

**TOWN & COUNTRY PLANNING ACT 1990
SECTION 78 APPEAL**

**APPEAL BY GREAT LAKES UK LTD
REF: APP/C3105/W/20/3259189**

**LAND TO THE EAST OF M40 AND SOUTH OF A4095,
CHESTERTON, BICESTER, OXFORDSHIRE OX26 1TE**

SUMMARY

**LANDSCAPE PROOF OF EVIDENCE
OF RICHARD WADDELL BA (Hons), PG Dip. LA, CMLI**

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1.1 Qualifications & Experience

1.1.1 My name is Richard Waddell, I am a Senior Associate at Bradley Murphy Design Limited (BMD), a practice of landscape architects, urban designers and master planners.

1.1.2 I am a Chartered Member of the Landscape Institute (CMLI) with 16 years' experience as a practising landscape architect. I have both undertaken and peer reviewed Landscape and Visual Impact Assessments (LVIA), along with providing landscape led input to the masterplanning of a wide range of schemes including residential, commercial, mixed use, retail, renewable energy and national infrastructure.

1.2 Scope and Nature of Evidence

1.2.1 My proof of evidence and its associated appendices provide: a summary of the LVIA baseline of the Site and relevant surrounding context; a precis of the proposed masterplan, green infrastructure strategy and areas of open space; and a summary of the landscape and visual effects anticipated as a result of the Proposed Development.

1.2.2 My evidence demonstrates that the:

- proposals have been developed as part of a landscape-led approach with careful regard to features of value on the Site and with consideration of the landscape and visual context of the Site and surrounding area;
- landscape and visual amenity context of the Site has the capacity to accommodate the Proposed Development;
- Proposed Development would not cause significant adverse effects upon the identified landscape character receptors or that of the landscape setting to the nearby villages of Chesterton or Little Chesterton;
- Proposed Development would appreciably enhance the landscape resource of the Site;

- only adverse effects on the visual amenity of identified visual receptors are limited to views in close proximity to the Site, which would be substantially mitigated in the long term;
- Proposed Development would be barely perceptible in near to middle distance views.

1.3 Design, Consultation & Assessment

1.3.1 Alongside and to inform the landscape design input to the Proposed Development, BMD carried out a comprehensive LVIA to:

- understand the landscape and visual context, identify all landscape assets and their value and to inform a landscape-led approach to the design of the project;
- inform the master planning, scale, massing and architectural design of the Proposed Development as part of the iterative design process;
- report on an assessment of the likely effects of the proposals on landscape character and views.

1.3.2 To inform the LVIA and the design of the scheme, Cherwell District Council's ("CDC") Landscape Team was consulted, both as part of the EIA Scoping process and in extensive Pre-Application discussions. They provided:

- guidance and agreement on the location of viewpoints to be used as a basis of the LVIA;
- guidance and agreement on the location of Accurate Visual Representations (wirelines, photomontages and illustrations) used to inform the development of the design;
- design input to enhance the appearance of the massing, scale and detailing of built form;
- input to the strategy and detailing of landscape proposals.

1.3.3 The CDC Landscape Officer considered that the LVIA is comprehensive, competently written and complies with current standards and guidance, and the officer tested and concurred with the judgements of the LVIA (CD3-3 Committee Report paragraphs 9.92 & 7.27).

1.4 Response to Reasons for Refusal and CDC / PAW Statements of Case

1.4.1 Although defined in local policy as ‘open countryside’, the landscape surrounding the Site is not ‘open’ and the Site is currently afforded an extensive degree of containment, as reported in the LVIA (CD1-13), as a result of:

- its well-established boundary vegetation;
- the well wooded landscape to north and east of Site;
- the well vegetated and wooded areas of the eastern 9 holes of the golf course;
- relatively flat local topography.

This precludes visual interaction with the settlements of Chesterton, Little Chesterton and most residential properties or areas of public access. It also substantially impedes influence on the surrounding landscape, beyond the immediate vicinity of the Site.

1.4.2 I have demonstrated that the likely effects of the Proposed Development would be largely constrained to the Site itself and areas of the landscape and viewpoints in close proximity, with the latter limited to the two adjacent residential properties of Vicarage Farm and Stableford House, footpath 161/6/10 that runs through the Site and the existing Bicester Hotel Golf and Spa, albeit mitigation would substantially reduce these effects in the long term. All other landscape and visual effects would be limited by the extensive containment of the Site.

