

Landscape Proof of Evidence

Appeal by: Wates Developments Ltd

Site Address: Land South of Green Lane, Chesterton

Evidence Prepared by: Mark Topping MA (Hons) CMLI

Appeal Ref: APP/C3105/W/23/3331122

LPA Ref: 23/00173/OUT

Client: Cherwell District Council



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NORTH OXFORDSHIRE

Date: January 2024



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Issue Sheet

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Landscape Proof of Evidence

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1 Introduction

1.1 Qualifications and Experience

1.1.1 My name is Mark Topping. I am a Director of Design at Lanpro Services Limited where I have been employed since 2020.

1.1.2 I hold a Master of Arts (with honours) degree in Landscape Architecture (MA Hons) and specialise in landscape and visual planning matters, landscape design and mitigation, and landscape management. I have worked in professional practice as a Landscape Architect since 2002 and have been a Chartered Member of the Landscape Institute (CMLI) since 2007.

1.1.3 During my career I have been involved in the preparation of numerous planning applications for a wide range of developments, including extensive experience in relation to residential development and the landscape and visual impact of such developments from single dwellings to over ten-thousand-unit developments in both rural, urban and peri urban locations.

1.1.4 My experience includes providing landscape planning and design advice for Private Clients, Third Sector Organisations and Local Planning Authorities (LPA's) in relation to:

- Town and Country Planning Applications (TCPA);
- EIA chapters as part of TCPA; and
- EIA chapters as part of Nationally Significant Infrastructure Projects (NSIP).

1.1.5 My appeal experience includes representation of clients in relation to all of the above applications in the form of proofs of evidence, hearing statements, written representations and acting as an expert witness on several occasions for appeals, hearings and NSIP hearings.

1.1.6 The Statement I have prepared represents my professional opinion on the objective and subjective aspects of the Development and the Council's reasons for refusal so far as they relate to landscape and visual matters. Based on my knowledge, I believe the facts stated in this Statement are true and accurate and I have complied with my professional code of conduct and standards set out by the Landscape Institute.

1.1.7 I confirm that I have visited the Site and surrounding context to assess the extents of the visual envelope and to satisfy myself that I fully understand the baseline scenario associated with the Application.

1.1.8 This proof of evidence has been prepared in line with the following guidance:

- Guidelines for Landscape and Visual Impact Assessment' (GLVIA) 3rd edition (published by the Landscape Institute and the Institute of Environmental Management and Assessment 2013)¹ and associated Statements of Clarification, and Technical Guidance and Information Notes;
- 'Landscape Character Assessment: Guidance for England and Scotland' (published by the Countryside Agency and Scottish National Heritage 2002)²; and
- 'An Approach to Landscape Character Assessment', Natural England 2014³;

1.1.9 In gathering my evidence, I have undertaken a desktop study using publicly available online mapping and aerial photography; the experience and assessment during my site visit, alongside the Application material submitted to date by the Appellant.

1.2 Scope of Evidence

1.2.1 This Proof of Evidence sets out my evidence on behalf of my client Cherwell District Council ("the Council") in respect of the appeal submitted by Wates Developments Limited ("the Appellant") under Section 78(1) of the Town and Country Planning Act 1990 against the Council's decision to refuse application ref 23/00173/OUT ("the Application") for outline planning permission for up to 147 homes, public open space, flexible recreational playing field area and sports pitches with associated car parking, alongside landscaping, ecological enhancements, SuDs, green / blue and hard infrastructure, with vehicular and pedestrian/cycle accesses, and all associated works (all matters reserved except for means of access) ("the Development") on Land South of Green Lane, Chesterton ("the Site").

1.2.2 Reasons 1 and 2 of the Reasons for Refusal (RR) raise issues relating to landscape and visual impact.

¹ Landscape Institute and Institute of Environmental Management and Assessment, 2013, Guidelines for Landscape and Visual Impact Assessment, 3rd Edition, Routledge, London. Available to purchase online at: [Guidelines for Landscape and Visual Impact Assessment \(GLVIA3\) | Landscape Institute](#)

² Landscape Character Assessment: Guidance for England and Scotland' (published by the Countryside Agency and Scottish National Heritage 2002). Available online at: [Landscape Character Assessment guidance for England and Scotland | NatureScot](#)

³ An Approach to Landscape Character Assessment', Natural England 2014. Available online at: [landscape-character-assessment.pdf \(publishing.service.gov.uk\)](#)

2 Landscape Context

2.1 Desk Study

2.1.1 Prior to attending a site visit, I undertook a desk study of the Site and surrounding context to familiarise myself with the Site; together with undertaking a review of the information provided by the Appellant. I generally concur with their LVA (CD1.3) baseline assessment, subject to the following caveats:

- A minor graphical omission of Public Right of Way (PRoW) footpath 161-5-10 on Figure 2: Site Context albeit the broad location of this footpath is referenced.
- The same footpath (161-5-10) is shown incorrectly on figure 5: Aerial Photograph with Site Features. This footpath extends a further 40m to the south.
- Figure 8 identifies land to the north of the Site as Landscape Character Zone (LCZ) LCZ3: Recreational which I contest is part of LCZ1: Chesterton Arable with this site providing a functional rural edge to the west of Chesterton.
- On the same figure in LCZ 3 I assert that the sports fields referenced lie to the west and south west of the Site. The lower section referenced as '(extension approved in planning)' is defined as LCZ1 where the land use extends to the south west of the Site although the LCZ is assessed correctly in the current baseline context as the lower section of this development is yet to begin but should be considered as a cumulative site.
- Viewpoint 7 appears to show the approximate edge of the Site being much less expansive than it actually is, with the correct extent of development covering the full extents of the image. The existing hedgerow extending towards the Site in a north west to south east direction provides a useful reference point to determine this point. From Viewpoint 7 the Development containing built form based on the Site Location Plan would extend approximately 345m across the principal direction of the view.
- Viewpoint 8 appears to show the approximate edge of the Site being less expansive than it actually is with the Site edge extending to the left edge of Greystone Court.
- Viewpoint 11 appears to show the approximate edge of the Site being much less expansive than it actually is with the Site edge extending centrally between the

left hand side text 'Properties at Norrie's Drive (off Penrose Gardens)' and central text 'Properties at the Woodlands (off the Green)'.

