



# Land at Tappers Farm, Oxford Road, Bodicote, Oxfordshire

**Landscape and Visual Appeal Statement**

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**Viridian Landscape Planning**

February 2019

LPA reference 18/00792/OUT

On behalf of Hollins Strategic Land

**HSL** | HOLLINS STRATEGIC LAND 



Land at Tappers Farm, Oxford Road, Bodicote

Landscape and Visual Appeal Statement

Project no. 2719

Final

February 2019

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# CONTENTS

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<b>1</b>	<b>INTRODUCTION</b> .....	<b>1</b>
1.1	PROFESSIONAL STATEMENT .....	1
1.2	COMMISSION .....	1
1.3	REASONS FOR REFUSAL.....	2
1.4	SCOPE OF EVIDENCE .....	2
<b>2</b>	<b>POLICY CONTEXT</b> .....	<b>3</b>
2.1	PLANNING POLICY.....	3
<b>3</b>	<b>LANDSCAPE AND VISUAL APPRAISAL</b> .....	<b>6</b>
3.1	LVA VS LVIA.....	6
3.2	SCOPE OF THE LVA AND ADDENDUM .....	6
3.3	THE SITE AND ITS CONTEXT .....	8
3.4	LANDSCAPE RELATED DESIGNATIONS .....	10
3.5	LANDSCAPE CHARACTER.....	10
3.6	VISUAL ANALYSIS.....	16
3.7	OPPORTUNITIES, CONSTRAINTS AND LANDSCAPE STRATEGY: THE ADDENDUM TO THE LVA .....	17
3.8	LANDSCAPE STRATEGY .....	18
3.9	APPRAISAL AND EFFECTS TABLES .....	19
<b>4</b>	<b>REASONS FOR REFUSAL</b> .....	<b>23</b>
4.1	LANDSCAPE AND VISUAL ISSUES.....	23
4.2	THE DISTINCTION BETWEEN BANBURY AND BODICOTE.....	24
4.3	THE CHARACTER AND IDENTITY OF BODICOTE .....	27
<b>5</b>	<b>CONCLUSIONS</b> .....	<b>31</b>
5.1	LANDSCAPE AND VISUAL ISSUES.....	31
5.2	DESIGN ISSUES.....	31
5.3	SEPARATION AND COALESCENCE .....	32
5.4	DETERMINATION .....	32

# APPENDICES

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Appendix A: LVA Figures

Appendix B: LVA Photographs

Appendix C: Addendum Figures

Appendix D: Additional Figures



Appendix E: Context Photographs

Appendix F: Landscape and Visual Effects Methodology

Appendix G: Landscape Effects Tables

Appendix H: Visual Effects Tables

Appendix I: Gladman Homes Masterplan and Access Road

Appendix J: Landscape Sensitivity and Capacity Assessment, Halcrow, 2010

Appendix K: Banbury Landscape Sensitivity and Capacity Assessment: Assessment  
Addendum, WYG, 2014

Appendix L: Category A Villages, Village Analysis, WYG, 2016

Appendix M: 1996 Local Plan, Proposals Map

Appendix N: 2015 Local Plan, Key Policies Map 5.3

Appendix O: Oxfordshire Wildlife and Landscape Study, Type 16 and Character Area C.



# 1 INTRODUCTION

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## 1.1 PROFESSIONAL STATEMENT

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- 1.1.1 My name is Nigel Evers. From October 2013 until April 2017 I was Director of Landscape at Peter Brett Associates LLP (PBA) and before that a Director at Cooper Partnership Limited. I have been a Director of Viridian Landscape Planning Ltd (VLP), an independent landscape consultancy, since its formation in October 2017.
- 1.1.2 I hold a Diploma in Landscape Architecture; I am a Chartered Member of the Landscape Institute (CMLI) and have been practising as a Landscape Architect since 1978. My professional experience has included a broad range of landscape planning and design projects, including major design schemes, new highways, and environmental impact assessments, preparing evidence for Public Inquiries and acting as expert witness.
- 1.1.3 I have a wide experience of landscape design and landscape planning throughout England, Scotland and Wales. I have been responsible for projects with public clients, such as Bedford Borough Council, City and County of Swansea, South Gloucestershire Council and Mid Devon District Council; private clients include Taylor Wimpey, Kier, Redrow Homes, Wainhomes, CALA Homes and Gryphonn Quarries; and community groups in Cardiff, Lincolnshire and Gloucestershire.
- 1.1.4 My evidence is set out below and is given in accordance with the guidance of the Landscape Institute, which is my professional institution. I confirm that the opinions expressed are my true and professional opinions.

## 1.2 COMMISSION

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- 1.2.1 This **Landscape and Visual Statement** has been prepared on behalf of Hollins Strategic Land in support of their appeal against the decision of Cherwell District Council to refuse outline planning permission for the demolition of existing buildings and erection of up to 46 dwellings, with associated works and provision of open space.
- 1.2.2 I have been involved with the project since March 2018, when VLP was commissioned to undertake a Landscape and Visual Appraisal (LVA) of the site and its suitability for development. After pre-application consultations with the planning authority, Cherwell District Council, the layout was revised, in particular to allow more space for the trees covered by preservation orders and to draw development further back from the north-western edge. Additional landscape design work was undertaken to provide more detail on the planting proposals and the Addendum to the LVA was produced.



### 1.3 REASONS FOR REFUSAL

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1.3.1 The reason for refusal that is relevant is Reason 1, which reads as follows:

*Taking into account the number of dwellings already permitted across the Category A villages and Cherwell District Council's ability to demonstrate a 5.4 year housing land supply, which exceeds the requirement for a 3 year housing land supply, the proposal is unnecessary and undesirable as it would result in development of an area of open land which is important in distinguishing the settlements of Banbury and Bodicote and would undermine the character and identity of Bodicote. This would be contrary to Policy Villages 2 and Policy ESD15 of the adopted Cherwell Local Plan 20112011-2031 Part 1 and saved Policies C15 and C33 of the adopted Cherwell Local Plan 1996.*

1.3.2 I will address the function of the site in relation to:

- the distinction between Banbury and Bodicote; and
- the character and identity of Bodicote.

### 1.4 SCOPE OF EVIDENCE

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1.4.1 This statement uses as its basis the LVA (May 2018) and its Addendum (September 2018) prepared for the planning application, which is summarised and, where appropriate, expanded in section 3 below. The statement considers the proposals in the light of the reason for refusal.



## 2 POLICY CONTEXT

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### 2.1 PLANNING POLICY

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#### NATIONAL PLANNING POLICY FRAMEWORK

2.1.1 Since the preparation of the LVA, a revised version of the NPPF was published in July 2018 and so I have taken the opportunity to update the relevant LVA text, as set out below.

2.1.2 Set out at paragraph 8 are three overarching objectives to achieve sustainable development, two of which set out, (inter alia):

*b) a social objective – ... by fostering a well-designed...built environment, with accessible...open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

*c) an environmental objective – ...to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently...*

2.1.3 Under 12: Achieving well-designed places, paragraph 127 states that planning decisions should ensure that developments:

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

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

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting...;*

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

*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space)...; and*

*f) create places that are safe, inclusive and accessible...'*

2.1.4 Paragraph 96 explains that:

*Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.*

2.1.5 Paragraph 98 sets out that:



*Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.*

- 2.1.6 Paragraph 170 states that development should, inter alia, recognise the intrinsic beauty and character of the countryside.

## **THE CHERWELL LOCAL PLAN: RELEVANT POLICIES FROM REASON FOR REFUSAL**

- 2.1.7 The RfR cites, inter alia, Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 Part 1 and saved Policies C15 and C33 of the adopted Cherwell Local Plan 1996.

