



Appeal Decision

Hearing held on 21 January 2015

Site visit made on 22 January 2015

by W G Fabian BA Hons Dip Arch RIBA IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 March 2015

Appeal Ref: APP/C3105/A/14/2227907

Hardwick Farm, West of Southam Road, Banbury, Oxfordshire, OX16 1ST

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Pandora Trading Ltd against the decision of Cherwell District Council.
 - The application Ref 14/00825/OUT, dated 23 May 2014, was refused by notice dated 3 October 2014.
 - The development proposed is up to 230 residential units (C3), local retail community facilities (Classes A and D1), with associated infrastructure, parking, open space and landscaping.
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Decision: The appeal is dismissed.

Procedural Matters

1. The application form is undated and so the date shown above is the date on which the Council registered the application.
2. The application was made in outline with all matters except access reserved for a future submission. Other than in respect of access, the application drawings are for illustrative purposes only and I have reached my decision on this basis.
3. At the request of both parties the hearing was adjourned to be closed in writing following receipt of the signed s106 Planning Obligation¹ and a Supplementary Statement of Common Ground². Following receipt of these two documents, the hearing was closed by letter dated 28 January 2015. The Council has acknowledged that the undertaking, which was available in draft at the hearing, would meet its objection to the lack of infrastructure provision to service the proposed development, as set out in its second reason for refusal and as such does not seek to pursue this. The planning obligation is a material consideration in this case.
4. After the close of the hearing the appellant submitted a High Court Judgement³ dated 3 February 2015. As this pending judgement had been referred to at the hearing and is relevant to some provisions of the s106 Planning Obligation, I accepted this late submission. The Council also submitted comments in this regard⁴.

¹ Hearing document 13

² Hearing document 14

³ Hearing document 15

⁴ Hearing document 16

Main Issues

5. The main issues are whether the proposal would be sustainable development, having regard to: the effect of the proposal on the character and appearance of the surrounding area and on the setting of Banbury; and to national and local policy aims to secure an increase in the supply of housing.

Planning Policy

6. The development plan for the area includes the saved policies of the Cherwell Local Plan, 1996, (LP). The Non-Statutory Cherwell Local Plan 2011 has been approved by the Council as interim planning policy for development control purposes pending preparation of a Local Development Framework. As it was not submitted for examination and is not formally adopted, it is agreed between the parties to attract very limited weight.
7. The Council's Submission Local Plan 2006-2031 (SLP) has been subject to examination following modifications arising from further work undertaken in the light of the higher level of housing need identified through the Oxford Strategic Housing Market Assessment. The modifications were consulted on and the modified SLP examination concluded in December 2014, with the Inspector's report anticipated in March 2015.
8. The SLP housing site allocation BAN2 includes the lower part of the appeal site (BAN2 West), and land to the east of Southam Road (BAN2 East), within an overall site allocation for 600 dwellings, 90 of which are allocated on BAN2 West. Further details of this allocation are set out in the reasoning below. Emerging policy ESD15 designates 'Green Buffers', which include the larger part of the appeal site, beyond this BAN2 West allocation. This Green Buffer designation and the BAN2 West allocation has been the subject of objection, to increase the housing allocation in line with a former draft of the plan, and as the relevant policies may be recommended for further modification, I can only give this part of the SLP limited weight at this stage.
9. The appeal site is beyond the built-up limits for Banbury, within an area defined as open countryside in the LP, where policy H18 resists residential development other than for certain limited types; the appeal proposal is for general housing. The parties agree that the proposal would not accord with this policy.
10. With regard to the Government's National Planning Policy Framework, paragraph 14, where the relevant development plan policies are out-of-date, permission should be granted for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As set out above, the development plan has reached the end of the plan period, but relevant policies have been saved. This countryside policy seeks to protect the countryside from development in recognition of its value and vulnerability. With reference to the weight to be accorded to the policies as set out at paragraph 215, this aim is broadly consistent with one of the core planning principles established in the Framework, recognising the intrinsic character and beauty of the countryside.
11. Nevertheless, with regard to paragraph 49 of the Framework, relevant policies for the supply of housing should not be considered up-to-date if the local

