

Urban Design Proof of Evidence.

Evidence of Michael Carr (BA HONS LA DIP UD RUDP).

Land east of Warwick Road, Banbury.

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.

On behalf of Vistry Homes Ltd

Date: April 2024 | Pegasus Ref: P24-0645| CD 9.6

Appeal Ref: APP/C3105/W/24/3338211

LPA Ref: 23/00853/OUT

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Document Management.

Version	Date	Author	Checked/ Approved by:	Reason for revision
02	May 2024	MC	MC	Comments r'cvd



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1. Witness Background and Particulars

- 1.1. My name is Michael Carr, and I am the Director in charge of Design and Masterplanning at Pegasus Group. I have over 25 years' experience of designing the built environment.
- 1.2. I hold a First-Class Bachelor of Arts Honours Degree and received a distinction for a subsequent Graduate Diploma in Landscape Architecture. Following this I studied for a Graduate Diploma in Urban Design. I am an affiliate member of the Royal Institute of British Architects and an approved Urban Design Group Recognised Practitioner. I am also a member of the Gloucestershire Design Review Panel.
- 1.3. Pegasus provides design consultancy services for a variety of developments including residential, commercial, leisure, education, and retail projects throughout the United Kingdom. I am regularly asked to present evidence and this is informed by my project work, which involves design from concept to implementation.
- 1.4. A number of projects I have worked on have won RTPI awards and Building for Life accreditations. The housing minister has in the past commended two developments I have been involved with, the redevelopment of the former airbase at Heyford Park and Spirit Quarters Coventry, in his speech to a Design Quality Conference.
- 1.5. The evidence that I have prepared, and provide in the Proof of Evidence, is true and is given in accordance with the relevant guidance. I confirm that the opinions expressed are my true and professional opinions.

2. Introductions and Scope of Statement

- 2.1. I am instructed on behalf of Vistry Homes Ltd (Appellant) to present evidence to address the urban design issues raised within the Reason for Refusal (RfR). Whilst no specific urban design related RfR's have been cited, design policy and urban design principles have been raised within RfR1 (primarily the underlined section below) and RfR2, which state respectively:

"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.

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."

- 2.2. I became involved with the site after the refusal of the application, I was asked to review the validity of the Council's urban design related concerns in relation to the application.
- 2.3. The appeal follows the decision by Cherwell District Council (The LPA) to refuse an application for outline planning permission for:

"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."

- 2.4. It is noted that the key issues identified within the agreed Statement of Common Ground (SoCG, CD8.3) in respect of the RfRs as being:

- I. Housing land supply;
- II. The degree of landscape and visual harm to the local area;
- III. Whether the proposals would result in harm to the setting of nearby heritage assets; and

IV. Whether the proposals would conflict with national policy in respect of agricultural land.

- 2.5. This evidence will demonstrate that the proposals are a suitable form of development in response to the local context and in accordance with local and national design policy. I defer to others in respect of technical matters such as landscape and heritage and the application of weight to be applied.
- 2.6. I will demonstrate the proposals ability to create an appropriately designed urban built form consistent with the character of Banbury and its ability to satisfy the urban design related strands of Policy ESD15 within the adopted Cherwell Local Plan, 2011 – 2031 (LP, CD5.1). I will also refer to the adopted Cherwell Residential Design Guide SPD, 2018 (CD5.7)
- 2.7. Evidence has also been prepared for the Appellant including:
- I. David Murray-Cox, Turley – Planning;
 - II. Annie Gingell, Tetlow King – Affordable Housing;
 - III. Jeff Richards, Turley – Housing Land Supply;
 - IV. Ben Connolley, EDP – Landscape and Visual Impact; and
 - V. Edmund Stratford, EDP – Heritage.

3. Existing Context

- 3.1. A brief summary of the site description is contained within the Statement of Common Ground (SoCG) (CD8.3). In addition, I set out below my brief analysis of the existing character to provide context for the discussion of the design issues to be addressed in this evidence.
- 3.2. The site is located on the northern periphery of Banbury, the site is bounded by Warwick Road and associated landscape to the east and existing vegetation to the remaining edges. The application site is split into two parcels, bisected by the old farm track referred to as Guillicote Lanes. The parcels are agricultural fields. With the exception of the before mentioned farm track, there is no vehicular access.
- 3.3. Topographically, the larger of the parcels (parcel A) is relatively flat, the smaller parcel (parcel B) falls towards the east. Beyond the application site, landform continues to fall towards the Cherwell and Hanwell Brook valleys.
- 3.4. Separated by a field parcel and intervening existing vegetation, the village of Hanwell is located to the north east of the site.
- 3.5. On approaching Banbury from the north along Warwick Road, once adjacent to the site parcel A is glimpsed through the roadside vegetation. Parcel B is not visible from Warwick Road.
- 3.6. Heading further south the relatively recent residential developments, known as Hanwell Chase and Drayton Lodge (approved under construction) are located to the south and south west of the application site respectively.
- 3.7. A number of existing facilities associated with Banbury are located within walking and cycling distances of the application site. In addition, public transport opportunities are closely located to the application site.
- 3.8. Public Right of Way (PRoW) 191 traverses the south-eastern portion of Parcel A in a broadly north-east to south-west direction. PRoW 239 runs parallel to the east of Parcel B, it is outside of the application area. The farm track bisecting the two parcels of the application site runs in a broadly north to south direction, set within an established tree belt.

Settlement Pattern and Existing Layout

- 3.9. Layout is defined in the National Design Guide: Planning Practice Guidance for beautiful, enduring and successful places (NDG) (updated in October 2021) by the Ministry of Housing, Communities & Local Government (CD7.5) as follows:

“A layout shows how routes and blocks of developments are arranged and related to one another to create streets, open spaces and buildings.”

- 3.10. As stated within the adopted Residential Design Guide SPD (CD5.7) ***“Banbury’s central historic core remains relatively intact with a medieval pattern of narrow streets, lanes, market squares and burgage plots”***. Newer development radiates outwards from the historic core with a mix of architectural styles, building typologies and materials present. The immediate context adjacent to the application site is predominately residential in nature, being completed or consented in recent history.

