

# LECKHAMPTON WITH WARDEN HILL NEIGHBOURHOOD DEVELOPMENT PLAN

Response on behalf of Miller Homes

JBB7795.C8323  
Final  
11 April 2023

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# 1 INTRODUCTION

- 1.1 RPS has been instructed to prepare a response to the draft Leckhampton with Warden Hill Neighbourhood Development Plan Regulation 14 consultation ('LWHNDP') made on behalf of Miller Homes ('MH'). MH has an interest in Land at Leckhampton ('the Site') allocated for residential development under Policy MD4 of the Cheltenham Plan ('CP') adopted in July 2020 and which is located within the LWHNDP area.
- 1.2 As explained on the Leckhampton with Warden Hill Parish Council ('LWHPC') website, the original consultation on the LWHNDP under Regulation 14 was carried out between September and November 2021. RPS submitted representations to that consultation on MH's behalf in response to the draft policies as these would have implications for any planning applications brought forward in relation to the Site. Following this consultation, LWHPC decided in April 2022 to republish the draft LWHNDP for a second Regulation 14 version. This was done so, it is stated in the LWHNDP, in order to make the plan concise and readable, but also to update the evidence base underpinning the consultation. The consultation ran between November 2022 and January 2023.
- 1.3 Unfortunately, neither RPS nor MH were made aware that a second draft consultation was being contemplated in respect of the LWHNDP. LWHPC confirm that they contacted MH as part of this process but they used out of date contact details previously supplied to them by MH. As a result, MH were not in a position to submit representations within the allotted time period. Following discussions with LWHPC, it was agreed that MH would be given a further period of time until 11<sup>th</sup> April 2023 to submit a response to this consultation, which forms the basis of the representations presented here. These Representations are accompanied by Counsel's Opinion (provided as Appendix A).
- 1.4 For reference, RPS and MH would request that they be kept informed regarding the next stages as the LWHNDP moves forward and would welcome discussions with LWHPC on matters raised in this submission.
- 1.5 The responses set out in this submission broadly follow the structure and content of the draft LWHNDP.

## 2 SUSTAINABLE DEVELOPMENT AND REGARD TO NATIONAL POLICY

- 2.1 The LWHNDP's paragraph 18 refers to paragraph 8 of the NPPF which advises that plans should pursue the three over-arching objectives (economic, social, and environmental) in order to achieve sustainable development. Table 1 of the LWHNDP (page 13) provides a matrix based on how the seven draft policies are perceived in contributing towards the three objectives, which *'...demonstrates how each of the policies with the [plan] contributes to the achievement of one or more of the over-arching objectives....'*
- 2.2 However, paragraph 8 of the NPPF makes clear that the three objectives are 'interdependent' and need to be pursued in a mutually supportive way *'so that opportunities can be taken to secure net gains across each of the different objectives.'* Similarly, paragraph 9 stipulates that the three objectives *'should not be read as criteria against which every decision can or should be taken, but planning policies should instead play an active role in guiding development towards sustainable solutions but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area'*.
- 2.3 In this respect, RPS notes that Table 1 makes no reference to need for plans to support the delivery of housing, which is one of the primary components in the achievement of the social dimension of sustainable development (though we note the LWHNDP does refer however to 'locally-based employment opportunities').
- 2.4 The LWHNDP has insufficient regard to the 'needs and opportunities' in relation to ensuring plans support delivery of housing (a social objective) in line with paragraph 8 and 9 of the NPPF. This is pertinent given the current land supply position in Cheltenham. Notably, the lack of a deliverable supply of housing land across the borough.
- 2.5 A very recent appeal decision, at The Reddings<sup>1</sup>, issued on 14 March 2023 found the Council conceded that it cannot demonstrate a five-year supply of deliverable housing sites as required by the NPPF, stating the position is currently 2.6 years (DL, 19). This appeal was subsequently allowed.
- 2.6 An earlier decision at Oakley Farm<sup>2</sup>, also allowed on appeal, went further by acknowledging that the shortfall in housing in Cheltenham was 'very substantial' even before the re-run of the Regulation 14 consultation and against a slightly better position of 2.9 years at the time (DL 14). The Inspector in this decision also recognised the implications of this situation in Cheltenham, stating *'...A plan-led approach to development is certainly desirable, but in this instance, there seems little prospect of a timely plan-led remedy. For now, the housing land supply situation remains most unsatisfactory,*

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<sup>1</sup> Appeal Ref: APP/B1605/W/22/3308204 The Hayloft, The Reddings, Cheltenham, Gloucestershire GL51 6RL

<sup>2</sup> Appeal Ref: APP/B1605/W/21/3273053 Land at Oakley Farm, Cheltenham

*and housing supply from individual planning applications therefore become all the more valuable...'* (DL, 22). RPS agrees with this summation.

- 2.7 The current land supply position in Cheltenham therefore represents a clear 'local opportunity' for the LWHNDP to promote and facilitate the timely release of sites for housing in order to address the wider shortfall in housing supply in the borough. **Unfortunately, land supply has largely been ignored by the Parish Council and AP Limited in preparing the second LWHNDP document. The approach taken in the LWHNDP is in breach of the basic conditions and in particular the need to have 'regard to national policy' in supporting the social aspects of sustainability, in particular the delivery of housing.**

## 3 VISION AND OBJECTIVES

### Key Challenges

- 3.1 Under the section 'key challenges', the LWHNDP refers to housing. Paragraph 64 acknowledges the 'issue of an ageing population' and the 'net outward migration of young people'. This is evident in the profile of the parish as summarised in paragraph 37, which highlights the disparity in age structure compared with the national picture. The LWHNDP therefore rightly identifies that a need exists for local people to have access to affordable housing in Leckhampton as a means by which they and other people on lower incomes can live in the parish. RPS notes that affordable housing is mentioned under LWH Objective 2. Nonetheless, this is a key 'social objective' of sustainable development that is not reflected in any of the draft policies, despite the profile and challenges facing the parish.
- 3.2 The LWHNDP makes no positive reference to the Land at Leckhampton (site allocation MD4) which can make a significant contribution towards the housing needs of the community. That is a serious omission and fails to reflect national policy and guidance within NPPF paragraphs 13 and 29. **The CP Allocation Policy MD4 should be expressly supported by LWPFC as a viable and deliverable solution in the short-term to address the housing problems facing the Borough more widely.** This will ensure the LWHNDP reflects the issues and problems faced by people living in the parish and also has due regard to national policy on the delivery of housing and the requirement to meet the development needs of the area.

