



# Land South of Green Lane, Chesterton: Summary Proof of Evidence of Jeremy Smith BSc (Hons), DipLA, CMLI

**Appeal Reference: APP/C3105/W/23/3331122**

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SLR Project No.: 403.065091.00001

8 January 2024

Revision: 03

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## 1.0 INTRODUCTION

### Qualifications and Experience

- 1.1 I am Jeremy Smith, Director with SLR Consulting Limited (SLR). I am the founder member of SLR's landscape architecture practice, which now has over 120 landscape and masterplanning staff across the UK, Australia, New Zealand and USA.
- 1.2 I am a chartered landscape architect with over 32 years of professional experience. I have a first class degree in geography from the University of Nottingham and a post-graduate diploma in landscape architecture from Sheffield University.
- 1.3 Whilst working in landscape practice I have specialised in landscape planning and landscape and visual assessment. I have acted as an expert witness on landscape, visual and Green Belt matters at numerous appeals, giving evidence both for and against development proposals. I have written guidance for Local Authorities such as Oxford and Harrow on protected views, and for Haringey on their Tall Building Strategy. I was one of four landscape architects that recently co-authored new guidance on landscape value and paragraph 174 valued landscapes on behalf of the Landscape Institute ("*Assessing Landscape Value Outside National Designations*", Landscape Institute Technical Guidance Note 02/21, **CD 5.2**).

### Review of the Landscape Planning Context

- 1.4 I have noted that the appeal site is not within a landscape or landscape-related designation. There is no formal access to the site.
- 1.5 In the adopted Local Plan the appeal site is not allocated for development. However, in the emerging Local Plan, which is at the regulation 18 stage, the appeal site forms part of a proposed allocation for 500 homes. Appendix 2 to the draft plan states that one of the key development considerations for this allocation will be the relationship of Chesterton and Little Chesterton. Given that the Council has proposed allocation of the appeal site and land to the south for residential use it has clearly concluded that it is possible to maintain a sense of separation between these settlements.
- 1.6 In recent appeal decisions for Great Wolf and BSA, Inspectors agreed that the local landscape "*is an area of transition where many of the key characteristics of the NCA are either absent or heavily diluted*". In both cases the Inspectors decided that the landscape was of medium to low sensitivity and not a valued landscape.



- 1.7 The Council’s Landscape Officer found that the Allen-Pyke LVA was “*comprehensive and proportionate*”. She agreed that the visual effects would be localised, with the receptors most affected being close to the site itself. The Landscape Officer expressed concerns about the potential effects of the development upon the setting and gateway to the village, although she did not mention any issues regarding the effects on the sense of separation between Chesterton and Little Chesterton.

## **Landscape Design Review of the Proposals**

- 1.8 My landscape review has concluded that the appeal site has ample space to deliver a low density residential development that would not only conserve the existing field structure but could also deliver significant areas of new green infrastructure, new habitats as well as new recreational space and footpaths. The height, density and materiality of the proposed built form would be appropriate to the local context.

## **Potential Landscape and Visual Effects of the Appeal Proposals**

- 1.9 I have carried out my own landscape and visual appraisal of the proposed development, based upon a thorough desk top assessment of existing policies and character assessments as well as two site visits. I have prepared a computer-generated ZTV and year 1 and year 15 photomontages from three viewpoints. My assessment methodology has been drafted by a team of experienced chartered landscape architects and has been tested at numerous inquiries.
- 1.10 My landscape assessment has concluded that the landscape effects resulting from the proposed development would be localised, and that the site does not form part of a valued landscape. There would be major/moderate and negative effects on the arable fields of the appeal site itself, but all other effects would be moderate or less. The effects of the proposals upon the hedgerow network would be minor and positive, due to the potential for additional native planting, and the effects on the pasture fields to the south of the appeal site would be minor and negative. The effects on the character of the Wooded Estatelands character type receptor would be moderate/minor and negative.
- 1.11 My visual assessment concluded that the visual effects of the proposed development would also be highly localised. In the short term there would be moderate effects for residents, walkers and cyclists at Vespasian Way and Green Lane, as well as the major/moderate effects for walkers and cyclists on the unnamed lane to the west of the appeal site: all of these receptor groups are within 50 metres of the site boundary, and only one of them is



experiencing short term, major/moderate effects. I have also concluded that the effects at many of these closer viewpoints would reduce by year 15 due to the mitigating effect of existing and proposed planting. By year 15 the highest level effect for any of the visual receptor groups would be moderate/minor for residents and pedestrians at Vespasian Way, residents and pedestrians at Green Lane, and walkers on the unnamed lane to the west of the site. All other receptor groups would experience effects that are minor or less.

