

CD 13-12

**PROOF OF EVIDENCE**  
of  
**DAVID HUSKISSON Dip (LA) Glos CMLI**  
relating to  
**LANDSCAPE AND VISUAL EFFECTS**  
on behalf of  
**CHERWELL DISTRICT COUNCIL**

**Appeal against the refusal of Cherwell District Council  
to grant planning permission for  
Redevelopment of part of a golf course to provide new leisure resort (sui generis)  
incorporating waterpark, family entertainment centre, hotel, conferencing facilities  
and restaurants with associated access, parking and landscaping on land  
to the east of M40 and south of A4095, Chesterton, Bicester, Oxon**

**Local Planning Authority Reference: 19/02550/F  
Planning Inspectorate Reference: APP/C3105/W/20/3259189**

<p>Date of Issue: 12/01/21 Status/Revision: Final Checked: NB Approved: DH File ref: 856/reports/HBA/856 Landscape Proof Final</p>
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**CD13-12**

**Volume I**

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**CD13-14**

**Volume 2**

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## 1 INTRODUCTION

### Qualification

- 1.1 My name is David Huskisson. I am a Chartered Landscape Architect, and Director of Huskisson Brown Associates. A summary of my experience and qualifications relevant to the appeal scheme can be found at **CD13-14 Appendix 1**.
- 1.2 I confirm that the evidence which I have prepared and provide in this Proof of Evidence is true and has been prepared and is given in accordance with the guidance of my professional institute, The Landscape Institute, and that the opinions expressed are my true and professional opinions. My Summary Proof is **CD 13-13**.

### Background

- 1.3 I provide this evidence on behalf of the Cherwell District Council (CDC) in respect of the landscape and visual aspects of Reasons for Refusal (RfR) 4 relating to the refusal of full planning permission for application **19/02550/F**. RfR4 states:

*The development proposed, by virtue of its considerable size, scale and massing and its location in the open countryside beyond the built limits of the village of Chesterton, along with its institutional appearance, incongruous design, and associated levels of activity including regular comings and goings, will cause significant urbanisation and unacceptable harm to the character and appearance of the area, including the rural setting of the village and the amenities enjoyed by users of the public right of way, and would fail to reinforce local distinctiveness. The proposal is therefore contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1, Saved Policies C8 and C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.*

### Scope of Evidence

- 1.4 In preparing for the appeal, I have reviewed the LVIA element of the Environmental Statement (**CD1-13**)(Chapter 13) and its various supporting documents, illustrations, the Design and Access Statement (DAS) submitted with the application, alongside other pertinent information including the Council Committee Report, and have reviewed the policy and landscape character context. I have visited the site and surrounding area. My evidence draws from this work to address RfR 4.
- 1.5 Having noted above that I have reviewed the LVIA, I acknowledge that RfR 4 does not allege widespread landscape and visual harm generally and thus I have not evaluated all the LVIA's findings, although I do consider the findings local to the site to be questionable for reasons I set out below. In this regard, the LVIA views that are of particular relevance are 1A, 1B, 2, 3, 4, 5, 18 and from the M40. In addition, the LVIA fails to address the changes to the A4095

road corridor, to Green Lane and the changes to the junction at Middleton Stoney.

- 1.6 I broadly concur with the baseline findings reported in the LVIA in terms of landscape character types and areas and they are briefly summarised in my evidence below.
- 1.7 My evidence is structured to respond to the range of landscape and visual issues raised in the Council's submissions, notably addressing:
- The underlying character and visual amenity of the site and the surrounding landscape;
  - The design response to landscape character and context and whether the proposal would reinforce local distinctiveness;
  - The likely effects of the proposed development having regard to its location, form (including size, scale, massing), appearance, design, and associated activity including access, and the resultant urbanisation;
  - The likely effects of the junction works at Middleton Stoney and;
  - Whether the proposed development results in harm to the character and appearance of the area, including the rural setting of the village and the amenities enjoyed by users of the public right of way, harm to the character and appearance of the area.
- 1.8 In relation to these points, my evidence will summarise the key features of the existing site and its landscape and visual context, describe the landscape approach to the scheme proposals and summarise the landscape and visual effects of the proposal.
- 1.9 My evidence will show that the proposal will cause long-term adverse effects on the character and appearance of the site and parts of its immediately surrounding area. It will also demonstrate that the visual amenity of the area will be harmed to a material degree by the proposed scheme.

## 2 KEY FEATURES OF THE EXISTING LANDSCAPE AND VIEWS

2.1 I set out below a summary of the key baseline landscape and visual features, based upon the findings of the submitted LVIA and my own findings.

### Key features and character of the site

- 2.2 The site lies in the open countryside and is undesignated in terms of its intrinsic quality. It is devoid of any built form. It has a roughly triangular shape and currently forms the western half of the golf course forming part of the Bicester Hotel and Golf Course (BHGC). The clubhouse and the associated two storey 52 bed hotel lie off site to the south and beyond which lies the eastern half of the course. The Clubhouse layout is orientated towards the appeal site.
- 2.3 The appeal site's western boundary abuts the M40 where there is a belt of planting and some banking. Its northern boundary is formed by the A4095 and associated variable quality hedgerow, the A4095 being locally raised above the site on its approach to the motorway bridge. Elsewhere the road is at a similar level to the site. Neither the M40 nor the A4095 are lit.
- 2.4 The south eastern boundary, at its southern end, is undefined across part of the golf course and at the northern end, by a hedge adjacent to a track, Stableford Lane, that provides some service access to BHGC. East of the lane are two residential properties, Vicarage Farm and Stableford House.
- 2.5 Several small water bodies occur on the site, mostly at the northern end and there are also some ditches. The site is reasonably level, albeit locally artificially modified as part of the golf course layout. It falls gently from the north west, where it is at about 86.0m Above Ordnance Survey Datum (AOD), to the south. Its lowest point lies in the south western corner where the level is at about 81.25m whilst at the proposed access point the level on the A4095 is at 84.00m AOD. The water table is reported as being very close to the ground surface which I noted on my site visits.
- 2.6 There is a range of tree planting associated with the layout of the course dividing off fairways although many are non native. Overall, it has a well cared for but manicured appearance with parkland characteristics. These can be appreciated from the public footpath (ref 161/6/10) that crosses the site centrally on a north west alignment, following one of ditches for part of its route, from just west of the BHGC until turning north east in the area of the water bodies to join the A4095. The southern part of the footpath is aligned along the BHGC access drive from Green Lane. Its route is waymarked across the course.
- 2.7 To the north of the site, beyond the A4095 lies Bignell Park Barns, a series of office units and two residential properties, at the western edge of the parkland associated with Bignell House which lies further east.

- 2.8 Bignell Park extending west to the M40 and south to the A4095, is identified in the Bicester Green Buffer Report (September 2013)(**CD7-3**). The purpose of the Buffer study was to provide a review of the Green Buffers illustrated in The Cherwell Local Plan Proposed Submission (August 2012) and accompanying Proposed Submission Policies Map (Appendix 5) to recommend a definitive Green Buffer to be defined for Bicester through the Local Plan process. It was the intention that Green Buffers would protect the identity of settlements, vulnerable gaps between the existing or planned built up limits of Bicester and neighbouring villages, and to protect valuable landscape or historic features. Paragraph 4.7 address the Bignell Park buffer (Area 7 and Figure 1.9). The following purposes are noted:
- *Protect the (undesignated) historic parkland of Bignell Park*
  - *Protect the approaches to the village of Chesterton from the north east and north west*
- 2.9 Whilst the appeal site lies outside the buffer, on the opposite side of the A4095, the sensitivities of the approach to Chesterton are underscored by the notation of Bignell Park as a buffer area.
- 2.10 West of the M40, arable and pastures fields set within a good pattern of hedgerows is the predominant land use but marked locally by other areas of parkland estate such as at Kirtlington Park and Middleton Park, both Historic England Grade II Historic Parks and Gardens.
- 2.11 To the south of the site is an area of car parking with flood lighting associated with BHGC and various buildings including the Bicester Performance Gym. There is an area of tennis courts and, adjacent to the M40, a swimming lake and an assault course. There is an industrial unit adjacent to the main BHGC access point on Green Lane. Overall, the area to the south of the appeal site extending to Green Lane, west of the access, is of poor visual quality and lacks any cohesive landscape structure.
- 2.12 South of Green Lane lies the grounds of the Bicester Sports Association where several local sports clubs are based. There is some low level lighting associated with the single storey club house and small car parking area. Farmland abuts the southern edge.
- 2.13 About 400m east of the eastern corner of the appeal site, essentially adjacent to the eastern tip of the balance of the golf course, lies the small settlement of Chesterton, part of which, including that part closest to the appeal site, is designated as a Conservation Area (**CD7-1**).
- 2.14 The appeal site lies at the south eastern edge of National Character Area 107, the Cotswolds, (**CD10-2**) which merges into the adjacent NCA 108, The Upper Thames Clay Vales to the south east.
- 2.15 At the County / District level, the Oxfordshire Wildlife and Landscape Study (**CD10-3**) shows the site to lie in the Wooded Estate Land Landscape type, overall an extensive area. At the

district level it lies within the Middleton Stoney Landscape Description Unit but, again, this is an extensive area.

2.16 These are largely reasonably recorded in the LVIA although the quote given at LVIA 13.4.19 for the OWLS study describing the Middleton Stoney LDU omits the reference to Bignell Park. The last sentence should read: *“Parklands are a prominent feature throughout and they include Middleton, Bignell and Tusmore Parks in the north and Kirtlington and Bletchington Parks in the south.”*

2.17 The Countryside Design Summary (CDS) (June 1998) SPG (CD7-4), prepared by CDC to guide development in rural areas so that the distinctive character of the district's countryside and the settlements and buildings within it are maintained and enhanced is referenced in Policy ESD 13.

2.18 The CDS shows the Appeal Site falls in the Ploughley Limestone Plateau character area which in the vicinity of the appeal site correlates with both OWLS Wooded Estate Land Type and the Middleton Stoney character area referenced above. At paragraph 2.1, the landscape character of the Ploughley Limestone Plateau is described, including the following:

*(ii) Extensive remains of 19th century parkland and estate farmland characterise the area....*

*(iii) Woodland cover is comparatively extensive in some parts of this area, either as long plantation belts bordering streams or roads adjacent to arable farmland, or in association with historic parkland.*

*(vi) Views are often broken by woodlands... However, in places, gentle rises in the arable landscape can afford views for a couple of kilometres.*

2.19 Under the Landscape sub-heading, the ‘Implications for New Development’ are said to be that:

*(i) Development should avoid exposed and prominent locations. The protection given by a valley location, existing buildings or woodland, should be used where this does not undermine the character of these existing landscape features.*

*(ii) Development in historic parklands or within their setting must maintain or enhance the specific character, which defines this part of the District.*

2.20 Paragraph 3.2 sets out ‘Implications for New Development’ under the ‘Settlement’ sub-heading and includes:

*(i) New development should reinforce the existing street pattern, which creates the basic village form. In linear villages, development should strengthen the dominant street scene and limit backland development. In villages with a semi-dispersed*

*character, the creation of a more compact form through infilling may not be appropriate.*

*(ii) New development proposals should reflect the character found in the immediate locality in terms of the relationship between buildings, open space and roads.*

*(iii) In most locations it would be appropriate for small-scale development to be interspersed with public open space and woodland planting to integrate it into the landscape.*

2.21 A characteristic of the wider area is its wooded nature and whilst there is some mature tree cover in the vicinity of the site, notably associated with Bignell Park north east of the site, other woodland in the immediate locality is younger and more limited. The local character also exhibits the open pattern of farmland fields. There is no true woodland on the site but, as I have noted, there is an extensive range of tree groupings and plantations. The site is described as having a *“setting surrounded by farmland”* in the DAS (Para 3.3 5<sup>th</sup> bullet), these descriptions reinforcing the text supporting Policy ESD13 as I note subsequently.