### LWH Objective 2

- 3.3 As highlighted above, the vision and objectives do support the need for new homes to '*deliver housing of a size and type and level of affordability*' to meet the needs of the area'. **This objective should go further and make specific reference to the site allocation MD4 given its size and significance towards not only in meeting housing needs in the parish, but also across the Borough. RPS therefore recommends that a suitable amendment is made under the Vision and Objectives section of the LWHNDP to reflect this recommendation.** It is recommended the Vision be extended to specifically reference allocation MD4 as the principal allocation and mechanism to support housing delivery in the LWHNDP area as follows:

***'deliver housing of a size and type and level of affordability' to meet the needs of the area and specifically the contribution made by CP Allocation Policy MD4 which is supported in its entirety.***

## 4 POLICY LWH2: TRANSPORT PLAN, WALKING AND CYCLING

- 4.1 RPS welcomes the decision to delete the previous version of Policy LWH2 from the LWHNDP. This policy sought to impose 24 additional and separate criteria applicable to land allocated for residential development under Policy MD4 of the Cheltenham Plan, which the LWHNDP defined as the 'Northern Fields'. This draft policy was unnecessary and unjustified as explained in our previous submissions.
- 4.2 RPS continues to have fundamental concerns about the drafting of this policy and considers that it does not meet the basic conditions. We shall address the two halves of the policy in turn

### Transport Plan

- 4.3 Certain elements within the previous draft policy relating to transport (criterion h and r) have been reworked and represented as part of the new draft Policy LWH2. In addition, the redrafted policy now refers to a separate 'Transport & Travel Plan' appended to the LWHNDP (at Appendix B) which includes seven 'specific recommendations' on transport-related matters which expand on elements of the new draft policy, but also overlap other new criteria.
- 4.4 The first paragraph of the policy identifies five aspects relating to the 'Transport Plan'. However, these elements are presented as objectives rather than as policy criteria and the text is therefore completely unclear how these would be applied in the determination of planning applications in the area, contrary to paragraphs 16d and f of the NPPF and the need to provide decision-makers with 'clear and unambiguous' policies with a clear purpose. In addition, RPS would restate the point it made in its response to the first Regulation 14 version, in particular that these objectives repeat the criteria already set out in JCS Policy SD4(vii) on movement and connectivity. It is not necessary or appropriate to repeat the strategic policies within the LWHNDP in order to deliver these objectives, and their continued retention is therefore in breach of basic conditions 8(2)(a), (d) and (e).
- 4.5 **On this basis, these objectives should be either removed from the policy. They do not represent clear provisions for assessing planning applications.**

### Proposed Walking and Cycling routes

- 4.6 Policy LWH2 also includes six walking and cycling routes identified as 'priority requirements' within the LWHNDP area; these routes are shown diagrammatically (not in detail) in Figure 10. Three of the six routes (a, b, and d) directly relate to the site allocation MD4. Criterion a and b appear to relate to routes outside the boundary of MD4 involving provision of crossing facilities across the A46 to other parts of the LWHNDP area and beyond. The third route, route 'd', would require a link directly through the MD4 allocation connecting the new Secondary School on the southside of the allocation to the local GP surgery and the residential areas to the north (east).
- 4.7 RPS has four concerns regarding these proposals. **Firstly**, it is not clear from the way the policy is worded whether the approach would preclude the provision of any other potential facilities or

improvements within or adjacent to the MD4 allocation that would equally accord with the purpose of the policy. That is a serious defect for a policy of this kind, creating potential uncertainty in how the decision-maker should react if a planning application did not include reference to these routes as part of the proposals, in particular any proposals to address walking and cycling provision on the allocated land. **Additional clarity is required on this matter, specifically clear wording to make clear that this is not the case. Such an approach would be contrary to national policy.**

4.8 **Secondly**, and related to the issues above, RPS questions the necessity for a specific reference to particular routes, given the requirement under Policy SD4vii for schemes to *'Provide safe and legible connections to the existing walking, cycling and public transport networks'*. **RPS recommends such references are not needed in a neighbourhood plan as there is already sufficient coverage in the strategic policies on this matter.**

4.9 **Thirdly**, all three routes involve land outside Miller Homes' control extending way beyond the boundary of allocation MD4. Therefore, if there were any legal or other impediments preventing the provision of these routes, in part or in full, this could delay or even prevent the delivery of an otherwise policy-compliant development in accordance with Policy MD4 on the Site. This would clearly not be an appropriate outcome in terms of NPPF 13 and 29 also given the current housing supply situation in the Borough.

4.10 And **fourthly**, as highlighted in our previous responses to the original Regulation 14 consultation, the policy raises wider issues regarding what might be considered appropriate obligations under the three tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 as expressed in paragraph 57 of the NPPF. There has been no viability testing of the LWHNDP, as would be necessary for a policy seeking to impose financial obligations. Whilst desirable, RPS does not consider the provision of these routes to be necessary to make the development of MD4 acceptable in planning terms, neither are they fairly and reasonably related in scale and kind to the development of MD4, nor directly related to the development of MD4. On this basis, **Policy LWH2 should be amended to clarify how these route proposals would be applied in the determination of planning applications involving the MD4 allocation and explain how these criteria are justified in the context of national policy governing the use of planning obligations. At present, in the absence of any clarity in the policy text, the appropriate course would be complete deletion of the policy.**

4.11 In any event, the proposals brought forward on the MD4 allocation on behalf of MH and are currently the subject of an appeal including new controlled crossings along the A46 in conjunction with the new Secondary School and the nearby Kendrick Homes development, and potential for a new link to the east to Merlin Way (with developer contributions assigned for improvements to the public right of way to Merlin Way). RPS contends that the proposed residential development on the MD4 allocation would broadly accord with the criteria in draft Policy LWH2 regardless.