planning authority cannot demonstrate a five-year supply of deliverable housing sites. Thus whether or not the Council can demonstrate a five-year supply is crucial in this appeal; it determines whether the countryside policies of the LP may be considered up-to-date. In the light of the stage that the SLP has reached, recognising that the housing requirement and housing land supply elements may be subject to further modification, the Council has acknowledged a current lack of a five-year housing land supply for the district. Thus, the Council indicated at the hearing that policies H18, C8 (sporadic development in open countryside, including in the vicinity of motorway or major road junctions), C9 (development of a scale incompatible with a rural location) and C15 (coalescence of settlements) are all policies for the supply of housing and thus not up-to-date. Consequently, the presumption in favour of sustainable development at paragraph 14 applies.

12. LP policy C7 resists development that would cause demonstrable harm to the topography and character of the landscape. The policy aims to ensure that new development retains and enhances the character of the countryside, taking into account changes in level or slope and should not protrude above prominent skylines, not detract from important views and not expand out of any valley or depression which confines present development. As it does not seek to prevent all development in the countryside, the appellant has acknowledged that the policy is not out-of-date. It also reflects the Framework aims in respect of countryside landscape protection and thus, I give it full weight as a development plan policy.
13. Finally with regard to LP policy C13, this seeks to conserve and enhance the environment in designated Areas of High Landscape Value (HLV). The appeal site lies within such an area. In applying reduced weight to this policy I have had regard to the age of the LP, that this policy designation has not been carried forward into the SLP, as well as its advanced stage towards adoption, and that the Framework expects development plans to give protection to landscapes commensurate with their status through criteria based policies.

Reasons

Character and appearance

14. The appeal site is located at the northern outskirts of Banbury, at the junction of the A423 Southam Road (a main historic north-south approach to the town⁵, with the M40 crossing beneath it close-by to the north) and Dukes Meadow Drive, a link road that skirts the large Dukes Meadow residential development at this edge of the town. These roads form the south and east boundaries to the site. It comprises a large agricultural field, ploughed and sown with a crop at the time of my visit. It is situated on the south and west facing slopes of a shallow hillside that rises from 94m at the south boundary to a plateau at some 118m at the top northeast corner⁶, with a detached dwelling (Foxhill House) and the Hardwick Hill crematorium, garden of remembrance and cemetery all immediately adjacent to its north boundary.
15. The west boundary follows the Hanwell Brook around the lower contour, with a narrow area of semi-wetland adjacent to the west containing recreational walkways, and beyond this a football ground and changing facility at Hanwell

⁵ Council's Core Document 2: ENV03, page 15, 4.4.1

⁶ Contours taken from Hearing plan B Topographical Survey

Fields, flanked by further agricultural land. Mature trees and shrubs line this boundary and there is a dispersed group of around five or six mature trees at the south west part of the site as well as another group of around three mature trees in an isolated position, almost central between east and west boundaries just below where the plateau begins. There are further mature field hedges around the north and east side, which become sparser towards the road junction at the bottom. There is a post and rail fence, with newer hedge planting, here and along Dukes Meadow Drive.