#### Visual Character and Views

2.22 LVIA Figs 13.6a and 13.6b show the main areas of potential visibility, based on a bare earth ZTV and a ZTV with existing visual barriers factored in respectively. For the purposes of my evidence, I have been mainly concerned with those views on and in close proximity to the site, so I have not tested the extent of the submitted ZTVs but Fig 13.6b seems plausible based on my site inspection but as I caveat below. I note from the LVIA methodology dealing with the ZTVs at A2.6, 4<sup>th</sup> bullet, that *“the developable volume is set at the various heights shown on the EPR plans and elevations”*. I have been given to understand by the appellant that this is based on information shown on plan 875-EPR-00-05-DR-A-TP-0204 combined with the proposed FFL of 82.700 AOD indicated on the landscape plans.

2.23 The ZTV methodology adopted a 12.0m height for modelling woodland in the area. The plan suggests that height this was adopted for the whole of the planting along the M40 site boundary whereas the Arboricultural Impact Assessment (**CD1-3**) categorises substantial lengths of trees cover along this boundary at less than 12.0m high so this flags up a note of caution in how this plan should be interpreted.

2.24 ZTV Fig 13.6b also adopts a 9.0m height as the cut off for modelling settlements in the area, which I consider is appropriate. In this regard, the Chesterton Conservation Area Appraisal (**CD7-1**) notes at 10.3, where it addresses scale and massing of the properties in the northern part of the conservation area, closest to the appeal site, that: *“all of 2 storeys in*



height, although a few would be better described as 1.5 storeys". In relation to the Conservation Area 9.0m could thus be considered generous (DH Photos A, B and C, Appendix 3 **CD13-14** show the historic character and Photo D recent residential development at Penrose Gardens off The Hale)

- 2.25 Whilst I acknowledge that the viewpoints subsequently selected for use in the LVIA were agreed with CDC, I do feel that local views are underrepresented. Furthermore, View 13 is no longer relevant as the footpath has been diverted. The views that I consider to be of primary importance are those that will be available for users of Green Lane, the A4095, the local footpath and the M40. Additionally, I think it surprising that there are no views from Akeman Street (other than from the M40 bridge), or from the B430 north of its junction with Akeman Street from where, in winter, I consider there would be filtered views of the proposals. Similarly, there are no views of the Middleton Stoney junction area.

#### Landscape condition and landscape value of the site

- 2.26 Landscape condition (or landscape quality) is defined in the GLVIA3 glossary as:

*"A measure of the physical state of the landscape. It may include the extent to which typical character is represented in individual area, the intactness of the landscape and the condition of individual elements."*

- 2.27 I consider that the overall landscape condition/quality of the majority of the site's local setting can be ranked as **good** although there has been an inevitable impact on the historic pattern resulting from the M40, albeit this is gradually becoming assimilated and there has been some hedgerow loss. There is an area bounded by the appeal site, the BHGC access, Green Lane and the M40 that is of **poor** condition. This reflects the presence of the car parking, lighting, the buildings associated with the balance of the golf course, the Performance Lake, assault course, tennis courts and other disparate features such as the Industrial buildings adjacent to Green Lane.

- 2.28 In my opinion, whilst the site is clearly neither an historic nor unaltered landscape, it is now an intact landscape, typical of its kind and is well maintained. I therefore consider that its condition should also be regarded as **good** when considered against the typical evaluation criteria set out in Appendix 2, Table 1.

- 2.29 Landscape value is defined in the GLVIA3 as:

*"The relative value that is attached to different landscapes by society. A landscape may be valued by different stakeholders for a whole variety of different reasons."*

- 2.30 As is clear in the definition, relative value is something that will be different for different people. Typical attributes that may help to determine the ranking of value are set out in **Appendix 2**,

**Table 2.**

- 2.31 Whilst the NPPF (CD5-1) does not define “valued landscapes”, it is acknowledged, and established by case law, that value is not merely something that is designated either by statute, such as a National Park, or by non-statutory process.
- 2.32 GLVIA3 notes at paragraph 5.19, where the valuing of the landscape is addressed that: “A review of the existing landscape designations is usually the starting point in understanding landscape value, but the value attached to undesignated landscapes also needs to be carefully considered and individual elements of the landscape – such as trees, buildings or hedgerows – may also have a value. All need to be considered where relevant “. It may also be appropriate to have regard to the factors identified in Box 5.1, Page 84 of GLVIA3, listed as “range of factors that can help in the identification of valued landscapes”. These cover the headings of:

*Landscape quality (Condition);*

*Scenic quality;*

*Rarity;*

*Representativeness;*

*Conservation interests;*

*Recreation value;*

*Perceptual aspects;*

*Associations.*

- 2.33 In this instance, the landscape of the site and surrounding area is not designated at a national or local level although its value is recorded in the Local Plan. As noted, I consider the condition of the site to be good. In terms of scenic quality and the perceptual aspects (other than for tranquillity), the site’s landscape is not currently widely appreciated from beyond its boundaries, but it is nevertheless an attractive and maturing landscape of some visual appeal and has the semblance of a parkland character due to its strong pattern of tree groupings, grassland swathes, areas of water and ditches. The site is rare in its local context and thus not representative of the wider landscape but it is representative of its use. The site in isolation does not contribute directly to the setting of the Chesterton Conservation Area but does make a contribution to the setting of the village on the approach from the west on Green Lane and particularly on the A4095 from where its presence is readily discernible through the boundary hedgerow. Whilst there is no onsite cultural heritage aspect of note, there is wildlife interest including Great Crested Newts, a protected species, so the site has value in this regard. Similarly, it clearly has a value in recreational terms for both golfers and users of the public footpath that crosses it. I am unaware of any associations of relevance to the site.
- 2.34 Looked at in the round I would categorise the site as having at least a **medium** landscape value at the district level, a value that becomes somewhat higher in the immediate local context at Chesterton.

### 3 LANDSCAPE APPROACH TO SCHEME PROPOSAL AND DESIGN ISSUES

3.1 The approach to the scheme design is claimed to be landscape led (Statement of Case 5.18, **CD12-2**) or landscape first (Planning Statement [PS]1.7)(**CD1-22**). I do not agree. It is described in the PS as:

*“A key component of the Proposed Development is the extensive landscaping works proposed, enhancing the already substantial landscaping on the Site. This landscape-first approach is manifested in a dense landscaped buffer along the perimeter of the Site; a publicly-accessible nature trail area in the north-west quadrant of the Site; and landscaped car parking for guests and staff providing 902 parking spaces, including disabled spaces and electrical vehicle charging points.*

3.2 The statement acknowledges the already substantial landscaping on the site and can be interpreted as confirming that even this is not sufficient to contain the proposal.

3.3 It seems to me that a true landscape first approach would have either ruled the site out on account of the size, scale and mass of the development, or would have materially sought to reduce its proposed size to one that could be considered to sit comfortably within the site and local area in a way in which the present main buildings of the BHGC do to a reasonable degree.

3.4 This is both a function of the scale of most of the BHGC buildings being relatively easily assimilated into the local landscape in terms of both footprint and height but, also, they have been reasonably responsive to the subtle changes in level which has resulted in an articulated roof line to part of the development (**CD13-14**, DH Photo 6, Appendix 3).

3.5 I would have expected there to be a careful consideration of the capacity of the site to accommodate a scheme and this should have given very careful consideration to building heights and massing. In this regard I refer to the 9.0m height adopted as the typical “cut off” height for the settlement used in the preparation of the ZTV. The proposed building height and its monolithic extent pays no regard to this intrinsic character trait being largely between 2 and 2.5 times above the yardstick 9.0m measure. I consider the inappropriate scale and massing of the proposal relative to the BHGC can be seen from Sitewide Section 1 on EPR plan 10875-EPR-00-ZZ-GS-A-TP-0103 Rev 3 (**CD1-4**).

3.6 The building is proposed to have a finished floor level of 82.700m AOD throughout (**CD1-19**). This common level has the effect of raising the tallest part of the proposal, the water flume tower, 1.5m above the existing ground level when it should be expected that every opportunity would be taken to hold levels down.

3.7 In my opinion consideration of issues such as these should have informed the approach to any built form on the appeal site.

- 3.8 The evolution of the scheme through the sequence of the preapplication meetings demonstrated in the DAS (Section 5.1) (CD1-7) shows no fundamental change in landscape terms to the proposals but concentrates very largely on relatively minor variations to points of architectural form, cladding and detailing. Indeed, the landscape design and landscape analysis is presented in the DAS after the detailed proposals and is, in my opinion, largely retrofitted to try to accommodate the built form. There is no indication that the proposed footprint of the development has been materially revised to take account of existing landscape features on the site.
- 3.9 The DAS states at 4.3 that: *“four key themes emerge from the design process. They underpin the key design principles of the Proposed Development and inform the design of the Great Wolf Lodge.”* Key diagrams illustrate the concept, key diagram 2 entitled *“perceived scale and massing”* stating that *“The Great Wolf Lodge addresses its perceived scale and massing through design and materiality to stand comfortably in its expansive landscape context,”* the apparent intention being to create a progression through the development to the south west part of the site that is claimed to be the best screened.
- 3.10 However, the reality of the design would not achieve this as the presentation of the development as seen from the entrance would be one in which the excessive height and width of the hotel aspect would dominate in the foreground. This is confirmed by key diagram 4 where it states that *“The Great Wolf Lodge has a hierarchy between the three components where the FEC is less prominent than the hotel and Water Park.”*
- 3.11 If the highest (but relatively small) part of the proposal (22.410m above ground floor level FFL of 82.700m AOD)(10875-EPR-00-05-DR-A-TP-0204 Rev 3, CD1-4) is claimed to be best located in the south west of the site, placing a building in the order of 105m wide and, in substantial part, nearly as tall as the tallest building (21.340m above ground level FFL of 82.700AOD) in the foreground, nearer to the A4095 frontage, can only have an impact significantly greater. There is thus a clear conflict between the key themes illustrated by key diagrams 2 and 4.
- 3.12 This flawed logic is repeated in the LVIA (para 13.5.7) where it is stated: *“The new buildings / structures will be situated to the western end of the Proposed Development, maximising the distance to the existing residential properties to reduce potential visual impact, with taller built features (such as the waterpark slide tower) sited closer to the strip of existing mature woodland along the western boundary of the Site, maximising the immediate benefit of screening”.*
- 3.13 The sheer size of the proposed hotel element on its own is wholly out of scale with the landscape of the site and its local context. Indeed, when I first looked at the proposed main east facing elevation, I was reminded of an institutional style of building such as a hospital or

prison block or a mill building, rather than a rural holiday venue claiming to be *“inspired by estates and manor houses of British countryside”* (DAS 6.2). Unlike the appeal proposal, such historic precedents can usually be fairly considered to stand comfortably in their *“expansive landscape contexts”* forming a harmonious composition in the landscape, enriching character and visual amenity.