- 2.1.8 Policy C15 reads that:

*...the council will prevent the coalescence of settlements by resisting development in areas of open land, which are important in distinguishing them.*

- 2.1.9 Paragraph 9.30 explains 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, Bicester and Chesterton, Bicester and Launton, Bicester and Wendlebury.*

- 2.1.10 Policy C33 sets out that:

*...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.*

- 2.1.11 The supporting text at 9.76 explains that not all undeveloped land:

*...within the structure of settlements can be built on without damage to their appearance and rural character. Where the existing pattern of development is loose-knit there will often be a compelling case for it to remain so for aesthetic, environmental or historical reasons.*

- 2.1.12 At 9.77, proposals that would:

*...close or interrupt an important view of a historic building eg a church or other structure of historical significance, will be resisted under this policy. The Council will also have regard to the importance of maintaining the setting of a listed building and will resist infill development that would diminish its relative importance or reduce its immediate open environs to the extent that an appreciation of its architectural or historical importance is impaired.*



2.1.13 9.78 sets out that proposals:

*...that would close or interrupt an important vista across open countryside will also be discouraged, as will the loss of trees of amenity value or the loss of features such as boundary walls where they constitute an important element of an attractive or enclosed streetscape.*

2.1.14 Policy ESD 15: The Character of the Built and Historic Environment states that:

*New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards...*

*New development proposals should (inter alia):*

*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.*

2.1.15 There are 17 criteria set out in the policy. The reason for refusal does not set out which apply, but it does refer to character and identity and therefore the example I have quoted above would appear to be the most relevant.



# 3 LANDSCAPE AND VISUAL APPRAISAL

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## 3.1 LVA VS LVIA

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- 3.1.1 I prepared the LVA after discussion with the client, when we considered whether a Landscape and Visual Impact Assessment (LVIA) or an LVA would be appropriate.
- 3.1.2 An LVIA is normally undertaken when there are likely to be significant landscape or visual effects anticipated, and most often as part of an EIA. Sometimes an LVIA is prepared when an EIA is not being undertaken but it is felt by the client team and the determining authority that landscape or visual issues are likely to be so significant that they need a detailed analysis. In most cases however, an LVIA is part of an EIA.
- 3.1.3 An LVIA is frequently applied to larger schemes, according with the criteria for EIAs generally, and includes a more complex methodology, the use of assessment tables and the assessment of significance.
- 3.1.4 In contrast, an LVA is undertaken when significant effects are unlikely, and it tends to be applied to smaller schemes and where there are less sensitive receptors. It includes a simpler methodology, is unlikely to have tables and will have no assessment of significance.
- 3.1.5 Given the likely lack of sensitive visual and landscape receptors, which was confirmed by the desk top study and site work, and reinforced by the local authority not requiring an EIA, I agreed with the client that an LVIA would not be necessary, and as a result I produced an LVA. At no point did the Council suggest that was not an appropriate and proportionate approach.
- 3.1.6 However, in preparation for this hearing, I trust that it is helpful to take the LVA one step further and so I have prepared Landscape and Visual Effects tables to provide more detail on the effects. The results of the assessment work undertaken in the tables is set out in Section 3.9 below, the methodology is in **Appendix F** and the tables themselves are in **Appendices G** and **H**.

## 3.2 SCOPE OF THE LVA AND ADDENDUM

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- 3.2.1 For convenience and ease of reference for the hearing, the LVA and Addendum are summarised and supplemented below, but they can be read in full in the application documents.
- 3.2.2 The LVA presents the methodology, context and results of the landscape and visual appraisal process, including aims and objectives of the proposed landscape strategy, which underpins the proposed landscape design for the scheme.



3.2.3 The drawings from the LVA and Addendum are included as **Appendix A** of this evidence, the accompanying photographs, taken on 22 March 2018, form **Appendix B**. Additional drawings prepared for the Addendum, including a revised landscape strategy (L6), are in **Appendix C**. Note that foliage on trees provides the most favourable filtering and screening effects and therefore winter photographs have been used as the 'worst case' basis for the LVA. The opportunity was taken to prepare an additional viewpoint, 10, from the bridge carrying Bankside over Oxford Road, which had arisen in consultation with the LPA.

3.2.4 To provide information for the landscape and visual appraisal process, the following plans were prepared and have been included as **Appendix A** of this Statement:

- L1: Landscape Planning Context;
- L2: Landscape Character;
- L3: Viewpoint Location Plan;
- L4: Landscape and Visual Opportunities and Constraints Plan; and
- L5: Landscape Strategy.

3.2.5 The LVA considers:

- Features of the site and its context;
- Landscape character, the character of the site, and its relationship to its surroundings;
- Landscape-related planning designations;
- Views towards the site;
- A landscape strategy designed to integrate the proposed development into its surroundings; and
- Changes to landscape features, landscape character and views arising as a result of the development proposals.

3.2.6 The Addendum included the following drawings:

- L6: Landscape Strategy and indicative Species List;
- L7: Attenuation Pond.

It also included a schedule of mature trees and hedgerows.



### 3.3 THE SITE AND ITS CONTEXT

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3.3.1 The site is located at the northern edge of Bodicote and south of Banbury, is 2.19ha in extent and is accessed via a driveway from the northern part of White Post Road.

3.3.2 There are buildings in the south-western corner of the site consisting of the semi-agricultural buildings of Bodicote Flyover Farm Shop and associated outbuildings, external materials storage, caravan storage and car parking. The remainder is occupied by grassland with a scattering of mature trees.

3.3.3 The site is bounded to the:

- north-west by a hedge, trimmed for much of its length to about 1.5m high, with a mature oak about halfway along and a group of mostly early mature ash, sycamore and field maple towards the northern corner;
- north-east by a trimmed hedge about 1.4m high with two mature trees, and beyond is Oxford Road (A4260);
- south-east by residential properties, gardens and trees of Park End Close; and
- south-west by the grounds and buildings of Bishop Loveday Primary School, partly separated by a line of mature trees in the school grounds.

3.3.4 AWA Tree Consultants have undertaken a tree survey of the site, which is a Core Document. Of the surveyed trees, six are retention Category A (high quality), 21 are retention Category B (moderate quality); and the remaining 21 trees or groups are retention Category C (poor quality).

3.3.5 AWA identified at paragraph 3.2.4 that:

*The site's most significant trees are the Oak, Horse Chestnut and Beech trees situated in and around the large grass field (T1, T3, T4, T5, T7, T8, T9 and T40). The highest value of these are the Oaks T3, T7, T9, T40 and the Beech T1, which are large mature trees in good overall condition and provide high amenity and arboricultural value.*

3.3.6 At 3.2.7:

*An adjacent row of predominantly Limes with occasional Field Maple borders the site's western boundary (T18 to T23, T25 to T35).*

3.3.7 All of the trees on the site are covered by a Tree Preservation Order (refer to Appendix A, Figure L1: Landscape Planning Context).