16. On the basis of the Council's proposed site allocation for BAN2 West in the emerging SLP, planning permission on the southeast lower part of the appeal site was granted in outline⁷, in December 2013, for 90 dwellings (also with Class A and D1 uses), with development finishing along the 102m contour, some 8m above the south boundary in height and limited by an existing dividing fence at the west. The approved scheme would thus extend about one third of the distance up the slope, south to north, and roughly two thirds of the site width at the south end, from the east. This corresponds to the Council's assessment of the part of the site that can be developed without causing harmful visual intrusion into the natural topography of the landscape here, which it has found to be an important and intrinsic part of the northern setting of Banbury (and without building on the flatter wetland area by the brook).
17. The background to this assessment, the emerging allocation and the grant of planning permission is derived from successive assessments carried out for the Council from 2008 onwards of alternative sites for the strategic growth of Banbury (described as a historic market town). The Council's Options for Growth – Supporting Report, 2008, identified the *'Landscape west of Southam Road of very high value & contributes to the setting of the northern part of Banbury. Comprises steeply rising and undulating countryside. Development would be prominent and have a significant visual impact, affecting the brook, valley and nature reserve & setting of the crematorium.'* Development was considered to be *'an unreasonable option.'* Subsequently, the Council's Landscape Sensitivity and Capacity Assessment, September 2010, by Halcrow found the overall sensitivity to development high in respect of the area to the west of Southam Road.
18. More recently the Council's Banbury Landscape Sensitivity and Capacity Assessment, September 2013, by Whyte Young Green (produced as an update to the Halcrow report) notes that *'development or residential properties within the western area would not be in keeping with the existing landscape character of the area or the presence of Banbury Cemetery and Crematorium due to the change in the cemetery setting that would occur.'* It found the capacity for development *'weighted more toward low than medium.'*
19. The Council's environmental assessment⁸ prepared as part of the evidence base for the SLP identifies the setting of the town as *'strongly shaped by prominent landforms to the north'* and by *'long established historic routes..... Many of these still retain a strongly rural character and attractive green gateways which contribute to a positive experience when approaching the town. These green approaches are part of the identity of Banbury and its character as a historic market town.'* At figure 11.1 the report identifies the whole of the BAN2 West site as part of a *'tract of countryside with prominent*

⁷ Ref 13/00158/OUT dated 18 December 2013, appellant's Appendix I

⁸ LDA Design Environmental Baseline Report, September 2013, Council's ENV page 43, section 11.1.6

landforms forming a rural backdrop to the town', but accepts at the end of this part of the assessment that detailed analysis may show that a limited area of development could be acceptable in environmental terms in the south eastern part of the proposed allocation.

20. The final 2013 report⁹ concludes that *'the area to the north east of Banbury is an attractive and diverse landscape.....it provides an attractive setting to the town, both in views outwards to adjacent countryside, and inwards, where Banbury can be seen within its contained environmental setting.....The undulating topography of the north east around Hanwell Brook....plays a particularly important role in forming the landscape setting of the town and the area is especially sensitive to development given its visual prominence within the locality.'* The report went on to recommend that on the BAN2 West site *'some development could potentially be accommodated.....provided it is located in the less sensitive south eastern corner'*.
21. Although the BAN2 West site had been promoted for residential development in the emerging SLP and had initially been included as a joint allocation with the BAN2 East site for up to 800 dwellings in the first draft, the final submission version reduced the overall allocation to 600 dwellings and only included an allocation for the lower southeast part of the BAN2 West site, with a limit to 90 houses, up to the 102m contour.
22. The appellant is critical of this outcome; they regard the selection of the 102m contour as an arbitrary limit to development of the site, with little physically identifiable basis for it evident on the site, and have supplied for this hearing their critique¹⁰ of the Council's landscape evidence base and the assessment report as submitted to the SLP Examination. It is not for me to pre-empt the outcome of the Local Plan Inspector's considerations on this matter or to consider the merits of the choice of the 102m contour limit and I shall reach my assessment of the particular merits of the appeal proposal on the basis of my own assessment of the landscape factors here, with reference to the parties' assessments in the same regard, by comparison with the approved development.
23. The appeal proposal would introduce built development on a substantially greater area of land within this large field than the approved scheme. It is for 230 dwellings (140 in addition to those already permitted). The appellant's Indicative Masterplan¹¹ shows the proposed local retail community facilities in a similar position to that already permitted. However, residential development would extend significantly further up the hillside, to around the 113.5m contour at the highest point in the east, some 17.5m above the south boundary (9.5m higher than the approved scheme) and extending twice as far across the site, at least two thirds of the way. At the west side it would follow the 95m contour along the edge of the brook wetland (just outside the flood risk area, zones 2 and 3 which reach to the 94.5m contour, as identified in the FRA¹²) and also extend across at least two thirds of the site here. Overall, the quantum of built development would be a little over 2.5 times greater in terms of numbers of dwellings and although the parties have not quantified this, in my estimate, possibly up to 3 times greater in terms of site area.