- 3.14 Here, the only area that approaches being an *“expansive landscape context”* is that afforded by the balance of the site to the north, essentially sitting on the side of the development, north of the emergency access. The main frontage is devoted to the expansive car park, the southern side devoted to servicing, the mean corridor for the diverted public footpath and artificial screen bunding with the west side tightly abutting the M40.
- 3.15 I acknowledge attempts have been made to break down the scale of the hotel, noting that the DAS claims at 6.3 that *“The varied roofscape (roof pitch angle, height, material) will break up the massing of this single building”*. The two wing elements, described bizarrely in the DAS (6.2) as *“stable”* bedroom wings, would be of 3 storeys and 16.283m high (above the ground level FFL of 82.700AOD) and be timber clad. I do not agree that these sorts of detailed embellishments and cladding changes, also referenced in the LVIA at 13.5.8-9, which in addition to timber would also include limestone, render, concrete panelling, engineering brick and green corrugated metal sheeting, would materially alter the perception that this is an excessively oversized proposal. I consider that this is borne out by reference to the images presented in the DAS.
- 3.16 The difference in scale of the three main built forms of the scheme is noted in the DAS at 6.4 where the family entertainment centre (FEC) and the conference centre are described as: *“The FEC is a one storey, 14m high section of the resort connecting the guestrooms to the Water Park and Conference Centre. Its relatively low height is designed to minimise its visual impact within the context of the overall Proposed Development.”* This illuminates the appellant’s approach to the scheme and the sensitivities of the rural location that the FEC is described in this way, a 14 m high single storey element as being relatively low. This sort of height would be regarded as a maximum for an isolated point feature in a rural location such as this, where agricultural barns are often in the range of 7m to 10m high.
- 3.17 The water park element is briefly described at DAS 6.5. This structure would be roofed in green corrugated profile sheeting and the walls would be largely rendered. The text notes that: *“The water flumes protrude from the building, a Great Wolf Lodge icon. The impact of this will be minimised through landscaping and positioning the slides and slide tower away from sensitive viewpoints”*. The highest part of this element would be nearly 23m, this occurring in the south west in the tower element associated with the slides. The ridge height of the balance is given as 18.777m (above ground level FFL of 82.700 AOD) i.e about

midway between that of the FEC and the hotel. It is not clear which sensitive views are being protected but the LVIA acknowledges that, for View 4, the slides would be in view, at least initially, and as I note above, the FFL is raised above existing ground levels, so it is not clear that the impact has been minimised. It may also be questioned why the protruding water flumes, claimed to be an iconic feature, are proposed to be hidden away where the viewers will be staff and delivery drivers.

- 3.18 The overall perception from the east would be one of a monolithic, visually impermeable block, facing and exacerbated by, the extensive car park, a perception that would be readily discernible from the A4095 frontage to this part of the site. The effect at night would be similarly concerning. The appearance from the north (on site) would be marginally less overpowering due to the slightly lower FEC but the various proposed finishes and the different forms of the three main elements would not create a visually harmonious assemblage, as can be seen from plan 10875-EPR-00-XX-DR-A-TP-4206 (CD1-4). This shows the elevation that faces the main public external recreational area being visually dominated by incongruous blank walls of render and green corrugated metal sheeting with some low level timber detailing.
- 3.19 I do not consider that any of the three main elements of the built form briefly described above have any proper relationship to the local vernacular that is an objective of policy. Furthermore, separating each of the components out and considering their likely acceptability on this site individually, I believe each one would be regarded as creating harmful landscape and visual effects with the harm of the whole being more than the harm of each individual component.
- 3.20 Turning to the car park, the general layout is typical of that associated with any out of town hypermarket or retail park and would do nothing to foster local distinctiveness or avoid the appearance of urbanisation. Indeed, it would be surprising if it were not a “landscaped car park” (PS 1.7), given its very substantial size. But even in this regard, I note the paucity of frontage cover to the south eastern part where the perimeter service road / car park access is very tight to the gappy frontage hedgerow, where, as I note below, some of the offsite vegetation may need to be removed to accommodate the road widening and shared footway /cycleway (CD13-14 DH Photos 13 and 16, Appendix 3). Some of these issues can be seen by reference to plan BMD.19.010.DR.P104 Rev B (CD1-19). Note also the proximity of column lighting to the frontage, the limited perimeter hedgerow planting and the 1.8m high weldmesh fencing only about 2.0m from the site boundary and tight to the proposed hedge, not an inviting treatment presenting the site to the road frontage. No cross section to show the frontage treatment or showing the car park generally has been prepared.
- 3.21 The car park contains several atypical features that I consider to be problematic, not the

least of which is the proposed extensive use of hedgerows which tightly abut parking spaces, limiting access to vehicle boots and encouraging trespass and “over sail” damage. Many hedgerows are shown in spaces much less than 1.0m wide between parking areas and footpaths, inviting short cutting and making management difficult.

- 3.22 This type of detail requires more space between bays to accommodate clearance zones to either side of the hedge to work effectively. In my opinion trespass is made more likely by the proposed adoption of flat kerbs which offer no resistance to wheels. I do not regard it as a robust landscape detail.
- 3.23 Hedgerows limit the internal visibility within parking areas, making searching for spaces less straight forward, and they are poorly sited relative to accessing disabled parking bays.
- 3.24 Drainage swales 1.0m wide are shown across the car park. Again, I have a concern that these features, which are not shown to be protected by an upstand kerb or low guard rail, would be prone to vehicle trespass and will be difficult to maintain at the kerb edge. Some parking rows are shown to be separated just by a swale. In my opinion this would amount to a potential pedestrian hazard when crossing the car park at night. In other areas, swales are set tight between hedges so maintenance would be difficult if not impossible.
- 3.25 The proposed use of a “grasscrete” type of product at the electric vehicle charging bays is in my view unlikely to result in a “green finish” as such areas are normally only successfully “green” where exposed to infrequent / limited use. If the use is to promote a “green” finish, I question why it has not been used throughout. The surface can also become uneven and be a trip hazard. Furthermore, the EV parking bays are shown hemmed in by hedges, or split by a drainage swale, so it is not clear where the actual charging points will be located and how they will be protected from vehicle damage. It would be usual for them to be set back from the parking bay, free standing in an area of paving.
- 3.26 On a broader point, as a proposed holiday resort, I am surprised that so much of the car park is directly at the front of the property. I would have expected that at least a proportion of the parking would have been in discrete pods, screened from the frontage and other parts of the site. This would help to reduce the unfortunate and obviously urbanising effect of the car park being spread across the hotel frontage and might also have helped with the lighting impact. This approach is often adopted at other holiday destinations and would also be more indicative of a landscape first approach.
- 3.27 I would also point to something of a potential conflict between car park users and the service access around the south eastern corner of the site. In my experience it would not be unusual for these two types of traffic to be segregated where possible, especially in a large development. This is the case for the much smaller BHGC where there is a delivery access.

- 3.28 Considering the car park concerns I have in the round, I think it inevitable that, in the event permission is granted, before construction takes place, there would be some rationalisation of the parking to address the sorts of issues I have highlighted. If they were to be properly addressed and the “landscape strategy” of hedges and swales adhered to, the extent of the car park would need to be enlarged and /or some additional site furniture introduced. This would increase the urbanisation of the site and spread the developed footprint even further. In the event changes are not made, I believe that there would be ongoing management problems and a failure to achieve the intended landscape strategy.
- 3.29 I have looked for some information on the purpose of the “10<sup>th</sup> Hole buffer and southern boundary” (see DAS 6.2.2 item 5) and note the LVIA description at 13.5.13 of “provision of a multi-functional area of open space, to include retained vegetation where appropriate, carefully positioned bunds up to 4m high planted with native woodland with coniferous evergreen trees and new scattered parkland trees”. Whilst I appreciate the intent of the proposed bunding and planting generally along this boundary, I do not understand why the whole of this area has not been utilised for this purpose nor how it is to be multifunctional when it is fenced off from the site (see plan BMD.19.010.DR.P303 Rev A, **CD1-19**).
- 3.30 The bunding itself is clearly going to be an alien landform with gradients of about 1v:2h and far more extensive and much higher than anything currently found on the golf course. Though in principle it could be justified in part as a means of raising the screen planting, it is probably also a means of accommodating surplus arisings from the construction process. This is not necessarily inappropriate (unless it largely comprises topsoil which would be an unsustainable proposal, wasting a valuable resource), but better use of the area available and a much more sympathetic land profile could have been designed to avoid the alien appearance that is inevitable with engineered bunding at unnatural and uncharacteristic gradients as the appeal proposals have adopted. This seeming void inside the red line boundary is thus something of a missed opportunity in a landscape first approach.
- 3.31 Given the very extensive footprint of the proposals and the gently sloping nature of the site, the significant underground drainage tanks in the car park, it is clear that substantial surplus soils will arise. Just carting away the surplus would require at least 5418 x 15m<sup>3</sup> loads of earth to be removed (ES Vol 2 Appendix 4.2, item 4.6)(**CD1-13**).
- 3.32 The proposed extensive woodland edge and the more limited woodland core planting on the bund is described as native planting but it would be compromised by the proposal to introduce coniferous species. It is admitted that the purpose of this is to give better winter screening. A more straightforward way of expressing this point would be to acknowledge that the proposal is simply too large to be effectively screened by native woodland. Whilst coniferous trees are present in the area, and acknowledged in the character studies, much of



this stems from historic estate planting, not the need for screening. I think it likely that the coniferous element will in time tend to draw more attention to the site than native planting.

- 3.33 The inappropriate southern boundary bunding and woodland planting links to the next concern, the proposed treatment of the diverted public footpath (161/10/06).
- 3.34 This currently crosses the site and offers attractive and relatively open views across the golf course and the northern water bodies. (CD13-14 DH Photos 1-6 incl, Appendix 3). By contrast, the proposed diversion would see the route constrained by a combination of steep bunding with woodland planting to the rear of the service/delivery area with 1.8m high Weldmesh fencing and an acoustic screen fence immediately abutting it for part of its route. It would skirt the combined service road - car park access in a narrow and mean corridor with the rear delivery access to BHGC on its eastern side and pass across the frontages of Stableford House and Vicarage Farmhouse. I note no cross section showing the diverted route has been prepared. Furthermore, for any user wishing to head west, there would be an increased journey along the verge of the A4095 (on the proposed shared footway / cycleway) and a crossing of the proposed site access.
- 3.35 It is clear to me that the recreational amenity for users of this footpath would be significantly reduced from that which is currently experienced. The claims in the PS (paras 6.27 and 7.2, 6<sup>th</sup> bullet) (CD1-22) that it would be an *“enhanced Public Right of Way”* is, in my opinion, untenable if enhanced is meant to relate to visual appeal. Whilst the statement that it represents *“a more accessible and useable route”* is correct, its attractiveness would be minimal. Similarly, the claim about it *“connecting into the existing wider network of routes”* would be true in the light of the other works noted below, but at the cost of spreading the urbanising effects of the proposal further along attractive rural roads.
- 3.36 I see no justification for this approach to its diversion and would have thought that it would have been possible with some careful thought and minor redesign to have used some of the *“void”* space to take the route west and then northwards so as to link into the proposed *“public”* area of the proposed nature trail element around the existing lakes. Whilst this would involve a longer diversion, I believe that overall, it would have been a much more appealing and attractive route than has been proposed and is the sort of approach a landscape led proposal would have adopted.
- 3.37 The public park and nature trail proposal in the Northern Parkland part of the site is rather a modest benefit. It would be contained by a combination of 1.8m high weldmesh fencing and acoustic fencing, not details that would be especially appealing. As I understand it, access to it will be possible for visitors to the proposal and for organised school trips and the like but ordinary members of the public will be admitted by a pedestrian gate near the northern end of the site on the A4095. With no dedicated parking and the background traffic noise, I’m

not sure how many ordinary members of the public might be expected to use it or how those users are prevented from accessing the resort buildings.