- 3.3.8 The topography of the site and surrounding area is relatively level, with an elevation of between about 121m in the southern corner of the site and about 123m AOD in the northern corner. The land in the area generally rises to the north.
- 3.3.9 The site is situated on the northern edge of Bodicote, to the south of Banbury and its extensive suburbs, as shown on **Figure L1**. The Oxford Road (A4260) which runs south from Banbury, follows the eastern edge of the site. There is residential development to the east and south of the site and a primary school to the west.
- 3.3.10 Further to the east is the new development at Longford Park, part of the planned Bankside neighbourhood, partly under construction. To the west are the local plan housing allocations which are immediately south of the suburb of Easington. As a result, the context of the site and Bodicote is changing substantially and has changed significantly since the adoption of the Local Plan in July 2015.
- 3.3.11 For this Statement I have prepared plan **L9: Development Progression**, showing how the edge of Banbury, at Easington, has expanded across open fields since 1945 when it was some 0.75km away to the north-west of the site. The information is interpreted from aerial photographs, ordnance survey maps and the current local plan.
- 3.3.12 By 1960, the edge of Banbury had not moved very much from its 1945 position and there had been some minor development around the periphery of both Banbury and Bodicote. By 2009, however, Banbury had expanded southwards to the Salt Way and to Bankside, at its nearest point some 100m or so from the northern boundary of the site. In Bodicote the pattern of development had fundamentally changed, with extensive development south of the village and an area of infilling extending north along the eastern edge of the village up to the southern boundary of the site.
- 3.3.13 The development pattern from 2017 onwards, on **L9** in **Appendix D**, shows development underway and allocated. It shows the extensive changes occurring in the area, and how Bodicote and Banbury are clearly becoming united. The site has no role in reducing that effect. I note the comment from the officer's report at paragraph 8.25 referring to policy C15:

*This policy dates from 1996 and although the policy is saved, the context has since changed, not least by the granting of planning permission for further residential development on the southern edge of Banbury at Longford Park and Salt Way which further blur the division between the settlements. The importance of the site in distinguishing Bodicote and Banbury, given the context set out elsewhere in this report, is therefore diminished in the view of officers.*



- 3.3.14 Bodicote has an historic centre, which is a Conservation Area. The Conservation Area is approximately 190m from the nearest boundary of the site. Between the two there are the partly wooded and poorly developed grounds of Bodicote House and the school, as well as the considerable bulk of the adjacent Council offices and more modest development.
- 3.3.15 The Conservation Area Appraisal of April 2008, prepared by the Council, considers, inter alia, views and character areas and does not identify any relationship between the site and the Conservation Area.

### 3.4 LANDSCAPE RELATED DESIGNATIONS

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- 3.4.1 The landscape planning context for the site is shown on **Figure L1**. The site is not within any national designation, such as an Area of Outstanding Natural Beauty, or more local designation such as a Special Landscape Area or Green Gap.
- 3.4.2 The nearest site in the Register of Historic Parks and Gardens is at Broughton Castle, 4km to the west. The nearest Listed Buildings to the site are the Lodge to Bodicote House (Grade II), 130m south-west of the site; and Bodicote House (Grade II), 174m south of the site.
- 3.4.3 There is no intervisibility between the site and any of those designations or features, and there is no alleged harm to them in the reason for refusal.
- 3.4.4 There are no public footpaths, bridleways or byways on, or adjacent to, the site although there are roadside footpaths along the adjacent roads.
- 3.4.5 60m west of the site, a public footpath follows the Salt Way track to the north-west-west, along the southern edge of the Easington suburb of Banbury. Several spurs leave it in a generally southerly direction to Wykham Lane. Owing to intervening vegetation and development, views to the site are limited to the point at which the footpath joins White Post Road. At its closest point, National Cycle Network Route 5 runs approximately 40m to the west of the site, following Salt Way, White Post Road and Bankside around the southern edge of Banbury.

### 3.5 LANDSCAPE CHARACTER

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- 3.5.1 **Figure L2: Landscape Character Plan** illustrates the published landscape character areas applicable to the site and surrounding area, which are at National, County and District level. Although described in more detail at 3.6.4 of the LVA, given the large area of the NCA when compared with the site, any effect would be negligible and the NCA is not considered further here.
- 3.5.2 In the Oxfordshire Wildlife and Landscape Study (2004), the site is in Landscape Character Type 16: Upstanding Village Farmlands. Key characteristics of this landscape character type are:



- A steep-sided, undulating landform;
- A well-defined geometric pattern of medium-sized fields enclosed by prominent hedgerows; and
- A strong settlement pattern of compact, nucleated villages of varying sizes with little dispersal in wider countryside.

3.5.3 The site is within a smaller character area, Landscape Character Area C. Bodicote, which is described as:

*...characterised by large-sized fields dominated by arable farming, with some smaller grass fields used for pony grazing. They are enclosed by low hawthorn hedges which are generally in good condition. Hedges bordering roadsides and old lanes are taller, well-maintained and more species-rich. There are a few young ash, field maple and oak trees in the hedges, and some small tree clumps close to farms.*

3.5.4 Neither the site nor its immediate setting demonstrates any of the key characteristics of the type, although fields in the countryside further to the west are geometric and medium-sized, but without prominent hedgerows. The site is a smaller grass field, with low hawthorn hedges but, unlike the description of Character Area C, they are not tall where they border roads. The oak trees are not young and so there are currently no trees to replace the mature trees on site.

3.5.5 The landscape strategy for the Upstanding Village Farmlands Landscape Character Type is to:

*Conserve and enhance the strong pattern of hedgerows and hedgerow trees, and the nucleated settlement pattern and strong vernacular character of the villages.*

3.5.6 It is worth noting that between the Appeal Site and the part of the village that has any vernacular character, focussed on the Conservation Area, the gap has largely been filled by suburban development and the council offices.

3.5.7 Given the fundamental changes that have occurred and are occurring in the area, the site has become divorced from its wider landscape setting and cannot be regarded as rural. As a result, the landscape character assessments are largely irrelevant to the Appeal Site. My figure **L10 (Appendix D)** shows a simple analysis that I have undertaken of the character of the context of the site, which takes account of the changes currently underway and proposed.

3.5.8 I have shown the historic heart of Bodicote, the early settlement, represented by the Conservation Area. This is where most of the historic buildings are found.

3.5.9 To the west of the village is open countryside, where there is a strong and positive relationship between that countryside and the settlement edge and Conservation Area, as can be seen in my **Context Photograph E** in **Appendix E**.

3.5.10 I have also identified the council offices in their setting of the remnants of the partly wooded grounds of Bodicote House and the extensive car parking, the school and



existing and proposed recreation grounds and similar facilities. I have also shown the extent of C20th and C21st largely residential development, both existing and proposed.

- 3.5.11 I believe that it is clear that the wider context of the site will become totally different from the existing situation as a result of the extensive, principally residential, development proposed in the area. According to the approved masterplan produced for Gladman Homes, included in **Appendix I** of this Statement, the new development to the west, on part of Banbury 17 (**Appendix N**), will have open areas to its southern edge. When combined with the existing recreation grounds to the south and east, the open areas will retain a certain area of separation between that new development and the western edge of Bodicote and its Conservation Area, as well as provide some visual and physical links with the open countryside. The appeal site will not serve any such function as there is no intervisibility with the Conservation Area and no relationship with the open countryside which would be over 500m away to the south-west, beyond the recreation grounds and the open space of the consented Gladman development. .
- 3.5.12 **Figure L4: Landscape and Visual Opportunities and Constraints (Appendix A)** from the LVA shows how the perception of a green link flows from the land to the west side of White Post Road, across the northern part of the school grounds and taking in the northern part of the site and the woodland planted in association with Bankside and its bridge. The link is then forced into the narrow gap between the Bankside woodland and the car dealership on Oxford Road. Neither the full depth of the school grounds, heavily influenced by its extensive school buildings, car parking and incidental structures such as play equipment, nor the full depth of the Appeal Site are visible over much of this link. In the case of the Appeal Site, the viewer has to be adjacent to its northern boundary and then the Appeal Site is seen in the context of development on its eastern, southern and western edges (Viewpoints 1 and 2, **Appendix B**). That is because of the partial enclosure of the both the school and the Appeal Site.
- 3.5.13 The site is an incidental area of green space within a largely developed area, and the northern part is part of the green link that produces an intermittent and irregular corridor along the edge of Bodicote. In the proposals for the Appeal Site, its northern part is kept open to contribute to that link, but it does not separate Bodicote from Banbury.