- 3.11. Within the immediate residential context, existing development is set back but with glimpsed views from Warwick Road across and through intervening vegetation, this has become a characteristic townscape feature of entering Banbury from the north along Warwick Road.
- 3.12. Within developments one can see for the most part, they form a series of link and loop roads creating perimeter development parcels. This enables active frontage development to be arranged towards the public realm with enclosed rear private spaces.
- 3.13. For the most part, principal elevations front onto the higher route category, for example dual fronted dwellings at junctions will present their front elevation towards the higher category route. There are also examples of side elevations being presented.
- 3.14. Setback distances within the immediate residential context are generally consistent with a sense of enclosure to the majority of streets through either formal building lines or boundary treatments. Boundary treatments are a mix of residential landscaping, built boundaries or hedgerows.
- 3.15. The layout of more recent developments along Warwick Road reflects a layout that is more related to a 'town' as opposed to a more dispersed and less planned 'village' typology.

Scale

- 3.16. As defined by the NDG, scale is the:

“height, width and length of each building proposed within a development in relation to its surroundings. This relates both to the overall size and massing of individual dwellings and spaces in relation to their surroundings, and to the scale of their parts. It affects how a space can be used and how it is experienced”.
- 3.17. The predominate scale of the immediate site context is residential, 2 storeys. There are exceptions, with 2.5/3 storey evident within the context.
- 3.18. Spaces between dwellings are generally consistent, incorporating in-curtilage parking/driveways. Depending on the nature of public realm, the spaces between buildings varies with increased spaces between dwellings adjacent to open space and increased occurrences of continuous frontages along the main route.
- 3.19. Spaces between fronts of dwellings are generally wide incorporating instances of frontage parking and/or front gardens and wide streets. Carriageways are often wide enough to incorporate informal and formal on-street parking and will generally have footways to both sides.
- 3.20. The public realm occasionally opens up to incorporate green verges and/or green spaces. These pockets of open space/verges vary in size.
- 3.21. The prevailing sense of overall domestic scale from the immediate site context is residential in nature with a public realm that is proportionate to this use.

Existing Massing

- 3.22. Massing can be described as how the bulk of individual or groups of buildings are shaped into a 3D form, where bulk is defined as the volume of the building and the form is the three-dimensional shape and modelling of the buildings and the space they define.
- 3.23. A variety of massing can be found in Banbury, from short terrace runs through to detached dwellings providing a variety of widths, lengths and depths. The immediate site context in particular is generally semi-detached or detached dwellings. Short terrace runs tend to be limited in instances and generally located along main routes.
- 3.24. In plan view, dwellings generally present regular, rectangular footprints with evidence of projections i.e. gables/steps in the building line.

Existing Character & Appearance

- 3.25. The existing form and character of the area is assessed within the submitted DAS and explains the elements of character and appearance that can be found within the surrounding area through a series of context photographs, illustrations, mapping and explanatory text.
- 3.26. Banbury provides a number of residential areas from which contextual reference to be drawn, and particularly the design quality associated with more recent, immediate development. These recent developments were at the time of decision making, guided by approved Design Codes to ensure the character and appearance of the proposed new development.
- 3.27. The developments to the south show how more recent development can respond to the local vernacular and character and 'belong' to the local context, with a mix of walling materials including local ironstone, red brick, occasional render. Clipped eaves and minimal dark fascia board are used alongside slate, or dark tiles with some instances of clay tiles.
- 3.28. In summary, Banbury and in particular the immediate residential context of the application site is predominately residential scale with, generally, regular footprints that are arranged around the principle of perimeter development parcels. Banbury is a settlement with a historic core, from which later development radiates out from.

Hanwell

- 3.29. Given the location of Hanwell to the application site and in the context of the RfRs, a character assessment of Hanwell is included.

Settlement Pattern and Existing Layout

- 3.30. The submitted DAS (CD1.8) sets out an assessment of Hanwell and its growth over time. It is identified as an historic settlement displaying a linear pattern of growth, principally arranged around a main street. The majority of the village is covered by Conservation Area status.
- 3.31. Hanwell has evolved over time, it was not planned out as one development, it has a distinct recognisable character and form.
- 3.32. The route of the main street and indeed its width, varies throughout the village.

- 3.33. Set-backs from the edge of the carriageway vary, presenting a variable frontage building line that narrows and widens along the route of the carriageway. There are instances of development in depth, but generally existing development is single tier. Boundary treatments vary and include ironstone walls, low level planting and timber bollards protecting verges.

Scale

- 3.34. Built form within Hanwell is predominately 2 storeys, with some instances of 2.5 storey at key spaces. Gable and eave heights are generally consistent.
- 3.35. Spaces between dwellings vary throughout the village as does the space between fronts of dwellings. Continuous frontages define key spaces. This lack of consistent space either between sides or fronts of dwellings is part of the individual character of Hanwell village.
- 3.36. The prevailing sense of overall scale from Hanwell is traditional, residential in nature with a public realm that varies as one travels through the settlement.

Existing Massing

- 3.37. Massing within Hanwell varies with a mixture of terrace properties of varying lengths, semi-detached and detached housing. All dwelling typologies provide a variety of widths, lengths and depths.
- 3.38. In plan view, built form within the village present irregular and varied footprints. Steps and projections within the building line both to the rear and front of dwellings are evident.

Existing Character and Appearance

- 3.39. In terms of character and appearance, Hanwell has a recognisable appearance. The high prevalence of local stone adds to this identifiable historic character, albeit black weatherboarding, brick and render are also evident. Eaves are often clipped with roofs generally being slate or thatch. The roofscape is punctuated with a variety of dormer styles and chimneys.
- 3.40. In summary, Hanwell is a predominately residential settlement, primarily historic and traditional in character and appearance. There are specific urban design principles which in combination are uniquely Hanwell, examples include:
- I. High proportion of local ironstone as a building wall and boundary treatment material;
 - II. Thatch roof forms;
 - III. The varying space between sides and fronts of dwellings – the spaces are consistently inconsistent;
 - IV. Single tier development that follows a principal street, which in itself varies in width and direction; and
 - V. An overall experience of a low density settlement. UD01 appendix contains a density study of the settlement which demonstrates an approximate density of approximately 9dph.