- 2.1.2 In terms of the viewpoint locations illustrated on Figure 9 of the LVA (CD1.3) I agree with the Council's Landscape Officer in their report dated 27th April 2023 that the viewpoint locations are proportionate and appropriately located. In terms of the reference to the Zone of Theoretical Visibility (ZTV) referenced on page 12 this has not been provided nor has the methodology for its production been provided by the Appellant to describe how this has been established; although I generally agree with the Zone of Visual Influence provided on the submitted plan.
- 2.1.3 Viewpoint 1 on page 13 illustrates the connection to the broader landscape appreciable to receptors on Vespasian Way.
- 2.1.4 Viewpoint 2 illustrates the current perception of the edge of the village associated with open space and existing vegetation. This is prevalent in The Oxfordshire Wildlife and Landscape Study (OWLS (CD3.9)) which sets a Landscape Strategy to 'Conserve the mosaic of open downland, woodland and sparse settlement'. The Site at this location would extend the built edge by a further 200m along Green Lane.
- 2.1.5 Viewpoint 3 on page 14 has changed since the assessment was undertaken with highway works associated with the Great Wolf site (to the north west of the Site) which has urbanised the streetscape of Green Lane and has impacted existing trees along the Sites northern boundary through clearance works, the raising of levels and associated earth works as illustrated in photograph 1 (Appendix 4). This has opened up the views into the Site revealing the landscape character of open downland, woodland and sparse settlement.
- 2.1.6 Viewpoint 4 illustrates the current settlement edge of Chesterton following the completion of the recent development along Vespasian Way and The Green. This viewpoint shows the settlement edge clearly and illustrates how it is framed and partially backdropped by trees and woodland with an expansive open agricultural foreground creating a strong rural setting to the village. This appreciation of the setting and landscape character of Chesterton is important insofar as the setting is defined by the rural character of the village and settlement edge seen across the open landscape as defined in OWLS (CD3.9) which sets a Landscape Strategy to 'Conserve the mosaic of open downland, woodland and sparse settlement.' Whilst the current edge is quite stark the new planting associated with the development consent, which is

currently around 1.5m high, is beginning to naturalise the edge of the development helping to assimilate it into the landscape. It retains however the ability to experience the village edge in context of farmland and openness; together with hedgerows and wooded views that allows a rural connection with the landscape.

- 2.1.7 Viewpoint 5 shows the wider views of the surrounding agricultural landscape between the two new buildings and the foreground provides a glimpse of how the eastern extent of the Application Site might appear.
- 2.1.8 Viewpoint 6 and viewpoint 7 show the village edge in a landscape setting. The development at Vespasian Way is visible in views and the Application Site would be visible to the west and in the foreground of Vespasian Way.
- 2.1.9 Viewpoints 8 illustrates the limit at which effects become barely perceptible within this landscape with a distance of approximately 0.55km to the nearest part of the Site in the centre of the view composition.
- 2.1.10 Viewpoints 9 and 10 illustrate there is no perceptible view of the Site from these distant views.
- 2.1.11 Viewpoint 11 shows visibility is possible into the Site where the rooflines of properties at Norrie's Drive (off Penrose Gardens) and the Woodlands (off Green Lane) are visible in the left of view and the corner of the roofline of the western most property of Vespasian Way just visible through the trees. The Application Site would be seen as an extension along Green Lane, being most prominent to the west (right of view) and extending the village building line by approximately 220m.
- 2.1.12 Viewpoints VP12 to VP15 show the limit of perceptible visibility of the Site in this landscape.
- 2.1.13 At paragraph 3.67 of the LVA (CD1.3) it states that: *'The values of views across the rural landscape which forms the setting to the village are assessed as moderate. Although the landscape viewed is not designated it is valued by local residents in their views out from the settlement edges'*. I agree with this statement insofar as it recognises the value of the landscape and views (albeit not a valued landscape in NPPF terms) as it confers a value to the views and the landscape at the settlement edge. I would go further to state that such views are also valued by other visual receptors in the landscape such as those mentioned in paragraph 3.66 of the LVA (CD1.3) *'those overlooking the Site at Vespasian Way and the Green and walkers and motorists passing the Site on its northern and western boundaries'* and travelling in both directions.

- 2.1.14 In general, all views of the Site are seen in the context of the wider landscape and therefore effects are from both within the village and outside the village in terms of settlement and landscape character where the village is seen in a broader landscape and with foreground open space; together with enclosure as part of a dynamic experience.
- 2.1.15 On page 22 the LVA (CD1.3) defines the objectives from the illustrative masterplan. A key component of this is the objective to *'Retain, protect, enhance and manage existing boundary vegetation to ensure that the Site maintains its sense of enclosure'*. To the more sensitive receptors as defined in paragraph 3.66 and 3.67 of the LVA (CD1.3) such views and interrelationship with the open landscape are important. Views from the unnamed road from Little Chesterton to Green Lane are both open and close to the Site boundary as is the view from footpath 161-5-10 represented by viewpoint 4 on page 15 of the LVA (CD1.3).
- 2.1.16 From a detailed review of the planning drawings there is an inconsistency between the red line of the Illustrative landscape Masterplan drawing (CD1.14) and the Site Location Plan drawing 353-ACG-XX-00-DR-A-1000 (CD1.12). In the latter plan existing vegetation along the unnamed road to the west of the Site, vegetation off Green Lane to the north of the Site and vegetation to the east of the Site forming the rear of and associated with the Vespasian Way and The Green development are located outside the red line boundary. This is in contrast to the Illustrative Landscape Masterplan (CD1.14) where the red line includes this vegetation and it is assumed relies upon this vegetation as part of the mitigation strategy as stated in chapter four, paragraph 4.2 first bullet point of the LVA: *'Retain, protect, enhance and manage existing boundary vegetation to ensure that the Site maintains its sense of enclosure'*.
- 2.1.17 From the benefit of an overlay there appears to be a discrepancy of approximately 6.5m at the largest extent between the red lines on the two plans. Assuming the detailed Site Location Plan drawing 353-ACG-XX-00-DR-A-1000 (CD1.12) is correct then the existing vegetation would lie outside the red line and therefore the maintenance and management of this is assumed to be outside the control or ownership of the Appellant and therefore the benefits associated with this mitigation and enhancement cannot be relied upon without a Unilateral undertaking or a Section 106 agreement. If this is indeed the case then the residual effects asserted by the Appellant to be beneficial or neutral in the LVA (CD1.3) are more likely to remain adverse.
- 2.1.18 The Illustrative Landscape Masterplan (CD1.14) together with the transport details for the Development shown in the Design and Access Statement (CD1.2) (show 3m wide footpaths and associated offsets for any planting surrounding the Site as follows:

