

APP/C3105/W/24/3338211 – Land East Of Warwick Road, Drayton Warwick Road, Banbury

The Banbury Civic Society has consistently objected to the development of this site, at Regulation 18 stage of the current Local Plan and the present Outline application for up to 170 dwellings (Use Class C3) with associated open space and vehicular access off Warwick Road, Banbury (CDC 23/00853/OUT).

As noted in our original objection to CDC 23/00853/OUT we object on the grounds that the proposed development would intrude into the open countryside on high grade farmland identified as being visually sensitive to urban development. It would compromise the rural setting of Hanwell village and its conservation area and result in coalescence, contrary to Cherwell's adopted Local Plan Policies **Banbury 5** (North of Hanwell Fields), **ESD 13** (Local Landscape Protection and Enhancement) and **ESD15** (The Character of the Built Environment).

As set out below, assurances that this site should not be developed in the Plan period were contained in the Inspector's Report on the current Local Plan. Given the number of local objections that Cherwell Council received at when this development proposal was brought before the Council, I hope the Inspector will now excuse us making our representations again, directly to PINS.

Policy Banbury 5 – North of Hanwell Fields

The proposed development would form an extension of the allocated site Banbury 5, development of which is now complete.

When the current Local Plan was before the Inspector at the Local Plan Inquiry, the Inspector insisted that:

Banbury 5 – North of Hanwell Fields

*172. 26 ha of land on the north western edge of the town is identified for new housing, with 544 new units currently expected to be provided following a Council resolution to approve part, together with necessary infrastructure, that in this case includes green links beyond the site. The location involves extending the town into presently open countryside to the north of Dukes Meadow Drive, a recently built development spine road running east/west, **albeit retaining a sufficient distance of about 500m from the village of Hanwell to the north (and about 400m from the southern boundary of its CA) to ensure that the setting of its CA is preserved, coalescence does not occur and that Hanwell would retain its separate identity.***

173. Nevertheless, this relationship means that particular care is needed in the design and layout of the scheme, as well as in respect of peripheral landscaping and new planting, including regarding the heights of new buildings and outdoor lighting, as required in policy Ban 5. With the addition of references to flood risks, landscape/visual and heritage impact assessments, as well as the clarification of numbers (MMs 102/103), the proposals are reasonable and realistic and the policy sound.

(Cherwell District Council Local Plan, Inspector's Report May 2015 p. 36)

These observations are reflected in the adopted Policy Banbury 5 and its supporting paragraphs, which state:

Policy Banbury 5: North of Hanwell Fields

Key site specific design and place shaping principles:

- **Proposals should comply with Policy ESD15**
- **A high quality residential District for the north of Banbury that is designed with consideration to the landscape setting and well integrated with the adjacent residential area**
- **A well designed, 'soft' approach to the urban edge, which integrates with the design and layout of the Hanwell Fields development and which respects the rural, gateway setting**
- **The maintenance of the integrity and quality of the strategic landscaping for the Hanwell Fields development**

- **Retention and enhancement of the semi-mature band of trees on northern and western boundaries and establishment of a green buffer between the site and Hanwell village**
- **Careful design of the height and extent of built development to minimise adverse visual impact on the setting of Hanwell village and Hanwell Conservation Area**
- **Provision of appropriate lighting and the minimisation of light pollution in order to avoid interference with Hanwell Community Observatory based on appropriate technical assessment**

C.149 Hanwell village is situated about 500m to the north and the southern boundary of its Conservation Area is approximately 400m from the site. The village also hosts a community observatory. Development of the (Banbury 5) site can be achieved without harm to the character and appearance of the Conservation Area but the existence of a local ridgeline means that new houses could protrude into the skyline when viewed from the north. Careful design will therefore be necessary to ensure harm to the historic environment is avoided and the impacts on the character of the rural area and local amenity are minimised. This should include the enhancement of the band of semi-mature trees on the site's northern and western boundaries and detailed consideration of building heights and lighting schemes. The improvement of woodland to the north would help permanently establish a green buffer between the site and Hanwell. (the now proposed development lies to the north of this important screen of shelter planting, thereby negating its purpose).

C.150 It will also be important that development respects the design and layout of the Hanwell Fields development, sits well in the rural landscape, and ensures that a 'soft' urban edge is created in view of the site's prominent position at a northern gateway to Banbury. (the development now proposed will negate this). The application now proposed will extend Banbury's urban edge into the open countryside, well beyond the important and well established tree belt that screens the Banbury 5 development and the wider Hanwell Fields development from Hanwell village. It will extending the development to within just a few tens of metres of the boundary of the Hanwell Conservation Area. It goes without saying that development so close to the historic core of Hanwell (as represented by the conservation area) would be considerably less than the **400m to 500m** that the Inspector considered necessary **to ensure that the setting of its Conservation Area is preserved, coalescence does not occur and that Hanwell would retain its separate identity.**

Policy ESD 13 (Local Landscape Protection and Enhancement)

In its supporting paragraphs, Policy ESD 13 specifically refers again to the village of Hanwell, citing the Council's Landscape Evidence Base documents that identify the key landform and landscape features of value around Banbury and Bicester.

It states that:

Opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.

Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.