- 3.38 Turning to the A4095, the proposal would have severe adverse implications for the attractive character of this road, currently an obviously rural road set between hedges and a section of traditional Cotswold Stone wall to the Bignell Park boundary, with some trees and grass verges, flanking shallow ditches and no footways (CD13-14 DH Photos 13-18 incl, Appendix 3).
- 3.39 This character would be substantially changed, becoming urbanised by loss of verge and the formation of a shared footway and cycleway 2.5m wide. This would start from Chesterton village at the junction of The Hale and extend west along the A4095 to the present exit point of the public footpath (Motion Fig 4.1, 6.1 and Plans 1803047-02 A and 03 E, Transport Assessment). The road currently has no upstand kerbing between the village until approaching the M40 bridge so the southern side of the road would require a concrete upstand kerb to be provided for the length of the shared footway and cycleway. The shared footway and cycleway feature would cross the open frontage of Tanora Cottage, a residential property east of the site with a wide and open verge frontage (CD13-14 DH Photo 15, Appendix 3). The property was scoped out of the ES.
- 3.40 It is clear that there are several places where, because of the verge levels falling to the shallow roadside ditch, and in places the narrowness of the verge, that vegetation cover in the verge, including some trees, will be removed.
- 3.41 In places I consider there will be the need for sections either of low embankment to support the encroaching cycleway or of retaining walls and railings, the bend near Stableford Lane being a prime example, compounded here by the proposed junction with the diverted footpath (CD13-14 DH Photo 14, Appendix 3).
- 3.42 The officer's report on the application (9.72) notes that the proposed 2.5m width is less than the recommended width of such paths. The various issues I have referred to above possibly gives an explanation.
- 3.43 The character of the A4095 at the site would be further adversely affected by widening of the road to form a new right turn lane junction serving the proposed scheme. The above plans show further loss of verge and substantial white lined ghost islands across a large proportion of the site's frontage. It is not clear if the sight lines require the further removal of any of the extant frontage hedgerow beyond that necessary for the physical access itself and that removed by the shared footway /cycleway. The junction would be, wide with two traffic lanes and a central traffic island and the usual junction markings and tactile paving and signs.
- 3.44 The widening to form the right turn lane would also take land from the northern verge where

- again it would be expected that further kerbing would be required. Combined with the verge loss from the shared footway / cycleway, the loss of verge width will be over 5.0m, a substantial portion of the overall width of the corridor. I do not think that the need for vehicle restraint to protect the level changes at the edge of the reduced verge can be ruled out.
- 3.45 The site access junction would obviously have to be appropriately signed at several points on the approach, adding to roadside clutter and augmenting the two large site entrance signs indicated on the overall landscape plan and possibly requiring further vegetation removal. More modest signing will probably be associated with the shared footway /cycleway.
- 3.46 In my opinion the changes to the road corridor, essentially west of the M40 bridge to the edge of the village, at the edge of the conservation area, a distance of 1.3Km, will have a very detrimental effect on this main approach to the village and a modest indirect effect at this part of the conservation area. There would also be a harmful change to the rural setting of the non-designated Bignell Park, exacerbated by the presence of the hotel block and car park and contrary to the aims and objectives of its Green Buffer notation. Not only will the character of the road corridor have been severely adversely affected and urbanised, but the character and amenity will also have been impacted by increased traffic associated with the proposal.
- 3.47 I do not think that any of these effects on the character and appearance of the A4095 have been properly taken into account in the LVIA, and they are certainly not represented by any before or after photographs or discussed in the LVIA. Indeed, the LVIA merely notes at 10.5.10 that the *“character along the A4095 will be slightly changed as result of the incorporation of the new access and filtered views of the new built form including the signage, entrance and car park”*. Similarly, the entry for Viewpoint 14a in the LVIA visual effects schedule states that: *“The existing rural character of the A4095 will be largely retained and reinforced with additional planting.”* Not only is this a wholly inaccurate evaluation, it is not clear under what power off site planting on highway land is being proposed. No new planting here is shown on the landscape plans.
- 3.48 A further minor but nevertheless urbanising change to the footpath network would occur where footpath 161/1 meets the A4095, north of Chesterton (see Motion drawing 1803047-08) where the soft verge in front of a traditional stone wall would be replaced by a short, kerbed macadam footway, 1.5 wide with a length of pedestrian guard railing and tactile paving inserts. (CD13-14 DH Photo 19, Appendix 3).
- 3.49 I note the reference in the officer’s report on the application (9.73) (CD3-3) to the fact that: *“OCC Highways welcome the proposal for a new footway to be provided along Green Lane*

either side of the junction with The Hale to connect to the southern end of the PROW 161/06 to Chesterton. Also, an additional stretch of footway is proposed "along the A4095 either side of the M40 bridge to connect with PROW 161/11 to the west." A plan in the S106 documentation shows these proposed footways. They would be 2.0m wide, would require to be kerbed and would have similar consequential urbanising effects on these rural roads as I have described above. The works to Green Lane and to the A4095 would each extend to over 400m. The effects are again unrecorded in the LVIA.

- 3.50 Moving further from the appeal site and Chesterton, the proposals have harmful implications on the attractive setting fronting onto the road junction of the B430 with the B4040 in Middleton Stoney. The works are shown on Motion drawing 1803047-17 Rev C. This is entitled Indicative Mitigation Works which suggests that, in the event permission is granted, there could be changes to the proposals.
- 3.51 The above plan indicates that the junction is already subject to a consented widening associated with Heyford Park Phase 1. These works, shown in cyan on the plan, will introduce a northbound right turn lane from the B430 into the Bicester Road. This would be achieved by taking soft verge from both sides of the B430 south of the junction, that on the western side to form a footway. Lane markings would be introduced associated with this and a proposed southbound right turn marked from the B430 Ardley Road into Heyford Road.
- 3.52 Heyford Park Phase 2 is "minded to grant" but it had an additional scheme of mitigation for Middleton Stoney which was not accepted at planning determination. It relates to measures that take traffic away from the junction rather than further physical works to the junction.
- 3.53 In my opinion, the Heyford Park Phase 1 consented works will be damaging to the attractive setting of the junction, framed by a combination of soft verges, stone buildings, walls and parkland style railings and all of which lie close to the entrance to the Grade II Middleton Park, the Gate Lodge and Entrance Screen also being Grade II listed. However, the Heyford Phase 1 proposal has to be considered as the baseline situation in connection with the appeal proposal.
- 3.54 The appeal proposal would extend the Heyford land take from the verges. On the western side the new footway would be relocated, essentially creating a pinch point with the flanking wall, an issue that is compounded by the fact that levels in the verge appear to rise away from the carriageway thus some small retaining feature might be required to support the traditional wall. On the eastern side, the new carriageway edge would be again further relocated to the east, creating something of a pinch point on the highway boundary, marked here by traditional parkland railings. I consider it likely that some trees would require removal from the southern end of this eastern widening. A pedestrian traffic island would be provided. There would of course be new signs associated with the proposals and

consequential changes to other associated highway infrastructure.

- 3.55 In my opinion the “extra over” widening associated with the appeal proposal would simply represent a step too far. The physical capacity of the attractive corridor would have been quite literally reached. More importantly, the character and appearance of a rural village junction would have been eradicated becoming subsumed by extensive hard carriageway, kerbing, road markings, a pedestrian island and signs and relocated traffic signals. Occupants of Corner Cottage, which overlooks the main area of the widening would be particularly affected in the outlook from first floor windows but all residents in close proximity to the junction and pedestrians using the footways would experience increased hard surfacing and traffic (CD13-14 DH Photos 20 and 21, Appendix 3).
- 3.56 The proposed S106 Agreement refers to the delivery of a coordinated off-site signage strategy. At the time of preparing my evidence I have not seen any firm details of this, but note that Appendix 1, paragraph 3.3-3.5 of the Transport Assessment states: *“it has been concluded that the more appropriate signed route between the resort and M40 Junction 9 is via the A34 and the B430. It is therefore proposed that the signage strategy to be developed for the resort will include signage at M40 Junction 9 signing guest via the A34 and B430. Similarly, for guests departing the resort towards M40 Junction 9 will be signed via the B430 and A34. Notwithstanding the proposed signage strategy, it has been assumed that some guests approaching the site from the M40 Junction 9 will not follow the signed route and would connect to the site from M40 Junction 9 via the A41 and Vendee Drive. 3.5 On that basis it has been assumed that half of vehicles approaching the site via M40 Junction 9 would follow the signed route to the site via the A34 and B430 and half would utilise the alternative route via the A41 and Vendee Drive and this is reflected in the expected distribution of vehicle trips”.*
- 3.57 I consider that there must inevitably be some further adverse landscape and possibly townscape character and visual effects attached to this aspect.
- 3.58 The proposed S106 Agreement refers to a long term landscape and ecological management through the provision of a Landscape Management and Maintenance Plan and Ecological (Habitat) Management and Maintenance Plan. In the event that consent for the proposal is granted, I would fully support the need for this. However, it should not be counted as a benefit of the proposal, rather as an essential adjunct.
- 3.59 With regard to lighting, I am not clear if the proposed site access junction requires there to be any road lighting. I have found no reference to this but clearly, if required, this would exacerbate the effects of the proposals on the road corridor.
- 3.60 The lighting report submitted with the application Report No 16-16 472 Illumination Impact Profile deals with the on site situation and is indicative only.

