

**OBJECTION REPORT BY THE KEEP HANWELL VILLAGE RURAL ACTION GROUP (KHVRAG)**



**IN RESPECT OF AN OUTLINE PLANNING APPLICATION REF 23/00853/OUT BY VISTRY HOMES 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**

**AT**

**LAND TO THE EAST OF WARWICK ROAD, BANBURY**

**LOCAL PLANNING AUTHORITY REF NO: 23/00853/OUT**



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#### EXECUTIVE SUMMARY

This Report by the Keep Hanwell Village Rural Action Group (KHVRAG) is made in respect of an outline planning application ref 23/00853/OUT by Vistry Homes 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*”. There are four objections:

1. Conflict with the spatial strategy, which sets limits to growth for Banbury and Hanwell.
2. Harm to character and appearance of the area, including coalescence.
3. Impact on heritage assets.
4. Loss of best and most versatile agricultural land

The proposal is in conflict with Cherwell Local Plan (1996) Policies C8, C15 and C33 and Cherwell Local Plan 2011-2031 Policies PV 1, ESD 13, 15 and 17. There is a five year housing land supply in the district. NPPF paragraph 12 applies to the decision, whereby “permission should not usually be granted”. The combined benefits of the proposal, which include market and affordable housing, attract weight in favour of the application. However, these benefits do not indicate that the plan should not be followed. Therefore the planning application should be refused.

## 1. INTRODUCTION

1.1 This Objection Report by the Keep Hanwell Village Rural Action Group (KHVRAG<sup>1</sup>; [www.keephanwellvillagerural.com](http://www.keephanwellvillagerural.com)) is made in respect of an outline planning application ref 23/00853/OUT by Vistry Homes 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*” at Land to the East of Warwick Road, Banbury. A copy of the location plan and parameters plan is at **Appendix 1**. This report has been prepared with the help of Stansgate Planning Consultants Ltd and appended reports written by Briarwood Landscape Architecture and TDR Heritage.

1.2 Pre-application advice ref 21/02776/PREAPP was given by Cherwell District Council on 4<sup>th</sup> May 2022 for a development involving up to 250 dwellings. The advice should be read in full and it was made in the context of a less than 5 year housing land supply in the district (3.5 years). It concludes:

*I will not be able to support the proposal in its current form because of the following deficiencies/issues:*

- *The potential landscape impacts of the proposal are significant and demonstrable; therefore, they do not outweigh the benefits of providing additional residential development to address the Council’s 5-year housing land supply position.*
- *The proposal would reduce the existing gap between the settlements of Banbury and Hanwell, creating a perception of coalescence between the two settlements and having a detrimental impact on the setting of the Hanwell Conservation Area.*
- *The submitted documents have inadequately assessed issues relating to landscape impact, heritage impacts and ecology.*
- *The development would likely be detrimental to the rural character and landscape appearance of the countryside on the northern edge of Banbury and would threaten coalescence with nearby Hanwell village*

1.3 KHVRAG agrees with the planning officer’s pre-app conclusion above and goes further and deeper in terms of identifying objection to the proposed development. KHVRAG objects to the planning application for these four main reasons:

1. Conflict with the spatial strategy, which sets limits to growth for Banbury and Hanwell. In the case of Hanwell, there is clear conflict with policy PV1.
2. Harm to character and appearance of the area, including coalescence.
3. Impact on heritage assets.
4. Loss of best and most versatile agricultural land

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<sup>1</sup> A list of committee members is on their website

## 2. SITE AND SURROUNDINGS

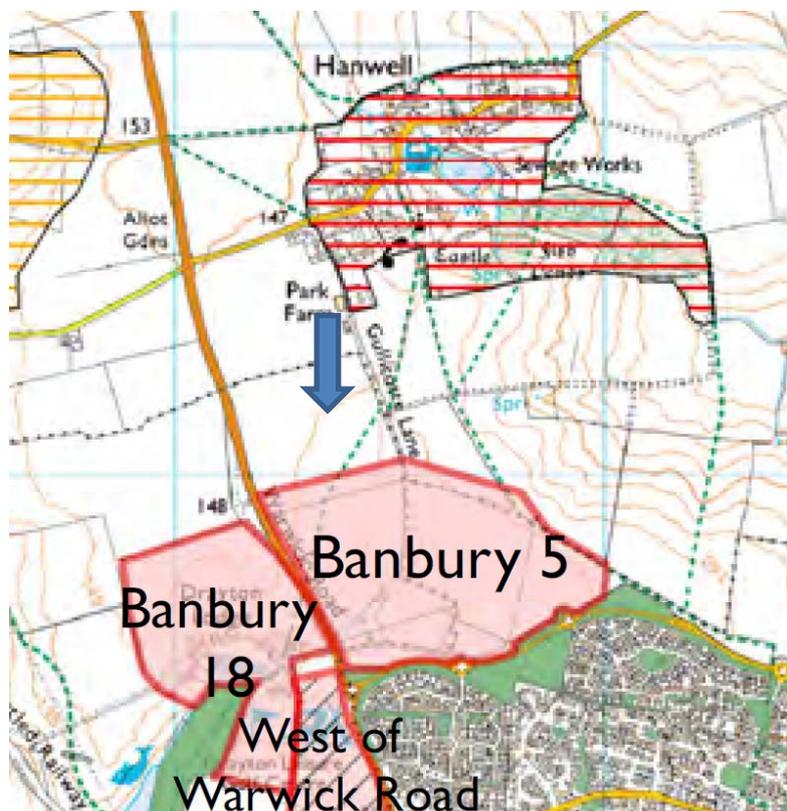
2.1 The site is greenfield land located to the north of Banbury and to the south of Hanwell village. Banbury is one of the main towns of the district. A public footpath crosses the site. It is a mix of Class 2 and 3a agricultural land.

2.2 To the south of the application site, residential development is underway of 'Banbury 5', described in the Cherwell Local Plan as:

*Policy Banbury 5: North of Hanwell Fields Development Area: 26 hectares  
Development Description: Located at the northern edge of Banbury, this residential-led strategic development site will provide approximately 544 dwellings with associated facilities and infrastructure in a scheme that demonstrates a sensitive response to this urban fringe location.*

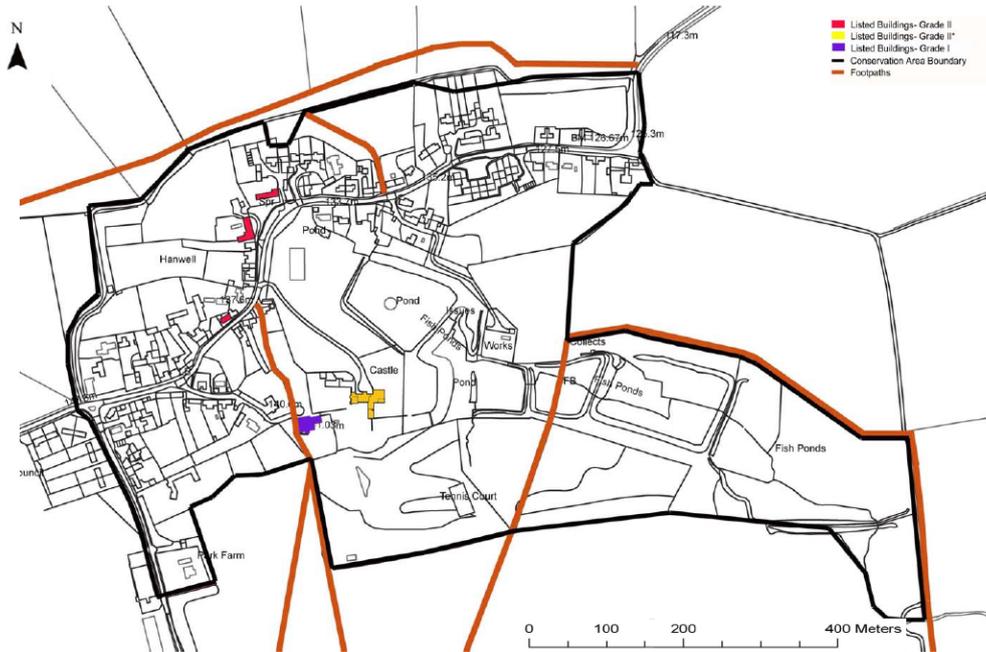
2.3 Banbury 5 is subject to 12/01789/OUT (up to 350 dwellings). To the west of Banbury 5 is Banbury 18 ('Drayton Lodge' ref 18/01882/OUT granted for up to 320 dwellings and a local centre).

2.4 In the Cherwell Local Plan 2011-2031 Part 1, Hanwell is an "all other villages" category of village. Its services and facilities are limited to St Peters Church and a pub (Moon & Sixpence). Below is the policies map of the Local Plan, with the application site identified with a blue arrow.



2.5 The Policies map does not identify a “built-up limits” of Hanwell or any other village. However, it is evident that the application site is located in the open countryside, adjacent to but beyond the existing built up limits of Banbury and Hanwell. A Conservation Area covers most of Hanwell village. An extract from the Hanwell Conservation Area Appraisal (2007) is below.

Figure 2: Area Designations



### 3. THE DEVELOPMENT PLAN

3.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, applications and appeals are to be determined in accordance with the development plan, unless material considerations indicate otherwise.

3.2 The Development Plan comprises:

1. Cherwell Local Plan 2011-2031 Part 1 (CLPP1).
2. 'Saved' policies within the Cherwell Local Plan 1996 (CLP 1996).
3. Cherwell Local Plan 2011-2031 (Part 1) Partial Review - Oxford's Unmet Housing Need.

#### **Other material considerations**

3.3 These include:

1. National Planning Policy Framework
2. Planning Practice Guidance.
3. Hanwell Conservation Area Appraisal (2007)
4. Banbury Green Buffer Report – Evidence Base for the Green Buffers Around Banbury (26<sup>th</sup> September 2013), by LDA Design.
5. Cherwell District Council Local Plan Inspector's Report May 2015.
6. Housing & Economic Land Availability Assessment 2018.
7. National Design Guide 2019.
8. Cherwell Local Plan Review 2040 – A community involvement paper – July 2020.  
This review of the Local Plan is at an early stage and carries limited weight in the determination of this planning application.

3.4 Four of these documents are discussed in more detail below.

Banbury Green Buffer Report – Evidence Base for the Green Buffers Around Banbury (26<sup>th</sup> September 2013), by LDA Design

3.5 This report is a material consideration relevant to KHVRAG's objections 1, 2 and 3 above. The report was commissioned by Cherwell District Council to review the

potential for a Green Buffer policy involving land around Banbury, as illustrated by the Cherwell Local Plan Proposed Submission (August 2012). The Green Buffer report forms part of the evidence base of the emerging Local Plan at that time. The report states:

*The brief requires this study to determine clear criteria for inclusion of land within the Green Buffer, review the illustrative Green Buffer against those criteria and recommend revised boundaries to the Green Buffers, ensuring that areas recommended for inclusion meet the requirements of the emerging Green Buffer policy.*

3.6 Extracts from the report are at **Appendix 2**. One of the nine green buffers is “Green Buffer 1: Hanwell”. The report states:

*The main purposes of the Hanwell Green Buffer are to:*

- *Prevent coalescence between the village of Hanwell and the northern edge of Banbury;*
- *Provide a gap between the village of Hanwell and Banbury;*
- *Protect the setting of Hanwell as a historic village and designated Conservation Area;*
- *Protect the setting and identity of the castle and church as valuable historic features;*
- *Protect the approach to the village both from the east and west and the green approaches to Banbury from the north;*
- *Protect important views over the rural landscape between Hanwell and Banbury; and*
- *Protect the historic routeways between Hanwell and Banbury.*

3.7 The report also states:

- *The Green Buffer policy will ensure that this area is kept free from further built development which would be harmful to the rural character of the landscape, thereby also ensuring the settlements do not coalesce.*
- *The southern extent of the Hanwell Green Buffer aligns with the edge of the Strategic Housing Sites at Banbury 2 and 5 and Dukes Meadow Drive.*
- *Defining the area as Green Buffer not only ensures that the setting to the town is maintained, but also that the approach to Banbury is retained and development does not extend along the ridge line towards Little Bourton.*
- *At Banbury 5, located on the south western edge of the Hanwell Green Buffer, green infrastructure provision on the northern edge of the allocated site is likely to fulfil the criteria for inclusion within the Buffer and perform an important role ensuring a distinct gap is retained between Banbury and Hanwell, and that the settlements do not coalesce, also protecting the setting of the historic village.*

Cherwell District Council Local Plan Inspector's Report May 2015

3.8 Paragraph 105 of the report states:

*In such circumstances, policy ESD 15 [Green Buffers] 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, it is unsound as submitted and as modified and should be deleted (MMs 51 + 63).*

### Housing & Economic Land Availability Assessment 2018 [HELAA]

3.9 The site has been considered by the HELAA as follows:

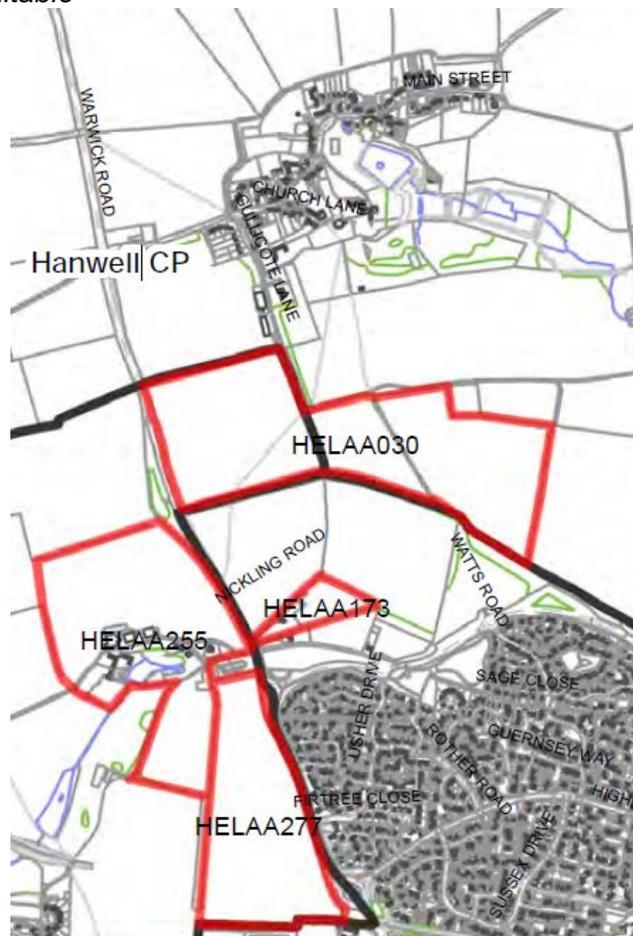
HELAA030 – Land off Warwick Road, Banbury  
22.34 hectares

#### Summary

*Greenfield site outside the built-up limits. The site is considered to be unsuitable for development as the land rises from Hanwell Village towards the site and the gradient is steep. Similarly the land falls steeply away from the site towards the cricket ground off Dukes Meadow Drive. There would be a direct risk of coalescence of Banbury and Hanwell village which development would lead to impacts on the Hanwell Conservation Area and the high landscape value and visual sensitivity of the site. The site is in a prominent position therefore unsuitable for development. With regard to assisting Oxford with its unmet housing need, Banbury lies outside Areas of Search A and B.*

#### Overall Assessment

*Not suitable*



Cherwell Local Plan Review 2040 – A community involvement paper – July 2020.

