

# Land South of Burford Road, Minster Lovell

## Rebuttal Proof of Evidence

### edp7754\_r006a

QA: CMy\_FMi/GLe\_300124

## 1 INTRODUCTION

1.1 This Rebuttal Proof of Evidence (PoE) is provided in respect of appeal reference APP/D3125/W/23/3331279 and provides a number of clarifications following receipt of the Local Planning Authority's (LPA's) combined PoE. It addresses matters relating to landscape and settlement form, in particular the following:

- With reference to paragraph 3.16, it clarifies the Appellant's understanding on the history of the adjacent development (Bovis/Holloway Lane);
- With reference to a number of comments in relation to the ridge height of proposed units (albeit this is a parameter and not fixed at this stage) consideration of the difference between ridge heights of 9m and 10m;
- With reference to paragraph 4.35, it provides clarity on the approach to the northern frontage units; and
- With reference to assertions that the appeal site is too large for the number of units proposed, it provides additional detail on the approach to the site design.

1.2 These matters are addressed below.

## 2 ADJACENT ALLOCATION

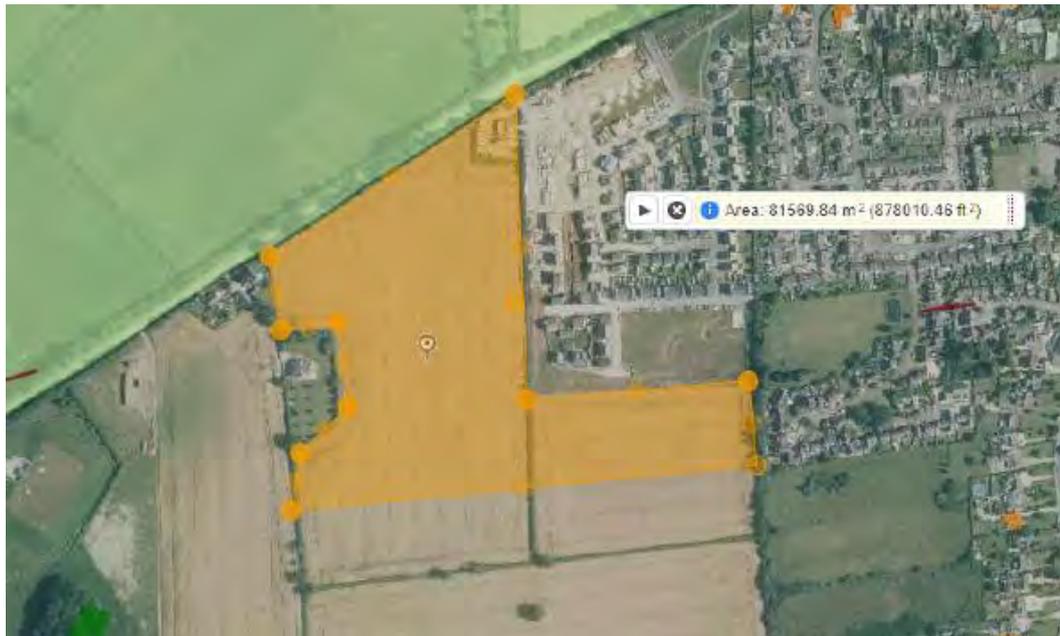
2.1 The Council's PoE sets out at paragraph 3.16 a number of quotes from the *'Report on the Examination of the West Oxfordshire Local Plan 2031'* and provides related commentary. In respect of the comments made under point 143 the appellant would like to make the following points:

- The appellant was aware of the issues with the incorrect size of the allocation on the Policies map, and aware of the concerns of the Inspector at that time;
- The appellant would agree that – in terms of “density and style” – the housing on Ripley Avenue has “more in common with the Wenrisc Drive/Whitehall Close area than it does with the properties fronting Brize Norton Road”. The urban form in these areas is nucleated, and interspersed with areas of green space, which is a character replicated

by appeal proposals (where linear areas of green space are proposed through the development areas and also around their periphery);