### CATEGORY A VILLAGES: VILLAGE ANALYSIS

- 3.5.14 As part of the evidence base for the Plan, there are a number of reports dealing with landscape issues in the Bodicote/Banbury area, by Halcrow and more recently by WYG (part of which is referred to in the LVA).
- 3.5.15 In their Landscape Sensitivity and Capacity Assessment of September 2010, extracts of which are in **Appendix J**, Halcrow wrote in the third paragraph of page 10:



*The village of Bodicote is virtually part of the edge of Banbury, both in terms of proximity and the extent of existing and proposed modern development. The Salt Way is a significant constraint but otherwise much of this area is intensively farmed and relatively lacking in significant landscape features. In general terms this is the least sensitive direction for new development in landscape terms although long views would need mitigation. This is not to say that all areas to the south lack sensitivity nor does it imply that areas of low sensitivity are limited to the southern arc.*

3.5.16 When considering site G, now Banbury 17, at 5.7.2, p25 reads:

*The relationship of Bodicote to Banbury is also a factor to be considered. The older core of Bodicote lies south of Wykham Lane and does retain a rural outlook to the west and this area therefore has a high sensitivity.*

3.5.17 At 5.7.4, p26:

*The overall sensitivity to development is therefore moderate and high around Wykham Park, Wykham Farm and the edge of Bodicote.*

3.5.18 At 5.7.7:

*A local horizon west of Bodicote forms the setting of the old core of the village and development should not extend east of this line.*

3.5.19 WYG produced the Banbury Landscape Sensitivity and Capacity Assessment: Assessment Addendum, 2014 (**Appendix K**) which reviewed, amongst other sites, the eastern part of Halcrow's site G and which WYG called site 111. The figure referring to the site, L11, give the Appeal Site no function in relation to site 111, although L11 shows the Appeal Site having some individual woodland parcels, which is incorrect.

3.5.20 At 4.11.21, p 62:

*The area is important in preventing coalescence of Banbury and Bodicote and therefore plays an important function in visual terms.*

3.5.21 It is not clear what is meant by 'the area' as opposed to site 111, but the two terms seem to be interchangeable along with 'land', as at 4.11.24:

*Visually the area is relatively well contained and therefore able to accommodate development from a visual point of view, however, the land provides an important buffer between Banbury and Bodicote. The area could accommodate development as long as the site is designed carefully in the eastern section to ensure a feeling of visual and physical separation is maintained.*

3.5.22 At 4.11.27:



*The site could accommodate woodland development which would be helpful in maintaining the separation of Banbury and Bodicote however this may look visually awkward within the wider landscape context and therefore is not recommended.*

3.5.23 At 4.11.28, p 63:

*If development occurs consideration should be given to structure planting to the south of the development to restrict long distance views from the south and also to maintain the separation of Banbury and Bodicote.*

3.5.24 WYG's Category A Villages: Village Analysis (**Appendix L**) was published in 2016 to undertake, inter alia, an 'analysis of the designations and characteristics of Category A villages...'. Bodicote is a Category A Village. At 3.7.6, p 31, presumably referring to the area containing the Appeal Site, it sets out that the:

*...northern edge of Bodicote contains a number of established woodland blocks and open space with single specimen and veteran trees around the junction with White Post Road and Sycamore Drive.*

3.5.25 At paragraph 3.7.11, it is stated that:

*The western extent of the village in the historic core and land beyond the village boundary is considered highly sensitive in providing the setting for the village.*

3.5.26 The text identifies the western part as being sensitive, rather than the northern edge including the site. On accompanying Figure 7-1C 'Bodicote – Village Analysis' the site is incorrectly shown as largely a woodland parcel, with three 'notable trees' and a symbol that represents 'Landscape Features', without explaining what the feature is or its significance.

3.5.27 In summary, although the Appeal Site appears to be mentioned in the Category A Village Analysis, it is not mentioned in the context of preventing coalescence or providing separation, and it is not specifically mentioned in any of the other reports.

3.5.28 My analysis of the character of the appeal site is set out below.

## LANDSCAPE CHARACTER OF THE SITE

3.5.29 The site is partly enclosed by the hedges along the north-eastern and north-western boundaries, which are trimmed to about 1.2 to 1.5 metres high, reinforced by the mature hedgerow trees. The strong line of trees along the south-western boundary largely encloses the site and separates it from the school grounds, whilst on the south eastern boundary, it is enclosed by the properties and gardens of Park End Close.

3.5.30 The site is strongly influenced by adjacent development, including the housing and car dealership/filling station on Oxford Road, the school and the Park End Close housing. On the site itself, the farm shop, hard standing and caravan storage are



adjacent to the school buildings which lie just across the site boundary and strongly influence the character of that part of the site.

- 3.5.31 From the surrounding roads and their footways, the large trees on the site are the most important characteristic. There is very little perception of the site being an open space and no perception of it being part of the countryside. That is partly a result of there being no intervisibility between the site and the countryside. It is also because of the influence of adjacent development which is:
- continuous housing along Oxford Road to the north-east and Park End Close to the south east;
  - the large and intrusive filling station and car dealership across Oxford Road; and
  - the extensive school buildings adjacent to the farm shop complex in the southern corner.
- 3.5.32 The existing development can clearly be seen across the site, especially the development along Oxford Road where regularly spaced housing reads as being on the site boundary, despite being on the other side of Oxford Road. Beyond the Oxford Road housing, new properties on Longford Park have emerged above the older houses since the photographs were taken for the LVA in March 2018, and can be seen in my **Context Photograph A** in **Appendix E**.
- 3.5.33 I have no doubt that the Appeal Site does not form any separating function or prevention of coalescence in terms of the two settlements. The Appeal Site, along with the adjacent woodland along Bankside, reads as an incidental open area within an extensive, and growing, urban area. Standing at the corner of White Post Road West and North, adjacent to the roundabout, the viewer can see westwards across to Sycamore Drive and the urban edge of Banbury. To the south-west, given the recent consent for the Gladman site (**Appendix I**), there will a new junction on White Post Road and a new road leading off it and across the currently open land south of Salt Way along with approximately 34 car parking spaces and the paraphernalia of modern roads. There will be extensive residential development beyond.
- 3.5.34 Moving north, passing through the narrow gap containing Bankside and its bridge, the viewer immediately enters the urban edge of Banbury as shown on my Context photograph B.
- 3.5.35 However, at the north-western end of the site, adjacent to White Post Road (north), there is intervisibility with the woodland on Bankside and the well-wooded school grounds at the north-western end of the site, partly as a result of the slight elevation of White Post Road (**Viewpoints 1 and 2** and **Context Photographs A and B**). The north-western end has a closer relationship with the green corridor that links with the landscape to the west and east, than with the remainder of the site.



## 3.6 VISUAL ANALYSIS

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- 3.6.1 As part of the LVA, representative views towards the site were assessed from publicly available viewpoints, and were illustrated by the panoramic photographs included in **Appendix B** of this Statement with the locations shown on **Figure L3: Viewpoint Location Plan** in **Appendix A**.
- 3.6.2 The analysis concluded that the Appeal Site has limited visibility from the wider landscape, largely as a result of the mature tree screen bounding the site and the gentle topography of the surrounding area.
- 3.6.3 Publicly available views of the site typically comprise local views from within 60m or so. Principally because of intervening development and vegetation, there are no medium or long-distance views of the site. As result, visual effects will be highly localised and I note that the LPA did not take issue with any visual effects.
- 3.6.4 It is also worth noting that none of the views in which the site is visible would be regarded as highly sensitive receptors, in visual assessment terms. All but two of the viewpoints are from footways along busy urban roads, which are regarded as of low susceptibility to change, where the receptor has little interest in their visual environment (such as from White Post Road), or where the view is fleeting and incidental to the journey (such as on Oxford Road) which is much more of a functional route. The exception is **Viewpoint 7** from the Salt Way where it joins White Post Road, and it is a footpath that carries part of the National Cycle Network. Given the current largely developed context, and the increasing urbanisation of the area, the receptor would have a medium susceptibility to change and an overall medium sensitivity. In other words, as the area is largely developed, the views would not be unduly affected by the change brought about by the development proposed.
- 3.6.5 I have produced landscape visual effects tables in **Appendices G** and **H** to assist the hearing in understanding what I believe the visual effects to be, and so I have not replicated the results of those tables in this text. I have additionally provided a viewpoint from the bridge that carries Bankside over Oxford Road. Not a viewpoint of any particular sensitivity, I had dismissed it from being included in the LVA. In consultations the council did not question any of the selected viewpoints. However, they raised that particular view as a potential viewpoint and so for completeness I have included it in the tables as Viewpoint 10.
- 3.6.6 I believe that the perception of users of the area is that the site is quite separate from the adjacent countryside, and the perception of its character is that of a semi-enclosed and private parcel of land that is heavily influenced by existing development.
- 3.6.7 It is adjacent to residential development on two sides and is only perceived as partly relating to the adjoining green corridor at its northern end. There are no views of the site from public rights of way or other sensitive receptors, except from the very eastern end of the Salt Way where it joins White Post Road, and then only filtered



views, which are across the site to the filling station, rather than onto the site itself. The mature trees are the most characteristic feature on the site. National Cycle Network Route 5 passes along the north-western edge of the site, but the experience is of an urban stretch of the route rather than a rural one.