- One to the western boundary linking to the existing PRoW footpath 161-5-10 and the unnamed road to Little Chesterton;
- One to the north western boundary at the corner of the unnamed road to Little Chesterton and Green Lane:
- The main Site entrance including approximately 13m of vegetation clearance; and
- One to the northern corner of the Site onto Green Lane.

2.1.19 Such openings would mean that the Application Site would be visible from these receptors beyond year 15 of the development.

2.2 Site Visit

2.2.1 Whilst on Site a full review of the viewpoints submitted as part of the LVA (CD1.3) and a review of site boundaries was undertaken. In general, as above I concur with the baseline assessment of the LVA (CD1.3).

2.2.2 One aspect that is apparent on Site is how it creates an important and defined space between the current settlement edge and the Sports fields and Golf Course to the west and north west respectively. This definition is further enhanced when seen in conjunction with the agricultural land to the north of the Site. The experience of receptors adjacent to the site along Green Lane and the unnamed roads (which transect Green Lane towards both Little Chesterton to the south and Bignell View (A4095) to the north) is that of a rural and undeveloped entrance to the village. It represents a last marker in the landscape where the village edge can be viewed in its rural context and is also synonymous with the character entering Chesterton from the north along A4095 off Vendee Drive village entrance where the village character presents a rural setting.

2.2.3 The existing trees and vegetation and the gaps between these features and the Site, create a sense of alternating enclosure and openness with which to view the settlement and landscape character of the village which is defined by the ability to read the village edge. The settlement character is defined by its connection to the natural landscape as is seen in the suite of viewpoints contained within the LVA (CD1.3).

2.2.4 Paragraph 2.4 of the LVA Addendum (CD1.11) relates to Paragraph 247 of the Cherwell Local Plan (CD3.1) which states: *'We will cherish, protect and enhance the appearance and character of our villages by protecting conservation areas and by promoting high standards of design for new development. We will protect and enhance the beauty and natural diversity of the*

countryside for the enjoyment of all. Having been on Site, it is clear that the Development would remove the Site's contribution to the open countryside and rural location of the settlement and by doing so would not 'cherish, protect and enhance the appearance and character of' Chesterton.

- 2.2.5 Whilst visiting Site it was also apparent that that removal of countryside from this gateway to the village would create a form of coalescence with other cumulative sites locally. These other sites are recreational in character and therefore development within the Site would lead to a substantial adverse effect to the character of the settlement and landscape character of the village which has not been considered in the LVA (CD1.3) other than in relation to the creation of wider access opportunities.
- 2.2.6 From visiting the Site and the surrounding context, it is also clear that, without the ability to manage the existing vegetation at key Site boundaries, the illustrative planting would not prevent adverse effects and gaps would continue to allow the Development to be seen from key receptors.
- 2.2.7 One area observed on Site was in relation to the comments made in the LVA Addendum (CD1.11) at paragraph 2.25 which states: *'The only value the Site holds is in the contribution it makes to views from overlooking residences and the associated perception of a countryside edge to the village. This is currently enjoyed by the few residents overlooking the Site and the users of the narrow lanes along two of its boundaries. The sensitivity of these receptors to change in their views has been assessed in the submitted LVA (at pages 13, 14, 15 and 21).'*
- 2.2.8 In relation to the above paragraph while only limited narrative has been provided in the LVA (CD1.3) to assess the impacts of the Development on the Site and no assessment of the effects provided in tables 1 or 4 of the LVA (CD1.3), the change to the Site would be substantial adverse as acknowledged in the LVA (CD1.3) at paragraphs 5.4 and 5.8. By definition, a substantial adverse effect on the character of the Site would represent a visual intrusion into the open countryside and be inconsistent with local character and would cause harm to the setting of the settlement.
- 2.2.9 During the Site visit a review of the local character of the village was also undertaken looking at local vernacular materials, scale, massing and settlement pattern.

2.3 Observations on the LVA approach

- 2.3.1 As set out in the Councils Statement of Case (CD6.2) and Addendum (CD6.3) particularly in relation to RR2 I believe that the LVA (CD1.3) fails to provide detailed narrative or suitable

description of the application of the methodology throughout its assessment of effects and as such, it is impossible to understand how the conclusions of the LVA (CD1.3) have been reached, particularly in the case of High Sensitivity receptors in close proximity to the Appeal Scheme, such as Residents at Vespasian Way, Residents at the Green, users of FP 161-5-10 and Walkers using FP 161-3-10 and FP 161-4-10. In the example of Residents at Vespasian Way (VR1) the Appellant's LVA (CD1.3) concludes that at Year 15, development of 147 homes in the open countryside to the rear of these properties would lead to substantial beneficial effects, but there is no narrative or explanation setting out how this conclusion has been reached, simply reference to generic methodology. The Appellant's LVA (CD1.3) concludes that development of the Appeal Scheme would lead to no Adverse Residual Effects on either Landscape or Visual Receptors. It is my opinion that the Appellant's LVA (CD1.3) assessment has underestimated the adverse effects of the Development and through its lack of narrative and overreliance on tables does not comply with best practice guidance contained within GLVIA 3 and therefore cannot be relied upon to accurately assess the effects of the Appeal Scheme.