Overview

- 3.41. In summary, Banbury is a settlement with a historic core, from which later development radiates out from.
- 3.42. The immediate residential context of the application site is predominately residential scale with generally regular footprints that are arranged around the principle of perimeter development parcel providing a planned 'town' character.
- 3.43. Hanwell is a 'village' with its own character, which is distinct and unique from Banbury, albeit there are shared materiality for example the use of ironstone is seen within both settlements, the high proportion of ironstone within Banbury is a regional characteristic.

4. Design Related Planning Policy and Guidance

- 4.1. Relevant Government and local planning policy and guidance will be discussed within planning evidence. From a design perspective, there are a number of policies and guidance documents (National and Local) that I will consider. This section sets out those most relevant from which the assessment of design related RfR will be carried out in later sections.

National Planning Policies

- 4.2. The NPPF states at Paragraph 8 that the planning system has three interdependent key objectives, which when pursued in a mutually supportive way, can achieve sustainable development. The three key objectives are:

- I. An economic objective;
- II. A social objective; and
- III. An environmental objective.

- 4.3. There is a presumption in favour of sustainable development, as set out at Paragraph 11.

- 4.4. The National Planning Policy Framework establishes the emphasis to be placed on good design at Section 12: Achieving well-designed places. Paragraph 131 states:

“The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...”

- 4.5. The NPPF is clear at paragraph 135 that design planning policy and decision making should ensure that developments:

“a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to the local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

4.6. I also note that at NPPF paragraph 139 states:

"139. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."

4.7. The NPPF is accompanied by the on-line Government resource Planning Practice Guidance (PPG). The Design: Process and Tools PPG provides guidance on the methods and processes available to both applicants and local authorities to ensure the delivery of well-designed and high-quality, long lasting places with considered design solutions, under the following headings:

- I. Planning for well-designed places;
- II. Making decisions about design;
- III. Tools for assessing and improving design quality; and
- IV. Effective community engagement on design.

4.8. The National Planning Practice Guidance (PPG) states at paragraph 1:

"Well-designed places can be achieved by taking a proactive and collaborative approach at all stages of the planning process, from policy and plan formulation through to the determination of planning applications and the post approval stage."

(para. 001, PPG, ID: 26-001-20191001, October 2021)

4.9. Being published in October 2021 by the Ministry of Housing, Communities and Local Government (MHCLG), the National Design Guide (NDG) further reinforces the delivery of quality places.

4.10. I note the NDG states at paragraphs 58:

“Where the scale or density of a new development is very different to the existing place, it may be more appropriate to create a new identity rather than to scale upon the character of an existing place in its context. New character may also arise from a response to how today’s lifestyles could evolve in the future, or to the proposed methods of development and construction....”

(NDG, October 2021, Para 58)

Local Policy and Guidance

4.11. Reference is made to the relevant policies and guidance where appropriate. Those which are relevant to this site include:

Cherwell Local Plan 2011 – 2031

4.12. The urban design related policy referred to in the refusal for this site is Policy ESD15: The Character of the Built and Historic Environment.

4.13. Policy ESD15 sets out the LPAs requirement for new development to achieve high design standards to ensure ***“development is appropriate and secures a strong sense of place and clear sense of arrival at points of entry into the towns and villages.”*** (para B.266, LP). The policy strands state that new development should (my own bullet numbering added):

- I. ***Be designed to deliver high quality, safe, attractive, durable and healthy places to live and work in. Development of all scale should be designed to improve the quality and appearance of an area and the way that it functions;***
- II. ***Deliver buildings, places and spaces that can adapt to changing social, technological, economic and environmental conditions;***
- III. ***Support the efficient use of land and infrastructure, through appropriate land uses, mix and density/development intensity;***
- IV. ***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;***
- V. ***Conserve, sustain and enhance designated and non designated ‘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 in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the***

significance of the heritage asset as set out in the NPPF and NPPG. Regeneration proposals that make sensitive use of heritage assets, particularly where these bring redundant or under used buildings or areas, especially any on English Heritage's At Risk Register, into appropriate use will be encouraged;

- VI. *Include information on heritage assets sufficient to assess the potential impact of the proposal on their significance. Where archaeological potential is identified this should include an appropriate desk based assessment and, where necessary, a field evaluation;*
- VII. *Respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages;*
- VIII. *Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette;*
- IX. *Promote permeable, accessible and easily understandable places by creating spaces that connect with each other, are easy to move through and have recognisable landmark features;*
- X. *Demonstrate a holistic approach to the design of the public realm to create high quality and multi-functional streets and places that promotes pedestrian movement and integrates different modes of transport, parking and servicing. The principles set out in The Manual for Streets should be followed;*
- XI. *Consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space;*
- XII. *Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation;*
- XIII. *Be compatible with up to date urban design principles, including Building for Life, and achieve Secured by Design accreditation;*
- XIV. *Consider sustainable design and layout at the masterplanning stage of design, where building orientation and the impact of microclimate can be considered within the layout;*
- XV. *Incorporate energy efficient design and sustainable construction techniques, whilst ensuring that the aesthetic implications of green technology are appropriate to the context (also see Policies ESD 1 – 5 on climate change and renewable energy);*

XVI. *Integrate and enhance green infrastructure and incorporate biodiversity enhancement features where possible (see Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment and Policy ESD 17 Green Infrastructure). Well designed landscape schemes should be an integral part of development proposals to support improvements to biodiversity, the micro climate, and air pollution and provide attractive places that improve people's health and sense of vitality;*

XVII. *Use locally sourced sustainable materials where possible."*

- 4.14. RfR2 is primarily read in the context of the heritage and landscape concerns. However, the citing of Policy ESD15 in its entirety, raises the urban design related strands of the policy. As such they require addressing through this evidence.
- 4.15. There are, of course, a number of additional design related policies contained within the Local Plan, however these are not specifically included within the issued RfRs.