## 5 POLICY LWH3: LOCAL GREEN SPACE

- 5.1 RPS notes that site MD4 is located adjacent to the Leckhampton Fields Local Green Space (LGS) which is covered by draft Policy LWH3. The final paragraph of Policy LWH3 would require any application on MD4 to have regard to the 'history, landscape and rural nature' of the LGS and in addition to 'management and improvement objectives' for the LGS. RPS notes the only reference in Policy MD4 of the Cheltenham Plan to LGS is merely as a constraint, given its adjacency; whilst Policy GI1 of the Cheltenham Plan resists inappropriate development within a LGS, noting views of the local community should be given particular attention to development that affects an LGS. This wording also goes considerably beyond national policy, which only carefully restricts the effect of LGS/Green Belt policy to land within the LGS area.
- 5.2 The LWHNDP is therefore attempting to impose additional policy criteria that go beyond the requirements of strategic Policies MD4 and Policy GI1 and thus seek to unduly and unjustifiably restrict development on the allocated site that is outside the LGS and thus could undermine rather than support the implementation of Policy MD4, contrary to paragraph 29 of the NPPF and potentially conflicts with the basic conditions on general conformity with the development plan. As the Counsel's Opinion which accompanies this submission (Appendix A) observes, there are broader issues with Policy LWH3 in its attempt to place additional constraints on development within the LGS area. In order to address these concerns, **RPS recommends that the whole of Policy LWH3 is deleted.**
- 5.3 Miller Homes is aware of the importance of the Local Green Space (LGS) to the local community and has sought to enhance the LGS outside and adjacent to the MD4 allocation through its application/appeal submission. As part of the application part of the LGS would be improved in any event and the existing green infrastructure enhanced, compliant with Local Plan Policy GI1 as acknowledged by the Professional Officers of CBC in the application committee report. The proposals include open space (Moorend Meadows) as part of the application and includes open space enhancements to the existing orchard and the provision of new footpaths and allotments. These are features which meet the aspirations of the LWHNDP. The land is currently inaccessible and the proposals would secure enhanced access and enjoyment of the LGS for the benefit of the local community.

## 6 POLICY LWH4: GREEN INFRASTRUCTURE

6.1 This draft policy references the ‘roles and functions’ of existing green infrastructure identified in Figure 12 and Appendix 3 of the LWHNDP which should be protected and enhanced including in respect of development on the MD4 allocation. This would also include maintenance and enhancement of those roles and functions on-site, supported through developer contributions.

6.2 Figure 12 and Appendix 3 of the LWHNDP identify three areas of green infrastructure that are nevertheless located within the boundary of the MD4 allocation. These areas are:

- 6 – Line of Hatherley Brook and neighbouring flood zone
- 7 – Field Parcels ‘R2’ and ‘R3’
- 17 - Hedgerows and trees in and around fields and smallholdings

6.3 Area 6 largely comprises land within areas at risk of flooding and so would not constitute developable land on any reasonable assessment. RPS would also question whether the small areas ‘fingers’ extending in a north-westerly and easterly direction actually form part of Hatherley Brook or are at risk of flooding which is very narrow in extent, as can be seen in the extract below. This part of the policy has not properly been evidenced and justified.

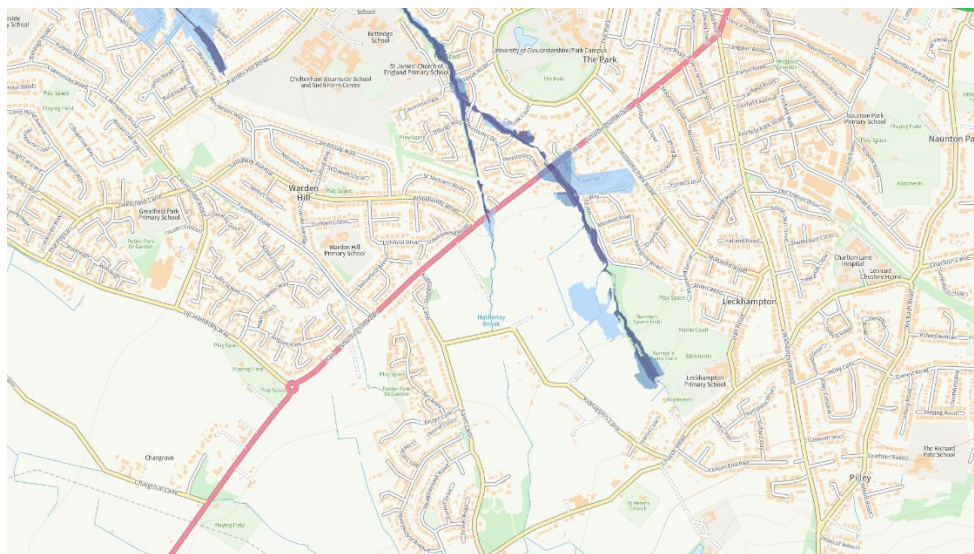


Figure 6-1 Extent of flooding – Leckhampton (<https://check-long-term-flood-risk.service.gov.uk/map>)

6.4 On this basis, **the identification within Appendix 3 of Area 6 is not justified on the available evidence. No evidence has presented in the LWHNDP to justify any incursion of these protections in a lateral direction west or east to include land beyond Hatherley Brook corridor.**

6.5 Area 7 includes two parcels of land that are of particular interest to LWHPC and which have been specifically identified for protection and enhancement in the LWHNDP under Policy LWH5. The full extent of these areas is shown in Appendix 3.

- 6.6 Key to the justification for these parcels, the LWHNDP Appendix 3 refers to interim findings of the JCS Inspector (Inspector Ord) titled 'Notes of Recommendations (July 2016) and evidence presented at the JCS examination (Landscape and Visual Sensitivity and Urban Design report October 2012).
- 6.7 Inspector Ord reported on the Joint Core Strategy (JCS) on three occasions and commented on the extent of development she found acceptable in the area of C6a (which includes MD4). Third parties refer to an interim, "Note of Recommendations", provided following the 21st July 2016 hearing. The introduction to this document makes clear the purpose of that report.
- 6.8 Paragraph 1 of Ord's note stated:
- "This note is a record of the recommendations made at the 21 July hearing session following consideration of additional evidence presented since my Interim Report. It is written for the benefit of those who were not present at the hearings to inform them of progress and next steps. It does not contain full reasoning, which is left over to my final report. All recommendations are subject to any further evidence which might come forward before submission of my final report."*
- 6.9 Paragraph 185 of the final JCS Inspectors Report includes Inspector Ord's concluding remarks on MD4:
- ".a reduced local allocation could be made at Leckhampton in the forthcoming Cheltenham Local Plan, which should also designate Local Green Space within this area. Whilst I previously commented that an allocation in the order of 200 dwellings at Leckhampton might be reasonable, this was only an approximation and intended to indicate a scale below the strategic threshold for the JCS. The final figures should be based on a full assessment of the area to provide the evidence base to underpin an appropriate allocation."*
- 6.10 Following on from the adoption of the JCS, the Cheltenham Local Plan Inspector subsequently determined the extent of MD4 and the approximate level of housing (350 dwellings) for the site. The Inspector made reference to the JCS Inspector's conclusions in setting the context for an assessment of MD4 (CLP Final report, paragraph 64). In considering the extent of land take for housing, the Inspector included R2 and R3 recognising that the land required would step outside the areas identified by the JCS Inspector.
- 6.11 The Local Plan Inspector's report paragraph 72 states
- "The level of housing as now proposed is less than 50% of the site for 764 dwellings considered by the Inspector at the JCS examination. The impact on the landscape and natural environment has been the subject of considerable evidence from both the developers of the housing site and from GCC. I accept that there would be a significant change in the character of the area in the vicinity of the proposals. However, residential development would be primarily concentrated in the area which both I and the JCS Inspector consider to be most able to accommodate it, and careful siting of the school buildings and playing fields south of Kidnappers Lane would ensure that its impact is mitigated through careful design and landscape treatment." (emphasis)*