- 3.10 Cherwell District Council Planning Committee (on 9th Feb 2023) referred to the draft Local Plan Review during the determination of a planning application for 250 houses on land adjoining Withycombe Farmhouse (Ref: 22/02101/OUT). In that case, the Committee voted in favour of granting permission, taking into account that although the proposal site is located beyond the edge of Banbury town, it is allocated in the emerging Local Plan. In contrast, the Vistry site is not allocated for housing in the draft Local Plan Review. Although the draft Plan carries limited weight at this time, the absence of the site's draft allocation weighs against the proposal.

#### 4. HOUSING LAND SUPPLY

4.1 The Council's Annual Monitoring Report and Housing Land Supply Statement (February 2023) sets out that the District has a 5.4-year housing land supply (excluding the partial review area) for the period 2022-2027 (commencing 1 April 2022), calculated in accordance with the Standard Method.

4.2 The applicant's Planning Statement reads:

*6.9 The Applicant believes this supply figure [5.4 year supply] is being overstated and when scrutinised there would be a shortfall. Cherwell relies to a significant degree on the delivery of Category B sites within the NPPF Glossary definition of 'deliverable', where there is less certainty of delivery.*

*7.3 As the Applicant considers that the recent supply position adopted by Cherwell in February 2023 is being overstated, this Planning Statement proceeds on the basis that the Council cannot demonstrate a 5YHLS, and the site/proposal is not subject to the policies set out in Footnote 7 of paragraph 11d, the policies which are most important for determining the application are out-of-date.*

4.3 However, the applicant does not provide an alternative calculation and therefore preference must go to the Council's AMR and Housing Land Supply Statement (February 2023) figure of 5.4 years supply. In which case, the Council is complying with national policy on housing land supply set out in the NPPF. Relevant policies in the development plan relating to housing supply are up to date and have full weight. Either paragraph 11c or paragraph 12 of the NPPF applies to the decision. The presumption in favour of sustainable development does not apply because the application site is subject to an up-to-date development plan.

4.4 A five year housing land supply has been endorsed by recent Cherwell DC Planning Committees. For example, the Planning Committee on 9 March 2023 determined an application for 30 houses on land adjoining Ells Lane, Bloxham (Ref. 23/00065/OUT). The Committee voted to refuse planning permission based on policies in the current Local Plan, which was assessed as up-to-date due to the Council's ability to demonstrate a 5.4 year housing land supply across the District.

## 5. REASONS FOR OBJECTING TO PLANNING APPLICATION 23/00853/OUT

5.1 This section of the report provides the principal reasons why KHVRAG objects to the proposed development.

### FIRST OBJECTION – CONFLICT WITH THE SPATIAL STRATEGY

5.2 The Introduction and Section A of the Cherwell Local Plan 2011-2031 deals with the strategy for the distribution of development. Page 10 states:

***Vision, Strategy and Objectives***

*vi. Underpinning the Local Plan is a vision and a spatial strategy for Cherwell District. Our spatial strategy for how we manage the growth of the District can be summarised as:*

- *Focusing the bulk of the proposed growth in and around Bicester and Banbury.*
- *Limiting growth in our rural areas and directing it towards larger and more sustainable villages.*
- *Aiming to strictly control development in open countryside.*

5.3 Local Plan paragraph 1.13 states: “*The Plan is policy driven, with a number of transformational steps proposed to secure..... quality urban, rural and natural environments.....clear limits to growth for both Banbury and Bicester.*”

5.4 The table within Policy BSC1 demonstrates this Vision with approximately 10,000 homes planned at Bicester, 7,300 at Banbury and 5,392 across the rest of the district. To achieve this Vision, the Local Plan identifies several strategic housing and employment sites in and around Banbury. The application site is not one of them. It is not an allocated housing site within the CLP 2011-2031.

5.5 There is no buffer around Banbury whereby piecemeal residential development is automatically acceptable in principle. There are limits to growth and each case must be judged on its merits. Whilst limited development adjacent to Banbury is consistent with that part of the Vision of focussing growth in and around Banbury, the applicant has provided no evidence that the proposed development site has better attributes than other land around the perimeter of Banbury. Indeed, according to the Environmental Statement “*Alternative sites have not been considered as they are outside of the Applicant’s control.*” This proposed development has reasonable accessibility to services and facilities, as one would expect of any land on the urban fringe of Banbury. Its accessibility is not special or exceptional. For example, the nearest primary school and secondary school are located too far away (1.3km and

1.4km respectively) to be a reasonable walking distance, which is defined by the National Design Guidance (2019) as 800m<sup>2</sup>. The nearest major employment site is 1.8km away.

5.6 The proposal will breach a clear limit to growth for Banbury because it conflicts with objectives of the Plan that seek to:

- Provide quality urban, rural and natural environments.
- Limit growth in rural areas. Hanwell is not a sustainable village for growth.
- Strictly control development in open countryside. The proposed development fills in a gap between Banbury and Hanwell and will result in coalescence of the two settlements.

5.7 The 'coalescence' objection is explored in more detail in the next chapter of this report (character and appearance). However, another manifestation of coalescence is that the proposal represents an urban extension of both Banbury and Hanwell. Therefore, notwithstanding the district wide housing distribution (Policy BSC 1), Policy Villages 1 (Village Categorisation) is relevant because the proposed development is in close proximity to Hanwell village. PV1 groups villages into three separate categories (A, B and C). This policy identifies the most sustainable villages (Category A) and their 'satellite' villages (B) where minor development within built-up limits will, in principle, be supported (typically a site of less than 10 dwellings). Hanwell is a Category C village. PV1 states *"Only Category A (Service Centres) and Category B (Satellite Villages) will be considered to be suitable for minor development in addition to infilling and conversions."* As the proposal does not constitute "infilling and conversions" it is in conflict with Policy PV1.

## Conclusion

5.8 In respect of spatial strategy, the proposal is in conflict with the vision, objectives and policies of the Cherwell Local Plan 2011-2031 that seek to limit growth in rural areas (among other things) and breaches Policy PV1 due to its close proximity to Category C village Hanwell.

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<sup>2</sup> Paragraph 62 and page 20 of the NDG. An 800m walking distance also corresponds with pages 29 and 30 of 'Planning for Walking' (CIHT, April 2015).

## SECOND OBJECTION – CHARACTER AND APPEARANCE

5.9 There are two parts to this “character and appearance” objection:

1. Coalescence between Banbury and Hanwell;
2. Landscape character and visual amenity.

### Coalescence

#### Material considerations

5.10 As set out in the earlier chapter dealing with ‘other material considerations’, the Local Plan Inspector’s Report following examination of Regulation 19 draft of the current Local Plan states:

*“Policy ESD 15 [Green Buffers] 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.”*

5.11 Effectively, deleting draft Policy ESD 15 was conditional upon the retention of other policies that would afford equivalent protection of the vulnerable gap between Banbury and Hanwell. In other words, the Local Plan Inspector wanted to protect vulnerable gaps between settlements, such as the Banbury-Hanwell green buffer, from inappropriate development and the avoidance of coalescence. This material consideration carries significant weight against the Vistry homes proposal.

5.12 Following the Local Plan Inspector’s report the adopted Cherwell Local Plan 2011-2031 does not include a separate Green Buffer policy. However, the positive role of a gap or ‘green buffer’ between Banbury and Hanwell, and the harm caused by infilling that gap, is clearly evident from the Green Buffer report appraisal and concern expressed by the Local Plan Inspector. In practice, adequate protection of that “vulnerable gap” is not provided by a separate Green Buffer policy (which does not exist) but by other policies in the adopted Local Plan; in particular policies ESD 13 and 15.

5.13 The proposed development by Vistry Homes will have substantially harmful effect on many important features in the locality identified by the Banbury Green Buffer report; namely, the proposed development will:

- *Cause coalescence between the village of Hanwell and the northern edge of Banbury. The tree belt to the north of Banbury 5 will no longer perform its important role ensuring a distinct gap is retained between Banbury and Hanwell;*
- *Eliminate the gap between the village of Hanwell and Banbury;*
- *Harm the setting of Hanwell as a historic village and designated Conservation Area;*
- *Harm the setting and identity of the castle and church as valuable historic features;*
- *Harm the green approaches to Banbury from the north;*
- *Harm important views over the rural landscape between Hanwell and Banbury; and*
- *Harm historic routeways between Hanwell and Banbury.*

5.14 The Local Plan Inspector's Report concluded that Banbury 5 could only be adopted as an allocated site for housing development on the basis that it was "*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.*" This 'sufficient distance' ensures preservation of the setting of Hanwell Conservation Area, prevention of coalescence and retention of the separate identity of Hanwell. The adopted Cherwell Local Plan 2011-2031 includes the Banbury 5 site with its 'sufficient distance' from Hanwell, which corresponds with the Local Plan Inspector's requirements to limit the extent of northward growth of Banbury.

#### Development Plan policies

5.15 The importance of retaining a green buffer between Banbury and Hanwell is clear from the Development Plan itself.

5.16 There is conflict with Cherwell Local Plan (1996) Policy C15 (THE COUNCIL WILL PREVENT THE COALESCENCE OF SETTLEMENTS BY RESISTING DEVELOPMENT IN AREAS OF OPEN LAND, WHICH ARE IMPORTANT IN DISTINGUISHING THEM). This policy recognises that:

*"Each town or village has its own separate identity, and it is important that development on areas of open land between them is restricted to prevent their coalescence. Some gaps are more vulnerable than others; rural communities may feel particularly threatened where they are in close proximity to urban areas eg Banbury and Bodicote, Banbury and Drayton, Banbury and Hanwell."*

5.17 Cherwell Local Plan 2011-2031 "Banbury 5" supporting paragraph C.149 states:

*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 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.*

- 5.18 The current proposal will harm several important features identified by the Local Plan when allocating "Banbury 5":
- Coalescence with Hanwell Village.
  - Harm to Hanwell Conservation Area and the historic environment.
  - Protrusion into the skyline.
  - Eliminate the hitherto 'permanent green buffer' between Banbury 5 and Hanwell.
- 5.19 The coalescence problem is also highlighted by the HELAA (2018), which regards the site as "not suitable" for development due, in part, to the "*direct risk of coalescence of Banbury and Hanwell village*".

## **Landscape character and visual amenity**

### Introduction

- 5.20 The applicant's Planning Statement reads:

*5.30 The change of landscape character is inevitable following a change of use, but should not be seen as a detriment to the enjoyment and appreciation of the wider landscape. The change in the western parcel is considered to incur a low magnitude of physical change, and a high magnitude of visual and sensory change. However, the parcel will continue to be experienced as a contained land parcel with new planting emphasising this.*

- 5.21 However, there is nothing inevitable about developing this site, which is not allocated for housing. The application fields are part of the open countryside and their development will undoubtedly significantly harm landscape character and visual amenity. Moreover, the applicant's assessment of the magnitude of change is disputed by KHVRAG, as set out below.

### Independent Assessment

- 5.22 Keep Hanwell Village Rural Action Group (KHVRAG) has commissioned an independent “Review of Impacts on Landscape Character and Visual Amenity” at **Appendix 3**. Paragraph 5.9 of the conclusion states

*The proposed development would cause an unacceptable level of harm to the landscape character of the countryside and to the visual amenity of those people living in, working in or passing through the area containing the application site. Such unacceptable harm would arise by reason of adverse effects:*

- *On the rural landscape setting of Hanwell and Banbury, and*
- *the ability to experience a green and distinct edge to both settlements,*
- *the context of agricultural fields that currently provide a readily perceived rural gap between Banbury and Hanwell.*

### Pre-application advice

- 5.23 Pre-application advice ref 21/02776/PREAPP by Cherwell District Council (4<sup>th</sup> May 2022) includes comments by the Council’s Landscape Officer:

*With respect to ‘landscape matters’, in your submitted report (Representations in respect of ecological, landscape and heritage circumstances) it states:*

*‘From a landscape perspective, it is EDP’s opinion that there are no ‘in principle’ constraints with regard to future built development of the site. However, in the interests of good masterplanning, the key landscape features (hedgerows and trees) should be retained and enhanced to mitigate landscape and visual effects and help integrate the site into its context.*

*The site has well-established urbanising influences in close proximity to it, and is well contained by existing built form and mature landscape features. Any potential landscape and visual effects resulting from proposed development within the site would be largely limited to receptors in close proximity to the site boundary.*

*Further, landscaping measures included within any promoted development would be able to provide targeted mitigation where necessary, which would be effective at promoting biodiversity gains, particularly within that part of the site’.*

*This level of analysis is considered to be wholly inadequate. The site sits in a prominent position between Banbury and Hanwell. A full Landscape and Visual Impact Assessment (LVIA) would be required to properly assess the landscape*

*impact of the development. This should consider immediate views in the locality, longer distance views, and visual impact on both Banbury and Hanwell.*

*The proposed site is included within the Council's Housing and Economic Land Availability Assessment (HELAA) dated February 2018 (Site reference HELAA 030). The report concluded that the site is considered unsuitable.*

*'The site is considered to be unsuitable for development as the land rises from Hanwell Village towards the site and the gradient is steep. Similarly, the land falls steeply away from the site towards the cricket ground off Dukes Meadow Drive. There would be a direct risk of coalescence of Banbury and Hanwell village which development would lead to impacts on the Hanwell Conservation Area and the high landscape value and visual sensitivity of the site. The site is in a prominent position therefore unsuitable for development.'*

*The Banbury Landscape Sensitivity and Capacity Assessment (September 2013) had considered the eastern part of the site, which concluded:*

*'Although the overall rating is considered to be medium–low for the site, the capacity to accommodate residential development is considered to be weighted towards low. The development of residential properties north of Dukes Meadow Drive may result in urban sprawl to the north of Banbury and create poorly defined development limit which currently exist at Dukes Meadow Drive. There would also be indirect effects of residential development affecting the setting of the Hanwell Conservation Area.'*

*It is the opinion of the Local Planning Authority that the potential landscape impact is likely to significantly and demonstrably outweigh any benefits offered by the additional housing.*

### Planning policy context

- 5.24 The proposal conflicts with Cherwell Local Plan (1996) Policy C8 (SPORADIC DEVELOPMENT IN THE OPEN COUNTRYSIDE), which states that sporadic development in the countryside must be resisted if its attractive, open, rural character is to be maintained. Policy C8 applies to the proposal which is new development beyond the built-up limits of settlements.
- 5.25 Paragraph C115 of the Cherwell Local Plan 2011-2031 states “*Banbury also has valued landscapes on the edge of the town where growth is not appropriate.*” The gap between Banbury and Hanwell is one such valued landscape. Therefore NPPF paragraph 174a applies to the proposal.
- 5.26 Policy ESD 13 (Local Landscape Protection and Enhancement) states:

*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.*

*Proposals will not be permitted if they would:*

- *Harm the setting of settlements, buildings, structures or other landmark features, or*
- *Harm the historic value of the landscape.*

5.27 The supporting paragraphs to Policy ESD 13 also mention the historic parkland of Hanwell Castle alongside that of Wroxton Abbey. Paragraph B252 states:

*“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 as 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.**”*

5.28 The site is located in an urban fringe and the proposed development does not enhance the character and appearance of the landscape nor the setting of Banbury and Hanwell. Furthermore, in the context of Policy ESD 13, the proposal will:

- Cause undue visual intrusion into the open countryside;
- Be inconsistent with local character;
- Cause harm the setting of Banbury and Hanwell;
- By virtue of its proximity to Hanwell Conservation Area, harm the historic value of the landscape.
- By abutting the historic parkland of Hanwell Castle, it will harm this key landscape feature.