### 3.7 OPPORTUNITIES, CONSTRAINTS AND LANDSCAPE STRATEGY: THE ADDENDUM TO THE LVA

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3.7.1 After a pre-application consultation meeting with the Council on 21 August 2019, which I attended, and subsequent discussions concerning evolving iterations of the scheme, in which I was also involved, the design was revised and amended. I subsequently produced an Addendum to the LVA to take account of the final changes, which were as follows:

- Plots 43 - 48 were rearranged and set back further to increase the extent of open space and the width of the green corridor;
- Properties along the school boundary were moved away to allow for potential overshadowing from existing trees;
- A wider green corridor was provided along Oxford Road;
- Plot 6 was altered to provide more space for the existing TPO tree;
- A shared drive was added for plots 05 & 06 to increase open space around the TPO tree;
- Plots 28 - 32 were substituted with larger units to better utilise space;
- Plots 37 - 40 were rearranged to accommodate new open space around the TPO tree;
- Bay windows were added to plots 36 and 39 to provide natural surveillance onto the open space around the TPO tree;
- The attenuation pond was added; and
- The number of dwellings was reduced to a maximum of 46.

3.7.2 The Addendum found that the landscape and visual opportunities and constraints shown on **Figure L4: Landscape and Visual Opportunities and Constraints** of the LVA remained valid for the revised scheme.

3.7.3 The landscape and visual characteristics of the site which lead to it being able to accommodate residential development include:

- A strong framework of boundary vegetation comprising trees and hedges limiting views onto the site;
- Potential for enhancement and further strengthening of those boundaries;
- Existing development on part of the site;
- The location of the site, adjacent to existing residential development on two sides and educational use on a third side;



- The site being viewed in context of the adjacent development; and
- Views of the site being limited to very local views.

### 3.8 LANDSCAPE STRATEGY

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3.8.1 The Addendum concluded that the site continues to be able to accommodate residential development without causing unacceptable harm to the setting of the site, to views or to the character of the area, subject to a sensitive design approach and landscape strategy. The landscape strategy was revised and shown on **Figure L6: Landscape Strategy Plan and Indicative Species List**, included in **Appendix C** of this Statement.

3.8.2 The landscape strategy for the site was based on the same principles, which are:

- Retention and protection of existing trees and hedges wherever practical and desirable, although the revised scheme now allows for the retention of all of the TPO trees. This would be beneficial by ensuring that the trees are retained, monitored, surgery undertaken where and when necessary, and new tree planting established to replace those trees as they die or have to be felled for safety reasons;
- Management and enhancement of existing vegetation, particularly to strengthen boundaries and ensure that they would continue to be effective as landscape features and are managed for landscape and wildlife benefits, rather than being retained as agricultural boundaries;
- Provision of publicly accessible open space where there is no public access at the moment, except for accessing the farm shop;
- Establishment of species-rich grassland in accordance with an agreed plan to increase biodiversity, which would be beneficial;
- Implementation of new landscape proposals, in keeping with the setting of the proposed development, to enrich and reinforce the vegetation pattern across the site;
- Implementation of a long-term Landscape Management Plan which will be of benefit as it will ensure that the existing landscape structure of the site is monitored and remedial action taken, which does not currently happen, and ensure that any new planting becomes established and thrives in the future;
- Additional footpath links providing public access and an alternative route to the roadside footways, which would be away from busy roads; and
- Provision of play space.

3.8.3 The Planning Officer at the Pre-Application Meeting requested more detail on the landscape proposals to provide additional evidence on how the attenuation pond would be accommodated in the northern corner of the site. The relatively level site means that the profile of the pond can be readily integrated into the contours of the site, and that was demonstrated in the cross-sections provided as **Figure L7** of the Addendum, in **Appendix C** of this Statement. The proposals show that the



attenuation pond will be sown with a wet grassland mix, and the curving landform will ensure that the pond reads as part of the landscape of the site.

- 3.8.4 As can be seen in **Appendix C** of this Statement, additional detail by way of a revised Landscape Strategy and a Schedule of Native Trees and Hedgerows, was provided in the Addendum for the succession planting for the TPO trees, designed to provide long-term replacement for when those trees are no longer viable. The additional information included species, size at planting, staking, plant mix for the native-species hedgerows and other information. The native hedgerow planting includes new hedges along paths and around the open spaces, and reinforcement and diversification of the existing hedges around the site boundaries that might be shown to be required at the time when detailed landscape proposals are being produced. Similarly, further details of the succession tree planting, hedgerow planting and ornamental planting can be provided for a detailed application.

## 3.9 APPRAISAL AND EFFECTS TABLES

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### LANDSCAPE AND VISUAL EFFECTS

- 3.9.1 The aim of the Addendum was to identify and appraise any changes to landscape and visual effects over and above those identified in the LVA and brought about by the changes to the scheme.
- 3.9.2 It found that there would be no direct landscape effects upon the limited number of designations and, as they have no intervisibility with the site, nor would there be any indirect landscape effects upon them.

### LANDSCAPE CHARACTER

- 3.9.3 There would be a change in the local landscape character of the site, as a result of the change in use from a farm shop, caravan storage and grassland to residential development and open space. All of the existing mature trees would be retained. All of the hedges would continue to be retained, with the exception of a gap for the vehicular access. As a result, the proposals would have a mature landscape setting from the moment they are completed.
- 3.9.4 The landscape strategy aims to retain the important existing landscape characteristics and landscape features of the site, and to manage and enhance them through a management plan, ensuring the sustainability of the structural landscape of the site.
- 3.9.5 The northern part of the site is most closely related to the perceived green link, and that has been retained to continue that function when combined with the other areas of woodland and open space along the green link. The remainder of the site serves very little of that green link function, and does not meaningfully separate the settlements and, as a result, the proposals respond to their context and those functions.



- 3.9.6 In the Landscape Effects Tables in Appendix G, landscape effects have been assessed on completion and at 15 years after completion. Effects during construction were not assessed.
- 3.9.7 No significant effects on the county landscape assessment (OWLS) landscape character area were predicted.
- 3.9.8 For the landscape character of the site, adverse effects of moderate significance (therefore significant in EIA terms) were assessed on completion, reducing to minor significance after 15 years.
- 3.9.9 New planting proposed within the site would be of appropriate species, in character with the existing vegetation, as is set out in the Addendum and **Appendix C** of this evidence.
- 3.9.10 Beneficial effects of moderate significance were assessed for trees and hedges on and adjacent to the site for both periods.