Cherwell Residential Design Guide SPD, 2018

- 4.16. Whilst not specifically cited within the RfRs, the Residential Design Guide SPD supports policy ESD15 in the delivery of high quality residential design across the District. The guide sets out further explanation and guidance in relation to the policy and is designed to assist with all application stages.
- 4.17. Rather than set out individual parts of the SPD, I shall refer to those parts most applicable throughout this evidence.

Delivering Locally Derived Character

- 4.18. Whilst not forming locally adopted policy, given the sites proximity to relatively recent residential development, it is noteworthy that these developments were subject to approved site specific Design Codes. This is an approach supported by NPPF para 129 which states:

"Design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. Landowners and developers may contribute to these exercises, but may also choose to prepare design codes in support of a planning application for sites they wish to develop. Whoever prepares them, all guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code. These national documents should be used to guide decisions on application in the absence of locally produced design guides or design codes."

- 4.19. I have my own experience of delivering recognised design quality in Cherwell as briefly set out below.

Drayton Lodge Farm, Approved Design Code and RM Layout.

- 4.20. Approved in June 2022 (LPA ref 21/00039/DISC), this Design Code relates to the approved site under construction to the south west of the appeal site, locally known as Drayton Lodge. The intention is that the new development is of its own character whilst positively reflecting the local character without being pastiche.
- 4.21. It is worth noting, this document was prepared by Pegasus Group on behalf of the Appellant with the reserved matter layout for the development approved.

Heyford Park, Approved Design Codes and a number of RM Layouts.

- 4.22. Located south east of Banbury, Heyford Park is a strategic residential led, mixed use development. There are a number of approved Design Codes relating to individual phases which ensure design consistency over the various phases and uses. As with the aforementioned examples of delivering Design Quality within Cherwell, the document sets out context analysis and detailed design principles to guide future RM applications.
- 4.23. This development illustrates how Design Codes can be used to effectively shape a very particular character, Heyford a former air base is a conservation area deliberately designed to reflect that former use and be very different from an archetypal Cherwell village.
- 4.24. Approved Design Codes for Heyford Park, including the primary site wide Design Code that set the precursor to development, have been prepared by Pegasus Group on behalf of the applicants at the time.

5. Design Approach

- 5.1. An explanation of the background to the application is set out in the planning evidence and in the documents accompanying the application, in particular the DAS.
- 5.2. In line with National and Local Government Guidance and Policy considerable importance needs to be placed on achieving a high standard of design across the site. Successful urban design is dependent upon achieving an appropriate relationship between policy requirements, community needs, development form, design components and a positive response to local conditions.
- 5.3. It is important to recognise that the design approach has evolved via a logical, well-considered process, that was led by townscape and landscape analysis. The application's Design and Access statement included an existing site and context analysis, that the LPA have made no specific objection to.
- 5.4. Furthermore, the proposals are made in outline and whilst design approach can and is assessed on the indicative information submitted, the refinement of the design components are still to be concluded with the Council at the appropriate RM application stage, should the Inspector grant this Appeal.
- 5.5. The land use, amount and access parameter plan under consideration (CD1.7) includes the following key design principles to guide the proposals. These are further expanded at page 33 of the submitted DAS:
 - I. Provide a significant, in both size and quality, landscape gap between the proposals and Hanwell.
 - II. Address the Warwick Road sense of arrival/departure from Banbury, with new development set back beyond a landscape frontage to Warwick Road (in a similar way to recent development to the south);
 - III. Land to the east, which is assessed as visually sensitive, retained as open space. This area of open space will provide for biodiversity enhancements and recreational spaces;
 - IV. Existing pedestrian links retained within attractive green spaces; and
 - V. Provide a planned indicative street structure within the development envelope that can be further developed in liaison with CDC at the typically later Design Code and RM stages.
- 5.6. The parameter plans (CD1.7) and DAS (CD1.8) submitted seek to establish the primary land use disposition allowing for:
 - I. Provision of up to 170 dwellings within a development area of 4.91ha;
 - II. Provision of 40% affordable housing;
 - III. Vehicular access from B4100 Warwick Road;
 - IV. Provision of associated infrastructure;

V. 56% of the site to be provided as public open space consisting of habitat improvements and woodland planting; and

VI. 0.60ha of on-site play and sports provision.

5.7. To assist the Inspector, key design principles of the proposals under consideration are set out below.

Design Principles

The Journey through the Proposals

5.8. The proposals will be accessed from the west at Warwick Road via a priority T-junction. A dedicated right turning lane on Warwick Road towards the proposals will be provided. A new gateway signifying the entrance to the urban area of Banbury will be created by extending the existing 40mph speed limit past the proposed site access. New, appropriate signage and road surfacing will be introduced.

5.9. Upon entering the proposals, travellers will initially pass through an area of landscaping before entering between two development parcels which will provide active frontages towards the landscape area/Warwick Road and the new access road.

5.10. The principal access route meanders through to meet a key space (marked 1) on the submitted indicative masterplan (CD1.6). This key space will reinforce the sense of arrival created by the initial entrance experience and will create a public/nodal point from which users will have a choice in direction for their onward journey.

5.11. The principal access route continues to meander through the development parcels, varying in width and direction. The variation in widths will enable landscape features to be incorporated within the carriageway, which at detailed design stages will create recognisable moments along the route. These moments will aid in the legibility and character of the development proposals.

5.12. Travelling south towards the southern-most development parcel, users will pass through an area of open space which will include landscape and attenuation features alongside informal, naturalistic recreation areas, the existing PROW and new footpaths.

