoor sport facilities and libraries. The contributions are all in line with the

requirements of the Council, are not contested by the appellant and have been the subject of extensive negotiations between the parties. It is nonetheless still incumbent upon me to assess the required contributions against regulation 122 of the Community Infrastructure Levy Regulations (CIL).

40. CIL regulation 122 makes clear that it is unlawful for a planning obligation to be taken into account in a planning decision on a development that is capable of being charged CIL if the obligation does not meet all of the following tests. These are that the obligation is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development.
41. Both Cherwell District Council (the Council) and Oxfordshire County Council (OCC), as part of their evidence, have supplied me with statements as well as a considerable amount of background documentation to justify the required contributions. I will deal firstly with the contributions required by the Council. With respect to off-site sports provision the Council indicate that the need has been established by the Open Space, Sport and Recreational Facilities Needs Assessment Audit and Strategy and the Playing Pitch Strategy. The costs of the providing new and upgrading existing facilities are included within the Banbury Football Development Plan, and the quantum of the contribution is arrived at by applying the formulae in the Draft Planning Obligations SPD. In light of the information placed before me I conclude that the required contribution accords with the tests and can be taken into account in any decision to grant planning permission.
42. The Council have also requested a contribution towards indoor sports facilities. This contribution would be directed towards the modernisation and increase in capacity of the Woodgreen Leisure Centre in Banbury. Once again, in light of the information supplied I conclude that the contribution accords with the tests and can be taken into account in any decision to grant planning permission.
43. The Council have requested a range of further contributions to ensure the future maintenance, over a fifteen year period, of the balancing pond, ditches, hedgerows and trees, play areas and public open space that will be provided within the site. The Council have however also requested a further figure of about 10% of each of these commuted sums for revenue management.
44. Whilst at first sight it may seem reasonable to add a further 10% for management costs, it occurs to me that this would only be necessary if the Council could show that it needed to recruit further staff to carry out the management. This has not been demonstrated and therefore whilst I accept that the commuted maintenance sums themselves are in alignment with the tests, the addition of the extra 10% is not and cannot be taken into account in any decision to grant planning permission.
45. The Council have also requested contributions towards the cost of a Community Development Worker, public art and refuse bins. I accept that paragraph 69 of the Framework indicates that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. However, whilst the appointment of a Community Development worker could be seen to be beneficial, I cannot accept that it is necessary to make the development acceptable.

46. Similarly, whilst public art can create a long lasting and high quality built environment in line with the social dimension of sustainable development set out in the Framework, I do not consider that it can be deemed to be necessary to make the development acceptable. The same argument also applies to the purchase of refuse bins. I cannot accept that the purchase of these by the developer rather than either the Council or householders can be considered to be necessary to make the development acceptable in planning terms. For these reasons the required contributions towards the employment of a Community Development Worker, public art and the purchase of refuse bins do not meet the tests and cannot be taken into account in any decision to grant planning permission.
47. OCC have requested a number of contributions and these can be loosely defined as either transport or non transport related. The transport related elements comprise a contribution aimed at enhancing the 488 bus service by providing an evening service running past the site, and a small contribution towards monitoring the progress of the Travel Plan. For both of these elements I have been supplied with details of the costs and would conclude that these contributions can be taken into account in any decision to grant planning permission.
48. The non transport related contributions comprise contributions towards primary education, Special Educational Needs, libraries, waste management, museums, an adult learning centre and social and day care provision. For each of these I have been provided with sufficient information in terms of need, locations, and quantum to conclude that these contributions can be taken into account in any decision to grant planning permission.

Overall Conclusion

49. The Council cannot demonstrate a five year housing land supply and their development plan is dated. I have found the site to be in a sustainable location and the proposed development to comply with the Framework's definition of sustainable. Determination of the appeal is therefore governed by paragraph 14 of the Framework which makes clear that *permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.*
50. In respect of adverse impacts I have found that Salt Way has some importance as a heritage asset but that the proposed development would have a limited physical effect upon it and its setting. I have also found that the proposed development would result in the replacement of agricultural land by built form but that the effect of this would be softened by existing and proposed landscaping. There would also be conflict with policy C5 of the LP.
51. However the need to address the shortfall in land for housing weighs heavily in this appeal. The above negative factors do not to my mind constitute adverse impacts that would significantly and demonstrably outweigh the benefits that much needed housing and Affordable Housing would bring. It follows that the appeal should be allowed.
52. In arriving at this conclusion I am mindful that the appeal site forms part of a larger potential site to the south-west of Banbury, and that allowing this appeal could, in the view of the Council, have implications for the consideration of this

other site. This other site does not form part of the Council's future allocations strategy.