- 6.12 So called areas R2 and R3 (Area 7) also have no statutory landscape designations attached to them in the current Cheltenham Local Plan (CLP), but they lie fully within and are therefore subject to the provisions of Policy MD4, which is an allocation for 350 dwellings. The land was considered as part of a wider area for a Local Green Space (LGS) designation for the CP, which has in part been determined on the basis of valued landscape characteristics, but these two areas were excluded from the final designated area by the CP Inspector.
- 6.13 In terms of landscape sensitivity, the overall sensitivity rating identified in Appendix 3, C6a South Cheltenham (Leckhampton) was identified in the JCS Landscape and Visual Sensitivity and Urban Design report October 2012. It comprises a Local Green Space to the south and the housing allocation (MD4) to the north, which includes areas R2 and R3. Overall the area (C6a) has a rating of High - Medium. However, the land within R2 and R3 were both identified as less sensitive with a rating of Medium landscape sensitivity and Medium visual sensitivity. R2 and R3 also lie adjacent to the least sensitive areas of the wider site to the north and some distance from the higher sensitivity landscapes to the south.
- 6.14 In addition, there is no evidential basis for seeking specific protection or enhancements to Area 17 over and above existing protections afforded to those features of value on the parcel that would already be protected under existing development plan policies.
- 6.15 **In conclusion, the extent of MD4 has been determined on the basis of considerable evidence and was allocated recognising that residential development would step outside areas identified by the JCS Inspector and would include, in part, areas R2 and R3 (Area 7) and Area 17. The developable area has therefore been established.**
- 6.16 **The LWHNDP is seeking to effectively reopen the debate that has long been settled regarding what the scale of development should be on the allocation and seeks to limit development on the MD4 beyond that which is allowed for under an extant development plan policy (MD4).**
- 6.17 **There is no clear justification that any specific protections should be afforded to parcels R2 and R3 beyond the protections afforded under the existing development plan policies, notably Policy MD4. Similarly, there is also no justification presented in the LWHNDP or Appendix 3 to warrant specific protection of Area 17 or features therein beyond those afforded under existing development plan policies.**

## 7 POLICY LWH5: VALUED LANDSCAPES

- 7.1 Policy LWH5 has been redrafted and provides a generic policy approach on the matter of Valued Landscapes. The draft policy does not make any specific reference to particular sites or locations within the LWHNDP area. This is welcomed. Nonetheless, the policy is supported by a *Landscape Character Assessment Update with an evaluation of Landscape Value* carried out by Lepus Consulting, dated September 2022. Comments set out below respond to the updated report and are provided on behalf of MH by HDA Consulting ('HDA').
- 7.2 Lepus was commissioned by LWHPC to carry out an update to their previous studies to support the draft LWHNDP. It bases much of its landscape value characterisation on the 2021 Landscape Institute Technical Guidance Note 'Assessing landscape value outside national designations'. As the report identifies at para 6.1.2, this methodology does not replace current guidance for sensitivity or landscape character assessment but sits alongside to assist in value assessment. Current assessments of landscape sensitivity and character are therefore still germane and no less relevant to the consideration of sites or the effects of proposed development.
- 7.3 Whilst referencing current best practice in relation to identifying valued landscape elements, within the report's defined study area, there is no fine grained assessment of landscape character, or the contribution individual valued landscape assets make to the character of different areas of the study area. For example, there are clearly many landscape features within and around Lotts Meadow which combine to form a valued landscape, features which are complimented by open vistas of the AONB hills to the south. Such valued features and views are largely absent from much of the MD4 Allocation where derelict greenhouses and poor-quality land are most apparent. An assessment of such differences in the character and appearance of the study area and the presence or absence of valued features across the study area are lacking in the report.
- 7.4 The report, therefore, takes a broad brush approach to assessment, based on considering the study area as a single large Landscape Character Area (LCA). Section 5 of the report sets out its assessment of landscape character sighting desk top assessment as the reason for this approach, the report is without a clear reasoned justification as to why a more fine-grained approach was not used.
- 7.5 Box 5.1 of the report provides a summary of Natural England's approach as to how and why LCA's should be defined. This includes:
- Can provide a good spatially referenced framework from where patterns of local distinctiveness and factors influencing sense of place, can be drawn; and
  - Can be used to develop tailored policies and strategies, that reflect the characteristics that make a given landscape different or special.
- 7.6 In order to inform strategies or policies that reflect the varying character of the study area and to provide a good spatially referenced framework, a more detailed landscape character framework should have been used.

- 7.7 The HDA local landscape assessment is contained within the LVIA that accompanied the planning application and sets out a more detailed and fine grained assessment of local landscape character and the likely effects of the development on those character areas. The more detailed approach to character assessment allows for clear and transparent analysis of the value of specific areas and the assessment of effects of the proposed development. This is appended to this submission as Appendix B. The LVIA approach and assessment was supported by CBC Officers and their Consultants, Ryder Landscape Consultants (RL) acting as the Council's specialist Landscape Advisor, as indicated in the Officer Committee report (paragraphs 6.6.1-6.6.12).
- 7.8 As a result of the broad-brush approach of the Lepus assessment, the conclusions of their report are similarly broad brush and state that '*the landscape of the study area is highly valuable under the majority of indicators*' (paragraph 8.2.2). However, there are no exceptions or qualifications to the extent of the valuable landscape or comment on the land proposed for development under Policy MD4. HDA object to the generality of the recommendations in respect to valued features and the policy which flows from its conclusions. The policy washes over the MD4 allocation and therefore fails to provide a bespoke assessment at the site-specific level.
- 7.9 With regard to specific indicators identified in the report, there are no direct references to areas R2 or R3. Table 6.3 of the report (Landscape condition indicators) fails to reference the derelict and disused greenhouses across the northern part of the site which are noticeable detractors in the landscape. Derelict greenhouse and hard standings are significant features of area R3.
- 7.10 In terms of the visual analysis of the study area, and views out of the site, towards the AONB, the parcels R2 and R3 do not form part of any existing public view south across the site. The Lepus report photos 7 and 8 identify the important aspects of views from footpaths adjacent to R2/3. Neither R2 nor R3 form part of those views. There are no footpaths or means of access to the public into R2 or R3 which would provide any additional views.
- 7.11 A full assessment of views from the AONB is included in the HDA LVIA shown in Appendix B which demonstrates that parcel R3 is not open to view from any vantage point on the elevated ground of the AONB. Similarly, parcel R2 is not visible from viewpoint 11 and as stated in the Lepus report, views are heavily filtered in view 12 and only open to view, as a distant and minor contributor to the view from viewpoint 13.
- 7.12 **In conclusion, there is no reasoned justification for highlighting areas R2 or R3 within the Landscape Character Assessment Update as particularly valued landscape either with regard to landscape features within the areas or their visual sensitivity. These two parcels cannot be covered by Policy LWH5.**