5.13. From the principal loop road, lower category street typologies radiate outwards enabling access the remainder of the site and views out to the landscape.

5.14. Built form will be arranged around the principle of perimeter blocks, providing active front and side elevations towards the public realm whilst enclosing the private rear spaces. The massing of which will vary depending on the nature of public realm to be created.

General Landscape Principles

5.15. A very large proportion of the site is retained as open green space (56% as stated within the DAS, page 48) providing recreation benefits for new and existing residents. The general approach to landscape encompasses the following key principles:

- I. Maintain the character of the strong treed edge encompassing the northern edge of Banbury through the retention and enhancement of vegetation along the northern and western site boundaries;
- II. Green infrastructure network connected via strengthened field boundary vegetation;
- III. Retention of the eastern portion of the site as open space;
- IV. Retention of existing PRoW within their green contexts and enhanced with additional informal connection opportunities; and
- V. Retention and enhancement of existing landscape features as much as possible, where losses are unavoidable, they are to be appropriately mitigated against.

- 5.16. The defined tree belt to the northern boundary is to be retained and where appropriate enhanced with woodland planting, thereby replicating the rural woodland blocks seen in the wider landscape. It will reinforce the existing hedgerow and create the new northern boundary to Banbury. Development is then further set back from this boundary with a large area of open space which will offer amenity open space and off-street pedestrian routes.
- 5.17. The north-eastern corner of the principal development area is intentionally left free of built form to ensure the village of Hanwell sits within its own open space.
- 5.18. As mentioned previously, the eastern-most field will remain open space and the most rural in character, with elements of habitat improvement/creation, SuDs features, informal recreational open space, new and existing vegetation and new pedestrian links connecting with existing.
- 5.19. A green corridor, runs through the development parcels along the route of the existing PRoW, thus retaining the route within a landscaped area.
- 5.20. Landscaped areas to the remaining boundaries will create new or enhance existing vegetation areas, complimented by landscape design within the development that will also be included at the appropriate design stages.
- 5.21. It should be noted that a Landscape Strategy has been submitted and detailed landscape proposals are to be dealt with via an appropriately worded condition.

Movement Legibility

- 5.22. As previously described, principal vehicular access will be taken directly from Warwick Road.
- 5.23. The in terms of vehicle movement the development access is approximately 507m away from the turn off to Hanwell Village, with an open field and further existing tree planting between the two access points. The northern most extent of proposed development is approximately 364m away from the turning towards Hanwell. These distances are shown on UDO2: Settlement Separation Study.
- 5.24. Furthermore, after turning off Warwick Road, you have to travel down a relatively long Main Street (approximately 245m to the first dwelling – see UDO2) before arriving at Hanwell.

- 5.25. In terms of townscape terms, the legibility of the entrance to Hanwell village is very distinct from the development access. I think it is very clear that you are arriving at two very different places.
- 5.26. The proposed access will then form a principal loop road from which a series of lower category streets and spaces will radiate from.
- 5.27. Pedestrian and cycling egress will be enabled via the principal access point via the provision of a 3.0m shared route that will connect onto Warwick Road and link with the Hanwell Fields development and existing network on Dukes Meadow Drive. Pedestrian and cycling facilities will also be provided within the development proposals.
- 5.28. Existing PRoW's are retained in situ. When using the PRoW's the green spaces between Hanwell and the development provide a well-defined legible arrival and departure, furthermore from an urban design perspective St Peter's Church in Hanwell provides a clear landmark point of reference when using the PRoW's emphasising that Hanwell is a distinct settlement.
- 5.29. A new bus stop will be provided as part of the consented Drayton Lodge development (18/O1882/OUT), the provision of which and its location will enable access to conveniently located public transport opportunities.
- 5.30. The general street hierarchy detailed within the submitted DAS includes:
- I. Primary Street – creating the loop road and consisting of 5.5m carriageways and 2m footways to either side. This street will be informal in character with a varied, meandering route. Irregular shaped verges containing rain gardens and/or tree planting will periodically separate the carriageway from the footpath;
 - II. Secondary Street – shared surfaces of varying widths (6.5m – 10m) connect directly with the Primary Street. Perimeter secondary streets will enjoy a green outlook and inherit the wider landscape setting into the street scene, internal secondary streets will incorporate street trees and rain gardens at irregular intervals; and
 - III. Private Lanes – located on the peripheries of development and serving a limited number of dwellings. These are shared surfaces, with permeable paving and informal in nature.
- 5.31. At the appropriate detailed design stage, a mixed approach to parking provision is likely to be taken to accord with the relevant parking provision standards at the time.

Density, Scale & Massing Strategy

- 5.32. An average net density of 35 dwellings per hectare (dph) based on the previously stated development area and quantum of development. In reality, measured densities are likely to vary across the scheme depending on the nature of public realm to be created. The general density approach is:
- I. Development towards the northern and south-eastern peripheries of development are to create lower density arrangements to enhance the transition from development to open space;

II. Medium density development patterns will be arranged near to the site access and for the majority of the development area; and

III. The centre of the scheme will contain higher density development patterns.

5.33. The resultant effect will be a higher density core at the centre of the development proposals that gradually reduce outwards towards the development edges.

5.34. Building heights will be predominately 2 storeys, reflective of the local area. However, increased heights could be contained within the central areas of the development to reinforce the importance of the principal access route; key spaces and higher density areas. Reduced storey heights of between 1.5 – 2 storeys in the north-eastern corner of the development could also be included.

5.35. With respect to massing, it is likely that this too will reinforce the density and scale strategies outlined previously. Higher density built form typologies i.e. terraced units will be located within the core of the development reinforcing the principal loop road and key/nodal spaces. Larger built form typologies often associated with medium and lower density experiences will radiate outwards. The spaces between dwellings are also likely to increase as the built form move towards the edges of the development envelope.

5.36. Marker/focal buildings and landscape features are likely to be included within the detailed design proposals. These buildings are intended to be instantly recognisable and will aid in the developments legibility. The precise details of these buildings are to form part of the appropriate future design stages, should this appeal be granted.