53. Paragraph 17 of the Planning System: General Principles states that *in some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD. A proposal for development which has an impact on only a small area would rarely come into this category. Where there is a phasing policy, it may be necessary to refuse planning permission on grounds of prematurity if the policy is to have effect.*
54. The proposed development is of a very small scale compared with the significant need for housing in the district, 60% of which will have to be on greenfield land. Furthermore, the SLP is the subject of objections and has yet to be presented for examination. It is entirely conceivable that the outcome of the examination process could lead to a change in the Council's allocation strategy. The issue of prematurity does not therefore lead me to a different conclusion to that outlined above.

Conditions

55. The conditions set out in the accompanying schedule are based on those suggested by the Council and the appellant and contained within the Statement of Common Ground. Where necessary I have amended the wording of these in the interests of precision and clarity in order to comply with advice in Circular 11/95.
56. In the interest of the character and appearance of the final scheme I recommend conditions are imposed relating to the height of the proposed dwellings, boundary treatment, the retention of existing and provision of further landscaping and the provision of interpretation panels for Salt Way. As the site could contain historic artefacts I would also recommend a condition requiring a programme of archaeological work is attached. In the interest of biodiversity I also recommend that a condition requiring a management plan to create and enhance biodiversity should be imposed.
57. For safety reasons I have also recommended a condition to ensure the provision of fire hydrants and in the interests of sustainability I have similarly suggested conditions relating to the provision of cycle and pedestrian linkages and a travel plan. Finally, to ensure suitable living conditions for future occupiers I would suggest a condition requiring details of the phasing of construction.

Recommendation

58. In light of my above findings, and having regard to all other matters raised, I recommend that the appeal should be allowed.

John Wilde

INSPECTOR

Schedule of conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than twelve months from the date of this permission.
- 3) The development hereby permitted shall begin not later than twelve months from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall commence until a phasing plan for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved phasing plan.
- 5) No building on the site shall exceed 6.2 metres in height at eaves height or 10.5 metres at ridge height.
- 6) The details required under condition 1 shall include a plan showing the details of the finished floor levels of the proposed dwellings in relation to existing ground levels on the site.
- 7) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the first occupation of the dwelling to which it relates. Development shall be carried out in accordance with the approved details.
- 8) No development shall commence until a full arboricultural survey and report on all existing trees and hedgerows within and around the perimeters of the site has been submitted to and approved in writing by the Local Planning Authority. The survey and report shall include details of all the trees and hedgerows to be removed and those to be retained and the method of protection of the retained trees and hedgerows during the course of development. The tree and hedgerow retention and protection shall be implemented in accordance with the approved scheme.
- 9) No development shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation including a timetable which has been previously submitted by the applicant and approved by the Local Planning Authority.
- 10) Prior to the first occupation of any dwelling within the development or the construction of any phase of the development, whichever is sooner, a management plan for the enhancement and creation of biodiversity, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved.

- 11) Prior to the occupation of any part of the development hereby approved, a residential travel plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be implemented and operated in accordance with the approved details.
- 12) Prior to the occupation of any part of the development hereby approved, all approved pedestrian and cycle linkages between the development and the Salt Way and within the application site shall be completed and available for use.
- 13) Prior to the occupation of any part of the development hereby approved fire hydrants shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
- 14) No development shall take place until a scheme for the provision of up to 3 interpretation panels at the development visible from Salt Way, including details of precise locations, design, text, graphics, arrangements for implementation and ownership has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in full.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr G Keen of Counsel

He called

Mr D Peckford

Prof R Tregay

Mr J Munby

Miss L Bailey

FOR THE APPELLANT:

Mr J Cahill QC

He called

Mr D McInerney

Mr A Crutchley

Mr A Raven

Mr C Rees

Mr D Jackson

INTERESTED PERSONS:

Miss C Colquhoun

Mr J Cooper

Mr R Kinchin-Smith

DOCUMENTS

- 1 Opening statement on behalf of the Council.
- 2 Opening statement on behalf of the appellants.
- 3 Statement and accompanying information relating to the intended Section 106 legal agreement.
- 4 The South East Plan.
- 5 Extract containing policies from the Cherwell Local Plan.
- 6 Extract containing policies from the Non-Statutory Cherwell Local Plan 2011.
- 7 The Cherwell Local Plan Proposed Submission.
- 8 Draft Section 106 agreement.
- 9 Supplementary note to proof of evidence of Mr Munby.
- 10 Letter dated 15 September 2011 from the Council to Savills.
- 11 Note on Section 106 agreement District Council requirements.
- 12 Council internal memorandum dated 16/7/13.
- 13 Details relating to the notices for the resumption of the Inquiry.
- 14 Secretary of State decision relating to Highfield Farm Tetbury.
- 15 Statement from Mr R Kinchin-Smith.
- 16 Submission from Banbury Civic Society.
- 17 Signed and dated Planning Obligation.
- 18 Revised list of suggested conditions.

PLANS

- A Set of plans relating to the application.
- B Plan showing ridge lines superimposed on a topographical map of west and south-west Banbury.
- C Plan showing ridgeline on a contour plan of south west Banbury.

D OS map dated 1941.



Department for Communities and Local Government

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.