## Appendix A Counsel Opinion

**IN THE MATTER OF THE TOWN AND COUNTRY PLANNING ACT 1990**

**LAND AT LECKHAMPTON**

**AND THE LECKHAMPTON WITH WARDEN HILL NEIGHBOURHOOD PLAN**

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**OPINION**

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**Introduction**

1. I am instructed to advise Miller Homes (“Miller”) through their instructed planning consultants, RPS, in respect of the second Regulation 14 Version of the Leckhampton with Warden Hill Neighbourhood Plan (“the Neighbourhood Plan”). The Neighbourhood Plan has been promoted by Leckhampton with Warden Hill Parish Council (“the Parish Council”) within the administrative area of Cheltenham Borough Council (“the Borough Council”).
2. Miller have an interest in Land at Leckhampton which is allocated for development by Cheltenham Borough Council (“the Borough Council”) Policy MD4 of the Cheltenham Plan (“the Local Plan”) (adopted in July 2020). They have submitted an application for 350 dwellings and associated development (Reference: 20/01788/FUL) (“the Application”) which was initially refused planning permission on a single ground, contrary to Officers’ recommendation. Miller have appealed against that refusal under s78 of the Town and Country Planning Act 1990.
3. An initial Regulation 14 version was the subject of consultation between September and November 2021. Miller submitted a detailed response recommending modifications to the text on the basis that the policy content did not meet the basic conditions. During 2022, the Parish Council made a number of changes to the text, including removal of a number of the sections identified by Miller. The Parish Council then proceeded to carry out a further Regulation 14 consultation between November 2022 and January 2023, but notified Miller using incorrect out-of-date contact details. The consultation has therefore been extended to allow for the submission of Miller’s response.



4. RPS are submitting a consultation response setting out Miller's objections to various policies within the Neighbourhood Plan, notably the wording of the following four policies, in so far as this refers to land within the Policy MD4 allocation:
  - (i) Policy LWH2 (Transport Plan, Walking and Cycling);
  - (ii) Policy LWH3 (Local Green Space);
  - (iii) Policy LWH4 (Green Infrastructure) and
  - (iv) LWH5 (Valued Landscapes).
5. Additional observations are made about broader sections of the supporting text, notably an overarching failure to recognise the importance of Policy MD4.
6. I have been asked to advise as to whether the above four policies meet the basic conditions under paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, and the appropriate modifications.
7. For the reasons set out within the RPS submissions, in my opinion, all four of the policies fail to meet the basic conditions in their current format. For certain policies, the flaws are so serious that the policies would have to be deleted wholesale prior to any submission of the Neighbourhood Plan to the Borough Council for examination.

### **General Principles**

8. Schedule 4B of the Town and Country Planning Act 1990 defines the basic conditions (with all underlining added both here and below):

*(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,*

...

*(d) the making of the order contributes to the achievement of sustainable development,*

*(e) the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),*

*(f) the making of the order does not breach, and is otherwise compatible with, EU obligations,...*

9. Basic conditions (a), (d) and (e) provide an important constraint on the content of a neighbourhood plan where there is a major allocation in an adopted development plan.

10. Under NPPF 13, a Neighbourhood Plan must “ support the delivery of strategic policies contained in local plans ... and should shape and direct development that is outside of these strategic policies.”

11. NPPF 29 then makes clear:

*29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.*

12. The above national policy requirements are underscored by a number of paragraphs within the Planning Practice Guidance (“PPG”), notably PPG 41-044:

*The resulting draft neighbourhood plan must meet the basic conditions if it is to proceed. National planning policy states that it should support the strategic development needs set out in strategic policies for the area, plan positively to support local development and should not promote less development than set out in the strategic policies (see paragraph 13 and paragraph 29 of the National Planning Policy Framework). Nor should it be used to constrain the delivery of a strategic site allocated for development in the local plan or spatial development strategy.*

13. An important, allied national policy requirement is that a neighbourhood plan should not seek to duplicate existing policy text to that in the Local Plan. This is an express stipulation of NPPF 16(d) and (f) which requires that all plans must:

*d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;*

*f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).” (see also PPG 41-043).*

## Policy LWH2

14. Policy LWH2 has correctly been substantially reduced from its earlier version, which sought to impose multiple additional criteria on development within the allocated area, in a manner which was plainly contrary to the basic conditions.
15. The remaining version of Policy LWH2 continues to contain policy content which is contrary to the basic conditions. At present, the defects are so serious that the whole policy would require deletion. There has been a fundamental failure to reflect NPPF 13/29 (support for strategic allocations) and 16 (non-duplication), and also wider aspects of the NPPF, such as NPPF 57 (limitation on the imposition of financial contributions).

## Transport Plans

16. The first component “Transport Plans” seeks to impose additional content requirements in respect of planning applications:

### *Transport Plan*

*All those with a role in creating, managing and responding to traffic growth in the local environment of Leckhampton with Warden Hill should actively promote sustainable transport measures set out in the Transport Plan in Appendix 2, including:*

- *The development of better walking and cycling connections*
- *Improved traffic management including lower speed limits*
- *Reallocation of priority on highways to cyclists and pedestrians*
- *Support for the retention of key local facilities serving local people on foot.*
- *Better provision and distribution of public transport routes, services and stops*

17. This policy is significantly flawed in at least two respects.
18. First, the policy is misdirected at a wider category of decisions “creating, managing and responding to traffic growth”. A neighbourhood plan can only contain “policies which relate to the development and use of land” (section 38A(2) PCPA 2004). The policy

therefore fails to focus on planning applications and decisions and accordingly further breaches NPPF 16(d) and (f), lacking the necessary clarity.