### VISUAL EFFECTS OF THE PROPOSALS

- 3.9.11 The visual analysis showed that the site is only seen locally and, with one exception, from roads rather than public footpaths. Photographs from the viewpoints included in **Appendix B**, their locations are shown on **Figure L3 (Appendix A)**, and the effects are covered in more detail on the Visual Effects Tables (**Appendix H**).
- 3.9.12 **Viewpoint 1:** this view shows the north-western boundary of the site where it abuts White Post Road (north). All existing trees would remain and be incorporated into the open space across the site. A gap would be created in the hedge to the right (west) of the tree on the boundary to enable vehicular access, but the existing access would be closed and new hedge planting would be introduced and the verge extended. New housing would extend the existing building line towards the viewpoint on the left (eastern) side, and additional tree planting would be established across the open space. There would be some loss of local perception of openness but that would be restricted to relatively low sensitivity receptors from the adjacent road.
- 3.9.13 **Viewpoint 2:** from further east on White Post Road (north) at its junction with Oxford Road. The caravan storage and farm shop complex would be replaced with housing. The housing would be set back from the Oxford Road boundary, with a wide strip of open space in that area. The new housing would be seen in the context of the existing housing along the other side of Oxford Road. All of the existing roadside hedges and trees would be retained, which would provide a sense of scale and filter views of the new development edge, an effect which would be enhanced with some foliage providing additional filtering. There would be additional tree planting in the hedge, which would provide further filtering.



- 3.9.14 **Viewpoint 3:** shows the view from the junction of Broad Gap and Oxford Road, looking up Oxford Road. In this winter view, which is part of a sequence extending north along Oxford Road, the proposals would be some 290m away, and would not be visible, concealed by trees between Oxford Road and the Park End development.
- 3.9.15 **Viewpoint 4:** shows the view from about 185m further north than Viewpoint 3 and is about 120m from the site. Although the hedge adjacent to the south-east corner of the site is just discernible, development in the appeal proposal would be set back from the hedge and is unlikely to be visible.
- 3.9.16 **Viewpoint 5:** shows the view from the point at which the full length of the site becomes visible, more or less at the south-eastern boundary and at the ends of the gardens of Park End Close. New houses would be visible above the roadside hedge, set back from the roadside. All of the large trees would be retained, forming strong landscape features within the development.
- 3.9.17 **Viewpoint 6:** Approximately 90m north of Viewpoint 5, in this view the caravans and farm shop would be removed. The developed edge represented by Park End Close would extend along Oxford Road, although set back from the hedge, reflecting the houses and filling station along Oxford Road. More houses would be visible than currently, but in a largely developed context.
- 3.9.18 **Viewpoint 7:** Approximately 65m from the north-western corner of the site, from Salt Way which is a footpath and part of the National Cycle Route 5, this view includes the northern edge of the site on the other side of White Post Road. There would be no change in this view when comparing the original proposal with the revised proposal.
- 3.9.19 **Viewpoint 8:** Approximately 630m from the site and looking east towards it, there would be no views of the development.
- 3.9.20 **Viewpoint 9:** This view does not show the site, and there would be no effects.
- 3.9.21 **Viewpoint 10:** This elevated view from a roadside footway on the north side of the bridge above Oxford Road, showing development on the east side of Oxford Road and the site as a grassland area to the west of the road, with Park End housing beyond. What appears to be a pavement on the far side of the bridge deck is in fact a paved verge. At either end of it, beyond the deck, there are grass verges which are not intended to be accessible to pedestrians. New housing would be seen towards the north-eastern edge of the site, but set back from the boundary and largely filtered by the trees.
- 3.9.22 Views across the green link would be retained owing to the use of the north-west part of the site as open space. Viewpoints 1 and 2, and Context Photograph B show the green link running either side of White Post Road (north) and across the north-western part of the site. The continuity of the green link would not be interrupted by the proposals.



- 3.9.23 On the tables, visual effects were assessed on completion and at 15 years after completion. Effects during construction were not assessed. No significant adverse effects were predicted for any of the ten viewpoints.
- 3.9.24 From Viewpoints 3 and 8 there would be no view of the development. Viewpoint 9 was not assessed as the view is not towards the site.
- 3.9.25 Adverse effects of minor significance were assessed for Viewpoints 1, 2, 5, 6 and 7 for both periods; and for Viewpoint 10 on completion only, reducing to not significant after 15 years. For Viewpoint 4, adverse effects were assessed as not significant.
- 3.9.26 There are no identified views of recognised amenity or historic value that will be affected.
- 3.9.27 In conclusion, no significant adverse visual effects were found. Views of the proposed development would be limited to local views from roads to the east and north. There would be no views from open countryside to the west, owing to the substantial tree cover. As a result, the effects would be localised and would be of new development in a largely developed context, and the effects would be minimised by retention of existing vegetation and the careful siting of development to retain the north-western part of the site as open space.



# 4 REASONS FOR REFUSAL

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## 4.1 LANDSCAPE AND VISUAL ISSUES

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4.1.1 For convenience, I will repeat the relevant Reason for Refusal from my introduction:

*Taking into account the number of dwellings already permitted across the Category A villages and Cherwell District Council's ability to demonstrate a 5.4 year housing land supply, which exceeds the requirement for a 3 year housing land supply, the proposal is unnecessary and undesirable as it would result in development of an area of open land which is important in distinguishing the settlements of Banbury and Bodicote and would undermine the character and identity of Bodicote. This would be contrary to Policy Villages 2 and Policy ESD15 of the adopted Cherwell Local Plan 20112011-2031 Part 1 and saved Policies C15 and C33 of the adopted Cherwell Local Plan 1996.*

4.1.2 I will address the function of the site in relation to:

- its role in distinguishing Banbury and Bodicote; and
- the character and identity of Bodicote.

4.1.3 I note that there was nothing in the reason for refusal citing visual harm, and the only character issues related to the function of the Appeal Site in relation to distinguishing settlements and the effect on the character of Banbury.

4.1.4 The committee's decision to refuse permission, at the 25<sup>th</sup> October 2018 committee, was made in the light of a recommendation to grant permission, subject to conditions and a legal agreement, from the officer who had undertaken consultations with the client and their design team, of which I am part.

4.1.5 Under Planning Balance and Conclusion, the Report states at 9.6 that:

*The proposed development does not give rise to unacceptable adverse impacts...The illustrative plans include the retention of key site features as well as retention of a not insubstantial area of open space within the northern part of the site to help preserve a sense of separation between the village and Banbury.*

4.1.6 At 9.7 it concludes:

*In this case, given the site circumstances and policy context set out in the report, the proposal would amount to sustainable development for which Government policy sets a presumption in favour and is recommended for approval.*

4.1.7 I now consider the two major landscape and visual issues from the reason for refusal, referring to both my own work and the officer's report. It is important to note that, although the report contains some reference to my work on the project, the



officer questioned my conclusions very robustly prior to and in a pre-application meeting and certainly did not accept everything 'as read'. It is clear that the officer accepted my approach, analysis and strategy when further developed through the Addendum.

## 4.2 THE DISTINCTION BETWEEN BANBURY AND BODICOTE

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4.2.1 When considering the Development Plan, the officer's report stated at 8.6 that the site:

*...whilst lying within Bodicote Parish, can be considered to immediately adjoin Banbury... The site already contains an element of built development in the form of the farm shop and storage buildings. It is noted that to the east lies development along the Oxford Road with Longford Park beyond, to the south lies development at Park End, to the west lies the primary school and to the north White Post Road. Beyond White Post lies the wooded area and the flyover. The site is therefore well-contained by existing built up development, both of Bodicote and Banbury.*

4.2.2 It is clear that the officers do not regard the site as in open countryside because of its developed context, including Banbury and Bodicote, as well as the farm shop and ancillary development on the site itself. That is entirely consistent with my view, as can be seen on my plan **L10 (Appendix D)**. It is part of the green link, a concept that will be reinforced by open space provision associated with the new and consented housing developments to the east and west. However, that link will not function as, or be managed as, open countryside. The nearest open countryside will be 350m to the south-west and 600m to the east, beyond development.