Detailed Design Matters & Design Code

5.37. Notwithstanding the above general design principles, the proposals are made in outline and as such, the precise detailed design is still open to negotiation and refinement at the appropriate juncture.

5.38. To help give confidence that the design approach will deliver an appropriate development at the reserved matters stage, a Design Code is likely to be required by condition should the Inspector be minded to allow this appeal. The use of Design Codes is well established within Banbury and particularly with recent developments immediately adjacent the proposals. The appellant also has positive, development delivery experience within Banbury supported by Design Codes.

5.39. The use of such a Design Codes aligns with NPPF paragraphs 128 and 129 and informed by the National Model Design Code.

6. Design Analysis of Reasons for Refusal

6.1. It is important to reiterate that the RfRs raised no specific urban design related RfRs. However, wording within RfR1 and RfR2 have raised two urban design areas to address for the Inspector. It is noted that RfR1 and RfR2 are primarily concerned with Landscape and Heritage respectively. The urban design related areas to be addressed by this section are:

- I. RfR1 – “prominent built form, inconsistent with the local character.....the identity and individuality of Hanwell village”; and
- II. RfR2 – the urban design threads contained within cited policy ESD15.

Policy ESD15

- 6.2. In respect of Policy ESD15 and the urban design related strands, I set out below how the proposals satisfy the requirements at outline stage and/or they can be dealt with via detailed design/condition. For the avoidance of doubt, I use my own bullet numbering from my section 4 to reference the policy strands.
- 6.3. Strand I. requires development to be of high quality and of a scale that improves the quality and appearance of an area. As mentioned previously, the appellant is committed to achieving a high quality of design for the development through the preparation of a site specific Design Code, which as aforementioned is likely to be required by condition.
- 6.4. The scale proposed is consistent with its surrounding recent residential context. The general principles established through the outline are reflective of those newer developments, taking design cues from the context including architectural form and materiality. A modern day Banbury town development with contemporary requirements, including a need to make efficient use of land, will inevitably make the development different to Hanwell Village and this will help the legibility, experientially people will know they are in two very different places.
- 6.5. It is also important to note, that much of what drives and creates a high quality design are still to be agreed during the production of Design Codes and/or reserved matters applications. Simply put, they are still within the gift of Cherwell planning officers.
- 6.6. Strand II. requires adaptable buildings, places and spaces. These are detailed design matters to be addressed through the production of the of Design Code and/or reserved matters application.
- 6.7. Strand III. supports the efficient use of land and infrastructure. A significant proportion (56%) of the site is retained as green infrastructure/open space, the remaining land will be developed at an approximate net density of 35dph, which represents an efficient use of land in this edge of town context.
- 6.8. Strand IV. is read to be primarily concerned with landscape character and will be dealt with via separate Landscape evidence.
- 6.9. Strand V. and VI. are read to be primarily concerned with heritage assets and will be addressed through separate Heritage evidence.

- 6.10. Strand VII. Requires new development to be “**respectful**” of traditional development patterns, including routes, spaces, blocks etc and to be designed to integrate within existing areas and configured to create active public frontages. Much of this will be guided by detailed design stages, however the outline submission established high level principles in respect of development block arrangement, general street pattern and hierarchy and density, scale and massing strategies that will enable the delivery of development that is reflective and respectful of its context.
- 6.11. Strand VIII. expects detailed design of dwellings to be reflective of local distinctiveness. This will be satisfied during detailed design stages.
- 6.12. A permeable network of streets and spaces is established through the outline scheme submitted and the high-level principles set out. The movement strategy will cater for pedestrians, cyclists and vehicles alike, connecting with existing routes, PRoW and creating new. Away from the Primary Street, the lower category street typologies will prioritise the pedestrian over the vehicular user as established by the DAS. Nodal points, key spaces and landmark buildings will be incorporated within the detailed design of the scheme to further add to its legibility. These will satisfy strand IX.
- 6.13. Strand X is read to be a detailed design matter that will be progressed through the production of a Design Code and/or reserved matter application. General high-level principles for GI, street/movement hierarchy are established.
- 6.14. Strands XI and XII are primarily read as a detailed design matter concerned with existing and future resident amenity, privacy and outlook and lighting respectively.
- 6.15. Strand XIII requires development proposals to be up to date with urban design principles, including Building for Life (BfL) and Secured by Design. An informal BfL assessment is included within the submitted DAS and the development will incorporate Secured by Design principles at the detailed design stages. To my knowledge, concerns have not been raised in respect of the BfL assessment contained within the DAS.
- 6.16. Consideration of high level sustainable design and layout principles (strand XIV) has been included, details of which are contained within the DAS. This incorporates sustainable construction techniques and energy efficiency (strand XV). The precise details of both are to be fully addressed through detailed design stages.
- 6.17. The parameter plans and indicative masterplan submitted have been landscape led, resulting in development proposals which fully integrate GI and biodiversity enhancements as stipulated by strand XVI. The majority of the site is retained as green space, that is not only located around the edges of built form but creates routes through it. The precise design and detailing will be addressed through the later design stages.
- 6.18. The final strand encourages the use of locally sourced materials, this is a detailed design matter.
- 6.19. In light of the above, and my previous sections summarising the design approach, I can see an outline scheme that will be able to deliver an appropriately designed development to fully satisfy the urban design strands of policy ESD15. High level design strategies that will ensure its satisfaction are established as set out, and these will be reinforced through the likely requirement for a Design Code and subsequent reserved matters application.