⁹ Analysis of Potential for Strategic Development, September 2013, Council's ENV02

¹⁰ Examination Hearing Statement Strategy/Vision/Objectives, June 2014, appellant's Appendix L

¹¹ Hearing Plan C

¹² Flood Risk Assessment, appellant's Appendix J

24. According to the appellant's Landscape Proposals¹³ the upper east and the northwest parts of the proposed development would be laid out as two distinct areas, divided from the lower part by reinstatement of an historic field hedge line, with the potential indicated for connections to pedestrian routes at both east and west boundaries of the site. This reflects the Council's ambitions to establish a circular walk around Banbury, a route that is included in the indicative masterplan for the extant permission. This division across the proposed development is noted as being '*to enable distinction between the character areas and facilitate transition from settled to underdeveloped areas*'.
25. Around these developed areas there would be a '*managed landscape*' area along the brook with wetland meadow and informal mown grass public routes. This managed landscape would extend around the north west part of the development to provide a buffer of about 100m between the built proposal and the cemetery grounds, with additional planting of occasional tree groups, a neighbourhood equipped area for play (NEAP) close to the existing mature tree group at the edge of the plateau, as well as in the same location a broad area of new woodland planting to create a '*distinct wooded skyline and reflect local character*'. Beyond this there would be an open area of mown amenity grassland. A local equipped area for play (LEAP) is also shown within the proposed development.
26. The appellant's indicative proposals have followed a landscape analysis based approach, as shown in the design and access statement (DAS) at sections 2.3, site analysis, and 3.2, landscape and setting constraints and opportunities. These diagrams provide the basis for the scheme layout and quantum of development described above, which was reached through an iterative design process.
27. A landscape visual impact assessment¹⁴ (LVIA) prepared for the appellant as part of the environmental impact assessment submitted with the application considers the impact of the development on the landscape and townscape character and also on existing key views from the surrounding townscape and landscape. The appellant's LVIA uses seven representative views of the site, from a variety of receptors in the local area from external spaces within the public domain. The approved development on the appeal site, described above, is used as the baseline position for the appellant's analysis and comparison photomontages are provided of both the approved development and the appeal proposal¹⁵.
28. For the Council, LDA Design has also identified eleven viewpoints and provided its own photomontages¹⁶ for four of these, taken from a similar but not identical series of locations. The Council's photomontages do not indicate the extent of the approved development, but at the hearing copies with the plan area superimposed on the wire frame views for each were provided¹⁷.
29. At the hearing key viewpoints were agreed by both parties to be those significant to their assessments and I walked around these at the accompanied site visit. They include some but not all of the views identified in each party's analysis. They are: from the crematorium gardens of remembrance and

¹³ Hearing Plan D

¹⁴ Rapleys LLP Environmental Impact Assessment Scoping Report, section 4.10 and chapter 12

¹⁵ Hearing document 4 – A3 version of A4 appeal submission

¹⁶ Council's Appendix TM1, Figures 1 - 4

¹⁷ Hearing document 3

cemetery; along Southam Road and Dukes Meadow Drive, the Hanwell Brook recreation area walkways, football pitch and facilities to the west, the footpath emerging from the woodland at the south edge of the Hanwell Conservation Area and from the top of Crouch Hill to the west of Banbury. The Crouch Hill viewpoint was not identified in either party's photomontage studies, but wider views towards the site from this viewpoint and others were raised as part of the Council's appeal case and photos from these¹⁸ (without montages) were provided at the site visit, with the appellant's agreement. I take each of the agreed key viewpoints in turn below.