19. Second, the policy duplicates the content of the existing development plan, the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, Policy SD4(vii) which provides:

*vii. Movement and connectivity;*

*New development should be designed to integrate, where appropriate, with existing development, and prioritise movement by sustainable transport modes, both through the application of legible connections to the wider movement network, and assessment of the hierarchy of transport modes set out in Table SD4a below. It should:*

- *Be well integrated with the movement network within and beyond the development itself*
- *Provide safe and legible connections to the existing walking, cycling and public transport networks;*
- *Ensure accessibility to local services for pedestrians and cyclists and those using public transport*
- *Ensure links to green infrastructure;*
- *Incorporate, where feasible, facilities for charging plug-in and other ultra-low emission vehicles;*
- *Be fully consistent with guidance, including that relating to parking provision, set out in the Manual for Gloucestershire Streets and other relevant guidance documents in force at the time.*

20. The policy wording of SD4(vii) was assessed by the Inspector as sound, having regard to the NPPF, using the correct terminology of “integration” and “accessibility” in contrast to the vague terminology in the current LWH2: “better connections” or “improved traffic management”. Those objectives of LWH2 which are consistent with national policy are already covered by the Local Plan. To introduce such ambiguous wording into the neighbourhood plan is not merely inconsistent with NPPF 16, but also would threaten to delay the delivery of the allocation wholly contrary to NPPF 13 and 29.

21. The only appropriate course of action would therefore be deletion of this component from the policy text.

Proposed Walking and Cycling Routes

22. The second half of the policy states (so far as applicable):

*Walking and Cycling proposals*

*Where appropriate, new development should contribute to the development of improved walking and cycling connections by incorporating specific proposals on site or through financial contributions towards off-site provision. The following routes are identified as priority requirements within the Neighbourhood Plan area:*

*a) Improved routes and crossing facilities from housing allocation site MD4 across A46 highway to the edge of the Neighbourhood Plan Area in the direction of St James Primary School and Bournside.*

*b) Improved routes and crossing facilities from residential development along Farm Lane and from allocation site MD4 across A46 highway to Salisbury Avenue Neighbourhood Centre and Warden Hill Primary School.*

*...*

*d) From High School Leckhampton across housing allocation site MD4 to the edge of the Neighbourhood Plan area adjacent to school catchment residential areas to the north also connecting housing allocation site MD4 to the local GP surgery.*

23. Here again there are significant flaws arising from ambiguity in the wording and a general failure to understand the constraints imposed by national policy.
24. First, the policy text again essentially duplicates Policy SD4(vii) in seeking to promote integration and accessibility. The policy text should be deleted on this basis alone.
25. Second, the policy wording is highly ambiguous and has simply not been prepared with a proper consideration of how it would impact on the delivery of MD4. The policy begins with an overarching “where appropriate” qualifier, but then proceeds to define a closed class of “priority routes”. The policy fails to reflect provision that can be made elsewhere within the site or in other locations. It also fails to consider the legality and practicality of requiring “*financial contributions towards off-site provision*”, contrary to NPPF 34:

*34. Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.*

26. The Neighbourhood Plan has not been subject to any form of viability testing and there is no evidence base considering how contributions would work in practice. The only logical response to such a policy (if it was theoretically contained in a made neighbourhood plan) is that none of the requirements are “appropriate”.
27. Third, following from the above, there is no sign within the policy text that the authors of the plan have engaged with the actual proposals delivered through the application, listed within the RPS submissions.
28. For all these reasons, LWH2 remains in breach of basic conditions 8(2)(a), (d) and (e) and at the present time, the only appropriate course of action would be its deletion prior to any submission of the Neighbourhood Plan.

### **Policy LWH3: Local Green Space**

29. Policy LWH3 provides:

*Within Local Green Space, and in keeping with its rural characteristics, the following types of development are supported to achieve the Neighbourhood Plan’s local objectives for Local Green Space:*

- a) Pathways*
- b) Signposts*
- c) Interpretation Boards*
- d) Benches*
- e) Similar development compatible with the use and purposes of a Local Green Space and with Walking, Cycling, Green Infrastructure and Valued Landscape objectives and policies.*

*Landscaping, planting, biodiversity mitigation and net gain, and pedestrian/cycle access proposals associated with proposals for new development on sites adjoining the Local Green Space should have regard to the history, landscape and rural nature of the Local Green Space and to management and improvement objectives developed for the Leckhampton Fields Local Green Space.*

30. All LGS policies must be approached with a high degree of caution, following the judgment of the Court of Appeal in the case of *Lochailort Investments v Mendip DC* [2020] EWCA Civ 1259, where the decision to send the plan to referendum was quashed due to the Neighbourhood Plan LGS policy seeking to overreach the strict constraints of NPPF 103 (then NPPF 101). The policy wording in question contained

wording which went beyond the NPPF requiring development to “*enhance[e] the original use and reasons for the designation of the space.*” The Court of Appeal found such wording inconsistent with national policy: [33] and the Examiner’s approval of such a policy as unlawful.

31. The authors of the neighbourhood plan have ostensibly failed to have proper regard to the *Lochailort* judgment in seeking to define the category of development that may be permissible within the LGS. On this basis alone, the policy should be deleted wholesale, or the plan could face the same fate as in *Lochailort*.
32. The text of second half is however also drafted without proper regard to national policy. The NPPF observes a sharp distinction between land within an LGS and land outside. There is no requirement for development outside a designated area to have any regard to its LGS status and it is wholly inappropriate for an LGS to seek to do so. Moreover the wording is drafted in a fashion that it is wholly unclear: “*have regard to history, landscape and rural nature*”. That wording is entirely opaque and transgresses the most basic expectations of NPPF 16d. The same applies to the “*management and improvement objectives*”. That lack of clarity risks the policy becoming unacceptably restrictive of the delivery of the strategic policy.
33. The only appropriate and lawful response is the deletion of the whole policy, given the defects in both halves.