- In terms of the contention that “...housing on the land adjacent to, and to the west of, Ripley Avenue would undesirably consolidate these two distinct areas of the village”, the appellant would note that this area was the subject of Pre-Application discussion, which ultimately resulted in the reduction of the red line boundary;
- The Pre-Application response (**CD C4**) sets out that (underlined emphasis added):

*“The proposed development therefore is a lower density than to the built up area that it would adjoin. Perhaps a lower developed area (and less homes) but a greater density should be explored. If the applicant does not wish to reduce the number of homes/developed area. Officers strongly recommend that the developed area (this includes the open space/play area/attenuation basin to the south east of the site, as this would read as part of the development) does not encroach any further to the south than Ripley Avenue (to the east). Please see the below image for a guide. The below site area would bring the site area down to approx. 8ha and as such, a similar density could be achieved to WIT4. Furthermore, the site as shown below would be more in line with the existing settlement limits.”*



- Reading this advice, it is considered that Officers at the Pre-Application stage were making a similar point to the Local Plan Inspector; that is that development (either green space or built development) should not extend south of Ripley Avenue to ensure it would remain “more in line with the existing settlement limits” and therefore also “not undesirably consolidate” the two distinct areas of the village;
- In response to this advice the appellant reduced the site size to that included within the Pre-Application response (shown above), and reduced the overall number of dwellings, and reflected the development density of the adjacent allocation; and

- Importantly in the context of the Local Plan Inspectors' comment that "...housing on the land adjacent to, and to the west of, Ripley Avenue would undesirably consolidate these two distinct areas of the village" and with reference to the Illustrative Masterplan (**CD B7**) the appeal proposals do not propose housing in this location (immediately south of the Bovis/Holloway Lane area of Public Open Space (POS)) but propose open space and Sustainable urban Drainage System (SuDS) basins, which reduce any potential to consolidate the areas of built form further (compared to if this were all built form). Noting that the LPA make no substantive point in respect of this issue, the proposal has therefore evolved and responded positively to Officer advice, in accordance with National Planning Policy Framework (NPPF) 39 – 40.

### **3 RIDGE HEIGHTS AND FRONTAGE UNITS**

- 3.1 The LPA's PoE notes in a number of locations (paragraphs 4.6, 4.10, 4.22, 4.29 and 4.47) that the ridge heights assessed in the Landscape and Visual Appraisal (LVA) were 9m, whereas the Design and Access Statement (DAS) suggests ridge heights of 10m. To indicate the minimal difference in predicted visibility that might occur between dwellings with a 9m ridge and those with a 10m ridge, the appellant has prepared a comparative Zone of Theoretical Visibility (ZTV), which is included at **Appendix EDP 1**.
- 3.2 This minor difference would not have impacted either the findings of the LVA, nor the selection of representative viewpoints used to assess the scheme. This is because the small additional area (shown in light blue) would not have required/resulted in a different range of viewpoints to be selected/checked, and the LVA is supported and informed not only by computer generated visualisations such as this, but more importantly by field work and reference to viewpoint photographs. The appellant will seek to agree this as common ground.
- 3.3 This shows (in light blue) the additional area of theoretical visibility for the 10m ridge height. This is a very small additional area, and whilst within this combined area (i.e., the area covered by both the 9m and 10m ZTV) there is the possibility that additional built form would be visible, from the most sensitive areas (i.e., from the north) and in close range views, the additional 1m of ridge would reflect a barely noticeable addition. It is already the case (as illustrated on the ZTV) that the closest receptor within the Windrush Valley (bridleway 113/7/10) would have the majority of views screened, or heavily filtered, by vegetation both within the valley, and also along Burford Road, in either the 9m or 10m scenario.
- 3.4 Related to this – and particularly the potential for visibility to the north – is the question within the LPA's PoE (at paragraph 4.35 and other locations) regarding the plots nearest to Burford Road. The appellant would note that Officers have not previously suggested bungalows on the northern edge, and we note that housing mix was dealt with at Reserved Matters (RM) stage in respect of the adjacent Bovis site – we would envisage the same here. Bungalows were always going to be a requirement from a housing mix point of view (in line with Policy H4).
- 3.5 From a landscape (and design) perspective, we would agree that it would be advantageous for these to be located along the Burford Road frontage. This would not only respond to the built form within the adjacent Bovis/Holloway Road scheme but reduce any residual visibility

from the north. The appellant would be happy to agree to a planning condition stipulating single-storey dwellings along the sites Burford Road frontage, this is hoped to be agreed in common ground with the LPA in advance of the Inquiry.