2.3.2 Such guidance is referenced in paragraph 3.30 of GLVIA3 (CD5.1) which states that;

'There are several possible approaches to combining judgements, including:

Sequential combination: The judgements against individual criteria can be successively combined into a final judgement of the overall likely significance of the effect, with the rationale expressed in text and summarised by a table or matrix.

Overall profile: The judgements against individual criteria can be arranged in a table to provide an overall profile of each identified effect. An overview of the distribution in the profile of the assessments for each criterion can then be used to make an informed overall judgement about the likely significance of the effect. This too should be expressed in text, supported by the table.

2.3.3 Paragraph 3.35 of GLVIA3 (CD5.1) which states that;

'In reporting on the significance of the identified effects the main aim should be to draw out the key issues and ensure that the significance of the effects and the scope for reducing any negative/adverse effects are properly understood by the public and the competent authority before it makes its decision. This requires clear and accessible explanations. The potential pitfalls are:

over-reliance on matrices or tabular summaries of effects which may not be accompanied by clear narrative descriptions';

2.3.4 Whilst the above references significance of effects this approach is correct for landscape and visual assessments and appraisals as the objective of any landscape and visual appraisal is to ensure the assessment is clear and accessible to the public and the competent authority.

2.3.5 GLVIA3 (CD5.1) goes onto state at paragraph 3.36 that:

'To overcome these potential problems, there should be more emphasis on narrative text describing the landscape and visual effects and the judgements made about their significance. Provided it is well written, this is likely to be most helpful to non-experts in aiding understanding of the issues. It is also good practice to include a final statement summarising the significant effects. Tables and matrices should be used to support and summarise descriptive text, not to replace it.'

2.3.6 Page 45 of GLVIA3 (CD5.1) provides Summary advice on good practice which states on page 47 that:

'To ensure that the reasoning behind the judgements is clear there should be more emphasis on narrative text describing the landscape and visual effects and the judgements made about their significance, with tables and matrices used to support and summarise the descriptive text, not to replace it. The key issues must be made clear.'

2.3.7 Paragraph 8.10 is contained in a section titled 'Presenting information on landscape and visual effects' and provides further clarification and states:

'Tables and matrices, if used and described correctly, can be effective in complementing the text, providing a useful summary of important information. They can assist with comparisons, for example between different scheme options and types of effect, which can be especially valuable in the early stages of planning and design. They can also be a useful way of making potentially large volumes of complex information more readily accessible to the competent authority charged with making a decision, to consultees and also to the public. Such tables must be carefully and consistently prepared, as decision makers may rely on them to provide a summary of the landscape and visual effects. It should, however, be stressed that these tables, and any matrices related to judgements of significance, should be used to support and to summarise narrative descriptive text, rather than to replace it.'

2.3.8 Page 152 of GLVIA3 (CD5.1) provides further 'Summary advice on good practice' which states on page 153 that:

'Tables, and any matrices related to judgements of significance, should be used to support and to summarise narrative descriptive text rather than to replace it'

- 2.3.9 In light of the above and further elaboration in this evidence it is my opinion that failure to undertake the above in the LVA (CD1.3) makes it impossible to understand how the difference between in particular substantial or moderate adverse effects at year 1 of operation can be reduced to substantial or moderate beneficial effects at year 15 when the Site will be visible and replace open countryside.

3 The Councils Case

3.1 Reason for Refusal 1 and 2

3.1.1 RR1 (CD2.3) states:

The proposals would result in a disproportionate development when considered against the scale of the existing village and the cumulative impact of growth already carried out in village within the plan period. The proposals would cause significant adverse landscape and visual impacts to the settlement character which could not be avoided or mitigated by the proposed development.

3.1.2 RR2 (CD2.3) states:

'The proposals, by reason of the scale and impact on the overall landscape and settlement character would cause harm to the approaches along Green Lane and the unnamed lane to Little Chesterton, and to the overall character of the settlement of Chesterton and its relationship to the surrounding countryside resulting in significant extension and harm to open countryside in particular to the south and west of the existing village. This combined with developments of the Bicester Sports Association in particular would result in a potential negative impact on the individual identity of Chesterton and Little Chesterton'.

3.1.3 As noted above, both these RR raise issues relating to landscape and visual impact which I address compendiously, rather than separately, within this proof.

3.1.4 The Council's Landscape Officer provided comprehensive comments in relation to the Application, dated 27th April 2023 (CD2.8). Of particular relevance to the two RR above were the officer's comments titled 'Settlement Character' where they state the following:

The inter-relationship between the landscape and newly built form would be seen as a significant change, certainly when receptors approach the village. The land of the proposed development forms the landscape setting for the gateway into the village from the western end. Additional screening is proposed for this development and this in itself suggests that if this is necessary then the development will not fit easily into the landscape. And as is clearly apparent, building on this site invariably pushes development further out into open countryside, whilst adding another relatively busy access point off Green Lane and two further access points for pedestrians.

Being an extension beyond existing boundaries will alter the interpretation and approach from the open landscape and into the village which will have a detrimental impact on the settlement and landscape character, but will also add further pressure onto existing facilities and infrastructure.