30. I saw that views of the appeal site from within the Hardwick crematorium gardens of remembrance are limited by the enclosing high field hedges and the fall of the land, such that although from directly at the boundary there may be glimpsed views of the edge of the upper northwest part of the proposed development, in my assessment any effect on its setting, and on the tranquillity experienced within it due to its rural location, would be adequately conserved by the 100m separation distance and managed landscape proposed between it and the appeal housing.
31. The appellant's viewpoint 3 and the Council's VP11 are both taken from the edge of the cemetery, where the boundary adjoins the plateau at the top of the appeal site. The appellant's photomontage 3 shows that the top ridgelines of the approved scheme (based on the indicative masterplan submitted with that application) may be visible, just, from here – but the open plateau and the group of mature trees as well as the more distant view above the site to Banbury beyond would remain unchanged. By contrast, the appeal proposal would bring built development closer with a much greater presence above the edge of the plateau, although a line of dense woodland planting is proposed to mask this and an open buffer would also be retained here.
32. Thus, as a result of the proposal the sense of open views across Banbury would be lost from this edge of the cemetery, but it was apparent at the site visit that the experience of these views is limited by the gentle slope away from this boundary and by the mature boundary planting around Foxhill House. Thus the views across the appeal site are only available from a small ancillary parking area at the boundary; they are not from the main areas of the cemetery from where views are more inward turned or towards the northwest away from the appeal site. So, although I disagree with the LVIA that the effect of the proposal would be moderate and beneficial, I find little harm from the proposal from this viewpoint.
33. Similarly, in views up and down Southam Road alongside the upper part of the site, the high hedges that enclose the long lay-by here prevent any substantive views of the appeal site. The retention of this enclosure could be subject to a landscaping scheme. Views from the lower part of the road in both directions would be similar to those of the approved scheme, with very little tangible effect from the appeal scheme. This is demonstrated by the appellant's photomontages 1 and 2 and the Council's viewpoint 1. The LVIA finds negligible visual change from the appeal proposal here and I agree.
34. Nevertheless, in each of the other viewpoints identified to the northwest, west and southwest, I consider that the appeal scheme would be very prominent on

¹⁸ Hearing document 11

the upper parts of the appeal site due to its west and south facing topography. My reasoning for each of these is set out in turn below.

35. From the Hanwell Fields recreation walkways and football grounds, as well as generally along this part of, and further west along, Dukes Meadow Drive the appeal proposal would result in built development that would be seen immediately behind the well spaced mature trees here. It would press close to the brook and wetland area and climb the slope behind so as to cover most of the visible slope. This effect of the appeal proposal is demonstrated by the appellant's photomontages 4 and 5 and the Council's viewpoint 4. Both these photomontages show that the approved development would lie discreetly in the lower part of the site, with the major part of the tapering cone form of the field above and its wide undeveloped expanse remaining clearly apparent as a main feature in the landscape from these locations.
36. This part of the appeal site can be widely seen from these angles by pedestrians, users of the recreation grounds and passing motorists and to my mind it is an important and key local feature of the rural natural landscape here. The appellant's LVIA at 12.4.10 visual receptors j (the footway south of Dukes Meadow Drive) acknowledges '*there is likely to be a high number of potential users*'. The appeal site lies at the rural edge of this part of Banbury and forms part of the setting of the historic market town. The visual effect of the proposal is assessed in the LVIA as moderate and adverse, acknowledged as a significant consideration. It seems to me that from here these parts of the development would be prominent and would intrude onto the major part of this wide graceful hillside area, which even with the approved development in place would remain open.
37. In mitigation, the LVIA notes that '*the housing will sit below the skyline with new tree planting continuing the wooded appearance of the higher ground, characteristic of the local area*'. It was put to me at the hearing that the design intention, to be secured through the future detailed design, is that the built scheme would preserve the natural form of the hillside by building along the contours and the rooflines would not break above the skyline of encircling trees and hedges here. Further, this would be assisted by additional planting as part of the development. However, from what I have seen, and as shown on the appellant's photoviewpoints, the pleasing curving form of the hill is mainly delineated not at the skyline but at the junction of the open field with the encircling hedges and trees and the proposal would mask this line. The retention of the wooded skyline would not address the fundamental and harmful loss of the openness of the appeal site as a notable hillside within the local landscape.
38. From the northwest, at the southern edges of Hanwell both within and beyond the conservation area several public footpaths criss-cross the adjacent land, also with views across the appeal site. My assessment here again differs from the LVIA which finds the scale of visual change low in the context of the overall composition which remains predominantly rural in appearance and the visual effects minor and neutral. The appeal site occupies a focal position in the middle ground in this view. It seems to me that the Council's viewpoint 8 photomontage and the appellant's photoviewpoint 6 both show that, whereas the approved scheme would be un-intrusive in this view, being located at low level and difficult to distinguish from the built development across Dukes Meadow Drive at the outer edge of the town, the appeal scheme would result in