#### **4 SITE SIZE AND SCALE**

4.1 The LPA's PoE makes the contention in a number of places (e.g., paragraph 4.13, bullet 2, paragraphs 4.15, 4.49 and 9.92) that the appeal proposals require too much land for the number of units proposed. In response to this, the appellant would confirm that the size of the appeal site is not unnecessarily large and is instead a reflection of its appropriate design which has taken into account the following considerations:

- Utilisation, enhancement, and integration of existing natural site boundaries to the north and the west of the site, alongside avoiding the creation of narrow/leftover areas of agricultural land to the west (if a new western boundary had been drawn tight to the development line);
- The 'loose knit' settlement structure of the adjacent development areas, which provides a precedent in terms of settlement form and structure;
- The 'Placemaking Strategy' and 'Landscape Strategy' objectives set out within the DAS (pages 30 and 31), which provide a comprehensive set of aspirations which respect the appeal site's local context and good design principles;
- Accommodating underground pipes and associated easements (parallel to Burford Road and centrally within the site) where built development is prevented;
- Reflecting the building line fronting Burford Road as established by the Bovis Homes Development to the east;
- Reflecting the aspirations of the WOLA, through retaining and replanting hedgerows and hedgerow trees with naïve varieties;
- The fact that the Committee Report appears to confirm acceptability with the landscape proposals/strategy at paragraph 5.9;
- Providing a landscape offset to the eastern boundary to enable the establishment and protection of existing and future planting between the Bovis scheme and the appeal proposals; and
- The accommodation of on-site surface water attenuation, as well as reflecting the open space form detailed in the Bovis scheme, which determined the amount of open space on the eastern edge of the site.