5.29 The proposal is also in conflict with Policy ESD 15 (The Character of the Built and Historic Environment). With regard to the first paragraph of ESD15, it does not *“complement and enhance the character of its context through sensitive siting, layout and high quality design.”* The proposed development also does not:

- *Be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. 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*
- *Integrate and enhance green infrastructure [see below].*

5.30 Policy ESD 17 relates to 'Green Infrastructure' and at paragraph B.274 includes "accessible countryside in urban fringe areas". One such parcel of land is the proposed development site, which has a public footpath crossing it, linking Banbury with Hanwell. The proposal will be in conflict with Policy ESD17 by virtue of urbanising a distinctive and attractive part of the countryside on the fringes of Banbury and Hanwell, thereby failing to maintain green infrastructure, reducing valuable open space between the two settlements and worsening connectivity to the wider countryside.

### **Conclusion**

5.31 In conclusion, the proposal is an unacceptable, large-scale urbanising development of open countryside located on the fringe of Banbury (and Hanwell). It will cause harmful coalescence between Banbury and Hanwell and significantly harm landscape character and visual amenity. The proposal is contrary to policies C8 and C15 of the Cherwell Local Plan (1996), Policies ESD 13, 15 and 17 of the Cherwell Local Plan 2011-2031 Part 1 and NPPF paragraph 174a and b.

## **THIRD OBJECTION - HARM TO HERITAGE ASSETS**

### **Introduction**

5.33 The applicant's Planning Statement reads:

*5.38 The assessment concludes that the site makes a small positive contribution to the conservation area by being a small part of its historic agricultural setting. However, the experience of the site from the conservation area and vice versa are considered very limited as long distance views heavily screened by vegetation. This change to the small part of the setting of the conservation area is assessed to be less than substantial harm, at the lower end of the scale.*

*5.39 Paragraph 202 of the NPPF states where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.*

*5.40 The public benefits of this proposal is that the development of up to 170 dwellings will contribute to the district's supply of housing need in a sustainable location of edge of one of the main settlements in the district.*

*5.41 When considering the change to a small part of the setting of the conservation area, which would be somewhat mitigated by the proposed landscape scheme, it is considered the public benefit detailed above outweigh the lower end of less than substantial harm to the setting of the conservation area.*

- 5.34 Whilst it is agreed there will be less than substantial harm to the setting of the Conservation Area, the degree of harm is disputed by KHVRAG. The harm is not at the "lower end of the scale" but is at the higher end of the scale. Great weight should be given to the asset's conservation.
- 5.35 The harmful impact on heritage assets is also highlighted by the HELAA (2018), which regards the site as "not suitable" for development due, in part, to "*impacts on the Hanwell Conservation Area*".

### **Pre-application advice**

- 5.36 Pre-application advice ref 21/02776/PREAPP by Cherwell District Council (4<sup>th</sup> May 2022) includes comments by the Council's Conservation Officer:

*The proposed site lies adjacent to modern development in Banbury but lies in close proximity to Hanwell Conservation Area. The site could potentially impact on the setting of the grade I listed building of Hanwell Church and the grade II\* listed building of Hanwell Castle.*

*A site visit was made on foot from public rights of way to assess the impact of the proposed development on the setting of the conservation area and listed buildings of Hanwell Castle and St Peter's Church.*

### **Impact on setting of Hanwell Conservation Area**

*The proposed application site is located in close proximity to Hanwell Conservation Area, particularly in relation to Park Farm, which is identified within the Conservation Area Appraisal as being associated with Hanwell Castle and is located within the Village Ends Character Area.*

*The area is open land between the edge of Banbury and Hanwell village, which have historically had a clear separation between the two settlements. There are concerns with the principle of developing so close to the historic settlement boundary, which would threaten and could lead to coalescence between two distinct settlements and would likely have detrimental impact on the character and appearance of Hanwell Conservation Area and the setting of its listed buildings.*

*The footpaths between the two settlements are also identified as having significance within the Hanwell Conservation Area Appraisal 'The network of footpaths from the village provide ancient links to neighbouring settlements, including Banbury to the south. These footpath links have been retained in new developments on Banbury's northern fringe.' Development in this location would undermine the historic significance of these routeways between settlements.*

*In terms of the visual impact on the setting of the conservation area further information is required in the form of a visual appraisal and drawn sections of the site and the settlement of Hanwell and the edge of Banbury. Your support documentation suggested that there might be less inter-visibility than might otherwise be expected. This, it was claimed, is due to a combination of the natural topography of the site and the mature trees and hedgerows. This would need to be assessed and confirmed. Hedgerow separation and natural topography are both acknowledged as being characteristics of the village edges within the conservation area appraisal 'The main boundary treatments within this area are stone walls and high hedges. Hedges are used as a means of enclosure to the edges of the character area ....'*

### **Impact on setting of listed buildings**

*The listed buildings of St Peter's church (grade I) and Hanwell Castle (grade II\*) are located on the southern side of Hanwell Conservation Area in the area overlooking the proposed development.*

*A full landscape / visual appraisal will be required to determine the impact of the proposed development on the setting of these significant listed buildings, particularly during the winter months when tree / hedge coverage is less. The church is visible at varying points along the public rights of way but is less prominent than might be expected due to the natural topography of the area with the church sitting in a bowl with ground levels rising immediately to the south of the churchyard. There does not appear to be intervisibility between Hanwell Castle and the landscape to the south from public rights of way.*

## **Independent Assessment**

5.37 Keep Hanwell Village Rural Action Group (KHVRAG) has commissioned an independent Heritage Impact Assessment, at **Appendix 4**. It concludes:

*In summary, the proposed development is likely to cause less than substantial harm to the character and appearance of the Hanwell conservation area, but its impact is at the higher end of the scale. There will be significantly harmful impact on:*

- *key aspects of the special character of the historic settlement;*
- *how the village is currently perceived as a small and coherent rural settlement; its overall sense of place, tranquillity, and isolated character. Part of this character is defined by the surrounding agricultural landscape of green space and boundaries, which allow the village to be experienced very differently to the nearby town of Banbury;*
- *views both out of and to the village settlement, including from historic routeways;*

- *avoiding coalescence between the two, individual settlements of Hanwell and Banbury.*

*In terms of the impact of the development on archaeological sites and monuments, the proposals will have a direct and physical effect on archaeological remains. Insufficient information has been provided by the applicant to determine the impact of the proposals on the archaeological interest and significance of the development site itself or judge the level of 'harm'.*

### **Planning policy context**

#### Cherwell Local Plan (1996)

- 5.38 The proposal is in conflict with Policy C33 (THE COUNCIL WILL SEEK TO RETAIN ANY UNDEVELOPED GAP OF LAND WHICH IS IMPORTANT IN PRESERVING THE CHARACTER OF A 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). This policy states that *"proposals that would close or interrupt an important vista across open countryside will also be discouraged."* The proposal will lose this important undeveloped gap and harm the setting of Hanwell Conservation Area.

#### Cherwell Local Plan 2011-2031

- 5.39 Policy ESD 15 states:

*New development proposals should:*

- *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.*

#### National Planning Policy Framework

- 5.40 NPPF paragraph 202 states:

*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

5.41 Paragraph 7.3 of the applicant's Planning Statement reads that:

*“As the Applicant considers that the recent supply position adopted by Cherwell in February 2023 is being overstated, this Planning Statement proceeds on the basis that the Council cannot demonstrate a 5YHLS, and the site/proposal is not subject to the policies set out in Footnote 7 of paragraph 11d, the policies which are most important for determining the application are out-of-date.”*

5.42 However, footnote 7 of the NPPF refers to policies in the Framework relating to, among other things, designated heritage assets. The proposed development definitely has an impact on heritage assets. Therefore in the event that there is less than a 5 year housing land supply in the district (which is not KHVRAG's or the Council's position), NPPF paragraph 11 d(i) does not apply. Relevant policies relating to designated heritage assets are found in chapter 16 of the NPPF. For example, NPPF paragraph 199 states:

*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

## Conclusion

5.43 In respect of impact on heritage assets, the proposal is in conflict with Cherwell Local Plan (1996) Policy C33, Cherwell Local Plan 2011-2031 policy ESD15 and NPPF paragraphs 197, 199, 200 and 202.

5.44 The public benefits of the proposal, set out in the conclusion of this report, are significant. However, they do not outweigh the harm to the significance of the heritage asset, whereby great weight is given to the asset's conservation.

5.45 The applicant's Planning Statement reads: *“5.43 It is considered the proposal accords with Policies ESD 10<sup>3</sup> and ESD 15, and NPPF paragraphs 194 and 202.”*

5.46 However, this conclusion is not tenable when, even accepting the applicant's case at face value, there will be less than substantial harm to a heritage asset.

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<sup>3</sup> Policy ESD10 does not relate to heritage assets

## FOURTH OBJECTION – LOSS OF BEST AND MOST VERSATILE AGRICULTURAL LAND

### Introduction

- 5.47 Reference is made to the applicant's Agricultural Land Quality report dated September 2022. A plan from the ALQ report is at **Appendix 5** of this report and the associated table is below:

**Table 2: Agricultural Land Classification**

Grade	Description	Area (ha)	%
Grade 2	Very good quality	6.1	48
Subgrade 3a	Good quality	5.5	44
Non-agricultural	Total Agricultural	1.0	8
Total	Non-agricultural	12.6	100

Natural England publication "Guide to assessing development proposals on agricultural land" (February 2021).

- 5.48 The Guide states:

**4.2 Grade 2 – very good quality agricultural land**

*Land with minor limitations that affect crop yield, cultivations or harvesting. A wide range of agricultural and horticultural crops can usually be grown. On some land in the grade there may be reduced flexibility due to difficulties with the production of the more demanding crops, such as winter harvested vegetables and arable root crops. The level of yield is generally high but may be lower or more variable than grade 1.*

**4.3 Grade 3 – good to moderate quality agricultural land**

*Land with moderate limitations that affect the choice of crops, timing and type of cultivation, harvesting or the level of yield. Where more demanding crops are grown yields are generally lower or more variable than on land in grades 1 and 2.*

### Analysis

- 5.49 The applicant's Planning Statement reads:

*5.98 The ALC report confirms that the western half of the site is Grade 2 (very good quality agricultural land), and the eastern half is subgrade 3a (good quality land).*

*5.99 The proposals will result in the loss of best and most versatile land, however this amounts to only 12.63ha and if therefore not significant.*

5.50 KHVRAG disagrees; the loss is significant. NPPF paragraph 174b states:

*Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

5.51 Planning Practice Guidance states:

*How can planning take account of the quality of agricultural land?*

*The Agricultural Land Classification assesses the quality of farmland to enable informed choices to be made about its future use within the planning system.*

*There are five grades of agricultural land, with Grade 3 subdivided into 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a. Planning policies and decisions should take account of the economic and other benefits of the best and most versatile agricultural land.*

*In the circumstances set out in Schedule 4 paragraph (y) of the Development Management Procedure Order 2015, Natural England is a statutory consultee: a local planning authority must consult Natural England before granting planning permission for large-scale non-agricultural development on best and most versatile land that is not in accord with the development plan. Natural England has published guidance on development on agricultural land.*

*Paragraph: 001 Reference ID: 8-001-20190721*

5.52 KHVRAG also has regard to NPPF footnote 53, which is written in the context of Plan-making and states that “*where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality should be preferred to those of higher quality*”. 170 houses is a significant scale. Given a plus 5YHLS, market-housing led development located on the urban fringe of Banbury is not currently necessary. With prejudice to KHVRAG’s case, if it were necessary to develop 170 houses adjacent to Banbury, the applicant has failed to demonstrate that no other land on the urban fringe is capable of being developed involving poorer quality agricultural land or previously-developed land. A plan-led approach to making housing allocations should undertake that preferential exercise. The applicant’s *ad hoc*, piecemeal approach to the loss of high quality BMV agricultural land conflicts with the plan-led planning system (NPPF paragraph 15).

## Conclusion

5.53 The application site comprises a mix of Grade 2 and 3a agricultural land. The NPPF, PPG and Cherwell Local Plan do not set a minimum site area threshold for taking into account any impact involving the loss of best and most versatile agricultural land. In this case, the proposed development would conflict with NPPF paragraph 174, because:

- the entire development would involve the loss of best and most versatile land;
- the amount of BMV loss (12.6 hectares) is significant;
- 6.1 hectares is Grade 2: “very good quality”;
- the applicant has not demonstrated that development of this higher quality agricultural land is appropriate due to a lack of lower quality agricultural land elsewhere on the urban fringe that could be developed instead.

5.54 The loss of this best and most versatile agricultural land is a significantly harmful consequence of the proposal.

## 6. ASSESSMENT OF BENEFITS AND HARM

- 6.1 The applicant's Planning Statement refers to several benefits, the weight of many of which is over-stated and at odds with recent appeal decisions in the district involving residential development.

### **Benefits and neutral matters**

#### Economic

- 6.2 The proposal will deliver construction jobs and increased expenditure in shops and services of Banbury. There is no evidence that Banbury town facilities are in decline and would close in the absence of residential development of the proposed development site. The applicant gives substantial weight to this benefit. KHVRAG gives these generic economic factors limited weight.

#### Market and affordable housing

- 6.3 The proposal will deliver the minimum affordable housing requirement of Policy BSC 3 (30% affordable housing - 51 affordable homes in this case). The appellant gives substantial weight to the benefit of housing. KHVRAG gives this benefit significant weight.

#### Highways infrastructure

- 6.4 Paragraph 7.13 of the Planning Statement reads:

*Financial contributions may be agreed to serve the local community where justified based on relevant planning policy and evidence. This might include, for example, the extension of a 3m shared footpath and cycleway on the eastern side of Warwick Road, and a reduction in speed limit along the section of Warwick Road that runs along the site (from national speed limit to 40 mph).*

- 6.5 However, any required financial contributions and off-site highway works are only mitigation for the proposed development and do not benefit the existing communities of Banbury and Hanwell. The appellant gives substantial weight to this matter. KHVRAG gives this matter no weight.

### Biodiversity

- 6.6 The applicant states there will be a 38% biodiversity net gain. The appellant gives moderate weight to this benefit. KHVRAG also gives this benefit moderate weight.

### Miscellaneous

- 6.7 The applicant's Planning Statement reads:

*7.15 The proposals provide genuinely alternative opportunities to the private car to access key facilities and services. Some basic but important facilities are within a short walking or cycling distance, as referred to above.*

*7.16 The site adjoins the largest town in the district therefore is highly sustainable.*

*7.17 The proposal makes effective use of land in providing much needed housing at an appropriate density for its location. The design parameters respect the existing and important site features, including Hanwell Village and the Hanwell Conservation Area to the north, boundary vegetation, on-site species and landform. The proposals include additional planting and habitat creation that will not only mitigate the impact of development, but also enhance the biodiversity credentials of the site.*

*7.18 The development will commit to delivering sustainable development. Electric vehicle charging points and provision for future uptake, as required by Local Plan policies and emerging national guidance. Other, more detailed matters will be considered at the reserved matters stage, such as the use of solar panels, fabric first construction on dwellings and use of water butts.*

*7.19 Flood risk is minimised through a hierarchical approach based on the 100 year +40% climate change allowance.*

- 6.8 None of these matters, whether accurately described or not, constitute benefits of the scheme. For example, design and layout at Reserved Matters stage will be governed by planning policies and good design guidance. The applicant gives moderate weight to these matters. KHVRAG give these matters no weight.