prominent development; it would be seen as a substantial area of buildings projecting well beyond Banbury into the currently open undeveloped rural foreground to the town. It would cause significant visual harm from this direction.

39. The LVIA suggests that *'such views are localised and are seen in the context of extensive housing development which has occurred in this location'* and that it *'would not undermine the wider character of the area'*. However, there are wider more distant views which encompass both the town and the appeal site, including that from Crouch Hill, which I visited with both parties. In this view¹⁹ the appeal site is visible as an identifiable hillside feature of the town's surroundings, evident within the rural landscape, framed by the hedge and tree fringe and backed by higher more distant land beyond it. Thus, appreciation of the effect of the appeal proposal on the landscape is inevitably dynamic, experienced as the viewer moves around the locality and the wider townscape surroundings.
40. My assessment is that the upper slopes of the appeal site are an important and recognisable feature within the rural landscape at the north edge of Banbury and a key component here of the setting of the historic town. Overall, I conclude that in several key local views the proposed built development on the upper parts of the site would be prominent with an intrusive effect that would demonstrably and fundamentally harm the character of the landscape and mask its topography and whilst this effect would be less easily discerned from a distance it would still be significant. This would be in direct conflict with LP policy C7, which resists this outcome and reflects a Framework core principle – to recognise the intrinsic character and beauty of the countryside.
41. The appellant suggests the landscaped approach and less dense edge of the appeal proposal would be preferable to the hard-line edge indicated for the approved scheme – but the full details of the that scheme are reserved for a future application and it would be open to the Council to secure such features for that scheme also.

Benefits of the appeal scheme

42. The Council has acknowledged that the provision of up to 140 dwellings over and above those already approved would be a significant boost to the supply of housing in the district. Some 30% of these would be affordable, secured by planning obligation. This social benefit is a material consideration to which I attach great weight.
43. Added to this would be the provision of jobs during construction and those subsequently derived through local spending by the increased number of households over and above the similar benefits of the approved scheme. This economic benefit adds some moderate weight for the proposal.
44. There would be biodiversity enhancements, public access for recreation to the managed landscape areas of the site, provision of mown pathways, additional planting and the equipped play areas as well as financial contributions to their future maintenance, secured by the planning obligation. Whilst these could be achieved to a degree through the approved scheme, I have seen little to

¹⁹ Hearing document 11, photoviewpoint C

demonstrate that they would be secured by this means and so, these social and environmental benefits add modest weight in the overall balance.

45. The benefits achieved through the on-site provision of retail and community facilities and the provision of a cross-site pedestrian route to link to nearby footpath routes would occur to the same degree through the approved scheme and do not weigh in the balance. The securing through the planning obligation of financial contributions to mitigate the additional pressure on infrastructure that would arise from the proposal including in respect of education, sports and recreation provision, and youth and adult services, refuse collection and policing are not benefits, they merely result in an absence of harm.