- 3.1.5 The officer's conclusion was that harm to the settlement and landscape character would occur as a result of the Application.
- 3.1.6 The Site is shown in the Design and Access Statement (CD1.2) on page 6, image 01 and titled 'Aerial Photo of the site with Chesterton behind and Bicester in the background'. This image helps to visualise the scale of the Site in relation to the village of Chesterton and the functional link of the Site as a gateway into the village and from which the village is viewed, and how development of the Site would cause undue visual intrusion into the open countryside, would be inconsistent with local character and would cause harm to the setting of Chesterton.
- 3.1.7 I have prepared figure 01 (Appendix A) which illustrates the scale of the Application area when overlaid onto the current Chesterton village footprint. It shows how its scale creates a disproportionate development when considered against the scale of the existing village.
- 3.1.8 An important component of the officers' comments relates to the gateway to the village of Chesterton when approaching from the west along Green Lane; alongside approaches from the unnamed roads to Little Chesterton (to the south of Green Lane) and linking to Bignall View (A4095) to the north east of Green Lane and from the village itself travelling west. At present both the Site and the land to the north represent a rural/countryside character synonymous with the setting of this historic rural village. This character is also prevalent at the other side of the village when entering Chesterton from north to south along Bignall View off Vendee Drive.
- 3.1.9 The Site and land to the north of Green Lane also represents a working countryside in agricultural land use, which together wraps around the village to the west, south and east, albeit this has been eroded further north with the building of the development at Penrose Gardens. The combination of wooded vegetation along the three main entrances to Chesterton (Green Lane and unnamed roads) provides enclosure and a rural character; together with gaps in vegetation creates views across open countryside and the wider landscape creating a rural character to the village when viewed by users along these roads and users of PRow footpath 161-5-10.
- 3.1.10 I have prepared figure 02 (Appendix 2) titled Landscape Character Plan which illustrates current landscape character mapping based on the existing planning baseline and following my site visit. This figure illustrates the importance of the Site as a gateway to Chesterton from the west and its ability to preserve a rural gateway to the village preserving its Settlement and Landscape Character particularly when read in conjunction with the land to the north. This

plan also shows the extensive influence of recreation in the local landscape and the cumulative effects of existing and consented recreational sites leading to the creation of a peri urban landscape beyond the Site to the west and north west extending to the M40.

- 3.1.11 The figures submitted by the Appellant titled 'Committed Development and Proposed Development at Chesterton - Sites Location Plan' (CD2.9), and on page 14 of the DAS (CD1.2) titled 'Diagram of Chesterton showing the historical context from which the site can take precedents and references' illustrates recent consented planning applications and past development evolution. I have produced figure 03 (Appendix 3) titled Cumulative Developments to illustrate the extent of change to the character of Chesterton that has taken place since 2015 and the location of the Application Site relative to this growth.
- 3.1.12 As above this gateway to Chesterton is increasingly important given the context of recent planning decisions in relation to Penrose Gardens (to the north), Vespasian Way and The Green (to the east); together with the Bicester Sports Association (BSA) development adjacent to Site (to the west) shown on the Committed Development and Proposed Development at Chesterton - Sites Location Plan -v6 (CD2.9) submitted by the Appellant as part of the Application. The development at Great Wolf (to the northwest) and shown on the abovementioned plan is approximately 0.58 km from the Site; however, the offsite footpath creation associated with its consent has an urbanising effect on the streetscape of Green Lane and has impacted existing trees beyond the Sites northern boundary through the raising of levels and associated earth works. The BSA site in particular although only partially constructed now creates a defining character of recreation and no longer has a rural character although heavily treed along its perimeter. This is due to the management of the trees creating intervisibility to the extensive sports fields beyond and the impacts of lighting from buildings and flood lights. To the north of the BSA the intensification of the existing golf course associated with the Great Wolf development has a similar effect with recreation defining this wider landscape area and recreational signage appearing on fencing.
- 3.1.13 The Appellant's LVA (CD1.3) does not include an assessment of cumulative sites or a consideration of the cumulative effects on Landscape Character.
- 3.1.14 Paragraph 2.25 of the Appellants LVA Addendum (CD1.11) states that:
- 'The only value the Site holds is in the contribution it makes to views from overlooking residences and the associated perception of a countryside edge to the village. This is currently enjoyed by the few residents overlooking the Site and the users of the narrow lanes along two of its*

boundaries. The sensitivity of these receptors to change in their views has been assessed in the submitted LVA (at pages 13, 14, 15 and 21)', with these receptors assessed as having high or moderate to high sensitivity to change.

- 3.1.15 Limited narrative has been provided in the LVA (CD1.3) to assist in an understanding of the assessment of the impacts of the Development on the Site, and no assessment of the effects provided in tables 1 or 4 of the LVA (CD1.3) assesses the change to the Site. The harm to the Site is acknowledged as substantial adverse at paragraphs 5.4 and 5.8 of the LVA (CD1.3). By definition a substantial adverse effect on the character of the Site would have a substantial and adverse effect upon the associated perception of open countryside and a countryside edge to Chesterton which would no longer exist as a result of the Development. Furthermore, this would result in substantial and adverse effects to the setting of the settlement and landscape character as a result of the Development.
- 3.1.16 Indeed, the LVA (CD1.3) asserts that other than the effects on the Site there would be no adverse effects from the Development at all. It concludes three Neutral effects and three minor beneficial effects on Landscape Character Areas/Zones. It also concludes one Substantial Beneficial effect, four Moderate Beneficial effects, seven minor Beneficial Effects and four neutral effects on visual receptors. Whilst there is minimal narrative to justify these effects the changes of assessment occur between year 1 (of operation) and year 15 post development (residual effects). These changes are significant as there is substantial change from substantial or moderate adverse effects to substantial or moderate beneficial effects. In Appendix A of the LVA (CD1.3) effects on character and views are summarised together as follows:

Substantial

'Where the scheme would cause a substantial change in the quality, condition and/or nature of the existing character area or view and the new development (or works to facilitate it) would be the dominant element'.

Moderate

Where the scheme would cause a notable change in the quality, condition and/or nature of the existing character area or view and the new development (or works to facilitate it) would be one of a small number of elements in the overall setting.

- 3.1.17 Effects are also quantified at 2c as follows:

'Beneficial Criteria (+)

Fits well with scale of landform &/or pattern of an area/view.

Increases attributes or enhances in contribution to an area/setting/view.

Enhances balance of elements in an area/view or sense of tranquillity.

Provides ability to include adequate or appropriate mitigation.

Complements local/national planning policies or guidance to protect an area's character or a View'.

'Adverse Criteria (+)

Out of scale with landform &/or pattern of an area/view.

Loss of attributes or deterioration in contribution to an area/setting/view.

Disrupts balance of elements in an area/view or sense of tranquillity.

Lacks ability to include adequate or appropriate mitigation.

Conflicts with local/national planning policies or guidance to protect an area's character or a view.

