

Land East of Warwick Road, Banbury

Statement of Common Ground – Landscape and Visual Matters

edp3253_r020d

QA: BCo_SCh_240524

1 INTRODUCTION

1.1 This Landscape and Visual Statement of Common Ground (SoCG) has been agreed between the Appellant (Vistry Homes) and Cherwell District Council (“the Council”) as Local Planning Authority (LPA).

1.2 An outline planning application was originally submitted on 29th March 2023 and subsequently refused on 11th August 2023. The Description of Development was as follows:

“Outline application for up to 170 dwellings (Use Class C3) with associated open space and vehicular access off Warwick Road, Banbury; All matters reserved except for access”.

1.3 This SoCG deals with landscape and visual matters only, pursuant to planning application reference: 23/00853/OUT. It should be read in conjunction with the main Statement of Common Ground - Planning Matters [which at the time of writing is draft].

1.4 There are four reasons for refusal contained in the planning application decision notice, the first specifically relating to landscape matters. It states:

“1. Cherwell District Council is able to demonstrate a 5-year housing land supply meaning that the relevant development plan policies are up to date. The application site is located within open countryside and is not allocated for development. The proposed development by virtue of its visually prominent position, is such that it would breach Banbury’s contained environmental setting, giving rise to a direct risk of coalescence between Banbury and Hanwell, causing undue visual intrusion into the open countryside, fundamentally changing the undeveloped characteristics of these parcels of open arable land, creating a prominent urban built form, inconsistent with the local character, to the detriment of the rural landscape and the identity and individuality of Hanwell village, contrary to Policies PSD1 and BSC1 of the CLP 2031 Part 1, saved Policies C8 and H18 of the CLP 1996 and Government guidance within the National Planning Policy Framework”.

1.5 Landscape related matters are also covered within the second reason for refusal, which states:

“2. The proposed development is considered to erode the open arable landscape which provides clear separation between Banbury and Hanwell and forms part of the surroundings within which the setting of Hanwell Conservation Area, St Peter’s Church (Listed Building Grade I) and Hanwell Castle (Listed Building Grade II) are experienced, to the detriment of and*

causing harm (less than substantial) to the setting of these designated heritage assets, contrary to policy ESD15 of the CLP 2031 Part 1 and Government guidance within the National Planning Policy Framework”.

- 1.6 An assessment of the potential effects of the development on landscape and visual resources is set out in the Landscape and Visual Appraisal (LVA; Report No. edp3253_r007c; **CD:1.4/TA7.1**) which was submitted with the original planning application submission in March 2023. Further, an Environmental Statement (Chapter 7: Landscape and Visual) (**CD:1.4**) reports the outcome of the assessment of likely significant environmental effects arising from the Appeal Proposals in relation to landscape character and visual amenity.

2 OFFICER COMMENTS

- 2.1 The Council’s Landscape Officer did not provide comment on the application. However, the Council appointed MCA Landscape Architects to carry out an independent review (dated 19th July 2023) (**CD:3.12**).

3 POINTS OF AGREEMENT

- 3.1 With regard to process, methodology and baseline matters, is it not challenged that:
- The site is not subject to any local or national landscape designations, nor is it proposed to have such status. Paragraph 182 of the National Planning Policy Framework (NPPF, 2023) is not engaged by the proposals;
 - The appeal site and its context is not within a valued landscape for the purposes of NPPF 180(a);
 - The 'Landscape Designations Plan' (Figure 7.2 of the LVA) is broadly representative of the principal landscape, and landscape related, designations within the area where it is likely that landscape and visual effects from the proposed development might arise;
 - At no point during the application process was the methodology within the LVA challenged by the Council. Further, the MCA review concluded that *“Environmental Chapter 7 Landscape and Visual, offers a very thorough and methodical assessment of the likely significant environmental effects arising from the proposed scheme in relation to landscape character and visual amenity. It is based, correctly, on ‘Guidelines for Landscape and Visual Impact Assessment – 3rd Addition’ published jointly by Landscape Institute and Institute of Environmental Management & Assessment. The LVA represents a good application of GLVIA-3; the guidelines remain the benchmark for landscape and visual assessment but they require diligence and experience to apply correctly”*;