- 3.61 This report was submitted in November 2019 and was based on guidance contained in the ILP Guidance Notes for the Reduction of Obtrusive Light (2011)(**CD10-4a**). These guidelines were updated in 2020 (**CD10.4b**).
- 3.62 I am not competent to advise on the technical aspects of lighting but I note that the indicative lighting proposals set out in the submitted report predicts that the majority of the site would fall into Environmental Zone E3: **Suburban, Medium district brightness, Small town centres or suburban locations**. Currently only a very small part of the adjacent area occupied by the BHGC falls into this category. Two smaller areas of the proposal, the service yards to the south and west are predicted to fall into Zone E4: **Urban, High district brightness, Town/city centres with high levels of night-time activity**. Currently only the tennis courts associated with the BHGC fall into this category. The report shows that the baseline situation for the surroundings of the site (and the balance of BHGC) is Zone E1: **Natural, Intrinsically dark, National Parks, Areas of Outstanding Natural Beauty etc.** other than for two small areas at the edge of Chesterton which are Zone 2. The baseline ranking for the site shown as Zone E1/E2, the E2 element being equating to: **Rural Low district brightness, Village or relatively dark outer suburban locations**.
- 3.63 It is clear that the proposal would give rise to a marked increase in lighting characteristics typically found in urban and suburban areas of high and medium district brightness and, although not shown on the plan, some of this must be expected to be seen from beyond the site, notably from parts of the A4095. In my opinion this runs counter to both the 2011 and 2020 guidelines that state: *“Where an area to be lit lies on the boundary of two zones the obtrusive light limitation values used should be those applicable to the most rigorous zone.”*
- 3.64 It is noted that the general light column height proposed would be 6.0m but with 4.0m columns used near the two adjacent residential properties. These properties currently enjoy an outlook over the golf course to the west. This would be markedly impaired by both day and night. Bollard lighting is proposed elsewhere.
- 3.65 The lighting report excludes the consideration of lit signage or feature lighting.
- 3.66 With regard to these aspects, the Lighting Concepts Report notes that;
- “The functional illumination is essential to provide a safe usable environment, however a layer of feature lighting is required to add pockets of interest and focus across the Site.*
- Not only will it make the night-time landscape a visually stimulating place it can also assist navigation and guide visitors to key locations.*

*The main entrance and approach to the hotel will comprise of a number of elements designed to lead guests to the hotel entrance. These feature elements will comprise of the following:*

*Tree lighting*

*Feature sculpture illumination*

*Architectural lighting*

*Concealed lighting details*

*It is proposed the avenue of trees lining the main vista leading up to the resort will be up-lit to further accentuate this key approach and provide a sense of arrival.*

*In addition to the avenue, the larger trees close to the hotel entrance will also be illuminated drawing attention to the centre of the site, away from the car parks.*

*This technique offers valuable vertical illumination to the front of the resort which will evolve and change through the seasons as the trees change.”*

3.67 I do not criticise the ambition of the lighting concept in principle, but it compounds my concern over the acceptability of the proposal in this rural area where the background lighting is typically categorised as Environmental Zone E1.

#### Summary

3.68 By way of a summary of this section, I consider that my critique of the appeal proposal has demonstrated that the scheme:

- Has not adopted a landscape first approach. Rather the landscape and the local context appears to be addressed largely as an afterthought.
- Has not been responsive to the subtle landform.
- Would not give rise to a proposal that sits comfortably in an extensive landscape context, but would be very substantially oversized, monolithic and institutional in appearance with many aspects that would be perceived as incongruous in terms of their form, scale, mass and cladding and which would be inconsistent with both the established local vernacular and the rural character.
- Would be prominent and wholly out of character as perceived from a large part of the A4095 frontage and from parts of Green Lane.
- Would be out scale and character with the adjacent BHGC and the two nearby properties.
- Would be out of scale and character with the wider surrounding pattern of fields and hedgerows.

- Would have its institutional appearance compounded by the frontage swathe of parking.
- Would have a parking area that contains several potential points of conflict that would need to be either designed out before construction, leading to an increased area covered by parking, adding to urbanisation and increasing the overall footprint of the development or would prejudice the landscape strategy.
- Would not foster local distinctiveness.
- Would create an alien landform along its southern boundary at slopes wholly out of character with the gently sloping surrounding topography.
- Would urbanise the corridor of the B4095 to the detriment of the rural approach to Chesterton and its Conservation Area and would also erode the setting of Bignell Park not only as a result of the physical works but by increased traffic.
- Would compromise the Green Buffer notation of Bignell Park.
- Would divert a public footpath from an attractive open route across the golf course into a mean corridor, flanking the service road and car park and contained by artificial bunding, fencing and acoustic screening whilst also requiring users to walk along the public highway.
- Would erode the rural appearance of the A4095 beyond the site to the west and along Green Lane by additional footway construction in verges.
- Would introduce lighting into a relatively dark landscape.
- Would have a detrimental physical impact arising from the road works at Middleton Stoney, exacerbating the effects of the already consented but damaging widening.
- Would be likely to have some wider off site effects arising from signing.



## 4 LANDSCAPE AND VISUAL EFFECTS

- 4.1 My evidence does not address any wider visual effects that would arise from the proposals as CDC did not raised these issues in the RfR.
- 4.2 My evidence therefore concentrates on the local landscape and visual effects. By this I mean not only the appeal site (and the offsite works) but also the land lying south and extending to Green Lane, whilst I have adopted the M40 as the western boundary. To the east it extends to the edge of Chesterton. There is obviously a marginal fringe around this area where effects may still be experienced but they will reduce with distance.
- 4.3 The methodology I have worked with is set out in Appendix 2 and, being based on the GLVIA3 guidelines (**CD10-1**), is generically similar to that adopted in the appellant's LVIA. Professional judgment forms an important part of the approach.
- 4.4 I have not considered construction effects although it is clear from my reading of the ES that they would be significantly disruptive to the landscape and visual receptors in the area and to receptors along the designated access routes. These adverse effects would however be relatively short term, albeit the stated 2 years construction period is not an insubstantial time.

### Landscape Effects

- 4.5 The appraisal of landscape effects can be described as a consideration of the effect in terms of:

Sensitivity of the receptor made up of judgements about:

*the value attached to the receptor; and*

*the susceptibility of the receptor to the type of change arising from the specific proposals.*

Magnitude of the effect made up of judgements about:

*the size and scale of the effect, for example is there a complete loss of a particular element of the landscape or a minor change;*

*geographical extent of the area that will be affected; and*

*the duration of the effect and, rarely, its reversibility.*

Consideration of these issues enables an informed appraisal to be made.

- 4.6 I have set out in my consideration of the baseline that I consider the value of the landscape of the appeal site to be **medium** at the district level and becoming somewhat higher in the local context at Chesterton.
- 4.7 Susceptibility is defined in the GLVIA3 glossary as:

*“The ability of a defined landscape or visual receptors to accommodate the specific proposed development without undue negative consequences.”*

4.8 The appeal site, which extends to about 18 hectares of open golf course in the open countryside, free from built form, would be replaced by built form up to 23m high, roads, parking and associated ancillary features that would occupy about 2/3<sup>rd</sup>s of the site and also have consequential off site direct physical effects along the rural A4095, Green Lane and at Middleton Stoney. There is no precedent in terms of height or size of such proposed buildings in the locality and the only precedent for the scale of bunding proposed is that of the engineered earthworks associated with the M40. The proposal would be an alien introduction in the context of the generally well established and strong rural character. For these reasons I rank the susceptibility of the site to accommodate the appeal proposal as **high (Appendix 2 Table 3)**. The typical evaluation criteria given in Table 3 for high susceptibility is: *A landscape, including topographic form, features and visual attributes, that would be unlikely to accommodate the specific proposed development without undue negative consequences including such issues such as being out of scale and out of character. Effective, in character, mitigation would be difficult to achieve, would be very unlikely to enhance.* By contrast the LVIA considers that at the site level, susceptibility is low (ES Vol 2, Appendix 13.5). I consider this to be a significant misjudgment given the size of the proposal.

4.9 Turning to landscape sensitivity, this is defined in the GLVIA3 glossary as:

*“A term applied to specific receptors, combining judgements of the susceptibility of the receptor to the specific type of change or development proposed and the value related to that receptor.”*

4.10 Based on the methodology (**Appendix 2 Table 7**) I consider that a landscape of medium value and with a high susceptibility to the development proposed should be regarded as having a **medium-high** landscape sensitivity. The LVIA considers that at the site level, sensitivity is medium (ES Vol 2 Appendix 13.5). By contrast the Landscape Officer considered that the “sensitivity to change” was low (Committee Report 7.27, **CD 3.3**).

4.11 In terms of the magnitude of landscape effect (**Appendix 2 Table 4**), I consider that the proposal would result in a major alteration to key elements / features characteristics of the baseline i.e. predevelopment landscape and / or introduction of elements considered to be totally uncharacteristic when set within the attributes of the wider receiving landscape. This ranks as a **high adverse** landscape effect at Day 1. The LVIA considers that at the site level, magnitude would be low adverse. (ES Vol 2 Appendix 13.5) Again, I consider this to be a

significant misjudgment.

- 4.12 Turning to consider the significance of the effect where magnitude and sensitivity feed into the assessment (**Appendix 2 Table 8**), a high adverse magnitude of landscape effect in a landscape of medium high sensitivity gives rise to at least a **moderate / substantial adverse landscape effect** if not a **substantial adverse landscape effect** at Day 1 at the site and in the immediately adjacent area, but dissipating with distance. This is to be regarded as a significant effect. The LVIA considers that at the site level, the effect would be Direct, Temporary Short Term and Minor Adverse. (ES Vol 2 Appendix 13.5)
- 4.13 Over time, with the maturing tree cover and a long term management plan in place, as has been proposed, there could be some offsetting of an element of the adverse landscape effect but 12 hectares loss of open recreational land and the landscape resources it comprises cannot be replicated. In my opinion, the landscape character will have been fundamentally detrimentally altered in the locality by the built form, parking areas, bunding and the offsite works (that cannot be mitigated) along the A4095, Green Lane and at Middleton Stoney. The once rural character would remain urbanised. Whilst woodland is a feature of the wider landscape character, it is less represented in the local area where the character is more generally open farmland, thus the mitigation in its own right would be somewhat at odds with the established character, compounded by the use of coniferous planting. I therefore do not consider that the Day 1 adverse landscape effect would reduce very much over time but would remain in the ranking of a **moderate/ substantial adverse landscape effect**. This would be a significant adverse residual effect.
- 4.14 The LVIA considers that at the site level, the effect at Year 15 would be Direct, Permanent, Long Term and Minor Beneficial. (ES Vol 2 Appendix 13.5) In my opinion, when the proposal is considered in the round, it is simply untenable to suggest that there would be a landscape benefit arising at Year 15.

#### Visual Effects

- 4.15 The assessment of visual effects involves a consideration of the effect in terms of;

Sensitivity of the visual receptor (viewer) made up of judgements about:

*the susceptibility to change of the viewer (receptor); and*

*the value attached to views.*

Magnitude of visual effect:

*For example, if there is a complete loss of a particular element or only a minor change, together with a consideration of extent and permanence.*

- 4.16 The visual sensitivity should then be considered against the magnitude of effect, to determine the ranking of visual effect that would arise.

*Susceptibility:*

- 4.17 The susceptibility to change depends upon receptor occupation or activity and the extent to which attention focuses on views and visual amenity.

- 4.18 In this instance, the most susceptible visual receptors include people engaged in outdoor informal recreation, on public rights of way, whose interest is likely to be focused on the landscape and views. These receptors (pedestrians) are considered to have **high** susceptibility. For these receptors on rural road such as Green Lane/Akeman Street and the B4095 (which would also include cyclists and potentially equestrians) I consider the ranking would be slightly lower and have regarded these as being of **medium high** susceptibility. Recreational receptors other than on footpaths include golfers on the balance of the golf course who I would also rank at **medium high** susceptibility as I do for visitors to the existing hotel.

- 4.19 Residential properties are not usually included within an LVIA. However, the appellant has included some. I consider that residents at home should be ranked as having a **high** susceptibility to visual change. I have considered the three properties closest to the appeal site and one property at Middleton Stoney.