Delivering High Quality Design

- 6.20. Noteworthy in their absence, are any specific urban design related concerns within the LPA's RfRs or SoC. As such it is impossible to predetermine design components and details that are not decided at outline stage. The concept masterplan provided represents just one way in which the development could be brought forward.
- 6.21. There are a wide range of design components that will establish a character 'fit' and the preparation of a Design Code at the appropriate stage will allow these to be brought forward in a way that will deliver a successful development. This is proven to be positive within the immediate context of the site.
- 6.22. No concerns have been raised in relation to the following principles outlined above and contained within submitted application documents:
- I. Land use disposition and placement;
 - I. General placemaking principles;
 - II. General landscape strategy;
 - III. Movement hierarchy;
 - IV. Parking strategy;
 - V. Density strategy;
 - VI. Scale and Massing strategy;
 - VII. Key spaces and frontages;
 - VIII. Street types and frontages; and
 - IX. Edge principles.
- 6.23. The extent of detailed Design Code elements is likely to be established through negotiations with officers, however they are likely to address the following:
- I. Block Structure;
 - I. Conceptual landscape plans for open space;
 - II. Character Areas;
 - III. Key spaces and frontages;
 - IV. Street types and frontages;
 - V. Building typology;
 - VI. Architectural detailing;
 - VII. Boundary treatment strategy;

- VIII. Detailed parking strategy (including cycle provision);
- IX. Feature spaces (including public realm and principles);
- X. Building materials and palette; and
- XI. Edge principles and relationships between green infrastructure and built form.

6.24. The following are matters that can be resolved at reserved matters stage and/or during the production of a Design Code:

- I. The appearance of individual buildings;
- I. The internal layout of buildings;
- II. The detailed siting of buildings;
- III. Detailed design of streets, including street materials;
- IV. Boundary treatments
- V. Detailed landscape design;
- VI. Sustainable construction (approach and principles); and
- VII. Detailed building materials and palette.

6.25. In this context, it is difficult to see what the concerns surrounding character are, when the Council simply do not know what the quality of the final design will be when so few design components that drive character are being decided at this outline stage.

7. Third Party Representations

- 7.1. This section seeks to address any additional urban design related comments made specifically via third party representations with a number of key themes/comments being raised. With respect to Urban Design related comments only, the principal design themes raised include:
- I. Proposed materials and in particular the inclusion of more local stone as a facing material;
 - II. Fear of anti-social behaviour;
 - III. Village identity of Hanwell to be retained. It is noted this comment is made primarily in relation to Heritage and Archaeology, but the Village character of Hanwell is pertinent to Urban Design also; and
 - IV. Sustainability, and particularly the energy efficiency measures included within individual dwellings.
- 7.2. As covered within the main body of this evidence, materials and particularly the application of particular facing materials is a detailed design matter. The production of a site specific Design Code is likely to cover the inclusion of local stone.
- 7.3. At the relevant detailed design stages, the detailed site layout will incorporate Secured By Design principles. The site will also be subject to detailed consultation with Police Liaison Officers at the relevant juncture.
- 7.4. The high level character of the outline proposals and individual character of Hanwell is addressed through the main body of this evidence.
- 7.5. Energy efficiency measures are a detailed matter to be resolved at future Design Code and/or RM application stages. Suffice to say, all proposed buildings will need to comply with the modern building regulations at the time of technical approval (this is a separate approval process to planning stages).
- 7.6. It has been noted within the Appeal Statement prepared by Keep Hanwell Village Rural Action Group (KHVRAG, CD3.25) a conflict with Saved Policy C33 of the Cherwell Local Plan (1996, CD5.3). Policy C33 relates to the Protection of Important Gaps of Undeveloped Land, stating:
- “The Council will seek to retain any undeveloped gap of land which is important in preserving the character of loose-knit settlement structure or in maintaining the proper setting for a listed building or in preserving a view or feature of recognised amenity or historical value.”***
- 7.7. It should be noted that Saved Policy C33 is not cited within the Councils RfR and is primarily concerned with Heritage matters. However, from an Urban Design perspective it is necessary to respond to the retention of ***“any undeveloped gap of land which is important in preserving the character of loose-knit settlement structure”***. The satisfaction of the remainder of Saved Policy C33 is addressed within Heritage evidence.

- 7.8. Hanwell is identified within the adopted Cherwell Residential Design Guide as being located within the Ironstone Downs District Character Area. The Guide, at page 24 describes the Settlement Patterns within Ironstone Downs as:

“Numerous small, closely spaced settlements of agricultural origin, with larger villages located to the south.

Villages are positioned in valley locations either on the valley sides, at the head of the valley or on the brow of the hill. Villages are generally only visually prominent where the valleys are open and wide.

Village have linear or nucleated forms or enclose areas of open land.”

- 7.9. In light of the Councils own adopted assessment, which is more recently adopted in relation to Saved Policy C33, the first part of policy is not considered relevant to the application site from an urban design perspective.
- 7.10. Further key themes unrelated to Urban Design are addressed within the Appellant’s evidence.

8. Conclusions and Summary

- 8.1. Having reviewed the proposed layout against the urban design related principles set out in Policy ESD15 of the Local Plan I can see a design that is well related to the existing settlement in terms of location and development form. Furthermore, and related to the corresponding policy parts, I can see a design that:
- I. Establishes high-level, site-specific design principles, which in the fullness of time can deliver a high quality, safe, attractive, durable and healthy place to live in;
 - II. Will be able to deliver buildings, places and spaces that are adaptable to change;
 - III. Supports an efficient use of land and infrastructure through an appropriate mix of proposed land uses and application of appropriate development density;
 - IV. Establishes high level design principles that can contribute positively to the characters areas when developed further at the appropriate Design Code/RM application stages. Furthermore, the outline proposals have responded positively to the sites existing features such as views and setting;
 - V. Respects traditional patterns of movement and in particular retains PRoW in situ within appropriate landscape settings;
 - VI. Promotes a permeable, accessible and legible pace through the principle of frontage development parcels and connected streets and spaces that will be reinforced with a legible street hierarchy;
 - VII. Incorporates a high-level street hierarchy that can be developed at detailed design stages to promote pedestrian movement and integrate different modes of transport, parking and servicing thereby balancing design aspirations with technical highways requirements;
 - VIII. Can provide suitable levels of amenity and privacy space at the appropriate detailed design stage;
 - IX. Will be developed through the production of Design Code and/or RM application to ultimately provide a layout that is compatible with BfL and Secured By Design principles;
 - X. Will incorporate energy efficiency measures within individual house types proposed at detailed design; and
 - XI. Integrates green infrastructure with built development whilst also increasing opportunities for Biodiversity.
- 8.2. Furthermore, having reviewed the outline proposals against the urban design related principles inferred by the RfRs, I can see a design that is in accordance with the relevant urban design requirements.
- 8.3. The proposals will maintain a significant legible gap between Banbury and the village of Hanwell.