#### **Policy LWH4: Green Infrastructure**

34. Policy LWH4 provides:

*POLICY LWH4 – Green Infrastructure*

*The roles and functions of existing green infrastructure identified in Figure 12 and Appendix 3 should be protected and enhanced when considering new proposals for development including expected development at housing allocation site MD4. Where feasible, new development should contribute through onsite provision to the maintenance and enhancement of local green infrastructure roles and functions.*

*Future objectives for the maintenance and improvement of Leckhampton with Warden Hill Neighbourhood Plan Area green infrastructure should also be supported through*

*developer contributions where appropriate.*

35. Figure 12 then designated the following areas of green infrastructure within the MD4 allocation:
- Area 6 – Line of Hatherley Brook and neighbouring flood zone
  - Area 7 – Field Parcels ‘R2’ and ‘R3’
  - Area 17 - Hedgerows and trees in and around fields and smallholdings
36. The planning and technical objections to the designation of Areas 6, 7 and 17 have been set out in the RPS submissions, which I shall not repeat at length.
37. Common to all three designations is a complete failure to grapple with NPPF 13 and 29, and the clear emphasis that neighbourhood plans should “*shape and direct development that is outside of these strategic policies*”. This will ordinarily rule out a restrictive designation within the boundaries of an allocated aream, as a matter of principle. The designation is not justified by robust or indeed any evidence. None of Areas 6, 7 and 17 have been designated with proper regard to the importance of avoiding restrictions on the allocation. The designations should have no place in the Neighbourhood Plan and must be deleted on this basis alone.
38. The position is particularly serious in respect of Area 7 where the area in question was specifically identified by the Local Plan Inspector as appropriate for development. The Neighbourhood Plan’s attempt to include a further designation without proper regard to that earlier determination places the Neighbourhood Plan in further breach of the basic condntions. The position is similar to that in *R(Stonegate Homes) v Horsham BC [2016] EWHC 2512 (Admin)*, where the neighbourhood plan sought to ignore the findings of a Planning Inspector on a s78 appeal as to suitability for development in the context of highways matters. The High Court quashed the decision to send the neighbourhood plan to referendum on a various grounds including a lack of evidential foundation for the conclusions, which was tied to the Council’s failure to consider the Inspector’s decision. For this additional reason, all of the Areas, and especially Area 7, must be deleted from reference within the policy.



## **Policy LWH5: Valued Landscapes**

39. Policy LWH5 provides:

### *POLICY LWH5 – Conserving and Enhancing Valued Landscape*

*In conjunction with Policy LWH3 and LWH4 of this Neighbourhood Plan, where appropriate, new developments within the Neighbourhood Plan Area should satisfy the following principles to:*

- a) Preserve essential features of Valued Landscape within the Neighbourhood Area, including layout of public roads, rights of way, the field pattern, vegetated character of highways.*
- b) Maintain and enhance the contribution of Valued Landscape within the Neighbourhood Area to the setting of the Cotswold AONB. Ensure new development does not significantly reduce the visual link between the Local Green Space and the Cotswold Escarpment.*
- c) Incorporate landscape and ecological improvement proposals to protect, maintain and enhance the landscape and wildlife value of watercourses, hedgerows and trees.*
- d) Focus on opportunities for biodiversity net gain from new development on improvements and extensions to priority habitats including orchards and semi-improved grasslands*
- e) Provide a sufficient level of green infrastructure to maintain the strategic role of green infrastructure in providing a green setting for Valued Landscape.*
- f) Complement management principles for the Leckhampton Local Green Space in the provision of external landscaping, planting and biodiversity enhancement, where relevant.*
- g) Consider opportunities for provision of educational signage and interpretation to improve understanding about the history and character of the Neighbourhood Area.*

40. Policy LWH5 previously referred to specified valued landscape areas. Whilst the policy is now more generic, the supporting text refers to a “Landscape Character Assessment Update with an evaluation of Landscape Value” which in turn contains some limited assessment of Field Parcels R2 and R3.

41. For the reasons set out in the RPS submission, these areas do not meet the high threshold for a valued landscape (following the judgment in *Stroud District Council v SSCLG* [2015] EWHC 488, [14] as approved in several later cases). The

Neighbourhood Plan should not be used as a vehicle to seek to impose valued landscape designations within the allocation. The appropriate course of action would therefore be to modify the text to make clear that there no valued landscapes within the Policy MD4 area or associated with it. If the Neighbourhood Plan seeks to impose any such constraint on the allocation, contrary to NPPF 13/29 then the whole policy would need to be deleted.

## **Conclusion**

42. The Parish Council have correctly identified that where an earlier Regulation 14 consultation version is defective, then it is necessary to complete a further Regulation 14 consultation prior to even contemplating submission to the Borough Council.
43. The difficulty with the present version is that it has only gone part of the way to recognising the importance of the Policy MD4 allocation and the significant constraints on neighbourhood plan policy content in this situation, via NPPF 13/29. There is also a pervasive lack of clarity and ambiguity in the policy text, contrary to NPPF 16. The Neighbourhood Plan is therefore not, in its current format and content, a document that meets the basic conditions. The clear expectation of national policy and guidance is that it should have been informed by direct engagement with the landowners/developers and the proposed application, carefully avoiding policy content within the designated area. As matters stand, the appropriate course of action would be for the Plan to be subject to further preparation and a further Regulation 14 consultation to be undertaken in due course.
44. I have addressed the matters set out in my instructions. Should those instructing require further advice, I can be contacted in Chambers.

**JAMES CORBET BURCHER**

**No5 Chambers**

**11 April 2023**

## Appendix B Landscape and Visual Impact Assessment



**SHURDINGTON ROAD, LECKHAMPTON**

**Landscape and Visual Appraisal**

**by**

**Hankinson Duckett Associates**

**for**

**Miller Homes**

**HDA ref: 436.16**

**Issue: 02**

**Date: October 2020**

**hankinson duckett associates**

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**Appendix 1:** HDA LVA Methodology

**Appendix 2:** Landscape Effects of Development

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**Appendix 4:** Landscape Character; Extracts

## **1 INTRODUCTION**

### **1.1 Instructions**

1.1.1 Hankinson Duckett Associates has been appointed by Miller Homes to undertake a Landscape and Visual Appraisal (LVA) for a residential development of 350 dwellings on Land to the south of Shurdington Road, Cheltenham (Plan HDA 1). This report assesses the likely effects of the scheme (here after referred to as the Site) which includes residential housing, associated car parking, public open space and landscape planting.

1.1.2 The area proposed for development lies adjacent to the south-western edge of the Cheltenham Principal Urban Area (PUA), and within Leckhampton with Warden Hill Parish.