Proposals will not be permitted if they would:

- **Cause undue visual intrusion into the open countryside**
- **Cause undue harm to important natural landscape features and topography**
- **Be inconsistent with local character**

- ***Impact on areas judged to have a high level of tranquillity***
- ***Harm the setting of settlements, buildings, structures or other landmark features, or***
- ***Harm the historic value of the landscape.***

Development proposals should have regard to the information and advice contained in the Council's Countryside Design Summary Supplementary Planning Guidance, and the Oxfordshire Wildlife and Landscape Study (OWLS), and be accompanied by a landscape assessment where appropriate.

B.252 One of the most important elements of the landscape which can add to the character and identity of an area are natural landscape features. Such features include Muswell Hill, Crouch Hill, Madmarston Hill, the River Cherwell and Otmoor, which all make those areas distinct and create a sense of place. Many form local landmarks valued by the local communities. 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*
- *ironstone ridges and valleys*
- *the historic villages and parkland of Hanwell and Wroxton*

Given that the Inspector considered that 400m to 500m and an existing established shelter belt to the north of Banbury 5 were essential to prevent coalescence and to preserve the setting of the Wroxton village and conservation area, the proposed development (to the north of the tree belt and within metres of the conservation area) cannot do other than have an adverse effect on the open and agricultural setting and identity of Hanwell, the ironstone ridge and **the historic village and parkland of Hanwell.**

Policy ESD15 - The Character of the Built Environment

Policy ESD15 insists that:

Where development is in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential. New development proposals should:

- ***Development of all scales should be designed to improve the quality and appearance of an area and the way it functions***
- ***Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting***
- ***Conserve, sustain and enhance 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated.***

Until the Local Plan Inquiry, Policy ESD15 provided a concentric 'green buffer' around Banbury, to prevent coalescence with the surrounding historic villages and to protect the character and separate identity of the neighbouring historic villages around the town. This would have protected the land between Banbury 5 and the village of Hanwell as a strategic gap.

At the Local Plan Inquiry, the Inspector found that

101. Five purposes are listed for policy ESD 15, in addition to the initial requirement that all new development on the edge of a built up area must be carefully designed and landscaped to help assimilate it into the rural setting of towns. In particular, these relate to the definition of "green buffers"

on the Policies Maps, whereby the Council seeks to retain the identity and settings of towns and villages, protect the landscape, gaps and views, prevent coalescence and help define limits to settlements.

102. *Whilst strongly supported by some, notably parishes close to both Banbury and Bicester, this policy has been the subject of major criticisms from others. This is partly on the basis that it seeks to introduce an unnecessary and unjustified level of overall restraint on development in the defined areas, when other plan policies, such as ESD 13, are entirely suitable to protect those areas from inappropriate and/or harmful proposals in the countryside.*

103. *Notwithstanding its “evolution”, including through the various iterations of the Green Buffers Reports (ENV 04 and ENV 07), which reviewed boundaries amongst other things, the policy effectively duplicates some of what is covered under policy ESD 13 (which is sound), notably in relation to the protection of local landscape character. Moreover, as modified, the last section of the policy is intended to make clear that it should not operate as an overall restraint on development, as some fear, but inevitably that is how it will be seen and interpreted by many, bearing in mind the title and the designations on the Policies Maps, in practice.*

104. *Indeed, whilst the Council says that it is not intended to preclude development, the true purpose of the policy is questionable, given the duplication with other plan policies in relation to aspects such as the protection of important landscape features and heritage assets.*

105. Sufficient land to meet the needs for both housing and employment to 2031 has been allocated in the plan, as modified, so no new strategic sites should need to come forward. Policy C15 of the adopted LP (TOP SD 31) will also continue to apply to help prevent coalescence between settlements, pending completion of the LP Part 2. In such circumstances, policy ESD 15 is unnecessary, as all the other relevant policies including ESD 13 which addresses some of the same matters should be suitable and sufficient in practice to protect vulnerable gaps between settlements from inappropriate development and avoid coalescence. Accordingly (the green buffer) is unsound as submitted and as modified and should be deleted (MMs 51 + 63).

106. *A reworded policy applying only to specific locations meeting the narrower definition of “valued landscapes” (para 80) and/or “areas of environmental or historic significance” (para 157) as defined in the NPPF, particularly around Banbury and Bicester, could be considered by the Council once the local needs of villages have been assessed to identify where development would be inappropriate, for inclusion in the LP Part 2.*

(Cherwell District Council Local Plan, Inspector’s Report May 2015, pp. 22 to 23)

Conclusion

In conclusion, as found by the Inspector at the Local Plan Inquiry, *Sufficient land to meet the needs for both housing and employment to 2031 has been allocated in the plan, as modified, so no new strategic sites should need to come forward.* On this basis, the Inspector considered that the ‘green buffer’ around Banbury was unnecessary and that other Policies (specifically ESD 15 and ESD13, the latter mentioning Hanwell specifically) would be sufficient to prevent coalescence between Banbury and its neighbouring historic villages.

Because the proposed development pushes into the open countryside beyond the strategic tree belt to the north Banbury 5, almost to the boundary of the Hanwell Conservation Area, the proposed development is exactly the kind of unnecessary speculative housing development on a non-allocated site that the Inspector knew would come forward during the plan period. The Inspector deemed that Policies ESD13 and ESD15 were sufficient to prevent such a development without the necessity of defining a local strategic gap or a concentric green buffer.

Given that the Inspector’s reassurance at the Local Plan Inquiry that the other policies in the plan would protect the existing separation between Hanwell and the Banbury 5 site, as sought through the ‘green buffer’, it would be an enormous disappointment and a failure of plan-led planning were another PINS Inspector to now allow this Appeal.

Yours sincerely

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(Address supplied)