- Relevant guidance for landscape and visual assessment is provided within the Guidelines for Landscape and Visual Impact Assessment (3rd Edition, Landscape Institute and IEMA, 2013) and the associated Technical Guidance Notes. The LVA methodology is consistent with the appropriate guidelines: Guidelines for Landscape and Visual Impact Assessment - Third Edition (Landscape Institute and IEMA, 2013) (GLVIA3);
- EDP contacted the Council during July 2022 in order to agree viewpoint locations, however, no response was received¹;
- The Oxfordshire Wildlife and Landscape Study (OWLS), produced in 2004, is the Council's adopted Landscape Character Assessment. Within the OWLS, the appeal site is identified as being within the Farmland Plateau Landscape Type (LT);
- The Cherwell District Landscape Assessment, undertaken in 1995, is not considered to provide an up-to-date assessment of local landscape character. Similarly, the Countryside Design Summary (CDS) was prepared 25 years ago by the Council in 1998, though this Supplementary Planning Guidance is of some relevance when considering the impact of development upon landscape character; and
- The Cherwell Landscape Sensitivity Assessment (CLSA) was produced by The Environment Partnership Ltd for the Council in 2022 and forms part of the evidence base to inform the Local Plan Review which is yet to undergo examination. The CLSA provides a comparative assessment of the landscape sensitivity of 'assessment parcels' of land to the principle of built development, woodland planting and recreation/open space. Parcel A of the appeal site forms part of a wider assessment parcel identified as LS BAN13: Land East of Warwick Road, while Parcel B lies within a much larger parcel identified as LS BAN14: Land North of Dukes Meadow Drive. The CLSA Summarises that:
 - a. Appeal Site Parcel A: Low-Moderate sensitivity to residential development; and
 - b. Appeal Site Parcel B: Moderate-High sensitivity to residential development².
- The CLSA in assessing parcel LSBAN13 considered the key sensitivities as being:
 - *"The sense of settlement separation between Banbury and Hanwell.*
 - *Rural setting to Hanwell Conservation Area".*
- In assessing parcel LSBAN14 the key sensitivities were considered to be:
 - *"The setting the landscape provides to Hanwell Conservation Area.*

¹ Email sent by Emma Baker of EDP to Planning@Cherwell-DC.gov.uk, 4th July, 2022

² The CLSA considered a development scenario of 3 storeys, whereas the appeal proposals are 2 storeys.

- *The distinctive elevated landform, panoramic views to the north and role of this area as a backdrop and skyline.*
- *The well-defined pattern of tall hedges and hedgerow trees.*
- *Public access routes which are valued for informal recreation and provide a link to the wider countryside”.*
- Reasons for refusal 1 and 2 provide the scope of the main landscape matters, including all relevant policy, relevant to the determination of this appeal.

3.2 With regard to the appeal proposals, it is not challenged that:

- The planning application was accompanied by a body of illustrative material including land uses and landscaping. It is recognised that all matters are reserved except for means of access; and will be subject to further Reserved Matters applications;
- The consideration of the effects arising from the appeal proposals are based on the delivery of the indicative mitigation measures set out on the Illustrative Landscape Strategy Plan (Ref edp3253_d042c) with landscaping being a reserved matter for further consideration by the Council at a later stage; and
- The provision of new public open space within Parcel B would give rise to some beneficial change, creating new viewing opportunities of the landscape between Banbury and Hanwell.

3.3 With regard to landscape and visual effects, it is not challenged that:

- In the wider context, the proposals would be unlikely to form a clearly identifiable component of views beyond 500m; and
- Visual effects of moderate or above have only been identified at the appeal site boundary. Beyond the appeal site boundary, visual effects would be no higher than moderate/minor.

4 MATTERS OF DISAGREEMENT

4.1 The Appellants do not agree with the landscape related statements included within the Reasons for Refusal.

5 AGREEMENT OF COMMON GROUND

5.1 This statement is agreed as common ground on Landscape and Visual matters under planning appeal reference: APP/C3105/W/24/3338211.

5.2 This statement has been duly signed by the following representatives of the Appellant and Cherwell District Council.



Signed;

Date: 20th May 2024

Ben Connolley, Director, EDP
Signed on behalf of Vistry Homes

Nick Wyke

Signed: _____

Date: 28/05/2024

Signed on behalf of Cherwell District Council