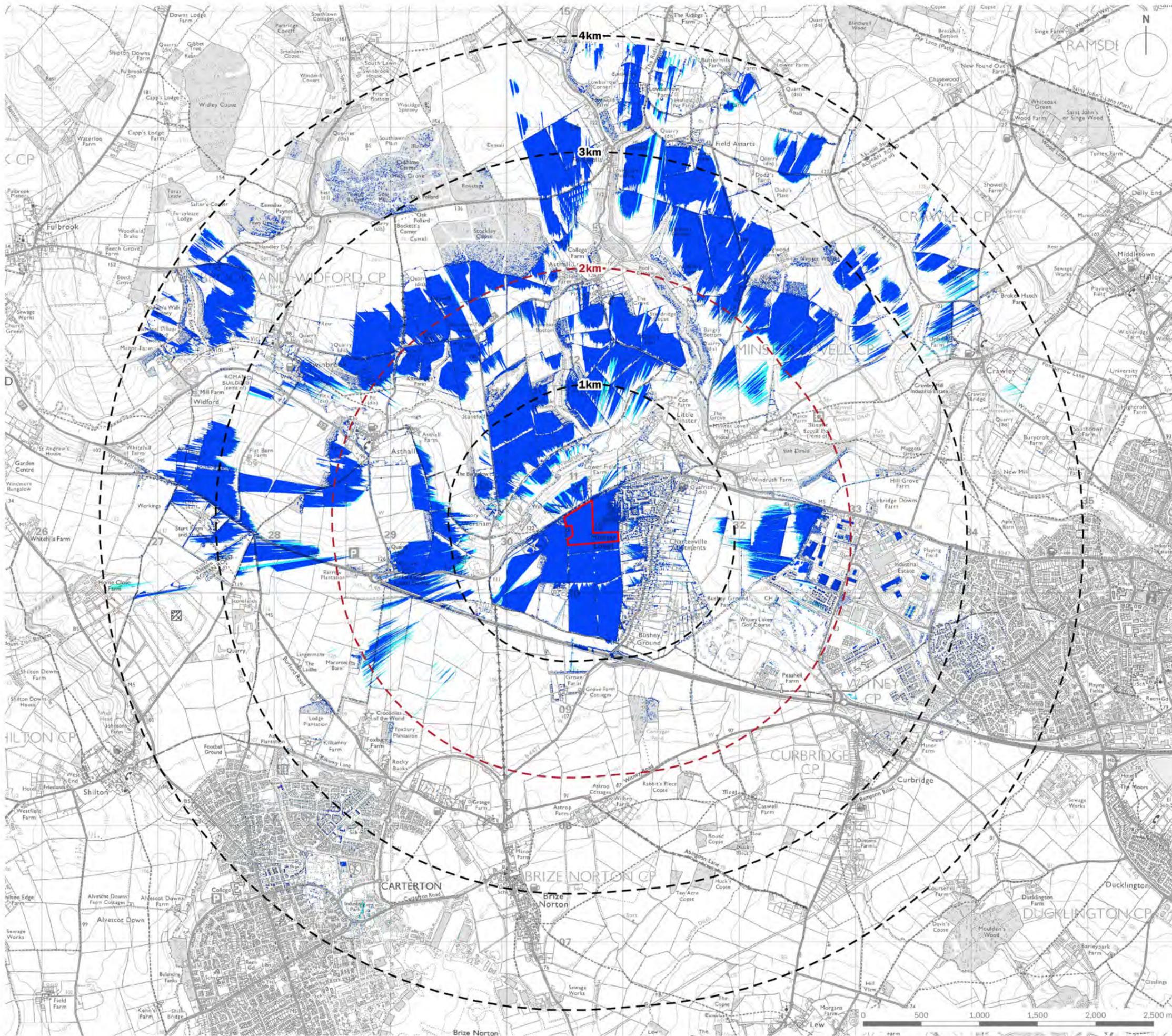
- 4.2 The conclusion of the DAS states the following, which provides a succinct summary of the overall approach taken to site design and layout:

*“Placemaking is central to the proposed development and the proposals are in accordance with the strategic placemaking principles. The development will offer an efficient number and mix of house types, sizes and affordability, that will be of an appropriate density.*

*The landscape-led scheme is designed to create interest and distinctiveness through a hierarchy of streets introducing different functions and characters. It provides new areas of public open space and diverse recreational routes, linking to the wider countryside. With Green Infrastructure forming*

*an integral part of the proposals, existing habitats will be enhanced, enabling increased biodiversity for wildlife. These habitats include attenuation basins, amenity grassland and areas of scrub set within a landscape buffer, benefiting both the community and wildlife.”*

**Appendix EDP 1**  
**Comparative ZTV: Proof Plan CM 10**  
**(edp7754\_d022 24 January 2024 VMs/CMY)**



**PROOF PLAN CM 10**

-  Site Boundary
-  Range Rings (at 1km intervals)
-  2km Detailed Study Area
- Zone of Theoretical Visibility (ZTV)**
-  9m Proposed Development Height
-  10m Proposed Development Height (Additional Visibility to the 9m ZTV)

**NOTE**

Zone of Theoretical Visibility (ZTV) was calculated using a spatial modelling algorithm which considers the following parameters:

- 1.6m Receptor Elevation (Observer Height)
- 9m/10m Proposed Development Locations (Ridge Height)
- 360 Degree Field of View
- LiDAR 1m Digital Surface Model (DSM) (vertical accuracy of up to +/- 5cm)

client	<b>Catesby Strategic Land Limited</b>	
project title	<b>Land south of Burford Road, Minster Lovell</b>	
drawing title	<b>Proof Plan CM 10: Comparative ZTV</b>	
date	<b>24 JANUARY 2024</b>	drawn by <b>VMS</b>
drawing number	<b>edp7754_d022</b>	checked <b>CMy</b>
scale	<b>1:32,000 @ A3</b>	QA <b>GYo</b>



Registered office: 01285 740427 · www.edp-uk.co.uk · info@edp-uk.co.uk