4.2.3 At 8.15 the officers state that the site is:

*...located immediately adjacent to the urban area of Banbury which is expanding to the east and west of the site. It is also surrounded by existing development on all sides.*

4.2.4 And at 8.17 that:

*The northern end of the site faces green space between White Post Road and Bankside, which provides an element of visual separation between Banbury and Bodicote, and to its immediate west lies the primary school with the recreation ground further beyond.*

4.2.5 As set out in the LVA and this Statement at 3.1.29, the:

*overall character of the site is that of an incidental field in a suburban area, with large mature trees and enclosed by development on two sides and urban roads on three sides, with the wider area becoming increasingly developed.*

4.2.6 The officer's report concurs with that view at 8.6 :



*Whilst development with[in] the open countryside is to be strictly controlled, in this case the site appears more as an undeveloped parcel of land in an urban/suburban context rather than as part of the open countryside setting of the village.*

4.2.7 In my analysis and that of the officer, it is clear that the countryside setting for Bodicote is to the west and south, and not to the north in the vicinity of the Appeal Site. As a result, the Appeal Site does not make any contribution to the setting of Bodicote, except on a very local scale in the vicinity of the site itself. It is definitely not countryside.

4.2.8 I do not regard the separation as meaningful, given that the settlements are largely coalescing, but that the northern part of the site and the adjoining wooded area are part of a green link which adds connectivity, visual relief and scale to development. There is no doubt that the site and its setting are not countryside, and the site is merely an incident within that generally settled, suburban area.

4.2.9 Considering separation between Bodicote and Banbury, at 8.20 the officer's report states that the:

*...northern part of the site is the most sensitive in landscape and visual terms and makes more of a contribution to the remaining visual separation between Banbury and Bodicote. There is intervisibility here with the school grounds, the wooded area opposite the site's entrance and around Bankside, and what will be open space within the Salt Way development to the west and open space/recreation areas within the Longford Park development to the east. In recognition of this, the proposals show the provision of a large area of open space at this end of the site consisting of species rich grassland with retained hedgerow and tree planting around the perimeter. This has been marginally extended since the original submission in reflection of its contribution towards maintaining a degree of visual separation.*

4.2.10 Under the heading of 'Coalescence', at 8.25 the report considers the Local Plan saved Policy C15 which seeks to prevent coalescence through development on open areas of land which are important in distinguishing settlements. The report states that the policy dates from 1996, and recognising the current situation, the officer writes that:

*...the context has since changed, not least by the granting of planning permission for further residential development on the southern edge of Banbury at Longford Park and Salt Way which further blur the division between the settlements. The importance of the site in distinguishing Bodicote and Banbury, given the context set out elsewhere in this report, is therefore diminished in the view of officers.*

4.2.11 However, recognising the importance of separation, at 8.27 the report explains that:

*Notwithstanding that it has diminished over recent years, a degree of separation between the two settlements will help maintain their separate identities. The part of the site which makes the most contribution to this is the northern part of the site which is to be retained*



*as open space. Retaining this as open space, when viewed together with the wooded area between White Post Road and Bankside, the school grounds and the informal open space to be provided as part of the Salt Way proposals will together provide a degree of separation between Bodicote and Banbury to the extent that any conflict with Policy C15 will be very limited. Given the very particular site circumstances set out above, it is considered that there are material planning considerations that outweigh this very limited conflict.*

- 4.2.12 I believe that the officers, who have been part of a consultation process throughout the evolution of the scheme and up to the submission of the revised layout, have understood the issues and come to a balanced view as to the merits of the scheme and its effects on the separation of Bodicote and Banbury. The current situation is that the site is a field in a suburban context, and the suburbanisation of the area will continue with developments both under construction and proposed, along with high quality design responses appropriate to the context, which is what the proposal on the appeal site will achieve. It is part of my analysis in the LVA and its Addendum, with which the officers agree, that it is the northern part of the site combined with the wooded areas to the north and the open areas to the west that would remain after development, that provide any separation, although in my analysis not of settlements but development. The entire depth of the site is not required to serve that function. This is clear in my Viewpoints 1, 2 and 9 and **Figure L10 (Appendix D)** where there are clear visual links with vegetation along White Post Road and the woodland beside it, rather than the depth of the site which has development on it along all its boundaries. The design has acknowledged that, by leaving the northern part of the sign open as a continuation of the green link.
- 4.2.13 The degree of separation provided by the Appeal Site is simply that offered by an incidental open space, within a largely developed context, linking with adjacent undeveloped areas, that provides separation between developments. It is not open countryside, such as that which separates Bodicote from Adderbury to the south or that will separate the consented development to the west of Bodicote from the western edge of the village and the Conservation Area. In both instances, the open land is of such a scale that it provides a setting for the existing edge of the village and is also important to the setting of those settlements and their separation in that area. The site serves neither a function for the setting of Bodicote, nor Bodicote's separation from Banbury.
- 4.2.14 My **Figure L9** is a simple representation of how the situation has changed since the policy was saved in 1996. Based on mapping and aerial photographs from 1945, 1960, 2009 and 2017, the last of which is combined with allocations in the Local Plan, it shows that between 1960 and 2009, Banbury had extended southwards, and there had been infill within Bodicote, and much of the land to the north-east and the west was still open countryside. In the vicinity of Bodicote and the southern edge of Banbury (Easington) it is virtually identical to the Proposals Map in the 1996 Local Plan (**Appendix M** of this Statement). Ongoing development to the north-east and



consented development to the west shown on L9 as 2017 onwards, will effectively link Bodicote to Banbury.

- 4.2.15 The Key Policies Map 5.3 from the 2015 Local Plan, In **Appendix N** of this Statement, shows the Appeal Site without any notation or designation, although the woodland to the north is shown as 'Existing Green Space', land to the west, south-east of Banbury 17, is shown as a mixture of 'New Green Space and Parks', 'Outdoor Sports Provision' and 'Existing Green Space'. Parts of the school grounds are shown as 'Existing Green Space.' Banbury 17 is the allocation to the west of Bodicote and south of Salt Way.
- 4.2.16 The land south-east of Banbury 17 which is not shown for development, essentially along Wykham Lane and White Post Road, will provide separation of Banbury 17 from Bodicote and in particular the Conservation Area, which is largely to the south. This can be seen in my Context Photograph F. There will be a clear and legible gap.
- 4.2.17 Even if it is thought that the Appeal Site provides a role in separating settlements, which I do not believe it does, leaving the northern part undeveloped will not prejudice any perceived separation or lead to coalescence, as alleged in the reason for refusal.

### 4.3 THE CHARACTER AND IDENTITY OF BODICOTE

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- 4.3.1 The reason for refusal cites saved Policy C33 which is:

*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.*

- 4.3.2 There are three criteria that are contained within the policy for retaining an undeveloped gap.

- 4.3.3 The first is that of preserving the character of a loose-knit settlement structure. A loose-knit settlement pattern is generally understood to mean one with many spaces between buildings that give it a distinctive loose character. Paragraph C.264 of the Adopted Local Plan describes that many spaces:

*in villages' streets are important and cannot be filled without detriment to their character. Such gaps may afford views out to the landscape or help to impart a spacious rural atmosphere to the village. This is particularly important in a loose knit village pattern where the spaces may be as important as the buildings.*

- 4.3.4 Bodicote is not a loose-knit settlement. Open areas that are clearly visible are rare within the Conservation Area (see my Context Photograph G) as well as within the dominant suburban development that makes up much of the settlement (see my Context Photograph D as an example). There is some loosening of the settlement



pattern along the northern edge where the school and the Council Offices both occupy large well wooded plots, but they are largely enclosed and not characteristic of the settlement.

4.3.5 The second addresses the proper setting for a listed building. The nearest listed building is beyond the school and completely separate from the Appeal Site. The officer's report at 8.39 did not consider that the proposals would affect any heritage assets or their setting.