- 1.12 The conclusions of my assessment broadly align with those of the Allen-Pyke LVA: both assessments reach the conclusion that there would be localised landscape and visual harm as a result of the appeal proposals, and both agree that degree of visual harm would diminish over time. The main difference between these assessments is that the Allen-Pyke LVA concludes that landscape and visual effects would become positive at year 15, whereas I conclude that the landscape effects of introducing new homes onto a green field would continue to result in some negative landscape and visual effects beyond year 15. This difference is a result of differing professional judgement, not one of methodological divergence. It is my view that it is best practice in LVA to assess the introduction of built form to a green field site as causing negative landscape and visual effects, and to conclude that at least some of those negative effects will continue to persist even when the proposed landscaping and planting has established and reached semi-maturity; this is a worst-case assessment of effects, adopted by many landscape expert witnesses.
- 1.13 It is in this context that the result of my assessment must be viewed: if it is best practice to conclude that all green field residential developments will result in landscape and visual harm, what differentiates residential developments is not, therefore, whether there is harm or not, but instead the degree of harm.
- 1.14 As I have noted, it is also important to consider the design benefits of the proposals alongside the harm assessed in the LVA, and the results of my assessment should therefore be read alongside my landscape design conclusions at section 3.0 of my proof, and also the conclusions of the design review in Mr Burton's proof.
- 1.15 It is my conclusion, based upon many years of assessing hundreds of residential proposals, that degree of landscape and visual harm resulting from this proposal for up to 147 homes is at the lower end of the scale. The negative landscape and visual effects would be highly localised and would also reduce over time, due to the low density of the development and the considerable space available for recreation, new habitats and additional landscape planting.



## Potential Effects of the Proposed Development upon the Separate Identities of Chesterton and Little Chesterton

- 1.16 I have carried out an assessment of the potential effects of the appeal proposals, along with the potential cumulative effects of other permitted developments, upon the sense of separation between Chesterton and Little Chesterton. My assessment applies the Eastleigh Criteria for assessing the effectiveness of gaps between settlements, an approach devised by a Local Plan Inspector, published in government guidance, and subsequently accepted at numerous appeals.
- 1.17 My assessment has concluded that the appeal proposals would continue to provide a clear sense of leaving one settlement, travelling through an intermediate, rural landscape, and arriving at a different settlement, whether by footpath or by the unnamed lane. Once the proposed planting around the appeal site has started to mature, this sense of separation would be increased, but even at year one there would be a minimum of 285 metres of rural, enclosed lane between the settlements that would provide a clear sense of separation, and this distance is similar to that found between other settlements in the District. I have also concluded that the other permitted schemes would not cumulatively undermine the clear sense of separation between the two settlements.

## Response to the Landscape and Visual Aspects of Reasons for Refusal 1 and 2, and the Council's Criticism of the Allen-Pyke LVA

***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.***

- 1.18 As I have noted, it is best practice in LVA to acknowledge that that all green field residential developments result in at least localised landscape and visual harm. This fact has been accepted by the vast majority of landscape architects and has also been recognised by nearly all Inspectors. It follows that if housing is required on green field sites, there will inevitably be some landscape and visual harm; what is essential is that those developments are designed as sensitively as possible, such that some enhancements can be achieved and so that the harms can be minimised.
- 1.19 One of the most important ways in which landscape and visual harm can be minimised is by only developing homes in landscapes which are less sensitive to change – in other words



those landscapes which are less valued and less susceptible to the change that residential development would cause.

- 1.20 In this case it is common ground that the appeal site does not form part of a valued landscape. The appeal site also forms part of an assessment parcel which the Cherwell Landscape Sensitivity Assessment has concluded is of low value and moderate susceptibility, and thus low to moderate sensitivity overall. The assessment defines low to moderate sensitivity as being “*few of the key characteristics and qualities of the landscape are sensitive to change*” and “*there is potential to accommodate the development scenario*”.
- 1.21 According to the Council’s own evidence base, and Inspectors for the Great Wolf and BSA appeals, this area is therefore of low/moderate sensitivity and a suitable location for residential development. It is presumably at least partly for this reason that in the emerging regulation 18 Local Plan policy LPR37a proposes the allocation of 500 homes in this location, on land that includes the appeal site.
- 1.22 In my own landscape appraisal I have concluded that the appeal proposals would result in localised landscape harm. There would be major/moderate and negative effects on the arable fields of the appeal site itself, but all other effects would be moderate or less.
- 1.23 In my visual assessment, I have concluded that the visual effects of the proposed development would also be highly localised. I have also concluded that the effects at many of these closer viewpoints would reduce by year 15 due to the mitigating effect of existing and proposed planting. By year 15 the highest level of effect for any of the visual receptor groups would be moderate/minor for residents and pedestrians at Vespasian Way, residents and pedestrians at Green Lane, and walkers on the unnamed lane to the west of the site. All other receptor groups would experience effects that are minor or less.
- 1.24 Based upon many years of designing and assessing residential proposals, I have noted that the degree of landscape and visual harm that would result from this proposal is therefore at the lower end of the scale of harm from residential development non green field sites. It certainly does not equate to “*significant landscape and visual impacts*” alleged in the reason for refusal.