- 4.20 Vehicle travellers on rural roads such as on Green Lane /Akeman Street and the A4095 are considered to have a **medium** susceptibility to visual change. Vehicle travellers on the M40 have been ranked as **medium / low**.

- 4.21 It is clear from reading many of the entries for susceptibility in the LVIA schedules (ES Vol 2 Appendix 13.6) that there has, in effect, been a “double counting” as susceptibility has been moderated where either no views or limited are possible, whereas I consider this should be a factor considered under the consideration of magnitude. In my opinion this will have influenced the findings of sensitivity and thus somewhat skewed the LVIA assessment, despite the LVIA methodology explicitly allowing for this apparent anomaly (ES Vol 2. Appendix 13.1 Table A.06).

*Value:*

- 4.22 Typical values for certain types of view locations are set out in **Appendix 2, Table 5**. In this instance, no designated or protected views have been identified so views have all been ranked

as of **medium** value.

*Sensitivity:*

- 4.23 Derived from the rankings of susceptibility and value, described above and indicated below, the following are the sensitivities I have adopted for this assessment (**Appendix 2, Table 7**):

*Pedestrians, cyclists and equestrians on rural rights of way (Sus-H, Val-M) – **medium high sensitivity**;*

*Pedestrians, cyclists and equestrians on Green Lane, The Hale and B4095 (Sus-MH, Val-M) – **medium sensitivity**;*

*Golfers and Hotel visitors (Sus-MH, Val-M) – **medium sensitivity**;*

*Residents (Sus-H, Val-M) – **medium high sensitivity**;*

*Vehicle travellers Green Lane, The Hale and B4095 (Sus-MH, Val-M,) – **medium sensitivity**;*

*Vehicle travellers M40 (Sus-ML, Val-M,) – **medium sensitivity**;*

- 4.24 It will be noted that for the purposes of the assessment I have rounded the sensitivities so that, for example, all vehicle travellers have the same ranking.
- 4.25 Having determined the visual sensitivity of each receptor I turn to a consideration of the magnitude of the effect and its significance.
- 4.26 The main visual effects I consider would arise are set out in the following table. In accordance with the methodology, effects of Moderate Substantial Adverse and above are considered to be significant effects, especially where they cannot be mitigated appropriately by in character mitigation. To aid comparison with the findings of the appellant's LVIA I have added entries with those findings highlighted in **red text**.

SIGNIFICANCE OF VISUAL EFFECTS TABLE – DAY 1 & YEAR 15					
Visual Receptor (and location relative to closest part of site)	Sensitivity	Magnitude of Effect Day 1	Effect Day 1	Effect Year 15	Comment
<b>Public Views: Pedestrians</b>					
<b>Footpath 161/6/10:</b> Pedestrians on diverted footpath on site. <b>Existing views from footpath shown on DH Photos 1-6 incl.</b>	<b>Medium High</b>	<b>High Change</b>	<b>Substantial Adverse Effect</b>	<b>Moderate / Substantial Adverse Effect</b>	Character and visual amenity of route completely changed to a narrow corridor enclosed by bunding, planting and fencing adjacent to service road and car park and lighting etc. Over time route would become even more enclosed as planting matures. Route terminates at southern end of site on A4095 leaving a longer roadside walk to access other right of way to north of M40. Not a visually attractive route.
<b>LVIA Viewpoint 1B</b>	<b>Medium</b>	<b>Low Medium adverse</b>	<b>Low Adverse</b>	<b>Negligible to Minor Adverse</b>	<i>The text descriptions appear to largely focus on new views within the Northern Parkland which is not the same as the views from the diverted footpath.</i>
<b>Footpath 161/6/10:</b> Pedestrians on footpath between Green Lane and site. <b>DH Photo 7.</b>	<b>Medium High</b>	<b>Low to High Change</b> as viewer moves north	<b>Slight Adverse</b> rising to <b>Moderate / Substantial Adverse Effect</b>	<b>Slight Adverse</b> rising to <b>Moderate Adverse Effect</b>	Northern backdrop beyond BHGC would have been altered by bunding with built form beyond but southern part of route screened by alignment of access and tree cover.
<b>LVIA Viewpoint 3</b>	<b>Medium</b>	<b>Medium Adverse (D)</b> <b>Medium high Adverse (N)</b>	<b>Moderate Adverse</b>	<b>Minor Adverse</b>	<i>This is a viewpoint on the PROW close to southern boundary of the site. LVIA entry acknowledges an increased sky glow will remain.</i>
<b>Public Views: Pedestrians Cyclists and Vehicle Travellers</b>					
<b>Along A4095 at site frontage</b> Pedestrians /cyclists on shared footway /cycleway and vehicle travellers north to M40 bridge and a short way to the west because of proposed footway linking between PROWs. <b>DH Photos 11-14 incl and 16.</b>	<b>Medium</b>	<b>High Change</b>	<b>Moderate / Substantial Adverse Effect</b>	<b>Moderate / Substantial Adverse Effect</b>	This rural length of the road corridor will be urbanised by the road widening to form the access junction, the shared footway /cycleway and associated works, kerbing, white lining etc and vegetation removal. There would be views into and across the car park to the hotel and from the north, other parts of the proposal would be discernible. Lighting and signing also prominent in the road corridor and increased traffic would further erode the visual amenity. Little change by Year15.

SIGNIFICANCE OF VISUAL EFFECTS TABLE – DAY 1 & YEAR 15					
Visual Receptor (and location relative to closest part of site)	Sensitivity	Magnitude of Effect Day 1	Effect Day 1	Effect Year 15	Comment
<b>LVIA Viewpoint 1A</b>	Low	Medium Adverse	Minor Adverse	Negligible	<i>This viewpoint is on the A4095 between M40 Bridge and the proposed site access and is described as representing a sequential view along the A4095. Does not address main frontage of the site to A4095 or the changes to road corridor.</i>
<b>LVIA Viewpoint 2B</b>	Low	Minor Adverse	Low Adverse	Very Low Adverse	<i>This viewpoint is on the A4095 M40 Bridge. Does not address the main frontage of site to A4095 or the changes to road corridor.</i>
<b>LVIA Viewpoint 14 b</b>	Low	Low Adverse	Negligible	Negligible	<i>This viewpoint is from the access to Bignell Park Barns. Does not address the main frontage of site to A4095 or the changes to road corridor.</i>
<b>Along A4095 east of site</b> to the junction with The Hale at the edge of Chesterton. <b>DH Photos 15, 17 and 18.</b>	Medium	Medium change at eastern end at junction with The Hale, rising to <b>High Change</b> towards the site	Moderate Adverse Effect rising to <b>Moderate / Substantial Adverse Effect</b>	Moderate Adverse Effect rising to <b>Moderate / Substantial Adverse Effect</b>	Rural road corridor will be urbanised by shared footway /cycleway and associated works and kerbing and localised vegetation removal. Signing may also be prominent in the road corridor and increased traffic would further erode the visual amenity. No change by Year 15.
<b>LVIA Viewpoint 5</b>	Medium	Neutral	No Change	No Change	<i>This viewpoint is at the junction of The Hale and the A4095. LVIA text lays emphasis on high value re conservation area and residents but does not address changes to road corridor.</i>
<b>Along Green Lane</b> from M40 bridge eastwards to The Hale and including east of The Hale re proposed footpath. <b>DH Photos 8, 9 and 10.</b>	Medium	High change in view from M40 bridge but elsewhere largely filtered by roadside hedge to <b>low change</b> in winter.	Moderate / Substantial Adverse Effect from bridge. Slight Adverse effect on rest of Green Lane	Moderate Adverse Effect from bridge. Slight Adverse Effect on rest of Green Lane	The upper parts of the development would be prominent from the M40 bridge as is demonstrated in the appellant's photomontage, compounding the visual clutter in the foreground. The skyline prominence of the development would appear both incongruous and out of scale. Establishing planting could screen parts of the building over time but would appear alien with conifers. Green Lane urbanised by proposed footpath to east and west of The Hale.
<b>LVIA Viewpoint 4</b>	Medium	Medium	Minor Moderate Adverse	Minor Adverse	<i>This viewpoint is at Green Lane M40 Bridge</i>
<b>Along The Hale</b>	Medium	Minimal to low change, largely filtered by roadside hedge in winter.	Minimal to Slight Adverse Effect	Minimal to Slight Adverse Effect	Not considered to be a determining viewpoint because of intervening vegetation but end of shared footway /cycleway noted at northern end of The Hale and footways noted at southern junction with Green Lane.

SIGNIFICANCE OF VISUAL EFFECTS TABLE – DAY 1 & YEAR 15					
Visual Receptor (and location relative to closest part of site)	Sensitivity	Magnitude of Effect Day 1	Effect Day 1	Effect Year 15	Comment
A4095 north of Chesterton at junction with PROW DH Photo 19	Medium	Low change	Slight Adverse Effect	Slight Adverse Effect	Effect of kerbing, macadam and guard railing very localised but none the less eroding visual amenity in immediate road corridor.
Middleton Stoney In vicinity of and at junction edge. DH Photos 20 and 21	Medium	Medium	Moderate Adverse Effect	Moderate Adverse Effect	Hard surfacing in the junction area will have been increased and traffic island introduced with resultant reduction of soft verges. Western footway constrained between wall and road. Increased traffic.
M40 for both northbound and south bound travellers.	Medium	Low change	Slight Adverse Effect	Minimal/Slight Effect	Views partly screened by intervening vegetation and some level changes. skyglow will be noted.
LVIA Views A, B, C, D & E	Low	Low to Very Low Adverse	Range from Negligible to Minor Adverse	Range from Negligible to Minor Adverse	Views demonstrated in LVIA acknowledged not to be verified views so they should probably have been ranked higher as a precautionary basis.
<b>Other Receptors</b> No properties have been entered.					
Golfers and Hotel Guests	Medium	High Change	Moderate / Substantial Adverse Effect	Moderate Adverse Effect	The effects will be mainly noted from the vicinity of the Club House and from Hotel rooms that look north. The present layout of the clubhouse is focussed to look towards the appeal site. Views over the golf course would have been replaced by the proposals with bunding and planting of the diverted footpath corridor in the immediate foreground with built form beyond. Increased sky glow at night.
LVIA Viewpoint 3	Medium	Medium Adverse (D) Medium high Adverse (N)	Moderate Adverse	Minor Adverse	This is a viewpoint on the PROW close to southern boundary of the site. LVIA entry also references golfers and hotel guests LVIA entry acknowledges an increased sky glow will remain.
2 No. Properties on Stableford Lane Vicarage Farmhouse and Stableford House	Medium High	High Change	Substantial Adverse Effect	Moderate / Substantial Adverse Effect	These properties are essentially inset into the present golf course and have views over the appeal site. This would be changed by the diversion of the footpath and its enclosed bunded corridor and the adjacent service road and car park and the associated vehicle effects where it has been proposed to introduce lower level lighting and grasscrete paving in an attempt to reduce impact. Increased sky glow at night. The outlook from these properties, especially from upper floor windows, would be very detrimentally altered.
LVIA Viewpoint 18	High	Medium	Moderate Adverse	Minor to Moderate Adverse	
Tanora Cottage	Medium	Medium	Moderate	Moderate	Property scoped out of ES. Property has



SIGNIFICANCE OF VISUAL EFFECTS TABLE – DAY 1 & YEAR 15					
Visual Receptor (and location relative to closest part of site)	Sensitivity	Magnitude of Effect Day 1	Effect Day 1	Effect Year 15	Comment
	High	Change	Adverse	Adverse	open frontage to wide highway verge of A4095 that would be reduced by 2.5 to create shared footway /cycleway
Corner Cottage Middleton Stoney	Medium High	Medium Change	Moderate Adverse	Moderate Adverse	The outlook from this property, from upper floor windows, would be detrimentally altered. Effects considered only relate to the appeal proposal. The outlook would already have been adversely impacted by the consented Heyford Park Phase 1 proposals.