### **Harm**

- 6.9 There is substantial conflict with development plan policies, government policy and guidance relating to spatial strategy, character and appearance, heritage assets and loss of BMV land, which make up the four objections by KHVRAG set out above.

## 7. SUMMARY AND CONCLUSION

7.1 Keep Hanwell Village Rural Action Group (KHVRAG) has identified four main objections to the proposed development:

### 1. Conflict with the spatial strategy

7.2 The proposal harms the spatial strategy of the Cherwell Local Plan by virtue of breaching a clear limit to growth for Banbury because it conflicts with vision, objectives and policies of the Cherwell Local Plan 2011-2031 that seek to:

- Provide quality urban, rural and natural environments.
- Limit growth in rural areas.
- Strictly control development in open countryside.
- Prevent development of the gap between Banbury and Hanwell.
- Protect the hitherto 'permanent green buffer' between Banbury 5 and Hanwell.
- Prevent development adjacent to Category C villages, such as Hanwell. There will be conflict with Policy PV1.

### 2. Harm to character and appearance of the area

7.3 The proposal causes harmful coalescence between Banbury and Hanwell and substantial harm to landscape character and visual amenity. As a result, the proposal is contrary to policies C8 and C15 of the Cherwell Local Plan 1997, Policies ESD 13, 15 and 17 of the Cherwell Local Plan 2011-2031 Part 1 and NPPF paragraph 174a and b.

### 3. Harm to heritage assets

7.4 The proposed development causes 'less than substantial harm' to the setting of Hanwell Conservation Area. This causes conflict with Cherwell Local Plan (1996) Policy C33, Cherwell Local Plan 2011-2031 policy ESD15 and NPPF paragraphs 197, 199, 200 and 202.

#### 4. Loss of Best and Most Versatile Agricultural Land.

- 7.5 The loss of Grade 2 and 3a agricultural land is significantly harmful and conflicts with NPPF paragraph 174.

#### Conclusion and Final balance

- 7.6 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise<sup>4</sup>. There is a presumption in favour of the development plan by reason of s.38(6).

#### The 'flat balance'

- 7.7 The Cherwell Local Plan is not time-expired and its policies conform with the NPPF. According to Cherwell District Council, there is a five year housing land supply in the district. Consequently, paragraph 11d of the NPPF does not apply to the proposed development. The proposal is in conflict with a raft of vision, objectives and policies in respect of the four main objections raised above. Those policies in breach are Cherwell Local Plan (1996) Policies C8, C15 and C33 and Cherwell Local Plan 2011-2031 Policies PV 1, ESD 13, 15 and 17. These objections are amplified by documents underpinning local planning policies and listed in the "Other material considerations" section of this report. NPPF paragraph 12 applies, whereby "permission should not usually be granted". The combined benefits of the proposal, which include market and affordable housing, attract significant weight in favour of the application. However, these benefits do not indicate that the plan should not be followed. There is no tilted balance and therefore **the planning application should be refused.**

#### The 'tilted balance'

- 7.8 Contrary to KHVRAG's primary case, if there is less than 5 years housing land supply in the district then paragraph 11d of the NPPF is engaged and the most important policies are out of date. However, that does not mean that they carry no weight and nor does it mean that the lack of a deliverable 5 year housing land supply leads inevitably to the grant of planning permission. Rather, the key housing supply policies

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<sup>4</sup> S.38(6) of the Planning and Compulsory Purchase Act 2004 and NPPF paragraph 47.

have reduced weight. Furthermore, in respect of harm to heritage assets, footnote 7 of the NPPF applies. NPPF chapter 16 policies that seek to protect heritage assets provide a clear reason for refusing the development proposed, even if the housing supply policies are out of date.

7.9 The proposal as a whole is also in conflict with the social and environmental objectives of the NPPF (para 8) by virtue of:

- Not supporting strong, vibrant and healthy communities of Banbury and Hanwell;
- Not fostering well-designed, beautiful and safe places;
- Not protecting and enhancing our natural, built and historic environment.

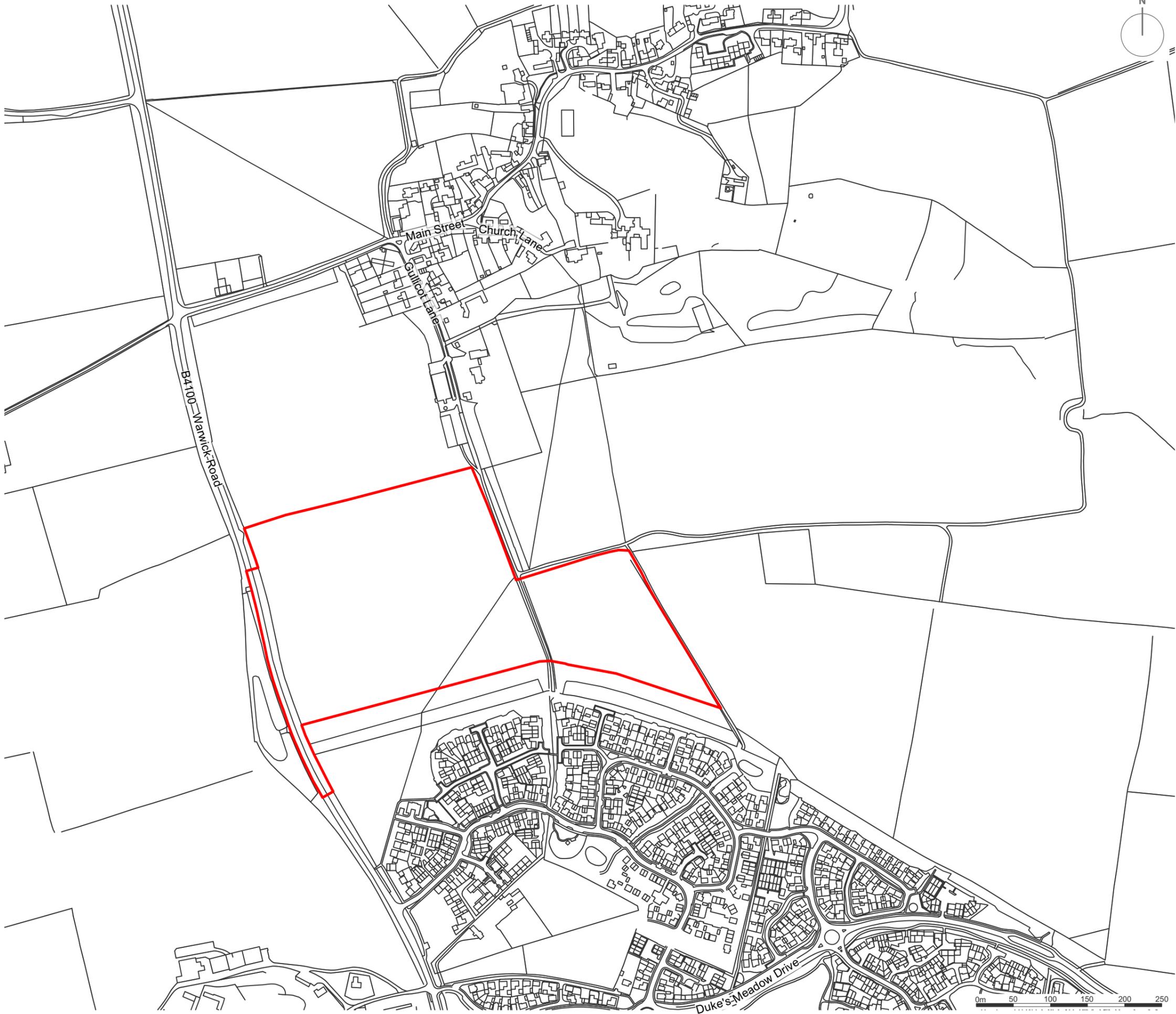
7.10 In the scenario of the 'tilted balance', the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits identified, when assessed against the policies of the Framework as a whole. Therefore, in the scenario of the 'tilted balance' **the planning application should also be refused.**

Keep Hanwell Village Rural Action Group and Stansgate Planning Consultants Ltd, May 2023

**APPENDICES**

1. Application plans
2. Extracts from “Banbury Green Buffer Report – Evidence Base for the Green Buffers Around Banbury (26<sup>th</sup> September 2013)”
3. Review of Impacts on Landscape Character and Visual Amenity on behalf of KHVRAG
4. Heritage Impact Assessment on behalf of KHVRAG
5. Plan of agricultural land classification





Site Boundary

12.63ha

client

**Vistry Group**

project title

**Land East of Warwick Road, Banbury**

drawing title

**Site Location Boundary**

date

**10 MAY 2022**

drawn by **RA**

drawing number

**edp3253\_d007e**

checked **PW**

scale

**1:5,000 @ A3**

QA



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**Site Boundary (12.63 ha)**

**Land Uses**

- Development Zone\*** within which up to 170 Dwellings will be Provided (4.91 ha)
- Highways Access Land** (0.58 ha)
- Area within which Street Infrastructure** (0.04 ha) will be Provided

**Public Open Space (7.10 ha) of which:**

- Area within which 4.94 ha of **Wildflower Meadow and Parkland** will be Provided
- Area within which 1.33 ha of **Woodland Planting** will be Provided
- Area within which 0.45ha of **Informal Sports Provision** will be Provided
- Area within which **Attenuation Basins** (0.23 ha) will be Provided
- Area within which 0.15ha of **Children and Youth Combined Natural Play Space** will be Provided

**Access**

- Proposed Vehicle Access Point
- Pedestrian Access Point
- Public Right of Way

**Infrastructure**

- Pumping Station and 20m Offset

\* dwellings to be a maximum height of 11.5m above FFL

client  
**Vistry Homes Ltd**

project title  
**Land East of Warwick Road, Banbury**

drawing title  
**Figure 4.1: Parameter Plan**

date	<b>19 OCTOBER 2022</b>	drawn by	<b>RAI</b>
drawing number	<b>edp3253_d031d</b>	checked	<b>PWi</b>
scale	<b>1:2,500 @ A2</b>	QA	<b>Gyo</b>



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# BANBURY

## GREEN BUFFER REPORT

FINAL REPORT

SEPTEMBER 2013



26th September 2013

## **Banbury Green Buffer Report**

### **4.0 Green Buffer Areas**

Nine Green Buffer areas have been identified around Banbury, illustrated on Figure BAN 1.2. These nine areas are:

- Green Buffer 1: Hanwell
- Green Buffer 2: Little Bourton
- Green Buffer 3: Nethercote
- Green Buffer 4: Twyford and River Cherwell
- Green Buffer 5: Bodicote
- Green Buffer 6: Crouch Hill and Salt Way
- Green Buffer 7: North Newington
- Green Buffer 8: Wroxton
- Green Buffer 9: Drayton

A detailed description of the Green Buffer sections is provided below and illustrated on Figures BAN 1.3 – 1.11.

#### **4.1. Green Buffer 1: Hanwell**

The Hanwell Green Buffer is located on the northern edge of Banbury between Hardwick and the village of Hanwell. The southern boundary is aligned for some of its length with Dukes Meadow Drive and the Strategic Housing Sites at Banbury 5 and the western side of Banbury 2. To the west Warwick Road forms the boundary, to the east the A423 Southam Road, and to the north Main Street and the southern edges of the village of Hanwell, and a tributary of the River Cherwell. The Hanwell Green Buffer is illustrated on Figure BAN 1.3.

The main purposes of the Hanwell Green Buffer are to:

- Prevent coalescence between the village of Hanwell and the northern edge of Banbury;
- Provide a gap between the village of Hanwell and Banbury;
- Protect the setting of Hanwell as a historic village and designated Conservation Area;
- Protect the setting and identity of the castle and church as valuable historic features;
- Protect the approach to the village both from the east and west and the green approaches to Banbury from the north;

26th September 2013

### **Banbury Green Buffer Report**

- Protect important views over the rural landscape between Hanwell and Banbury; and
- Protect the historic routeways between Hanwell and Banbury.

The village of Hanwell lies approximately 1km from the existing edge of Banbury at its closest point and approximately 500m from the edge of the Strategic Housing Site at Banbury 5. The area of land between the village and northern edge of Banbury, extending from Warwick Road to the west, Southam Road to the east and the M40 motorway, Main Street in Hanwell and Hanwell Brook, tributary stream of the River Cherwell to the north, has been defined as Green Buffer to ensure that development does not extend beyond the existing edge of Banbury or that planned as part of the Strategic Housing Sites, thereby preventing coalescence of the settlements.

The area of land that has been defined as the Hanwell Green Buffer is generally free from built development, with the exception of Park Farm on the southern edge of Hanwell village, Sunview Farm and Hardwick Hill House accessed via Southam Road on the eastern edge of the Buffer, the recreation ground building off Dukes Meadow Drive and built development associated with the cemetery, again on the eastern edge of the Buffer. The Green Buffer policy will ensure that this area is kept free from further built development which would be harmful to the rural character of the landscape, thereby also ensuring the settlements do not coalesce.

The village of Hanwell itself is Anglo-Saxon in origin and grew up around a spring, evident today as a series of fishponds in the grounds of the 14<sup>th</sup> century Hanwell Castle. The Castle grounds now form the northern edge of the Hanwell Green Buffer. Also located along the northern boundary of the Buffer is the Church of St Peter's, a 14<sup>th</sup> century church with even earlier foundations. These historic features, along with a number of 16<sup>th</sup> century vernacular farmhouses contribute to Hanwell being designated as a Conservation Area. The Conservation Area boundary aligns with the Castle grounds, as well as dwellings on the southern edge of Main Street, and is largely coincident with the boundary of the Green Buffer. Extending the Buffer to the Conservation Area boundary and southern and eastern limits of the village ensures that the fields surrounding the settlement are retained to protect the overall character and setting of Hanwell, as well as protecting the setting of important historical features, including Hanwell Castle and the Church of St Peter.

To the east and west of Hanwell along Main Street, farmland to the south of the road is located within the Green Buffer policy area to ensure that the approaches to the settlement are kept free from built development that would be harmful to the character of the village. These fields again contribute to the overall setting and identity of Hanwell as a historic village and provide a rural approach to the settlement, in-keeping with its overall character. South west of the village, only two arable fields are evident separating Hanwell and the planned edge of Banbury at Banbury 5 Strategic Housing Site. These fields are essential to the Green Buffer to ensure not only

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### **Banbury Green Buffer Report**

the setting of the village and its historic assets are protected, but also to prevent the coalescence of Banbury and Hanwell. Furthermore, the fields contribute to containing Banbury within topographical limits surrounded by a rural landscape. Beyond Warwick Road to the west, the association with the urban edge of Banbury and settlement of Hanwell diminishes so, as such, this land is not located within the Green Buffer.