***The proposals would be harmful development to the village of Chesterton***

- 1.25 As noted above, all residential development on green field sites will result in at least localised landscape and visual harm. As I have noted above, in this case the degree of harm is relatively



low, since the landscape and visual effects would be localised, often short term, and reduced by the proposed mitigation planting.

- 1.26 In terms of harm to the village of Chesterton itself, the appeal proposals would not cause a significant change to the key elements of the village or its setting. New houses of an appropriate scale and materials would be placed next to existing, prominent houses at Vespasian Way, and the proposed POS would be placed adjacent to, and would extend, existing recreational facilities at The Green. As the illustrative landscape strategy in the Allen-Pyke LVA shows, this would be a low density, landscaped edge, providing an appropriate transition between the settlement and the countryside to the south.

***The proposals would be ... contrary to Policy ESD13***

- 1.27 In accordance with Policy ESD13 the proposed development would provide new habitats, reinstate lost hedgerows, and provide new POS. This would result in landscape, visual, ecological and recreational enhancement to the landscape, and would also create an appropriate and attractive edge to Chesterton.
- 1.28 In relation to the effects on local landscape character I have concluded that the proposals would cause localised landscape harm focused upon an area which is already influenced by the settlement edge, and is acknowledged within the Council's Landscape Sensitivity Assessment as being of Moderate to Low sensitivity. The design of the proposals would also echo the existing settlement edge of Chesterton, placing housing next to existing housing, and POS next to the existing POS at The Green.
- 1.29 In this context it is important to emphasise that Policy ESD13 does not preclude any landscape harm, but instead requires that development proposals "*respect and enhance local landscape character*", and where harm to the local landscape occurs "*appropriate mitigation*" should be secured.
- 1.30 I have therefore concluded that the appeal proposals accord with Policy ESD13.

***The proposals ... would cause harm to the approaches along Green Lane and the unnamed lane to Little Chesterton***

- 1.31 Through my visual assessment, supported by accurate photomontages, I have shown that whilst the proposed development would result in noticeable visual effects for some receptors on the unnamed lane in the short to medium term, but by year 15 this harm would reduce to glimpses of built form. Similarly, there are currently glimpses of built form Green Lane and





the proposed development would increase this visibility in the short term; however by year 15 this visibility would once more be reduced to glimpses.

- 1.32 I have therefore concluded that the proposals would not result in any significant harm to the visual amenity of those using Green Lane or the unnamed lane in the medium to long term.

***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***

- 1.33 As I have explained above, by applying the Eastleigh criteria I have shown that the appeal proposals would continue to provide a clear sense of leaving one settlement, travelling through an intermediate, rural landscape, and arriving at a different settlement, whether by footpath or by the unnamed lane. Once the proposed planting around the appeal site has started to mature, this sense of separation would be increased.

**The Council's Statement of Case (and Addendum): Concerns regarding the Methodology and Conclusions of the Allen-Pyke LVA**

- 1.34 I have carried out my own assessment of the potential landscape and visual effects of the proposed development, and that assessment is based upon a tried and tested methodology supported by a computer-generated ZTV and accurate photomontages. It is upon this assessment that I primarily rely.
- 1.35 However, I have also carried out a review of the methodology and conclusions of the Allen-Pyke LVA. I have noted that GLVIA3 does not specify a "*formulaic recipe*" for carrying out LVAs, and that it states that "*professional judgement is an important part of LVIA*".
- 1.36 I have concluded that both my own LVA and the Allen-Pyke LVA comply with the guidance within GLVIA3, and that the conclusions of both are broadly aligned, particularly if the harm assessed in my LVA is considered alongside the design benefits of the proposals, as set out both in my proof and in Mr Burton's.
- 1.37 In this context it is important to reiterate that the Council's Landscape Officer concluded that the Allen-Pyke LVA was "*comprehensive and proportionate*".





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