- 4.27 My assessment shows that there would be a range of receptors who would be exposed to adverse effects that would be significant and which would not be materially reduced by year 15. This contradicts the findings of the LVIA.
- 4.28 In my opinion most concern must relate to the changes to visual amenity for all users of the A4095 where the views would be harmed by the obvious urbanisation of the road corridor reinforced by the looming presence of the hotel element seen across the extensive car park together with users of the diverted footpath. These effects, which include the effects of lighting, also impact on the appreciation of the setting of Chesterton and Bignell Park.
- 4.29 Receptors on Green Lane would also experience significant adverse effects from the main element of the proposal that would be prominent, albeit reducing slightly over time, but they would also experience the urbanising of the road corridor from the proposed footways to either side of The Hale that would erode the visual appeal of a significant length of Green Lane.
- 4.30 I also consider the “extra over” works at Middleton Stoney would be notably damaging visually.
- 4.31 Residential receptors at Vicarage Farm and Stableford Lodge will be left with long term significant adverse visual effects, including from lighting

## 5 LANDSCAPE POLICY EFFECTS

5.1 RfR 4 cites the following policies of the Cherwell Local Plan (2011-2031) Part 1 (CD5.3) as being breached.

ESD13: Local Landscape Protection and Enhancement

ESD15: The Character of the Built Environment

5.2 Policy ESD 13 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. The policy sets out several criteria which proposals are to be judged against. Proposals will not be permitted if they would;

- *Cause undue visual intrusion into the open countryside*
- *Be inconsistent with local character.*
- *Harm the setting of settlements, buildings, structures or other landmark features,*

5.3 The policy advises that proposals should have regard to the information and advice contained in the Council's Countryside Summary SPG (CD7-4) and the OWLS study (CD10-3).

5.4 Furthermore the policy preamble notes at B.252 that: *... "The Council's Landscape Evidence Base documents identify the key landform and landscape features of value which include the following features around Banbury and Bicester:*

- *the open and agricultural setting and identity of the outlying villages surrounding Banbury and Bicester, many with locally distinctive historic cores"*

5.5 The site and its vicinity thus lie within an area specifically valued by CDC.

5.6 This is reinforced by the OWLS overarching Landscape Strategy for the Middleton Stoney LDU in which the site lies which is to *"safeguard and enhance the characteristic landscape of parklands, estates, woodlands, hedgerows and unspoilt villages. One of the OWLS guidelines for achieving this is to: "Minimise the visual impact of intrusive land uses such as .... large-scale development, such as new barns and industrial units, with the judicious planting of tree and shrub species characteristic of the area. This will help to screen the development and integrate it more successfully with its surrounding countryside."*

5.7 I consider that the proposal runs wholly counter to the above themes that thread through Policy ESD 13, the OWLS study and the Council's Countryside Summary SPG.

5.8 My assessment has shown that the landscape and visual effects of the proposal would be materially locally damaging to the site and its surroundings.

5.9 I have shown that the sheer scale of the development proposed is wholly at odds / out of kilter

with the local landscape character and the extant built form in the vicinity, not only on account of excessive height but also the extent of development. By way of comparison, I have referred to the core of BHGC as being reasonably contained in the local landscape, this being a facility that generally sits at or below the tree line and which would be dwarfed by the proposal, and to the modest height of built form in Chesterton.

5.10 I have shown that the proposal has not been landscape first or landscape led as claimed.

5.11 The proposal would cause significant visual intrusion into the open countryside noted from Green Lane, the A4095 and the public footpath across the site and to the south. It would be an urbanising encroachment into the countryside. It would also introduce an alien landform along the southern boundary adopting gradients not found in the local area where landform is characterised by gently slopes. Neither would it be compatible with the valued wider character of open fields and hedgerows around Chesterton. The works to the A4095 and the associated development would harm the approach to the settlement of Chesterton. These effects would be compounded by the estimated 1250 daily visitor numbers and over 450 staff who would be accessing the site every day. The proposal would be completely inconsistent with the local character.

5.12 I consider that there is inevitable and extensive conflict with Policy ESD13 and that the scheme would give rise to unacceptable harm to the local landscape and its distinctiveness.

5.13 Policy ESD 15: The Character of the Built and Historic Environment, is a comprehensive policy. It makes it clear that fundamental to successful development is the need for design to be founded upon an understanding and respect for an area's unique built, natural and cultural context.

5.14 New development *"should complement and enhance the character of its context through sensitive siting, layout and high quality design. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions and contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, ....views .....and within conservation areas and their setting."*

5.15 In my view the proposal fails these requirements in that it would not complement or enhance the local character, rather it would substantially alter it to its detriment by its sheer scale being seemingly forced into the local context with little or no respect or understanding of the intrinsic attributes of the locality.

5.16 The policy requires that development should *"respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings."* I have shown how the proposal fails in regard to its treatment of the public right of way and that

the sizes of the three main elements of built form, the hotel, the FEC and the waterpark, would each individually not be able to be readily assimilated into the local landscape. The effects of these features would of course be compounded by the 902 car parking bays, the service road, lighting and so forth and the changes to the character and appearance of the A4095. Furthermore, the effects arising from highway works were not properly considered as part of the LVIA with regard to the A4095 on the approach to Chesterton and passing Bignell Park. In addition to these local important effects there are the damaging effects at Middleton Stoney and other less well defined but pervasive effects attached to the proposals such as widespread signing and, of course, the increased traffic flows which impact on the perception of the character and tranquillity of a place. In this regard I note that the Chesterton Conservation Area Appraisal 2008 (paragraph 10.7) identifies the high levels of traffic, which uses the A4095, a popular short cut, as being a particular threat.

- 5.17 The policy requires that development should *“be designed to integrate with existing .....or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette “* I have acknowledged that the DAS shows that some attempt has been made to look at some matters of detail and differences in cladding but, in my opinion, these are simply inadequate to make such an oversized development acceptable and in themselves would produce an incongruous appearance to large parts of the development whilst the hotel element has an unattractive institutional character.
- 5.18 The policy also requires that development should *“promote permeable, accessible and easily understandable places by creating spaces that connect with each other, are easy to move through and have recognisable landmark features“*. Within itself, the development can probably be regarded as achieving this in the northern part but this does not overcome or outweigh the harmful effects on its surroundings.
- 5.19 The policy necessitates that development should *“demonstrate a holistic approach to the design of the public realm to create high quality and multi-functional streets and places that promotes pedestrian movement and integrates different modes of transport, parking and servicing*. Given the development’s obvious heavy reliance on numerous visitors and staff arriving by car, I fail to see how this part of the policy is met.
- 5.20 With regard to lighting, the policy seeks to *“limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”* The appellant’s own lighting concept strategy shows that the baseline lighting level would increase from Environmental Zone E1/2 to E3 with some parts rising to E4, all lying largely within an area of E1. These acknowledged increases do not account for supplementary feature lighting or low level waymarking. The proposal would give rise to clearly discernible

increase in lighting in the local landscape.

- 5.21 Furthermore, the setting of the settlement of Chesterton and Bignell Park would be directly adversely affected by the works proposed to the A4095 which would urbanise this currently rural road, these harmful effects being reinforced by the development on the appeal site.
- 5.22 Overall, I consider that there is very substantial conflict with Policy ESD15.
- 5.23 Turning to Saved Policies of the Cherwell Local Plan 1996 (**CD5-5**), Policies C8 and C28 are relevant.
- 5.24 Saved Policy C8 states that *"Sporadic development in the open countryside including developments in the vicinity of motorway or major road junctions will be generally resisted."* Supporting paragraph 9.12 states that *"sporadic development in the countryside must be resisted if its attractive, open, rural character is to be maintained"*. In essence this partly rehearses the overarching landscape strategy noted above from OWLS. Paragraph 9.13 notes that the policy will *"apply to all new development proposals beyond the built-up limits of settlements including areas in the vicinity of motorway or major road developments"* but that the needs of agriculture could be an exception. The text notes there is *"increasing pressure for development in the open countryside particularly in the vicinity of motorway junctions"* and that the Council *"will resist such pressures and will where practicable direct development to suitable sites at Banbury or Bicester"*.
- 5.25 The proposals would be in obvious breach of Saved Policy C8.
- 5.26 Saved Policy C28 addresses standards of layout, design and external appearance, and requires that the choice of external finish materials are sympathetic to the character of their context location. The second part of the policy relates to development in sensitive areas.
- 5.27 Paragraph 9.66 of the supporting text notes that the standard of design acceptable to the Council *"will be influenced by the environmental context of the site and its surroundings, and the nature, size and prominence of the development proposed. Design considerations will, when appropriate, include the siting, layout, size, scale, architectural style, building materials, means of enclosure and landscaping of new buildings and associated land uses. The Council will seek to avoid discordant or badly designed development that would harm the appearance and character of the existing built environment, the Green Belt or the countryside"*.
- 5.28 Paragraph 9.68 notes that in order to promote the creation of *"an interesting and attractive built environment the Council will encourage variety in design, provided that the appearance of a proposed new development is sensitive to the particular site and is in harmony with the general character of its surroundings"*.
- 5.29 As I have set out above, the proposal is not sensitive to its site, being out of scale and harmony

with its rural surroundings and incorporating various finishes that would be discordant and incongruous in the local context. Its layout would result in extensive car parking being prominent in front of a visually dominant monolithic hotel of institutional appearance when seen from the currently rural A4095. I consider that the proposal fails to meet the objectives of saved Policy 28.

- 5.30 RfR 4 also states that the proposal is contrary to Government guidance contained within the National Planning Policy Framework (**CD5-1**).
- 5.31 From my consideration of the conflicts with the policies noted above I conclude that the proposals would be in clear conflict with parts a), b), c), d) and e) of paragraph 127 in NPPF Part 12 that deals with achieving well-designed places.
- 5.32 Furthermore, NPPF paragraph 170 requires that *“decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes ,... b) recognising the intrinsic character and beauty of the countryside,...and of trees and woodland.”* The proposal patently fails to achieve these aims.