The southern extent of the Hanwell Green Buffer aligns with the edge of the Strategic Housing Sites at Banbury 2 and 5 and Dukes Meadow Drive. Beyond the developed edge of Banbury lies a rural landscape of arable and pastoral fields with well treed hedgerow boundaries occupying the valley slopes of a tributary to the River Cherwell. The rising landform of the valley sides forms a rural backdrop to the edge of the town, integral to its distinct setting and therefore located within the Green Buffer policy area. Further east, the valley slopes form the eastern edge of the Green Buffer adjacent to Southam Road and Banbury 2 Strategic Housing Site. This landform again provides a distinct edge to Banbury and a rural setting to the town. Defining the area as Green Buffer not only ensures that the setting to the town is maintained, but also that the approach to Banbury is retained and development does not extend along the ridge line towards Little Bourton.

Land within the Hanwell Green Buffer is largely under arable production with limited woodland blocks, although field boundaries can be well treed. Together, the valley landform, land cover and elevated nature of the village of Hanwell, ensure that views are apparent across the landscape towards the edge of Banbury. From the southern edge of Hanwell, immediate views are apparent over the rural valley landscape, with more distant views towards the motorway, industrial development in Banbury and the edges of residential development on the northern edge of town. Views towards the eastern valley slopes are also afforded from public rights of way on the southern and eastern edge of the village. Intervisibility across the valley and between Hanwell and the edge of Banbury will be retained through the Green Buffer policy, the visual environment helping to create a strong sense of place.

Crossing the Hanwell Green Buffer and connecting Banbury, the village and wider landscape are several designated public rights of way. A number of footpaths are located along ancient routes connecting local villages. The Buffer will allow these historic routes to be protected.

Through the use of the Green Buffer, not only will the setting of Hanwell and approaches towards the village be protected, but also that of historic features such as the Castle and St Peter's Church. The Green Buffer will ensure that development at Hardwick does not extend beyond its existing limits and those of Banbury 2 and 5, thereby preventing coalescence of Banbury and Hanwell. The Buffer will also contribute to the retention of rural approaches to Banbury from the north. Furthermore, important views from the edge of Hanwell towards Banbury will be

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### **Banbury Green Buffer Report**

retained, together with a network of rights of way connecting the town and village with the wider countryside.

#### *Future Review of the Hanwell Green Buffer Boundary*

Located on the southern edge of the Hanwell Green Buffer are the Strategic Housing Sites at Banbury 2 and 5. Whilst there are currently no approved masterplans available for these sites, their allocation within the Local Plan indicates that they will be developed at a future date. Should development come forward, the boundary of the Green Buffer will require review in the future to ensure that any green infrastructure provision or other areas of land which perform a Green Buffer function are included within the Hanwell Green Buffer, so long as they fulfil the Green Buffer policy criteria

Within the western section of Banbury 2, lying adjacent to Southam Road and the south eastern edge of the Green Buffer, the western and northern slopes of the proposed allocated site are likely in the future to fulfil the criteria for inclusion within the Green Buffer, the land providing an important function in the setting of Banbury and Hanwell and in views from various locations, and in contributing to the rural gap between the town and Hanwell. When the extent of any development on Banbury 2 (west) is known, the visually exposed retained open land should be reviewed for potential future inclusion in the Green Buffer.

At Banbury 5, located on the south western edge of the Hanwell Green Buffer, green infrastructure provision on the northern edge of the allocated site is likely to fulfil the criteria for inclusion within the Buffer and perform an important role ensuring a distinct gap is retained between Banbury and Hanwell, and that the settlements do not coalesce, also protecting the setting of the historic village.

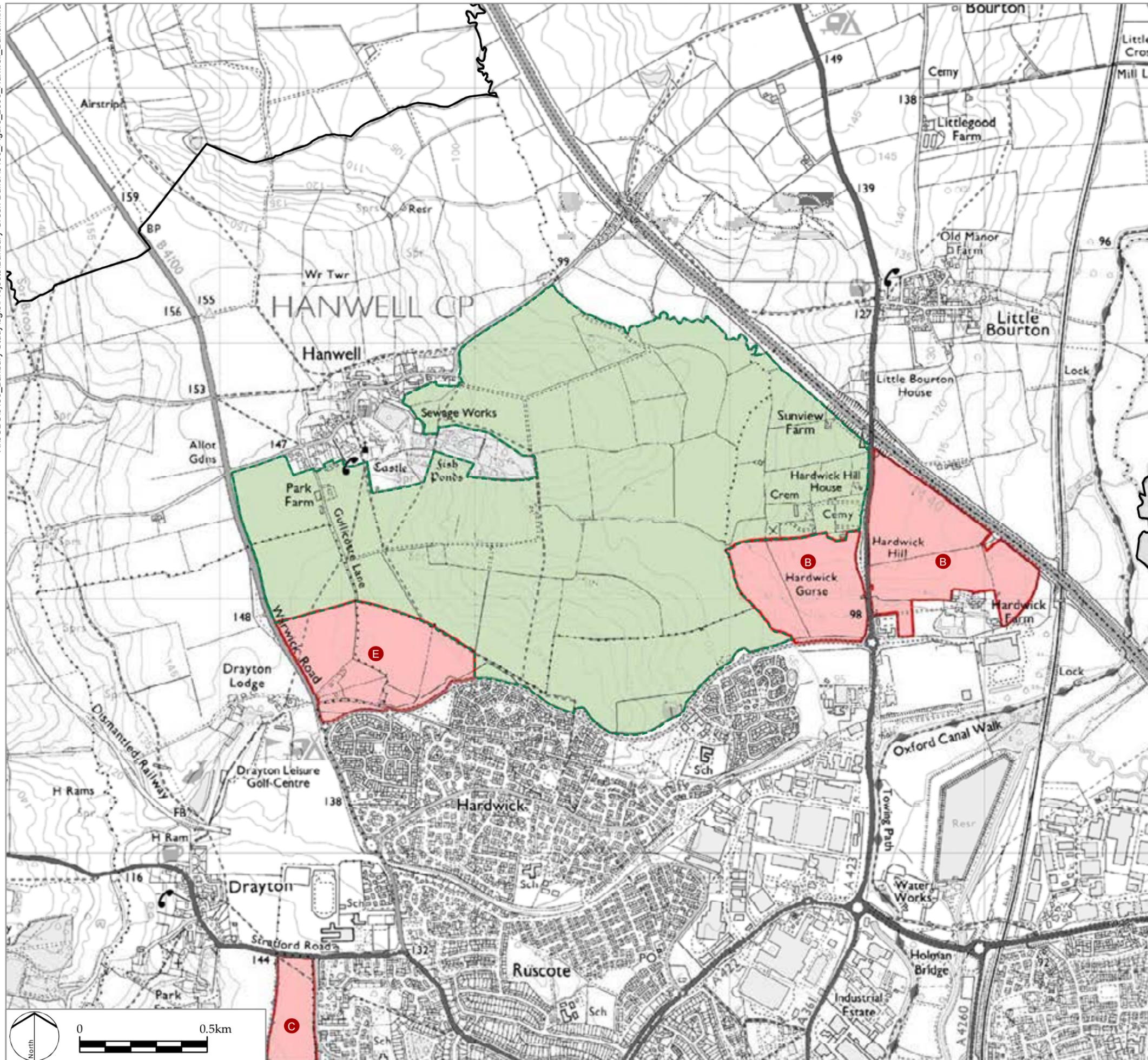
#### **4.2. Green Buffer 2: Little Bourton**

The Little Bourton Green Buffer is located on the northern edge of Banbury between the M40 motorway and village of Little Bourton. The northern boundary of the Buffer aligns with the southern edge of the village and Cherwell District boundary; to the east the River Cherwell; to the south west the M40; and to the west the A423 Southam Road. The Little Bourton Green Buffer is illustrated on Figure BAN 1.4.

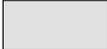
The main purposes of the Little Bourton Green Buffer are to:

- Prevent coalescence between the village of Little Bourton and Banbury;
- Provide a gap between the village of Little Bourton and Banbury;
- Protect the setting of Little Bourton and Banbury; and
- Protect important views over the River Cherwell Valley.

The village of Little Bourton lies approximately 1.4km north of the existing developed edge of Banbury and approximately 500m from the north eastern section of the



LEGEND

-  District Boundary
-  South Northamptonshire District
-  Cherwell Submission Local Plan (August 2012) Proposed Allocated Sites
  - B: Banbury 2: Southam Road
  - C: Banbury 3: West of Bretch Hill
  - E: Banbury 5: North of Hanwell Fields
-  Hanwell Green Buffer

# LDĀDESIGN

PROJECT TITLE  
BANBURY GREEN BUFFER REPORT

DRAWING TITLE  
Figure BAN 1.3  
Hanwell Green Buffer

ISSUED BY	Oxford	T: 01865 887 050
DATE	26 Feb 2013	DRAWN DL
SCALE @A3	1:15,000	CHECKED LJ
STATUS	Final	APPROVED RT

**DWG. NO. 3486\_2003**

No dimensions are to be scaled from this drawing.  
All dimensions are to be checked on site.  
Area measurements for indicative purposes only.

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Sources: Ordnance Survey, Cherwell District Council & South Northants Council





# Review of Impact on Landscape Character and Visual Amenity

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LAND EAST OF WARWICK ROAD

Project Number: BLA247  
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Date: May 2023  
Revision: A

Document version

/Users/stephenwadsworth/Library/CloudStorage/Dropbox/Briarwood 2/Hanwell/Review of Impact on Landscape Character and Visual Amenity Land east of Warwick Road - 18th May 2023.docx

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# 1. Chapter Heading

## Introduction

- 1.1** Keep Hanwell Village Rural Action Group (KHVRAG) commissioned Briarwood Landscape Architecture to examine the impact on landscape character and visual amenity in respect of outline planning application 23/00853/OUT of “up to 170 dwellings (Use Class C3) with associated open space and vehicular access off Warwick Road, Banbury; All matters reserved except for access” at Land to the East of Warwick Road, Banbury by Vistry Homes.
- 1.2** In assisting the KHVRAG, Briarwood Landscape Architecture has undertaken a review of Chapter 7 ‘Landscape and Visual’ and its associated Figures 7.1 – 7.4 and Appendices 7.1 – 7.4 ( hereafter referred to as the LVIA) of the Environmental Statement (ES) submitted in support of the outline application. In particular consideration has been given to the findings and conclusions of the Landscape and Visual Appraisal (hereafter referred to as the LVA) given at Appendix 7.1 of the ES Chapter 7. In addition Briarwood Landscape Architecture have undertaken their own appraisal of the likely landscape and visual effects that would occur with the proposed development in place on the application site.
- 1.3** This review of the submitted LVIA/LVA, and the appraisal of the proposed development has been undertaken by Stephen Wadsworth CMLI. As a Chartered Landscape Architect with over 30 years of experience, Stephen has undertaken numerous LVIAs and Landscape and Visual Appraisals for schemes of varying scale and complexity including residential developments. Stephen has also acted as expert witness at inquiry on landscape and visual matters.
- 1.4** As appropriate, observations made on the submitted LVIA/LVA follow the Landscape Institute’s Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA3, 2013) and are mindful of other current guidance including ‘Reviewing Landscape and Visual Impact Assessments and Landscape and Visual Appraisals’ (Landscape Institute, Technical Guidance Note 1/20) and ‘Assessing landscape

value outside national designations’ (Landscape Institute, Technical Guidance Note 2/21).

**1.5** This report examines the landscape and visual considerations in relation to the proposed development and:

- the likely effects of the proposed development on existing landscape features, landscape;
- character and views;
- the suitability of the proposed development in the context of its location.

**1.6** This report is not intended to be a formal LVIA but consideration has been given to the assessment of nature and scale of effects. An appraisal has been made of the likely landscape and visual effects arising from the proposed development. Where there are differences in the assessment and professional judgement of the scale of effect from those of the submitted LVIA/LVA, then these are noted.

**1.7** A visit was made to site on 2nd April 2023 by Stephen Wadsworth prior to the submission of the outline application by Vistry Homes to Cherwell District Council. The site visit also took place prior to the leaves coming out on deciduous vegetation so that visibility was nearly at a maximum. Consideration has also been given to visibility being at a minimum when leaf cover is fully present.

## Methodology

**1.8** The methodology for undertaking the submitted Landscape and Visual Appraisal for the proposed development is given in Appendix EDP2 of the applicant’s LVA. It is considered that the methodology for assessing likely landscape and visual effects broadly follows the guidance given in GLIVA3.

**1.9** Where there is a difference in professional judgement as to the nature and scale of a particular effect, then the thresholds and definitions given in the applicant’s Appendix EDP2 are used. Use of the same methodology does not prevent different professional judgements and conclusions been drawn.

## 2. Site and Site Context

### Application Site

- 2.1** The application site (as defined by the redline application boundary) comprises the majority of two agricultural fields, both of which are presently under arable production, together with a section of the Warwick Road - the B4100. The two fields are of differing sizes. The western field, identified as parcel A in the LVA, is the larger of the two fields and is broadly square in shape. The smaller eastern field, parcel B, is trapezium in shape with a taper to the south.
- 2.2** Topographically, parcel A falls from a high point of approximately 148 metres AOD in the south to a low point of approximately 146 metres AOD in the north. Parcel B falls from a high point of approximately 146 metres in the west to a low point of approximately 144 metres in the south-east.
- 2.3** The application site is currently private. However, public right of way 191/6/30 passes diagonally through parcel A, connecting between Hanwell Chase immediately to the south and Gullicote Lane to the north. Gullicote Lane is an existing farm track that separates the western field (parcel A) from the eastern field (parcel B). Parcel B has no direct public access but public right of way 239/7/20 passes along the eastern edge of the parcel.
- 2.4** The application site is generally well defined except for the southern boundary to parcel A. The southern boundary of parcel A is currently undefined on the ground and is located approximately 20 metres from the belt of mixed coniferous and deciduous trees that form the field boundary between the western field and the residential development of Hanwell Chase to the south. Similarly, the application boundary excludes the southern field boundary associated with parcel B.
- 2.5** A low hedgerow runs along the western boundary of parcel A, parallel to Warwick Road. The northern boundary is defined by a low and 'gappy' hedgerow with occasional hedgerow trees. The eastern boundary is defined by a predominantly leggy and gappy hedgerow.

- 2.6** Parcel B is defined to the north by an intermittent tree belt/over mature hedgerow. The eastern boundary is partially open and consists of occasional sections of over mature hedge. The western boundary runs parallel to Gullicote Lane and is defined by denser trees and shrubs. The southern boundary runs parallel to the field boundary of mixed evergreen and deciduous trees.