Sustainable development

46. Given the extant permission for the lower part of the appeal site, there is little dispute as to the suitability of this location for residential development in terms of access to facilities, public transport and services and the Council has acknowledged this.
47. The Framework clarifies that there are three dimensions to sustainable development – the economic, social, and environmental roles and these are not to be undertaken in isolation, as they are mutually dependent. As set out above the appeal proposal would fulfil two of these, providing economic and social benefits. It would also contribute biodiversity enhancements in respect of the environmental role. However, the environmental role also encompasses the protection and enhancement of our natural and built environment. For the reasons set out above I have found that there would be demonstrable and fundamental effects amounting to significant harm to the character and appearance of the district's landscape, which would also harm the setting of Banbury. It would amount to substantial environmental harm to the countryside here; and whilst the economic role of sustainable development requires sufficient land to be available at the right time to support growth, such land must be '*in the right places*'. As such the proposal cannot be considered to fulfil all three roles and I conclude that it would not amount to sustainable development.

Conclusion

48. Drawing my conclusions together, I find on balance that the proposal would not be sustainable development having regard to the Framework, and the substantial harm identified to the character and appearance of the countryside and the setting of Banbury significantly and demonstrably outweighs the benefits of the proposal, including the contribution to increasing the supply of housing.
49. For the reasons set out above and having regard to all other considerations raised, I conclude that the appeal should be dismissed.
50. As the appeal fails, it is not necessary to consider the provisions of the planning obligation with regard to their compliance with regulation 122 of the Community Infrastructure Levy Regulations.

Wenda Fabian

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr Robert Clarke	Partner, Town Planning, Rapleys Commercial Property & Planning Consultants
Mr Robert Hughes	Tyler Grange LLP
Mrs Clare Brockhurst	Partner, Tyler Grange LLP
Ms Anita Rivera	Head of Town Planning DAC Beachcroft

FOR THE LOCAL PLANNING AUTHORITY:

Mrs Tracey Morrissey	Case Officer, Planning Department, Cherwell District Council
Professor Robert Tregay	LDA Design
Mr Howard Cox	Oxfordshire County Council

INTERESTED PERSONS:

Mrs J Dixey	Local resident
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DOCUMENTS submitted at the hearing

- 1 Appeal decision APP/C3105/A/14/2220513 Broughton Road, Banbury
- 2 Appeal decision APP/C3105/A/14/2227380 Merton, Bicester
- 3 LDA Design Viewpoints 1, 4, 6 & 8 photomontages
- 4 Tyler Grange Viewpoints 1 - 7 photomontages
- 5 Hanwell Conservation Area Appraisal
- 6 Council's 5.3 Key Policies Map: Banbury (revised)
- 7 Cherwell District Council's CIL Compliance Statement
- 8 Woodgreen Leisure Centre Business Case
- 9 SoS Appeal Decision APP/C3105/A/13/2189896
- 10 SoS Appeal Decision APP/C3105/A/13/2189191
- 11 Tyler Grange additional viewpoints A – C photoviewpoints (tabled at accompanied site visit)
- 12 Contour plan (tabled at accompanied site visit)

DOCUMENTS submitted after the Hearing was adjourned

- 13 Signed Planning Obligation by Deed of Agreement under Section 106
- 14 Supplemental Statement of Common Ground between Pandora Trading Ltd (appellant), Cherwell District Council and Oxfordshire County Council

DOCUMENTS submitted after the Hearing was closed in writing

- 15 High Court Judgment dated 5 February 2015, relevant to compliance of Obligation with CIL Regulations
- 16 Council's note on HCJ, dated 20 February 2015, and supporting documents

PLANS on which the Council took its decision

- A Dwg No 101 rev P- Existing Site Plan with planning application boundary
- B Dwg No P-150 Topographical Survey
- C Dwg No 100 PC Indicative Masterplan
- D Dwg No 2098/P11 landscape Proposals

- E Dwg No 13167-48-1rev a Western Site Access Dukes Meadow Drive
- F Dwg No 13167-48-2 Western Site Access Southam Road
- G Dwg No 13167-49 Site Accesses Long Section
- H Dwg No 13167-115 rev a Dukes Meadow Drive Toucan Crossing Option

PLANS submitted at the hearing

- I Dwg No 117 rev PA – A1 version of appellant’s Appendix U

Richborough Estates