## 6 SUMMARY AND CONCLUSION

- 6.1 My qualification and experience are set out in Appendix in **CD 13-14**.
- 6.2 In preparing for the appeal, I have reviewed the LVIA element of the Environmental Statement (Chapter 13) and its various supporting documents, illustrations, the Design and Access Statement (DAS) submitted with the application, alongside other pertinent information including the Council Committee Report, and have reviewed the policy and landscape character context. I have visited the site and surrounding area. My evidence draws from this work to address RfR 4.
- 6.3 RfR 4 does not allege widespread landscape and visual harm and thus I have not evaluated or tested all the LVIA's findings, although I do consider some of the findings local to the site to be questionable for reasons I set out above. In addition, the LVIA fails to address the changes to the A4095 road corridor, to Green Lane and the changes to the junction at Middleton Stoney.
- 6.4 In Section 2 I broadly concur with the baseline findings reported in the LVIA in terms of landscape character types and areas and they are briefly summarised as follows.
- 6.5 The appeal site lies at the south eastern edge of National Character Area 107, the Cotswolds, which merges into the adjacent NCA 108, The Upper Thames Clay Vales to the south east.
- 6.6 At the County / District scale the Oxfordshire Wildlife and Landscape Study shows the site to lie in the Wooded Estate Land Landscape type, overall an extensive area. At the district level it lies within the Middleton Stoney Landscape Description Unit but, again, this is an extensive area.
- 6.7 I note that the Countryside Design Summary (CDS) (June 1998) SPG, prepared by CDC to guide development in rural areas so that the distinctive character of the district's countryside and the settlements and buildings within it are maintained and enhanced is referenced in Policy ESD 13 of the Cherwell Local Plan (2011-2031) Part 1.
- 6.8 I acknowledge that the viewpoints subsequently selected for use in the LVIA were agreed with CDC, but I do feel that local views are underrepresented. The views that I consider to be of primary importance are those that will be available for users of Green Lane, the A4095, the local footpath and the M40.
- 6.9 I consider that the overall landscape condition/quality of the majority of the site's local setting can be ranked as **good** although there has been an inevitable impact on the historic pattern resulting from the M40, albeit this is gradually becoming assimilated and there has been some hedgerow loss. There is an area bounded by the appeal site, the BHGC access, Green Lane and the M40 that is of **poor** condition.
- 6.10 In my opinion, whilst the site is clearly neither an historic nor unaltered landscape, it is now an intact landscape, typical of its kind and is well maintained. I therefore consider that its

condition should also be regarded as **good** when considered against the typical evaluation criteria set out in **Appendix 2, Table 1, CD 13-14**.

- 6.11 In terms of landscape value, the landscape of the site and surrounding area is not designated at a national or local level although its value is recorded in the Local Plan. As just noted, I consider the condition of the site to be good. In terms of scenic quality and the perceptual aspects (other than for tranquillity), the site's landscape is not currently widely appreciated from beyond its boundaries, but it is nevertheless an attractive and maturing landscape of some visual appeal and has the semblance of a parkland character due to its strong pattern of tree groupings, grassland swathes, areas of water and ditches. The site is rare in its local context and thus not representative of the wider landscape but it is representative of its use. The site in isolation does not contribute directly to the setting of the Chesterton Conservation Area but does make a contribution to the setting of the village on the approach from the west on both Green Lane and particularly on the A4095 from where its presence is readily discernible through the boundary hedgerow. Whilst there is no onsite cultural heritage aspect of note, there is wildlife interest including Great Crested Newts, a protected species, so the site has value in this regard. Similarly, it clearly has a value in recreational terms for both golfers and users of the public footpath that crosses it. I am unaware of any associations of relevance to the site.
- 6.12 Looked at in the round I would categorise the site as having at least a **medium** landscape value at the district level, a value that becomes somewhat higher in the immediate local context at Chesterton.
- 6.13 In Section 3 I set out my critique of aspects of the appeal proposal relevant to its design, layout and landscape and visual issues. This has demonstrated that the scheme:
- Has not adopted a landscape first approach. Rather the landscape and the local context appears to be addressed largely as an afterthought.
  - Has not been responsive to the subtle landform.
  - Would not give rise to a proposal that sits comfortably in an extensive landscape context, but would be very substantially oversized, monolithic and institutional in appearance with many aspects that would be perceived as incongruous in terms of their form, scale, mass and cladding and which would be inconsistent with both the established local vernacular and the rural character.
  - Would be prominent and wholly out of character as perceived from a large part of the A4095 frontage and from parts of Green Lane.
  - Would be out scale and character with the adjacent BHGC and the two nearby properties.



- Would be out of scale and character with the wider surrounding pattern of fields and hedgerows.
- Would have its institutional appearance compounded by the frontage swathe of parking.
- Would have a parking area that contains several potential points of conflict that would need to be either designed out before construction, leading to an increased area covered by parking, adding to urbanisation and increasing the overall footprint of the development or would prejudice the landscape strategy.
- Would not foster local distinctiveness.
- Would create an alien landform along its southern boundary at slopes wholly out of character with the gently sloping surrounding topography.
- Would urbanise the corridor of the B4095 to the detriment of the rural approach to Chesterton and its Conservation Area and would also erode the setting of Bignell Park not only as a result of the physical works but by increased traffic.
- Would compromise the Green Buffer notation of Bignell Park.
- Would divert a public footpath from an attractive open route across the golf course into a mean corridor, flanking the service road and car park and contained by artificial bunding, fencing and acoustic screening whilst also requiring users to walk along the public highway.
- Would erode the rural appearance of the A4095 beyond the site to the west and along Green Lane by additional footway construction in verges.
- Would introduce lighting into a relatively dark landscape.
- Would have a detrimental physical impact arising from the road works at Middleton Stoney, exacerbating the effects of the already consented but damaging widening.
- Would be likely to have some wider off site effects arising from signing.

6.14 In Section 4, I set out my assessment of the landscape and visual effects of the scheme.

6.15 In terms of the magnitude of landscape effect (**Appendix 2 Table 4**), I consider that the proposal would result in a major alteration to key elements / features characteristics of the baseline i.e. predevelopment landscape and / or introduction of elements considered to be totally uncharacteristic when set within the attributes of the wider receiving landscape. This ranks as a **high adverse** landscape effect at Day 1.

6.16 Turning to consider the significance of the effect where magnitude and sensitivity feed into

the assessment (**Appendix 2 Table 8**), a high adverse magnitude of landscape effect in a landscape of medium high sensitivity gives rise to at least a **moderate / substantial adverse landscape effect** if not a **substantial adverse landscape effect** at Day 1 at the site and in the immediately adjacent area but dissipating with distance. This is to be regarded as a significant effect.

- 6.17 Over time, with the maturing tree cover and a long term management plan in place, as has been proposed, there could be some offsetting of an element of the adverse landscape effect but 12 hectares loss of open recreational land and the landscape resources it comprises cannot be replicated. In my opinion, the change in landscape character will have been fundamentally detrimentally altered in the locality by the built form, parking areas, bunding and the offsite works (that cannot be mitigated) along the A4095, Green Lane and at Middleton Stoney. The once rural character would remain urbanised. Whilst woodland is a feature of the wider landscape character, it is less represented in the local area where the character is more generally open farmland, thus the mitigation in its own right would be somewhat at odds with the established character, compounded by the use of coniferous planting. I therefore do not consider that the Day 1 adverse landscape effect would reduce very much over time but would remain in the ranking of a **moderate/ substantial adverse landscape effect**. This is a significant adverse effect.
- 6.18 In terms of the visual effects, I set these out in tabular form in Section 4. My assessment shows that there would be a range of receptors who would be exposed to adverse effects that would be significant and which would not be materially reduced by year 15. This contradicts the findings of the LVIA.
- 6.19 In my opinion most concern must relate to the changes to visual amenity for all users of the A4095 where the views would be harmed by the obvious urbanisation of the road corridor reinforced by the looming presence of the hotel element seen across the extensive car park together with users of the diverted footpath. These effects, which include the effects of lighting, also impact on the appreciation of the setting of Chesterton and Bignell Park.
- 6.20 Receptors on Green Lane would also experience significant adverse effects from the main element of the proposal that would be prominent, albeit reducing slightly over time, but they would also experience the urbanising of the road from the proposed footways to either side of The Hale that would erode the visual appeal of a significant length of Green Lane.
- 6.21 I also consider the “extra over” works at Middleton Stoney would be notably damaging visually.
- 6.22 Residential receptors at Vicarage Farm and Stableford Lodge will be left with long term significant adverse visual effects, including from lighting.

- 6.23 In Section 5 I set out the conflicts the proposals would have with the various policies cited in RfR 4.
- 6.24 I consider that there is inevitable and extensive conflict with Policy ESD13 of the Cherwell Local Plan (2011-2031) Part 1 which addresses Local Landscape Protection and Enhancement. The scheme would give rise to unacceptable harm to the local landscape and its distinctiveness.
- 6.25 Policy ESD 15: of that plan deals with The Character of the Built and Historic Environment. It is a particularly comprehensive policy. It makes it clear that fundamental to successful development is the need for design to be founded upon an understanding and respect for an area's unique built, natural and cultural context. It contains several criteria which I have considered the proposal against. Overall, I consider that there is very substantial conflict with many parts of Policy ESD15.
- 6.26 Saved Policies of the Cherwell Local Plan 1996, Policies C8 and C28 are relevant.
- 6.27 Saved Policy C8 states that *"Sporadic development in the open countryside including developments in the vicinity of motorway or major road junctions will be generally resisted."* Supporting paragraph 9.12 states that *"sporadic development in the countryside must be resisted if its attractive, open, rural character is to be maintained"*. In essence this partly rehearses the overarching landscape strategy noted above from OWLS. Paragraph 9.13 notes that the policy will *"apply to all new development proposals beyond the built-up limits of settlements including areas in the vicinity of motorway or major road developments"* but that the needs of agriculture could be an exception. The text notes there is *"increasing pressure for development in the open countryside particularly in the vicinity of motorway junctions"* and that the Council *"will resist such pressures and will where practicable direct development to suitable sites at Banbury or Bicester"*.
- 6.28 The proposals would be in obvious breach of Saved Policy C8.
- 6.29 Saved Policy C28 addresses standards of layout, design, external appearance and requires that the choice of external finish materials are sympathetic to the character of their context location.
- 6.30 Paragraph 9.66 of the supporting text notes that the standard of design acceptable to the Council *"will be influenced by the environmental context of the site and its surroundings, and the nature, size and prominence of the development proposed. Design considerations will, when appropriate, include the siting, layout, size, scale, architectural style, building materials, means of enclosure and landscaping of new buildings and associated land uses. The Council will seek to avoid discordant or badly designed development that would harm the appearance and character of the existing built environment, the Green Belt or the*

*countryside*".

- 6.31 Paragraph 9.68 notes that in order to promote the creation of *"an interesting and attractive built environment the Council will encourage variety in design, provided that the appearance of a proposed new development is sensitive to the particular site and is in harmony with the general character of its surroundings"*.
- 6.32 I consider that the proposal fails to meet the objectives of saved Policy 28.
- 6.33 RfR 4 also states that the proposal is contrary to Government guidance contained within the National Planning Policy Framework.
- 6.34 From my consideration of the conflicts with the policies noted above I conclude that the proposals would be in clear conflict with parts a, b, c, d and e of paragraph 127 in NPPF Part 12 that deals with achieving well-designed places.
- 6.35 Furthermore NPPF paragraph 170 requires that *"decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes ,... b) recognising the intrinsic character and beauty of the countryside,...and of trees and woodland."* The proposal patently fails to achieve these aims.

#### Conclusion

- 6.36 I conclude that Reason for Refusal 4 is fully justified. In the event that planning permission were to be granted, there would be a range of significant adverse landscape and visual effects that would arise which could not be appropriately mitigated.