4.3.6 The third addresses a view or feature 'of recognised amenity or historical value'. I have not come across any published document that gives the site any such status. I am not a heritage consultant, so cannot comment on historical value except to note that neither the local authority nor any statutory consultee has identified the Appeal Site as having any historical value. Neither my LVA, nor my visual effects tables, nor the local authority have identified any view across the Appeal Site of recognised amenity value.

4.3.7 With regards to the character of the Appeal Site and its setting, 8.7 of the report says the following:

*Whether the site lies within the built up limits of the village is a matter of judgement as no such limits are defined in local policy. In forming a judgement [,] the above mentioned site circumstances should be given due weight. One interpretation of built up limits is where the character of the area changes from being 'built up' or 'urban' and therefore belonging to the character of the built up area, to being 'rural', 'loose knit' and more akin, and visually related to, the countryside. In the view of Officers, the application site's character is more akin to the former and these very particular circumstances lend weight to a view that the site lies within the village's built up limits; although this is a matter of judgement.*

4.3.8 In addition to the definition of built-up that the report provides, I believe that there is also the issue of scale. The site is a small-scale field when compared with the extensive character of the countryside to the west of Bodicote, even where there are small fields. It is the continuity of one field following another, and another and so on, broken by hedges and woods and punctuated by farmsteads, valleys and rivers, that makes a site part of the countryside. There is no such continuity on the site or in its context.

4.3.9 Under the heading 'Visual impact and effect on the character of the village and its setting', the officer's report states at 8.17 that:

4.3.10 *The site is heavily influenced by built development. To its east lies Oxford Road which is largely residential but with some commercial development immediately opposite the site. To its south lies Park End Close, leading to Broad Gap and the bulk of the post-war expansion of Bodicote with the historic core of the village just to its south west.*

4.3.11 At 8.18, it goes on to say that:



*It is notable that recent expansion of Banbury is an obvious feature of the site's context to the east (Longford Park) and that planning permission has been granted for further development along Salt Way to the site's west.*

4.3.12 Additionally, at 8.19:

*The site is not a prominent open feature however from the historic village core and conservation area, or from Broad Gap or White Post Road to its west due to the presence of the school and mature planting within its grounds. The contribution the openness of the site makes to the village's character is therefore very localised to the Oxford Road approach and the flyover (where it is seen in a more 'urban' context of surrounding built development) and its northern boundary from White Post Road. Its contribution to openness from Oxford Road is however reduced by its mature boundaries; the mature trees within the site being the site's most defining characteristic.*

4.3.13 At 8.20, the site's:

*...contribution from White Post Road to the north is more significant. From here there are clear views across the site. Again however, these views are in context of the built development on Oxford Road beyond it and again the trees are the most significant feature.*

4.3.14 It is clear that, unlike the reason for refusal, the officer was of the view that the site does not contribute to the character and identity of Bodicote, largely because that character and identity is manifested elsewhere in the settlement and not in its suburban north.

4.3.15 As identified in the LVA, the Addendum and my evidence, the large trees are the most important landscape feature of the site. The report identifies how the trees and other features, such as hedges, have been accommodated in the layout, at 8.35:

*The amended scheme is accompanied by a Landscape Strategy Plan and indicative species list. This shows the retention and enhancement where necessary of existing trees and hedges, new native tree planting with specimen trees to provide succession for existing trees, new ornamental tree planting, new native and ornamental hedging along with species rich grassland.*

4.3.16 And at 8.36:

*The Arboricultural Officer is content with the amended plan although he has some concerns about future management pressures for one of the trees which is close to proposed homes. This can be considered in more detail when applications for reserved matters are submitted.*

4.3.17 Neither my LVA nor the Officer's report identify any features of value on the site or its immediate context which would be adversely affected by the proposal.

4.3.18 Concluding on character, the report says at 8.24:



*On balance, it is not considered that the proposed development would result in harm to the character, appearance, identity or setting of the village such that a refusal on these grounds would be reasonable, taking into consideration the benefits that would result from boosting the delivery of housing (including affordable housing) in sustainable locations.*

- 4.3.19 Obviously, I am not able to comment on the benefits of delivering additional housing on the site, but I agree with the conclusions in so far as they relate to landscape and visual issues. Those conclusions have been reached as a result of the iterative design process that has been undertaken, from the pre-application meeting through to the submission of the planning application. The officers identified no landscape or visual issues that should result in the refusal of consent and there is nothing in the report or reason for refusal that provide any evidence for effects so damaging that explain why the scheme should not be granted permission.



# 5 CONCLUSIONS

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## 5.1 LANDSCAPE AND VISUAL ISSUES

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- 5.1.1 The landscape and visual aspects of the proposals have been subject to a thorough analysis through the preparation of a Landscape and Visual Appraisal, expanded for this Statement by the preparation of Landscape and Visual Effects Tables. All have been prepared in accordance with recognised professional guidelines. The original work identified the likely visibility of the proposals, the character of the site and its setting and the role it plays in that setting, both at the time of the original site work (March 2018) and with future development. In consultations with the Council and the report to committee, professional members of the planning team did not question my approach and agreed with the results.
- 5.1.2 In character terms, the site is an open area, with hedges along its boundaries with the public realm, and with existing development in the south-western part (the farm shop) which continues over the boundary to the buildings of the school. There is residential development along the Oxford Road, east of the site, and to the south, which is Park End and the bulk of the village. Its context is therefore developed.
- 5.1.3 Adjacent land, such as on the far side of White Post Road (north), forms part of the proposed green link, and the north-western part of the site serves the green link function with views across that part of the site north-eastwards, until stopped by the car dealership and fuel station on the far side of Oxford Road, and south-westwards towards the proposed access to the Gladman development.
- 5.1.4 The conclusion of the Appraisal, and the subsequent Tables, was that the development would not have any significant adverse effects on any of the assessed landscape receptors, and indeed would have beneficial effects on trees and hedges owing to the ability to manage and monitor those features and ultimately ensure their replacement. That would not happen in the absence of sensitive development that provides sustainability for those features, as well as additionally planting to increase the tree cover in the area.
- 5.1.5 In terms of visual effects, development would only be locally visible, only to receptors of low sensitivity, and would not result in adverse visual effects of significance. That is largely as a result of the essentially suburban nature of the area, which would only be reinforced with forthcoming development. Users of the roadside footways in the vicinity of the site do not experience views of open countryside, but development and areas of open space.

## 5.2 DESIGN ISSUES

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- 5.2.1 The design was based on my initial appraisal of the area and the site within it, modified after consultation with the planning officer and other specialists from the



council, providing retention of all of the TPO trees in a network of open areas, increasing the extent of open space and reducing the number of dwellings. The north-western end of the site remained free from development.

### 5.3 SEPARATION AND COALESCENCE

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- 5.3.1 The site is not open countryside and does not separate Bodicote from Banbury, as they have essentially coalesced through recent and proposed development. Instead, a small part of the site performs a role as part of the green link, which as its name implies, links green spaces through development areas, and is therefore a lateral feature rather than a separating feature which is based on depth.
- 5.3.2 The evolving development pattern has meant that any meaningful separation has long ago been lost, and separation is now of the scale and character of divisions within an area of overall development, rather than retaining the separate identities of settlements. Bodicote is separated from Adderbury to the south, and the Gladman development will be separated from the western edge of Bodicote and the Conservation Area by open land.

### 5.4 DETERMINATION

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- 5.4.1 I believe that my Statement shows that the Appeal Site is suitable for the development proposed, which has evolved through an iterative design process to take account of landscape and visual parameters from the outset. There are no significant adverse effects on landscape or visual receptors, and indeed benefits have been identified. No landscape or visual designations will be adversely affected. The proposals respond to the site and its setting. I believe that permission should be granted.