- 3.1.18 The difference between substantial or moderate adverse as commonly assessed at year 1 in the LVA (CD1.3) and substantial or moderate beneficial as commonly assessed at year 15 in the LVA (CD1.3) is vast. Without a clear narrative explanation it is difficult or impossible to understand how such conclusions have been reached. The reliance on cross reference with methodology ((VA Appendix A (CD1.3)) fails to inform the reader on how the assessment has arrived at beneficial effects especially substantial ones. The LVA's (CD1.3) own methodology states that adverse effects conflict with local/national planning policies or guidance to protect an area's character or a view.
- 3.1.19 This is directly relevant to the reason for refusal as the council asserts that the effects of the development will cause harm to the settlement and landscape character of Chesterton contrary to Policy ESD 13 of Cherwell Local Plan (CD3.1) and I disagree with the assessment of findings in the LVA (CD1.3) accordingly. As such Policy Villages 2 also states that; *'In identifying and considering sites, particular regard will be given to the following criteria: Whether significant adverse landscape and impacts could be avoided'*.
- 3.1.20 An example of the above would be those visual receptors assessed at viewpoint 4 in table 4 of the LVA (CD1.3). Receptors from this viewpoint currently experience views across the open, agricultural Site of the existing settlement edge from the unnamed road to Little Chesterton

travelling north and south including motorists, cyclist, horse riders' and walkers; together with receptors using PRoW footpath 161-5-10 directly opposite the current gap in existing vegetation along the Sites western boundary. From this viewpoint these receptors can appreciate the existing setting of Chesterton and the settlement and landscape character of Chesterton across open countryside. The LVA assesses these receptors would experience Substantial Adverse effects as a result of the Development at year 1 of operation. At year 15 these effects revert to Moderate Beneficial effects, however the cause for the shift in the nature of effect from Adverse to Beneficial is not identified.

- 3.1.21 It has been established in chapter 2.1.16 that the Site Location Plan drawing 353-ACG-XX-00-DR-A-1000 (CD1.12) illustrates that the existing vegetation along the unnamed road and Green Lane would lie outside the red line, as does the Illustrative Masterplan drawing 353-ACG-XX-00-DR-A-1050 (CD1.13). As a result, the maintenance and management of this is assumed to be outside the control or ownership of the Appellant and therefore the benefits associated with this mitigation and enhancement cannot be relied upon at this stage. Whilst the application is in outline the LVA (CD1.3) is still assessed against the current site proposals and based on reference to the Illustrative Landscape Masterplan 2930-LA-02 (CD1.14). This drawing shows large areas of existing planting on these boundaries within the redline and as such without detailed narrative it is difficult to understand how much weight has been given to offsite planting mitigation and enhancements.
- 3.1.22 Within the current proposals shown on page 31 of the DAS (CD1.2) item number 07 in the key proposes a pumping station directly opposite viewpoint 4 and includes an associated 20m easement. As a result of this easement as illustrated on page 30 of the DAS (CD1.2) there is a large gap in vegetation where there can be no new vegetation planted due to the easement. The Illustrative Landscape Strategy (drawing 2930-LA-02 (CD1.14)) proposes a native hedgerow planted along the site boundary albeit outside the submitted planning red line. It is assumed that the hedgerow could not be planted due to the easement. If so, a large gap would exist where a new 3m footpath link is proposed (an approximate 5m gap would exist here irrespective of the above). As such receptors from viewpoint 4 would therefore experience clear and open views across a minimum of 20m along the Site's western boundary with full and open views of the Development including the pumping station (replacing the current view of a native planted buffer and settlement edge viewed across some 330m of open countryside) and clearly forming a significant visual intrusion into open countryside. As such, it is difficult to understand how such beneficial effects remain, given the baseline from year 1 of operation to

year 15 has changed little and the assumed reasons for substantial adverse effects at year 1 of operation remain unmitigated.

- 3.1.23 The LVA (CD1.3) also relies heavily upon proposed boundary planting along the western and northern boundary along the unnamed road to Little Chesterton and Green Lane respectively. This planting is proposed to supplement gaps in the existing vegetation which lies outside the planning boundary and therefore cannot at this stage be improved or wholly relied upon for screening.
- 3.1.24 On page 42 of the DAS (CD1.2) the drainage proposals for the Application are included. These include a proposed swale along the western (along unnamed road) and northern boundary (along Green Lane) of the Application Site with a 500mm wide base, and with banks of a maximum of 1:3 gradient. This feature would create an unplatable boundary in the main and where panting is possible, it would be of minimal depth and unable to form a dense enough vegetative barrier to screen the Application Site as asserted given its scale and proposed height of 8m.
- 3.1.25 Together with the observations above, the assessment of the Moderate Beneficial residual effects upon landscape and visual receptors in relation to viewpoint 4 (being an example) are significantly overstated and Substantial/Moderate Adverse residual effects existing at year 15 are likely. Where such residual effects exist, coupled with the fact that views towards Chesterton are no longer possible having been replaced by residential development, the Development itself would cause substantial or moderate adverse effects and harm to the settlement and landscape character of Chesterton. As such, and as asserted in the RRs, it would lead to significant adverse landscape and visual impacts on the settlement character which could not be avoided or mitigated by the proposed development or the proposed mitigation and would cause harm to the open countryside.
- 3.1.26 Further to the above the nature of the proposed planting consists of the creation of low-level native mosaic scrub with woodland trees along the southern, western and northern boundaries. The Illustrative Landscape Masterplan (drawing 2930-LA-02 (CD1.14)) defines the areas of native mosaic scrub and defines the locations of native woodland trees. The native mosaic scrub is predominantly specified with low growing species and whilst the trees proposed would be of a tall stature they would be sparsely arranged across a large landscape. The resultant screening would be low level with sparse larger tree planting and would not screen the Application Site as asserted given building heights of 8m are proposed. As a result, the adverse effects on landscape and visual receptors are further understated and would

result in a limited reduction in views of the Development across and at the edge of the Application Site which would be unlikely to reduce effects to the extent asserted in the LVA (CD1.3) from adverse to neutral or beneficial. This would mean that, in the majority of cases assessed, the residual effects of the assessment would include adverse residual effects more akin to those assessed at year 1 of operation as the mitigation proposed would not screen a development of this size and scale as proposed.