## Site Context

- 2.7** The recent completion of development north of Hanwell Fields ('Banbury 5' according to the Cherwell Local Plan 2011-2031 Part 1) is located to the south of the application site. This has been marketed as Hanwell Chase. The application site and Hanwell Chase are separated from one another only by the existing belt of trees defining the respective southern boundaries of the two fields in the application site and the land margin given to the application site boundary.
- 2.8** The two parcels of the application site form part of an existing and comparatively narrow margin of land that forms a physical gap between Banbury to the south and Hanwell village to the north. The farm buildings associated with Park Farm in Hanwell are located a few metres from the north-eastern corner of parcel A. Parcel B is separated from Hanwell by the narrow width of a single field. As paragraph 3.5 of the submitted LVA outlines, the Hanwell Conservation Area is only about 100 metres distant from the application site boundary. In practice the distance is approximately 85 metres.
- 2.9** The northern, eastern and southern boundaries of the field containing parcel A, represent the boundary to the parish of Drayton. Parcel B falls within the parish of Hanwell.
- 2.10** As paragraph 2.11 of the LVA explains,

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*"...the site as a whole, as agricultural fields situated between the settlements of Hanwell and the northern edge of Banbury, presently provides physical separation between these two settlements preventing their merging and coalescence when experienced both within the site and from the immediate context".*

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## Published Landscape Character Assessments

**2.11** The submitted LVA correctly notes that at the county level the application site is situated in the Farmland Plateau landscape character type as outlined in the Oxfordshire Wildlife and Landscape Study on line resource (ref: <https://owls.oxfordshire.gov.uk/wps/wcm/connect/occ/OWLS/Home/Oxfordshire+Landscape+Types/Farmland+Plateau/> ).

**2.12** Within the Farmland Plateau landscape character type, the Hanwell (NU/24) landscape character area is described as being:

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*"...characterised by medium-sized, regularly-shaped arable fields enclosed by very low, gappy hawthorn hedges. There is some grassland, particularly where the landform is steeper and more undulating. There are a few small mixed plantations and scattered hedgerow trees of young ash and sycamore."*

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**2.13** It is considered that the application site reflects the general description given in the published landscape assessment.

**2.14** One of the key recommendations for the landscape character type as a whole is to:

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*"Safeguard and enhance the open, sparsely settled character of the landscape whilst maintaining and strengthening its pattern of hedgerows, stone walls, small woodlands and tree belts."*

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**2.15** NB Underlining is the author's emphasis

## Visual Context

**2.16** The importance of mapping visibility is emphasised in GLVIA 3, which states at paragraph 6.6 that,

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*"Land that may potentially be visually connected with the development proposal - that is, areas of land from which it may potentially be seen - must be identified and mapped at the outset, bearing in mind the comments in Paragraph 6.2 about reasonableness and proportionality".*

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(underlining – author’s emphasis).

- 2.17** According to the submitted LVIA/LVA, a Zone of Theoretical Visibility (ZTV) was prepared for the proposed development. A ZTV shows the area around the application site in which it would be theoretically possible to see the proposed development. The prepared ZTV apparently helped determine the location of the representative viewpoints used in the submitted LVA on which to base a detailed visual assessment. However, the applicant has chosen not to submit the ZTV. Given the absence of the prepared ZTV it is difficult to ascertain whether then selected representative viewpoints are from the most appropriate locations or how extensive the area would be in which the proposed development might be seen.
- 2.18** Instead, Figure 4 of the submitted LVA shows a Zone of Primary Visibility (ZPV). The ZPV covers the area, south of Main Street Hanwell in the north-west, south of the Hanwell Conservation Area’s southern boundary, east of Warwick Road, west of public right of way 239/9/10 and north of Hanwell Fields.
- 2.19** Having undertaken a site visit, and from the evidence provided in Environmental Statement (ES) Appendix 7.3 Representative Viewpoints, it is evident that there is greater intervisibility between the application site and the wider landscape than implied in the text of the submitted LVA. Views, when looking from the east allow the application site to be distinguished as a feature that contributes positively to the existing gap between the settlements of Banbury and Hanwell.
- 2.20** The importance of the application site in helping to provide and maintain a rural separation between Hanwell and Banbury is given greater emphasis in close proximity, publicly accessible, views to the site. As is demonstrated in views EDP2, 3, 4, 8 and 9 of ES Appendix 7.3 Representative Viewpoints. The open nature of parcel A, rather than the visually enclosed nature as implied at various points within the submitted LVA, is readily apparent.

- 2.21** Parcel A's typically characteristic arable form and agricultural nature together with its function of forming part of a physical divide between Hanwell and Banbury are readily perceived by highway users in views when traveling along the Warwick Road between Main Street Hanwell and the northern edge of Hanwell Chase. A similar perception is gained in sequential view for users of the public right of way network in closest proximity to the application site boundary.
- 2.22** Such views illustrate the importance of the existing fields, including the application site, in maintaining a meaningful separation between the settlements of Banbury and Hanwell. The presence of agricultural fields, rather than simple amenity space as is proposed on the application site, allows for the maintenance of the perception of Hanwell being a distinct rural settlement with a rural landscape setting.

## 3. Effect on Landscape Character

- 3.1** The importance of landscape is highlighted by the Landscape Institute who state<sup>1</sup> *"...particular attention needs to be given to landscape because of the importance that is attached to it by individuals, communities and public bodies."* The Landscape Institute goes on to state that, amongst a range of listed criteria, landscape is important because it provides *"a shared resource which is important in its own right as a public good"*, provides *"the setting for day to day lives – for living, working and recreation"*, allows *"opportunities for aesthetic enjoyment [and provides] a sense of place"*, and has *"continuity with the past through its relative permanence"*.
- 3.2** The *"widely acknowledged benefits [of landscape] for health and wellbeing"* are also identified by the Landscape Institute as being an important function of landscape. In this context it is considered that the application site and adjoining land has a high level of community use for informal countryside recreation.
- 3.3** In recent years many local landscape designations have been replaced by the landscape character approach, with the Landscape Institute emphasising *"the fact that an area of landscape that is not designated either nationally or locally does not mean that it does not have any value"*<sup>2</sup>.
- 3.4** As the submitted LVA notes in paragraph 3.3, *"it is noteworthy that the site used to be located within the Ironstone Downs Area of High Landscape Value defined by the Cherwell Local Plan(1996) but not retained within the within the Cherwell Local Plan (2011 – 2031) adopted in July 2015."* Cherwell District Council removed all such local plan designations rather than specifically removing such a designation from the landscape of the application site and its surrounding area.
- 3.5** The submitted LVA is at once dismissive of the application site in paragraph 4.24 where it states, *"the site does not represent, in a perceptual or physical sense, a landscape of any great importance or distinct character. Indeed, it is for the most*

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<sup>1</sup> Paragraph 2.11 and 2.12 of GLVIA 3 (2013)

<sup>2</sup> Paragraph 5.26 of GLVIA 3 (2013)

*part representative of the wider agricultural landscape and in this sense is an entirely 'ordinary' parcel of agricultural land in land use, topographical and hydrological terms.'* While acknowledging earlier in paragraph 4.18 that,

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*"...it is evident that the site as a whole contributes towards the prevention of coalescence between Banbury and Hanwell..."*

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**3.6** The submitted LVA does not provide a systematic appraisal as to how it attaches value or otherwise to the site and its surrounding area. The Guidelines for Landscape & Visual Impact (GLVIA 3), at Box 5.1, together with the Landscape Institute Technical Guidance Note 02/21 set out a range of factors that can help in the identification of valued landscapes. These factors include:

- Landscape quality (condition);
- Scenic quality;
- Rarity;
- Representativeness;
- Conservation Interests;
- Recreation Value;
- Perceptual aspects; and
- Associations.

**3.7** For the purposes of this review, Table 3.1 below seeks to assess the value of the site and its host landscape based on the above factors.

**Table 3.1 Assessment of Landscape Value of the Site and its Environs**

Criteria	Assessment of Value
Landscape quality (condition)	<b>Medium.</b> The site and its environs are entirely outside any nationally important landscape in terms of the NPPF. Nevertheless, the application site and the landscape around it is considered to be good condition.

Scenic quality	<b>Medium.</b> The site has some intrinsic scenic quality and is part of a wider landscape that is acknowledged to be aesthetically and visually interesting. Potential detractors are limited to the far distance.
Rarity	<b>Low.</b> The site has no rare or unusual features within its boundary. The wider local area is part of an historic agricultural landscape.
Representativeness	<b>Medium.</b> The site possesses a number of the characteristics of the wider landscape as identified in the published landscape character assessments. The principal characteristics are being arable fields with hedges and hedgerow trees and with a rolling landform.
Conservation Interest	<b>High.</b> The application site is in very close proximity to the Hanwell Conservation Area and several listed buildings.
Recreational value	<b>High.</b> The application site is entirely private but is crossed by a public right of way and is adjacent to or close by several others that enable circular walks through the wider landscape.
Perceptual qualities	<b>Medium.</b> Away from the edge of Hanwell Fields and the B4100 the application site and the wider landscape is relatively tranquil in areas where noise and movement are less evident.
Associations	<b>Low.</b> There is no known direct association with any historic or cultural figure and the site or the area immediately surrounding the site.

**3.8** There is professional agreement with the LVA where it states in paragraph 4.21 of the submitted LVA that,

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*"...the value of Parcel A is considered to be medium, and susceptibility [to the type of development being proposed] is deemed to be high... the value of Parcel B is considered to be high, and the susceptibility is also deemed to be high".*

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**3.9** This leads the submitted LVA to assess in paragraph 4.23 that,

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*"...overall, when balanced, Parcel A is assessed to be of medium-high sensitivity to development, whereas Parcel B is considered to be marginally elevated to a sensitivity of high".*

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**3.10** The submitted LVIA and LVA acknowledge that there would be a significant adverse effect to the character of the application site during the construction phase of the proposed development. The submitted LVIA and LVA conclude that there would be notable adverse effects arising from construction work, movement of plant and noise etc. that would be clearly evident.

**3.11** The submitted LVIA and LVA explain that there would be the loss of a section of the existing hedgerow along the western boundary of parcel A so as to facilitate the creation of a new accessway from Warwick Road. There would also be changes to the topography of the site to enable construction work and to provide for a new Sustainable Urban Drainage system.

**3.12** The likely nature and scale of effect on such features as hedgerows, topography etc are not formally assessed separately in the submitted LVIA/LVA. However, in reviewing the proposals, the effects on both hedgerows and topography during the construction phase are considered to be adverse. The agricultural land use of the application site would also cease at the start of the construction phase.

**3.13** Most importantly, the submitted LVIA and LVA acknowledge that there would be a **significant adverse effect** on the character of the application site and on the character of the site context 'including Relationship between Banbury and Hanwell' during the operational phase of the development i.e. when the proposed development is completed on the application site. The submitted LVIA/LVA assess only to year 15 of the operational phase. However, in reviewing the proposals and

the submitted LVIA/LVA it is considered such a significant adverse effect on the character of the application site and the character of the site context, including the relationship between Banbury and Hanwell, would be a permanent and irreversible one.

- 3.14** The submitted LVA underplays the nature of such a change in character. While the submitted LVA acknowledges in paragraph 7.7 that,

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*"...a high magnitude of change is anticipated in the case of Parcel A with the current internally open arable field parcel experiencing a wholesale change to residential built form..."*

*...the development of the site will see the urban edge of Banbury move northwards and the separation between Hanwell and Banbury subsequently reduce..."*

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This is to understate what would represent a notable and noticeable encroachment of residential development into the rural countryside that currently separates Banbury from Hanwell and which retains the latter as a recognisably rural settlement.

- 3.15** The submitted LVIA/LVA explain that such a change in character is 'inevitable' when altering agricultural fields into residential areas. It is correct to say that construction of a residential development on an arable field site would be highly unlikely to be compatible with the maintenance of any agricultural use. However, this pre-supposes that the application site is suitable in landscape and visual terms for such a development to take place.

- 3.16** The submitted LVA is right to conclude in 8.6,

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*"...the conversion of Parcel A into built form will result in the loss of an open field parcel between the northern edge of Banbury and the outlying village of Hanwell, narrowing the current separation between these two settlements from both a visual and landscape character perspective".*

---

Once again, this is an understatement in the context of the assessment that the change to relationship between Banbury and Hanwell would undergo a significant adverse effect.

- 3.17** There is currently a sense of travelling between settlements, and through rural countryside, when moving along the Warwick Road or across the public rights of way network that links between Hanwell and Banbury. The application site contributes to the separate identity of the two respective settlements by being recognisably two arable agricultural fields that presently contribute positively to the rural character of the area on the northern edge of Banbury.
- 3.18** The proposed development would abut the existing buildings associated with Park Farm in Hanwell and come within approximately 85 metres from the Hanwell Conservation Area. In this context there would be a demonstrable physical coalescence of the two settlements of Banbury and Hanwell.
- 3.19** The proposed development includes the intent to retain the majority of the existing boundary vegetation on the application site and to supplement this landscape resource with new tree and shrub planting. This new tree and shrub planting would be included within public open space that would surround the developable area focused on the centre of parcel A. Parcel B would be altered to provide recreational space and play opportunities.
- 3.20** New tree and shrub planting along the boundaries of the site are not dependent on the proposed development. The potential that newly planted open spaces might give rise to enhanced ecological and biodiversity opportunities would be dependent on an agreed and robust management regime. The proposed planting could be undertaken in the context of the existing agricultural use of the application site. The creation of the new open spaces would not necessarily mitigate for the loss of the open, agricultural and rural landscape character expressed presently on the application site.
- 3.21** With the proposed development on the application site there would be a perceptible change to the experiential character of the site and of the wider area. Domestic and residential activities would, it is considered, generate noise and movement at a scale that is not currently experienced despite the proximity of Hanwell Chase and

Warwick Road. The proposed open spaces, including parcel B, are intended for use by the new community that would occupy the proposed development so that noise and activity would extend into these areas too.

## 4. Effect on Visual Amenity

- 4.1** As is good practice, the submitted LVIA/LVA identifies a range of visual receptors (i.e. people) that have the ability to see the application site. These include users of particular rights of way in the landscape including and surrounding the application site, occupiers of residential properties within Banbury (Hanwell Chase) and Hanwell (along its western edge) and on Main Street, users of the public highway including Warwick Road, Main Street and the A422 and the A423 together with users of Banbury Crematorium.
- 4.2** The submitted LVIA/LVA identifies 14 representative viewpoints (not intended to be an exhaustive list of possible location from which the proposed development might be seen) from amongst the above visual receptors on which to make a formal visual assessment. Other receptors have been assessed without reference to a specific viewpoint.
- 4.3** Of 16 visual receptors identified by the submitted LVIA/LVA 7 are identified as experiencing a significant adverse visual effect at year 1 of the operational phase of the proposed development. Of those 7 visual receptors assessed experiencing a significant adverse visual effect at year 1 of the operational phase in the submitted LVIA/LVA, 4 are assessed as still likely to experience a significant adverse visual effect at year 15.
- 4.4** There is professional agreement with respect to the nature and scale of effect on the 4 visual receptors that the submitted LVIA/LVA assess would experience a significant adverse effect at year 15 of the operational phase of the proposed development. The 4 visual receptors include:
- users of public right of way 191/6/30 as it passes through the application site;
  - users of Gullicote Lane which divides parcel A and parcel B that comprise the application site;
  - users of Warwick Road (B4100) on the approximately 600 metres of highway that pass adjacent to the application site, and
  - occupiers of residential properties at the western edge of Hanwell.