- 8.4. Hanwell is a historic village character; the largely unplanned nature of growth that has taken place incrementally over time is part of its evident charm.
- 8.5. Banbury is a town character, with planned growth, the proposals will be a logical next step in that growth with its delivery typically, supported by Design Codes, which ensure that high quality design is provided.
- 8.6. There is a very clear legible difference in character between the Hanwell Village and the proposals, the proposals will in my view will be obviously read as part of Banbury.
- 8.7. The proposals will relate well to the existing settlement of Banbury, whilst respecting the distinctive village of Hanwell, there will be a very clear legible separation and a clear arrival and departure from each settlement.
- 8.8. The outline principles enable the creation of attractive new streets, places and significant open space for existing and new residents to enjoy. The open spaces include areas of woodland planting for the benefit of all. In many ways the routes, spaces and open space areas will be a positive contribution to the area.
- 8.9. In conclusion, there is, in my view, no reason in design terms to refuse planning permission for this appeal.

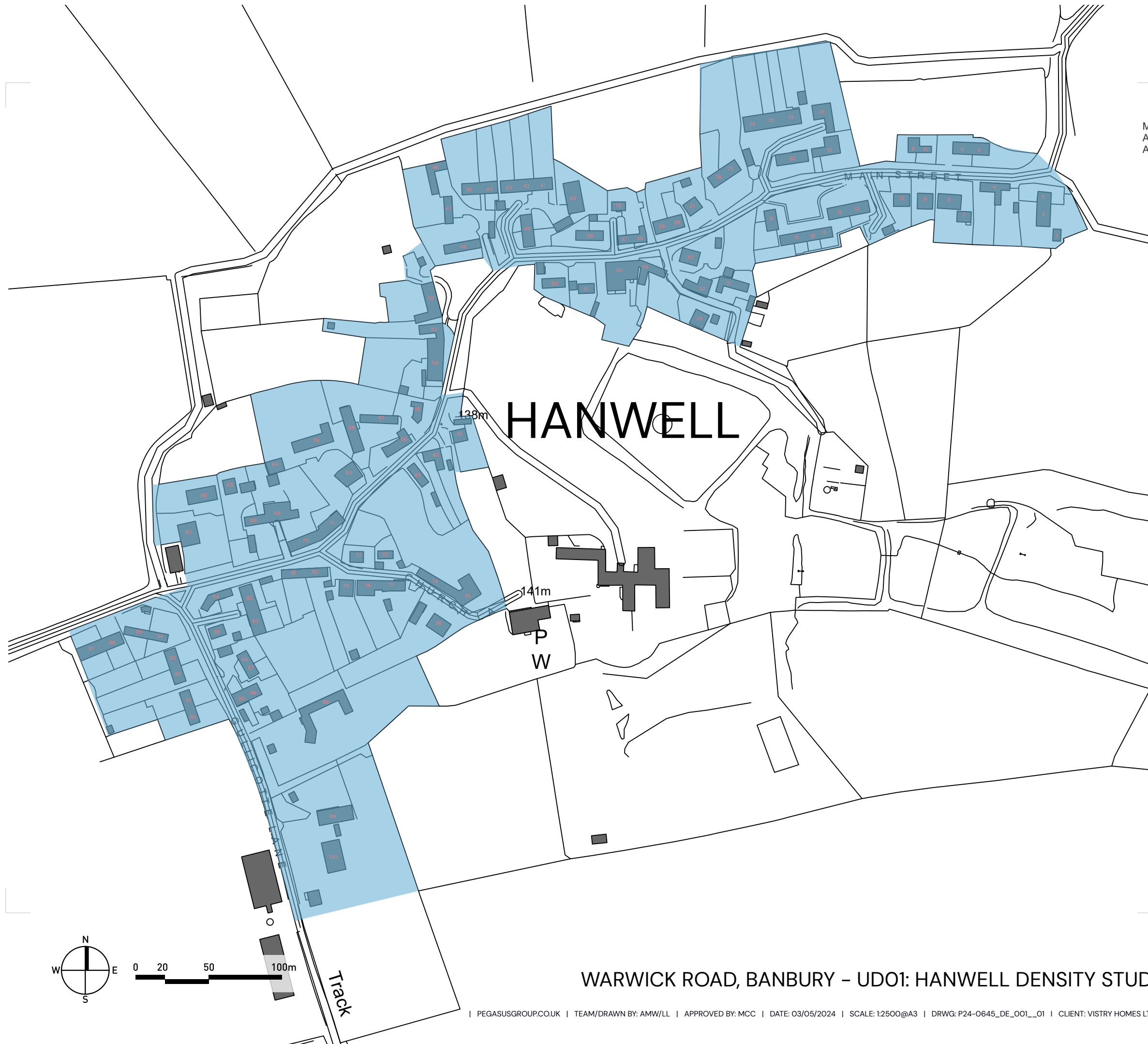


Urban Design Appendices.



UD01: Hanwell Village Density Study

MEASURED AREA - 10.72 HA
APPROXIMATE NO OF DWELLINGS - 100 DWELLINGS
APPROXIMATE DENSITY - APPROX 9 DPH



HANWELL

138m
141m
P
W

MAIN STREET

Track

WARWICK ROAD, BANBURY – UDO1: HANWELL DENSITY STUDY





UD02: Settlement Separation Study



WARWICK ROAD, BANBURY – UDO2: SETTLEMENT SEPARATION STUDY

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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