1.4.3 There would be no significant effects on the character and landscape setting of the Chesterton Conservation Area or the wider village, nor would there be any significant landscape or visual effects on any heritage assets or designated features.

1.4.4 With regard to the impact on the residential amenity of the two adjacent properties of Vicarage Farm and Stableford House, CDC reported that their Landscape Officer considered this would not be significant in terms of impacting on light, privacy, overlooking or the building itself being overbearing, concluding that “*there is no sustainable reason for refusal on this basis.*” (CD3-3 paragraph 9.138).

1.4.5 The landscape-led design approach would enable retention of the most valuable existing landscape features and integration within an extensive green infrastructure strategy for the Site, comprising:

- the cluster of ponds in the northern third of the Site, contributing to the character of the Northern Parkland and enhancement of ecological habitat;
- as much woodland, trees and boundary vegetation as possible, providing a mature setting to the Proposed Development, immediately on completion;
- a substantial increase in high quantity landscape features within the Site boundary, contributing positively to the character of the surrounding landscape.

This replaces what is currently a man-made and heavily manicured landscape of the golf course, comprising:

- 68% coverage with low value amenity grassland of the fairways, tees and greens (reported in the Biodiversity Net Gain Assessment (CD2-1));
- 205 of a total 220 arboricultural features on the Site are of low or very low quality (reported in the Arboricultural Impact Assessment (CD1-3)).

1.4.6 The landscape proposals are deliverable and sustainable in the long term, subject to compliance with the submitted Landscape Maintenance & Management Plan (CD1-20) and Habitat Management & Monitoring Plan (CD2-2).

1.4.7 CDC reported that their Landscape Officer was content with the landscape proposals, concluding *“there is no objection based upon the landscape proposals.”* (CD3-3 Committee Report paragraph 9.134)

1.4.8 The Proposed Development would substantially increase the public access to and amenity value of the Site, with access to over 5 hectares of new parkland containing a range of amenity features, along with diversion of the existing public footpath (which is currently seldom used and poorly connected) into a verdant and tranquil wooded setting.

1.4.9 In response to landscape related Reasons for Refusal, the CDC Statement of Case and the PAW Statement of Case:

- the Site has the landscape and visual capacity to accommodate the nature of development proposed, particularly given the substantial extent of existing landscape enclosure, without resulting in significant adverse effects to the character of the landscape;
- the reason for refusal on landscape grounds is unsubstantiated, not supported by evidence and inconsistent with the considered professional opinion of the LVIA author and CDC's own Landscape Officer;
- CDC have not taken the conclusions of the LVIA or their Landscape Officer into account in the Council's consideration and determination of the application;
- the comments and judgements set out by Applied Landscape Design (ALD) in support of the Chesterton Parish Council objection are unfounded and based on assumptions and subjective opinions, made without application of the objective, transparent and rigorous assessment required by the Guidelines for Landscape & Visual Impact Assessment, Third Edition (2013) (CD10-1);
- the level of activity that would result from the Proposed Development, as identified in the Transport Assessment (CD1-24), and the influence of the built form and infrastructure associated with the Proposed Development, would not result in significant urbanisation or unacceptable harm to the character and appearance of the area;
- the proposals would provide the general public and local community with a substantially improved ability to access and enjoy the landscape of the Site, enhancing - not degrading, the amenity for users of the existing footpath 161/6/10 and other areas available for public access;

- the proposals would provide enhancement to local landscape character, including an increase in the quantity of landscape features of value on the Site and their influence on surrounding landscape character, reinforcing local distinctiveness;
- the proposed junction improvements at Middleton Stoney would not have an urbanising effect on the character of the village or its associated views, beyond those that will be incurred as part of the Heyford Park Phase 1 improvements.

1.5 Conclusion

- 1.5.1 I conclude that the landscape related Reasons for Refusal and the assertions set out in the CDC / PAW Statements of Case are unfounded and disregard the conclusions of the LVIA and the judgement of the CDC Landscape Officer.
- 1.5.2 I consider that the Proposed Development would not cause significant urbanisation and unacceptable harm to the character and appearance of the local or wider area. Instead, the Proposed Development would appreciably enhance the landscape resource of the Site, reinforcing local distinctiveness, combined with a carefully considered architectural design which responds to the local architectural context.
- 1.5.3 The public access to a new Northern Parkland, along with diversion of the existing public footpath, would also enhance public amenity.
- 1.5.4 Therefore, I consider that the Proposed Development complies with local and national planning policies.