- 4.5** The importance of the findings of the submitted LVIA/LVA is to demonstrate that there would be a visual coalescence of the two settlements of Banbury and Hanwell as a direct consequence of the proposed development being in place on the application site. The submitted LVIA/LVA accepts that the northern urban edge of Banbury would move closer to Hanwell through the proposed development of the application site. As a result, from key locations in the landscape and from the edge of Hanwell, this movement of the urban edge northwards would be readily apparent to such an extent that it would give rise to a **significant adverse visual effect**.
- 4.6** Elsewhere, in reviewing the submitted LVIA/LVA and having visited the site and surrounding area, it is acknowledged that the proposed new tree and shrub planting on and around the site would have the potential to restrict, but not fully obscure, some views of the proposed development. Nevertheless, to be effective as a screen, given the intended height of the proposed residential properties of up to 2.5 storeys together with their collective scale and massing, would take many years to achieve.
- 4.7** Trees and shrubs implemented as part of the proposals would be relatively immature at year 1 of the operational phase. The planting would require time to fully establish and fill out. Even allowing for a growth rate of up to 0.5 metre annually, a typical whip plant of between 0.6m and 0.8m at time of planting would still only theoretically reach approximately 7 metres by year 15 of the operational phase of the proposed development. The change in the appearance and character of the application site would, as the submitted LVIA/LVA concedes, be perceptible until at least year 15 of the operational phase.
- 4.8** In reality, it is considered that the ability to see the proposed development from the surrounding host landscape and to perceive a change in the character and appearance of the landscape both on the application site and in the wider landscape would be greater than expressed in the submitted LVIA/LVA. There would be no recognised beneficial visual effects as a result of the proposed development being in place on the application site. It is also agreed that there would be several significant adverse visual effects that would persist up to, at least, year 15 of the operational phase of the proposals.

**4.9** The application site, in its present agricultural and arable state, forms part of the rural visual threshold into Banbury and into the village of Hanwell that it is experienced by users of the public highway and of the public right of way network. The adverse visual effects that would arise through placing the proposed development on the application site would give rise to an unacceptable level of harm on general and recreational visual amenity.

## 5. Conclusion

- 5.1** The proposed development would significantly harm landscape character and the intrinsic character and beauty of the countryside in which the application site is located.
- 5.2** The influence of existing residential development in Hanwell Fields to the south of the application site is over-stated in Chapter 7 'Landscape and Visual' and its associated Landscape and Visual Appraisal given at Appendix 7.1. It is not correct for the applicant to suggest that residential development of the application site would not lead to a material change to the character of the localised and wider landscape. The change is significantly harmful.
- 5.3** As an outline planning application on an unallocated site, the baseline for considering impacts on landscape and visual amenity is the existing undeveloped fields at the application site. Whilst change is the inevitable consequence of building houses on greenfield sites, it is important to note that some greenfield sites may be more able to accommodate development than others. Thus the degree of change should be given consideration and not dismissed. In this case, the degree of change is significantly harmful upon the completion of development (year 1) and mitigation landscaping would fail to reduce the level of harm 15 years later.
- 5.4** There is currently a clear demarcation between the settlement edge of Banbury and the farmland beyond. This farmland is largely agricultural in character, and predominantly arable. As such, the northern edge of Banbury is already experienced as an established green and vegetated urban edge, set within a context of agricultural fields, giving both Banbury and the village of Hanwell an agrarian setting.
- 5.5** This arrangement of settlement edge and farmland can be appreciated from a number of points in the surrounding landscape, especially as viewed from Warwick Road, the public footpath crossing the application site and those other public footpaths connecting Hanwell with Hanwell Chase.

- 5.6** From the public footpath crossing the application site, open views are available across farmland to the village edge of Hanwell, located nearby. In views from Warwick Road, the application site provides a strong break and an attractive setting for the village of Hanwell beyond.
- 5.7** Were the proposed development to be built out, such views to the village edge would be blocked by built form in the immediate foreground. The illustrative masterplan and parameter plan show the public footpath passing through a green corridor. However, this corridor is narrow, and the close proximity of the new houses to the footpath would suburbanise the setting of the footpath.
- 5.8** The proposed development would incorporate a strip of public open space adjacent to its southern boundary. This open space would comprise grassland and planting and would be fronted by new housing. Whilst this strip would be open and green, it would be suburban in nature and not rural or countryside in character. Moreover, the proposed open space and the mitigation within it would fail to prevent the physical and perceived visual coalescence of Banbury and Hanwell.
- 5.9** The proposed development would cause an unacceptable level of harm to the landscape character of the countryside and to the visual amenity of those people living in, working in or passing through the area containing the application site. Such unacceptable harm would arise by reason of adverse effects:
- on the rural landscape setting of Hanwell and Banbury, and
  - the ability to experience a green and distinct edge to both settlements,
  - the context of agricultural fields that currently provide a readily perceived rural gap between Banbury and Hanwell.





TDR Heritage  
Regeneration | Placemaking | People

May  
2023

# LAND TO THE EAST OF WARWICK ROAD, BANBURY

HERITAGE IMPACT ASSESSMENT IN RESPECT OF PROPOSED  
DEVELOPMENT BY VISTRY HOMES (REF. 23/00853/OUT)

VICKY HUNNS | MCIFA IHBC



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## 1.0 Introduction

1.1 This report has been produced in relation to an outline planning application (ref 23/00853/OUT) by Vistry Homes 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' at Land to the East of Warwick Road, Banbury. It was commissioned from TDR Heritage Ltd., an IHBC recognised quality assured Historic Environment Services Provider (HESPR), in March 2023 by the Keep Hanwell Village Rural Action Group. The report was compiled by Vicky Hunns, MCIfA IHBC.

1.2 The aim of the report is to provide an independent assessment of the proposals and their impact on the historic environment following a site visit, desk-based research and a review of the planning submission. In May 2022, concern was raised at pre-application stage by the Cherwell District Council Conservation Officer (ref 21/02776/PREAPP) who considered that a future planning application for about 170 homes could potentially harm the setting of the Hanwell conservation area and listed buildings in Hanwell village.

1.3 This report concludes that the proposal would have a harmful impact on the historic interest of the village, particularly from the point of view of the setting of the conservation area and its integrity as a distinct historic settlement, and its clear separation from Banbury. However it also has found that the direct loss of potentially significant archaeological sites and features dating from the Iron Age to post medieval period, and which were identified as part of the evaluation of the site, have not been considered fully in the application documents in terms of their survival and importance in a local, regional or national context.

## 2.0 Location of the proposed development (23/00853/OUT)



Figure 1: Map showing location of Hanwell Conservation Area (yellow area) and the Proposed Development Site (red area): (Image © Google Earth, Imagery Date 22/04/21).

2.1 The application site is located less than 100 metres to the south west of the boundary of the Hanwell conservation area.

2.2 Further detail in relation to the planning application boundaries and parameters has been appended as Annex 1.

### 3.0 The origins of Hanwell

3.1 Hanwell is a settlement of at least Saxon origin and was a reasonable sized village by 1086, being in the largest 40% of households recorded in Domesday<sup>1</sup>. It is likely to have initially developed around a spring and routeway linking Bourton with the ancient thoroughfare, later turnpiked, that linked Warwick to Banbury and beyond. By at least the mid C12 the village appears to have had a church and it is likely that this and an earlier moated manor house were located on the south side of a triangular space formed between the church and main thoroughfare. This emulates topographical settlement patterns that could suggest the location of early market or trading activity in this area.

3.2 There is also evidence for medieval or post medieval settlement to the south of the settlement, shown as earthworks on earlier aerial photographs, and the remains of buildings and pottery of Saxon date were excavated to the eastern edge of the village in the 1970s, alongside evidence that part of the settlement had shrunk by the late C17-C18 (Oxfordshire HER). Despite this, during the medieval period the village remained a medium sized settlement, and its vitality and relative wealth can be seen in the investment in the extensive rebuilding of the church in the C14, and the construction or adaptation of a new manor house in the early C15 which historically also included extensive parkland to the south. The line of the extant field boundaries or routeways at the outer bounds of the village can be related to aspects of earlier field systems, including the 'two field' open field system thought to have been in operation in Hanwell parish in the medieval period, prior to their enclosure in the late C18. There is also evidence for medieval ridge and furrow in fields, which probably underwent piecemeal enclosure, to the west of the village. The late C18 and early C19 also saw a reasonable amount of rebuilding within the village, which included the construction of some of the outlying farms slightly outside the core of the village (VCH; Oxfordshire HLC).

3.3 Comparison with historic mapping of 1881 shows that the village saw only relatively limited extension in the late C19 and C20, mostly as 'infill' development or renewal which took place within the existing parameters of the settlement, the limits of which are largely defined by the lanes and boundaries shown in 1881 (Ordnance Survey 1889). The main exception to this small-scale development is to both sides of Gullicott Lane, particularly in a small-scale Council house development at the north end of the lane which extends slightly west along the main road.

3.4 There is considerable archaeological activity in the vicinity of the settlement, including a Roman villa site less than 1 km away to the west of the Warwick Road, and extensive prehistoric activity in the area between the village and Banbury was found as part of a geophysical survey in advance of the Hanwell Fields development (to the south) (Oxfordshire HER). Recent geophysics and trial evaluation on the site of the proposed development to the south and west of Hanwell has also identified a number of features, including evidence for Iron Age / Romano British settlement, which strongly indicates that this area forms part of a palimpsest of activity dating from the Bronze Age to late Roman period, overlain by later medieval and post medieval cultivation practices (in EDP 2022).

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<sup>1</sup> <https://opendomesday.org/place/SP4343/hanwell/>

## 4.0 Current character of Hanwell

4.1 In terms of character, the current village of Hanwell is a linear historic settlement, with a clearly identifiable plan form associated with the early routeway and the medieval manorial site and church. The houses, farms and structures within the settlement are largely aligned with the street and are relatively closeknit, interspersed by a considerable amount of greenspace.

4.2 The Hanwell Conservation Area Appraisal (August 2007) identified four 'character areas' across the settlement, although there is a coherence and unity about the village settlement itself, and a strong sense of there being a village 'extent' in all directions, which is recognised in the two 'village end' character areas (figure 2). The surrounding landscape, of which the planning application is part, is of large, open fields, with some established hedges and a series of routeways and paths that have been in active use for well over 100 years. These include Gullicott Lane which continues from the western edge of the village down to Banbury and previously delineated the western extent of the settlement. The village retains a strong rural character which is clear both from within and outside of the settlement and on historic and modern mapping. This character is reinforced by a hard defined boundary to the settlement and its associations with the surrounding areas of green space, network of fields and road and historic field boundaries, all of which make a strong contribution to understanding the village and its setting. These physical features form an effective 'gap' between Hanwell and Banbury and positively define the rural setting of Hanwell village, reinforcing its distinct difference from the urban character of nearby Banbury.

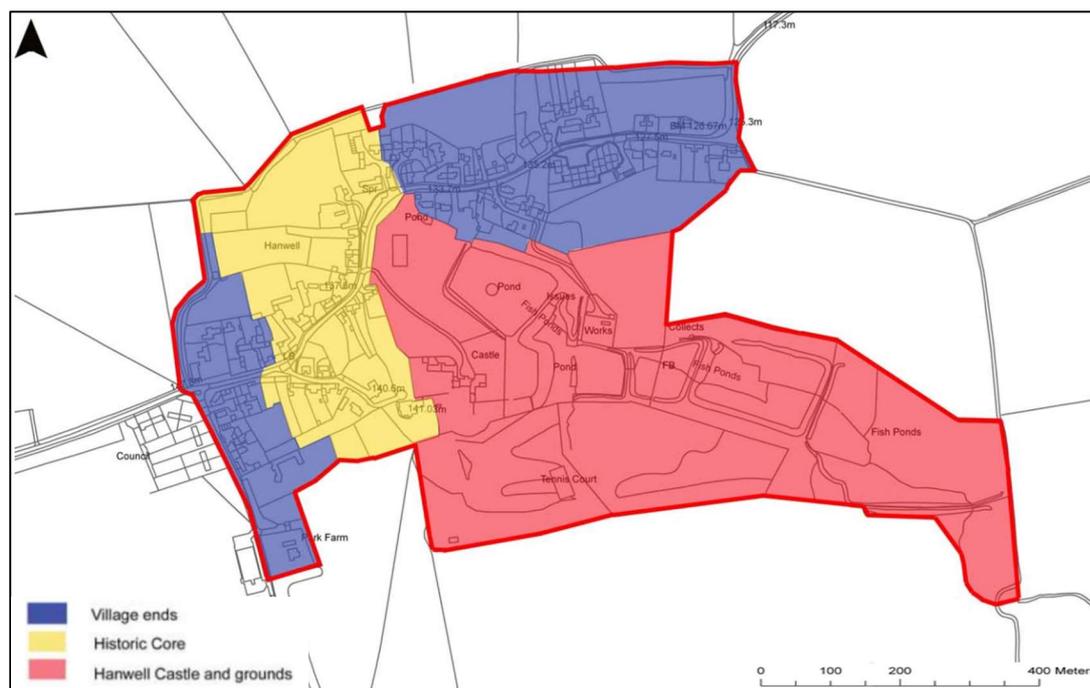


Figure 2: Character areas identified in Hanwell conservation area (image: Hanwell Conservation Area Appraisal, 2007)

4.3 Almost all of the buildings which form the current settlement of Hanwell are covered by the conservation area designation, with the exception of a small group of early C20 Council houses and farm buildings to the west of Gullicott Lane. An area of potential archaeological interest, including part of the former wider parkland associated with Hanwell Castle (which extends to the field boundary adjacent to the proposed development site) and the possible earthwork remains of earlier settlement to the south of the village (HER 28037) were excluded from the designation despite having a clear and defined relationship with the village and forming part of its historic character and setting (figure 3).



area assessments have a stronger emphasis on understanding and drawing together all aspects on the historic environment – above or below ground, and of landscape features forming part of ‘setting’.

5.3 In terms of threats, although the 2007 appraisal did note that there were already clear views from the southern boundary of the Conservation Area to the most recent urban extension along the northern fringe of the town, it predated the recent development on the allocated site to the north of Banbury ‘Hanwell Fields’, which is also now visible at the edge of the southern part of the conservation area and as part of south westerly views and from the Warwick Road. Although in 2007 development to the south of the village had not yet been considered or recognised as a threat, the appraisal concluded that a comparable threat from the gradual encroachment northward of industrial areas of Banbury at the eastern boundary of the village was ‘visually intrusive’ and that ‘Further unsympathetic urban extensions in this area threaten the setting of the Conservation Area’.

5.4 However, the appraisal did identify a number of ‘views to the horizon’ from Gullicot Lane and the southern boundary of the conservation area (partially formed by the extent of the Castle grounds) (figure 4). Although these open views are interspersed by boundaries and limited deciduous tree cover, they allow the conservation area and the village to be experienced in their surrounding open countryside setting, and would be interrupted and negatively impacted by the proposed development to the west of the village.