3.1.27 In the assessment of the Site's assets and constraints on page 18 of the DAS (CD1.2) there is an emphasis on the existing settlement edge along Vespasian Way as being a negative feature with a need to screen the fencing and properties along Vespasian Way and likewise to screen the Application from view and knit it into the expanded urban grain. The current boundaries of Vespasian Way (offsite) contain native species buffer mixes and native trees which are currently naturalising on site as part of condition discharge associated with the planning application for Vespasian Way and the Green (planning reference 12/00305/OUT). The Council maintains that this is not a negative boundary as such from public views due to distance and the setting within open countryside and in relation to settlement character the maturation of the boundary planting associated with the development at Vespasian Way will over time (year 15) better assimilate the development into the landscape. Without the benefit of narrative to inform the matrices in table 4 of the LVA (CD1.3) there appears to be an assertion that the planting of this boundary will be a significant improvement to the existing settlement edge and character of Chesterton. This risks merging landscape and visual effects, notwithstanding the fact that again the planting proposed within the Landscape Strategy to Support the DAS (CD1.2) specifies a low growing buffer mix, the Appellant's proposed buffer mix contains mostly small trees and shrubs. The proposed planting also contains two species of tree along these residential boundaries that grow to a substantial height (Hornbeam and Beech). These trees planted so close to the boundaries of properties along Vespasian Way risk the residential amenity of these south facing properties over time; however it is acknowledged that such elements could be conditioned. What is not clear however, due to the lack of narrative, is just how much the LVA (CD1.3) relies on taller species to mitigate effects of the Development on Landscape and Visual receptors.

3.1.28 I have prepared figure 04 (Appendix 4) titled Settlement Pattern which shows an overlay of the Application in relation to the existing settlement pattern and landscape character of Chesterton which highlights the influence of the Application on the Site and its relationship to the fabric of the existing built form within Chesterton. Due to the size and scale of the

Development and its location at the gateway to the village and village edge the Application would significantly harm the setting and landscape character of Chesterton. The introduction of further recreational space and the nature of facilities proposed (such as large-scale play facilities and sports fields) given the quantum available in the landscape and planned landscape also effects the character and setting of the village. This figure highlights that the current illustrative layout does not reflect the character or in any way reflect the settlement pattern of Chesterton and as such would create an incongruous development which would strongly deviate from the settlement pattern of the village and as such would cause significant adverse landscape and visual impacts to the settlement character which could not be avoided or mitigated by the proposed development by way of local vernacular materials or planting as proposed in the DAS (CD1.2). This effects both RRs as it creates both a disproportionate development when considered against the scale of the existing village causing significant adverse landscape and visual harm; together with harm to the approaches to the village with incongruous urban form still visible at year 15 and in proximity to cumulative sites (in particular the effects of the southern extents of the BSA development alongside the Development) resulting in a negative impact on the individual identity of Chesterton and Little Chesterton.

4 Conclusion

- 4.1.1 In summary, the appeal scheme represents a disproportionate development when considered against the scale of the existing village and the cumulative impact of growth. As a result, the Application would cause significant adverse landscape and visual impacts to the landscape and settlement character which could not be avoided or mitigated by the proposed development contrary to the conclusions of the Appellant's submitted LVA (CD1.3) and contrary to policy ESD 13 and Villages 2 of the Cherwell Local Plan 2011 – 2031 (Part 1) 2015 (CD3.1).
- 4.1.2 It would also cause harm to the overall character of the settlement, the approaches along Green Lane and unnamed lane to Little Chesterton and would cause a significant extension into open countryside which has not been mitigated by the proposals. This combined with developments of the BAS in particular would result in a potential negative impact on the individual identity of Chesterton and Little Chesterton and contrary to policy ESD 13 and Villages 2 Cherwell Local Plan 2011 – 2031 (Part 1) 2015 (CD3.1) and OWLS (CD3.9).
- 4.1.3 In light of this evidence, I consider that the Application does not accord with Policies ESD13 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1 (CD3.1).