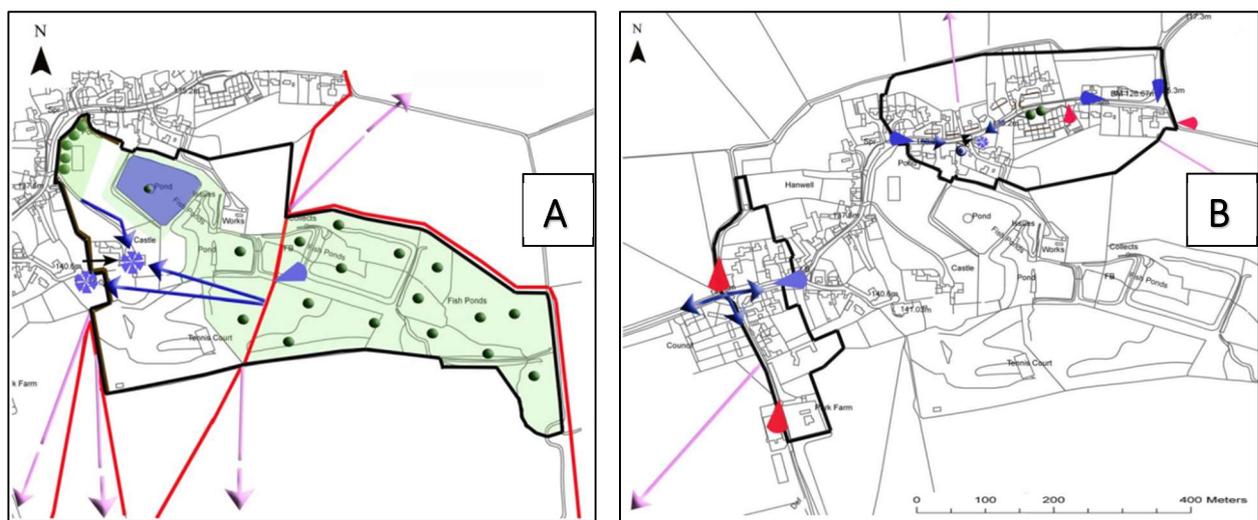


Figure 4: Views identified in the 2007 Conservation Area Appraisal in relation to the Hanwell Castle and Grounds Character Area (A) and the Village Ends Character area (B). The pink arrow shows views to the horizon. Blue arrows are views to positive landmarks. images: Hanwell Conservation Area Appraisal, 2007

## 6.0 Review of planning application ref. 23/00853/OUT: Impact on Hanwell Conservation Area

6.1 In terms of the proposed development, the Environmental Statement (ES) accompanying the planning application considered views to and within the conservation area and, to an extent, its associative relationship (BOVS3002). However, the ES has not fully recognised the impact of the development on the setting of the conservation area in terms of the experiential or associative aspects of 'setting', as set out in Historic England's Guidance Note HEAG 180<sup>4</sup>. In particular:

- a. The application site has a clear historic and associative relationship with Hanwell village in terms of its former and current agricultural use, including evidence for ridge and furrow of medieval and post medieval date, the evidence for which would be destroyed by the development.
- b. The proposed development would cause a clear loss of identity of Hanwell in terms of the village having a defined rural buffer, characterised by open fields, which are an important part of its historic development and setting and strongly affect how it is experienced as a small, coherent historic settlement with defined edges. In short, the development would significantly harm the setting of the settlement and create an unwelcome physical link between the southernmost buildings in the village (located within the Village Ends character area) and the town of Banbury.
- c. Despite attempts to create greenspace and planted buffers to the north and east of the proposed development site, the proposals are effectively adjacent to the conservation area and this change in character of these parcels would have a harmful visual impact on perceptions of the conservation area in terms of the ability to 'read' the historic development of the settlement and its landscape over time.
- d. The proposed development would harm southern and western 'horizons' and views from the village as well as views toward the village from the Warwick Road and various historic routeways, including Gullicott Lane, towards Banbury. This negative change would again reinforce the sense of an encroaching coalescence between Hanwell and Banbury.
- e. Views of Hanwell as a distinct entity, and an appreciation of the settlement in its landscape context will be severely compromised by effectively adjoining it to Banbury. This will have a major harmful impact on the village's overall sense of place, tranquillity, and isolated character. The existing tree cover and boundaries, as viewed in later Winter, do not provide any effective screening of the development site.

6.2 Overall, it is agreed with the applicant<sup>5</sup> that the proposals cause 'less than substantial harm' to the character and setting of the conservation area. However, for the reasons outlined above, the likely harm is significant and at the higher end of the scale.

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<sup>4</sup> Historic England Guidance note HEAG 180 (2017) states that: 'Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance.'

<sup>5</sup> Paragraph 5.38 of the Planning Statement

## 7.0 Review of planning application ref. 23/00853/OUT: Impact on archaeological features

7.1 The Archaeological and Heritage Statement submitted as part of the application indicates that geophysics and trial evaluation (for which the report has not been supplied) was carried out over the area in the summer of 2022. These identified a number of features, including possible Iron Age / Romano British settlement including a large enclosure, pits and possible industrial activity in the northern corner of the eastern field, and the potential for some Iron Age funerary activity, possibly in the form of banjo enclosures, alongside more recent evidence for the use of the site in terms of field boundaries and ridge and furrow of medieval and post medieval date. Taken together with survey and excavation evidence from the adjacent site (excavated in advance of proposed development at Hanwell Fields), there is strong evidence for this area having a palimpsest of occupation that is part of a wider landscape of activity dating from the Bronze Age to late Roman period, and overlain by later medieval and post medieval cultivation practices.

7.2 The archaeological assessment (where supplied) provides quite a comprehensive summary of the elements identified on the site through desk-based assessment and geophysical survey. However, the submission does not attempt to consider each element and how significant it may be either individually or collectively. Nor – despite an evaluation having taken place - does it consider likely survival, preservation, or the extent of remains or consider their significance in a local, regional or national context.

7.3 Some aspects of the identified archaeological remains provide an additional understanding of the setting of the conservation area and the historic settlement of Hanwell, particularly in the context of its historic development as an agricultural settlement with a two field open field system. As such, these remains should be considered in the context of their contribution to the interpretation and experience of the conservation area. Although the remains are below-ground features and are not visible, they remain part of the 'story' of the history and development of Hanwell village and contribute to its rural and agricultural character, which are key aspects of the 'special character' of the conservation area.

7.4 In summary, despite extensive pre-application evaluation with numerous features found, the Executive Summary and Section 4 Paras 4.51-2<sup>6</sup> of the Archaeological and Heritage Assessment include only a couple of high-level statements about the impact of the proposals on the archaeology of the site, with no qualifying evidence to support them. The planning application has not adequately assessed the impact of the proposed development on archaeological remains.

In particular the submission does not:

- a. Consider the significance of any of the individual elements or features identified as part of the assessments.
- b. Consider any of the individual elements or features identified as part of the assessments in terms of their state of preservation or their likely extent and how this might contribute to their significance.
- c. Adequately consider the impact of the development on the significance of the features either individually or collectively, or how this could be mitigated.

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<sup>6</sup> EDP 2022 Land east of Warwick Road, Banbury Archaeological and Heritage Assessment Report Reference edp3253\_r010a. Page 5 and Section 4 Page 26.

- d. Consider the setting of these features, individually or collectively, or their wider landscape context or their potential contribution to the character of the conservation area.

7.5 At present the submission does not conform with paragraph 194 of the NPPF (2021), which requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting in appropriate detail. There is no basis on which to judge the impact of the development on archaeology, as set out in Cherwell Local Plan 1996 saved Policy C25:

*“In considering proposals for development which could affect the site or setting of a scheduled ancient monument, other nationally important archaeological sites and monuments of special local importance, the council will have regard to the desirability of maintaining its overall historic character, including its protection, enhancement and preservation where appropriate.”*

## 8.0 Conclusion

8.1 In summary, the proposed development is likely to cause *less than substantial harm* to the character and appearance of the Hanwell conservation area, but its impact is at the higher end of the scale. There will be significantly harmful impact on:

- key aspects of the special character of the historic settlement;
- how the village is currently perceived as a small and coherent rural settlement; its overall sense of place, tranquillity, and isolated character. Part of this character is defined by the surrounding agricultural landscape of green space and boundaries, which allow the village to be experienced very differently to the nearby town of Banbury;
- views both out of and to the village settlement, including from historic routeways;
- avoiding coalescence between the two, individual settlements of Hanwell and Banbury.

8.2 In terms of the impact of the development on archaeological sites and monuments, the proposals will have a direct and physical effect on archaeological remains. Insufficient information has been provided by the applicant to determine the impact of the proposals on the archaeological interest and significance of the development site itself or judge the level of ‘harm’.

8.3 In the context of NPPF paragraph 202 and other policies that seek to conserve and enhance the historic environment, any public benefits have been addressed by a separate report on behalf of the Keep Hanwell Village Rural Action Group.

## 9.0 Selected Sources

BOVS3002 ES V1 Chapter 6: Built Heritage and Archaeology (electronic pdf report)

Cherwell District Council 2007 *Hanwell Conservation Area Appraisal*.

EDP 2022 Land East of Warwick Road, Banbury: Archaeological and Heritage Assessment for Vistry Homes Ltd, July 2022. Report Reference edp3253\_r010a

Historic England 2019 *Conservation Area Appraisal, Designation and Management: Historic England Advice Note 1 (Second Edition)* <https://historicengland.org.uk/images-books/publications/conservation-area-appraisal-designation-management-advice-note-1/>

Historic England 2017 *The Setting of Historic Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)* <https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/heag180-gpa3-setting-heritage-assets/>

Lobel, M and Crossley, A. (eds) 1969 *A History of the County of Oxford: Volume 9, Bloxham Hundred*, Victoria County History London, pp. 112-123.

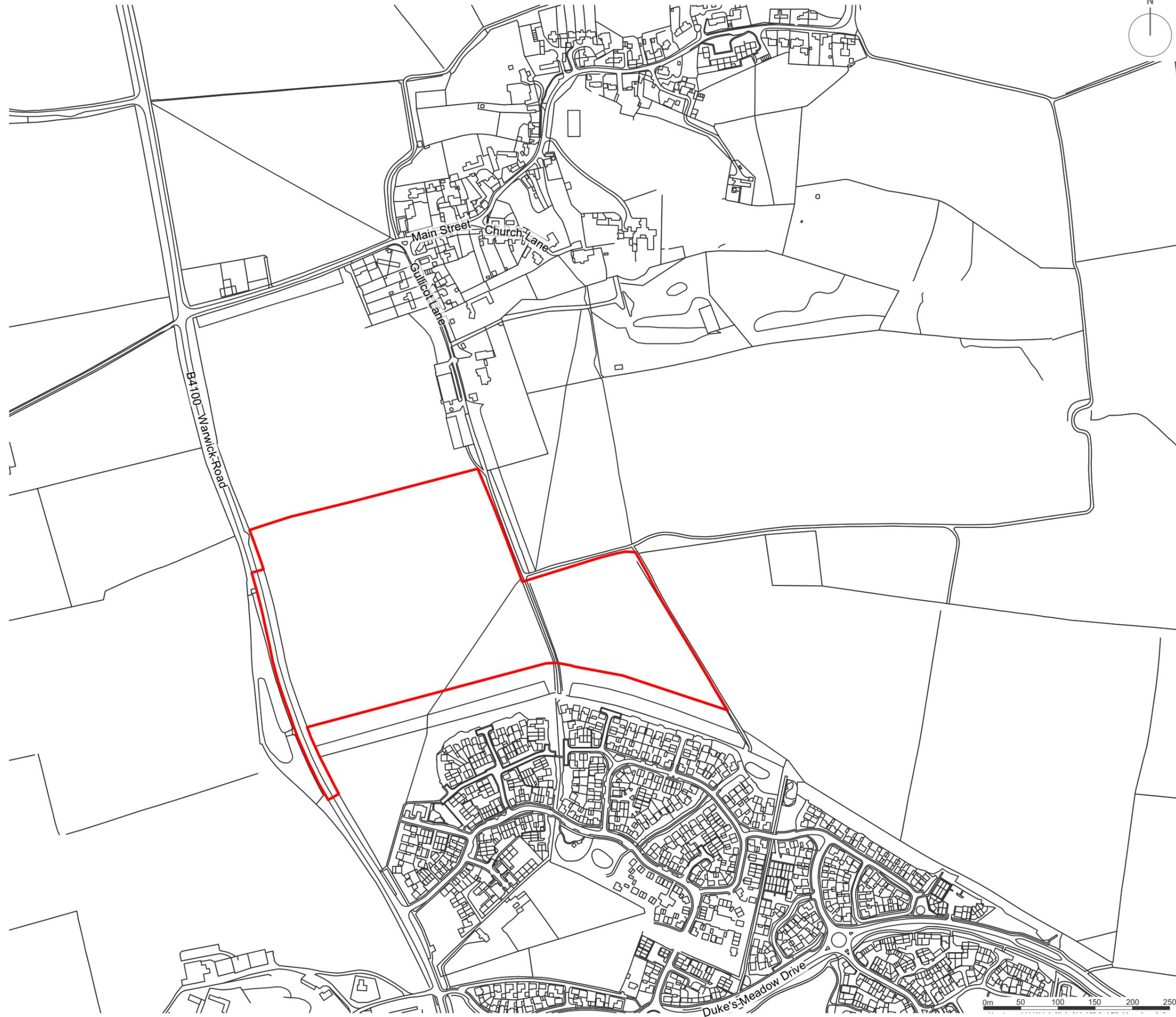
Ordnance Survey 1889 *Warwickshire Sheet LV.NE / Oxfordshire Sheet V.NE* Epochs 1-4 (accessed through National Library of Scotland).

Oxfordshire County Council Historic Environment Record.

Oxfordshire County Council: Historic Landscape Character Assessment.

Vistry Homes Ltd 2023 Outline planning application (ref 23/00853/OUT) by Vistry Homes 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' at Land to the East of Warwick Road, Banbury.

# Annex 1A: Site Location



Site Boundary

12.63ha

client  
**Vistry Group**

project title  
**Land East of Warwick Road, Banbury**

drawing title  
**Site Location Boundary**

date	<b>10 MAY 2022</b>	drawn by	<b>RA</b>
drawing number	<b>edp3253_d007e</b>	checked	<b>PW</b>
scale	<b>1:5,000 @ A3</b>		<b>QA</b>



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**Site Boundary (12.63 ha)**

**Land Uses**

- Development Zone\*** within which up to 170 Dwellings will be Provided (4.91 ha)
- Highways Access Land (0.58 ha)**
- Area within which Street Infrastructure (0.04 ha) will be Provided**

**Public Open Space (7.10 ha) of which:**

- Area within which 4.94 ha of **Wildflower Meadow and Parkland** will be Provided
- Area within which 1.33 ha of **Woodland Planting** will be Provided
- Area within which 0.45ha of **Informal Sports Provision** will be Provided
- Area within which **Attenuation Basins (0.23 ha)** will be Provided
- Area within which **0.15ha of Children and Youth Combined Natural Play Space** will be Provided

**Access**

- Proposed Vehicle Access Point**
- Pedestrian Access Point**
- Public Right of Way**

**Infrastructure**

- Pumping Station and 20m Offset**

\* dwellings to be a maximum height of 11.5m above FFL

client	<b>Vistry Homes Ltd</b>		
project title	<b>Land East of Warwick Road, Banbury</b>		
drawing title	<b>Figure 4.1: Parameter Plan</b>		
date	<b>19 OCTOBER 2022</b>	drawn by	<b>RAI</b>
drawing number	<b>edp3253_d031d</b>	checked	<b>PWi</b>
scale	<b>1:2,500 @ A2</b>	QA	<b>Gyo</b>

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Extract from the applicant's Agricultural Land Quality report dated September 2022.



- |   |                                |  |
|---|--------------------------------|--|
|  Grade 1 - excellent quality | } Best and most versatile land |  Subgrade 3b - moderate quality |
|  Grade 2 - very good quality |                                |  Grade 4 - poor quality         |
|  Subgrade 3a - good quality  |                                |  Grade 5 - very poor quality    |
|  Not Present                 |                                |  Non-agricultural               |