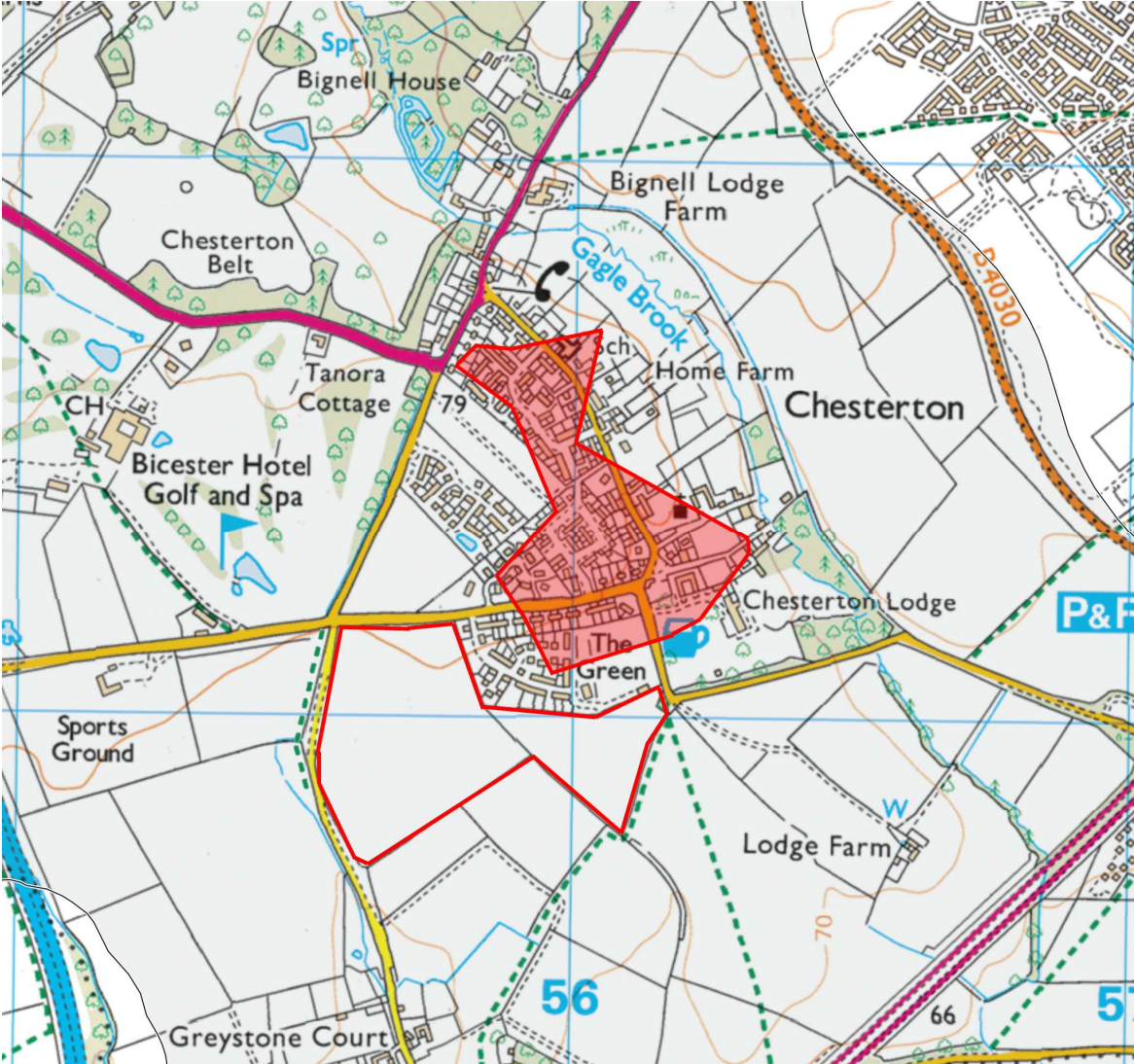


Figure 01 Application area overlaid onto the current Chesterton village footprint - Not to scale

Appendix 2 Figure 2



Figure 02 Landscape Character Plan - Not to scale

Appendix 3 Figure 3

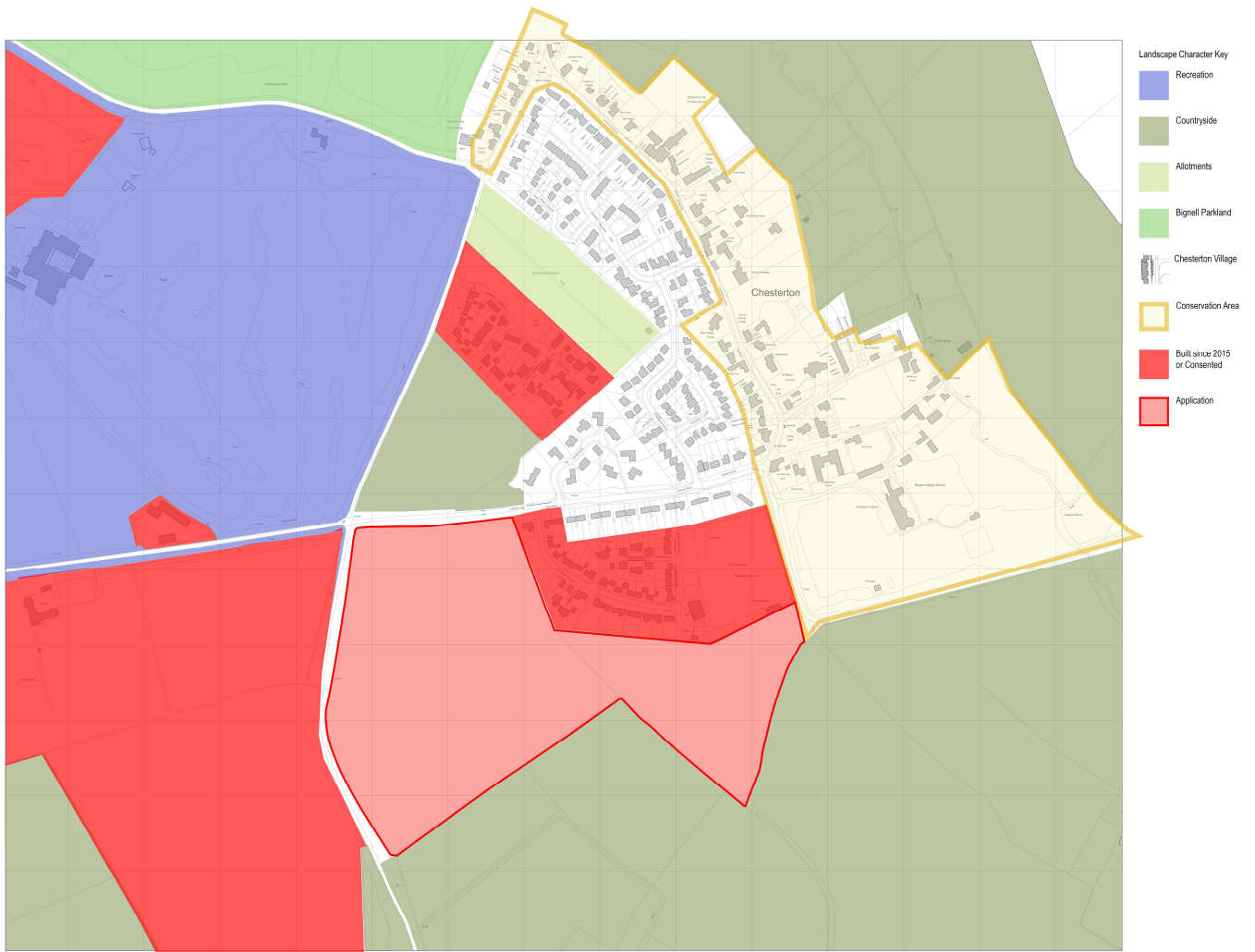


Figure 03 Cumulative Developments - Not to scale



Photograph 1: View looking south east along Green Lane