### **1.2 Methodology**

1.2.1 National landscape guidance uses landscape character as a basis for policy. Natural England has established the current methodology for the character-based approach to landscape assessment (*Ref 1*). This provides a foundation, with adaptation, for use in project-specific landscape assessment. It describes the application of landscape character assessment at different scales: the national/regional scale, local authority scale and local scale. The third edition of the 'Guidelines for Landscape and Visual Impact Assessment' (*2013, Ref 2*) sets out landscape assessment methodology, which provides the basis for use in project-specific landscape assessment.

1.2.2 The approach to this Landscape and Visual Appraisal is based upon the latest guidance, and upon HDA's extensive practical experience of assessment work. HDA's Methodology for Landscape and Visual Assessment is set out within Appendix 1 of this report. Site surveys have been undertaken on a number of occasions in 2018 and 2019 and included assessment of the wider area.

## **2 LANDSCAPE PLANNING POLICY CONTEXT**

### **2.1 Introduction**

The landscape and visual appraisal has regard to the requirements of the development planning process. The planning framework assists in the identification of the issues related to landscape, particularly in relation to landscape designation and policy objectives. Relevant designations and policy area boundaries are illustrated on plan HDA 2.

### **2.2 National Planning Policy Framework**

2.2.1 The National Planning Policy Framework sets out the government's planning policy. Relevant paragraphs from the Framework are identified below.

### Achieving Sustainable Development

2.2.2 Paragraph 8 of the Framework sets out how sustainable development can be achieved, through three overarching objectives:

- a) Economic;
- b) Social; and
- c) Environmental.

2.2.3 The environmental objective, c), seeks *'to contribute to protecting and enhancing our natural, built and historic environment'*. Paragraph 10 states that *'at the heart of the Framework is a presumption in favour of sustainable development'*.

### Achieving Well-Designed Places

2.2.4 Section 12 concerns the achievement of well-designed places. *'The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve'* (Paragraph 124). Paragraph 127 states that:

*"Planning policies and 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, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."*

### Conserving and Enhancing the Natural Environment

2.2.5 Section 15 of the Framework relates to *'Conserving and enhancing the natural environment'*. The means by which this can be achieved are set out within Paragraph 170 and include:



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

*a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

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

*c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*

*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; .....*”

### AONB

2.2.6 The site is located approximately 650m from the Cotswolds Area of Outstanding Natural Beauty (AONB). Paragraph 172 of the Framework states that:

*“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues...”*

Policy 172 relates to land within National Parks and AONB's and does not refer to setting specifically.

2.2.7 Section 85 of The Countryside and Rights of Way Act 2000 states that:

*‘In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.’*

2.2.8 The wording of the Act highlights the Council's responsibility to consider the wider context of potential effects of a development on a protected landscape, balanced with the requirement for sustainable patterns of development.

## **2.3 National Planning Practice Guidance (NPPG)**

2.3.1 The NPPG was launched as a web-based resource on 6th March 2014. The guidance supports and informs the framework and sets out further specific planning guidance. NPPG categories relevant to this development include ‘*Conserving and Enhancing the Historic Environment*’, ‘*Design*’ and ‘*Natural Environment*’. Both the ‘*Design*’ and ‘*Natural Environment*’ categories advocate a character-based approach to the design and implementation of new development.

2.3.2 The National Design Guide, published in September 2019, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's suite of planning practice guidance notes and should be read alongside the separate planning practice guidance on design process and tools.

2.3.3 The Design Guide highlights good practice in relation to identifying the local and wider context of the site and local character and identity. Specific consideration is given to the provision of a variety of open space and play, the inclusion of rich and varied biodiversity and high quality and green open spaces.

## **2.4 Regional Policy**

2.4.1 The site lies within the remit of Cheltenham Borough Council. The overarching strategic level policies are contained within the Joint Core Strategy (JCS), which was prepared in partnership between Cheltenham Borough Council, Tewkesbury Borough Council and Gloucester City Council and supported by Gloucestershire County Council. It was adopted by all three councils in December 2017 and provides a co-ordinated strategic development plan for the period up to 2031. The following policies from the JCS address landscape character and visual considerations. This LVA has been prepared with these policies in mind

### 2.4.2 JCS Policy SD7: The Cotswolds Area of Outstanding Natural Beauty

Policy CO2 of Cheltenham Local Plan (Landscape Character) is replaced by Policy SD7 of the JCS regarding the Cotswolds AONB. This policy states that:

*'All development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan.'*

### 2.4.3 JCS Policy SD4: Design Requirements.

This Policy states that new development should *'respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness'*.

### 2.4.4 JCS Policy SD6: Landscape

Policy SD6 states that:

*'1. Development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being;*

*2. Proposals will have regard to the local distinctiveness and historic character of the different landscapes in the JCS area, drawing, as appropriate, upon existing Landscape Character Assessments and the Landscape Character and Sensitivity Analysis. They will*

*be required to demonstrate how the development will protect or enhance landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement or area;*

*3. All applications for development will consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect...'*

#### 2.4.5 JCS Policy INF3: Green Infrastructure

Policy INF3 supersedes the 2006 Local Plan Policy RC13. This Policy states that:

*'3. Existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services (including biodiversity, landscape / townscape quality, the historic environment, public access, recreation and play) and the connectivity of the green infrastructure network. Development proposals that will have an impact on woodlands, hedges and trees will need to include a justification for why this impact cannot be avoided and should incorporate measures acceptable to the Local Planning Authority to mitigate the loss. Mitigation should be provided on-site or, where this is not possible, in the immediate environs of the site*

*4. Where assets are created, retained or replaced within a scheme, they should be properly integrated into the design and contribute to local character and distinctiveness. Proposals should also make provisions for future maintenance of green infrastructure.*

#### 2.4.6 JCS Policy SD8: Historic Environment

Policy SD8 states that:

*'2. Development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment;'*

### **2.5 Local Plan Policy**

2.5.1 Current planning policy for Cheltenham is contained in the July 2020 Local Plan and associated supplementary planning guidance and supplementary planning documents and development briefs. The Inspector's final report on the Cheltenham Local Plan was published on 17<sup>th</sup> March 2020 confirming the soundness of the plan and the inclusion of The Site (referred to as MD5 now MD4) as a housing allocation. The Plan was adopted by the LPA on 20<sup>th</sup> July 2020.

## **2.6 Cheltenham Local Plan**

The Cheltenham Plan, includes the following relevant policies:

### **2.6.1 POLICY MD4: LECKHAMPTON**

Site description

Originally a JCS site, development at this location will need to take into account landscape impacts, highways issues and green space. Site boundaries are based on the JCS Inspector's comments in her Note of Recommendations from 21 July 2016. Development at this location will need to ensure that the JCS examination's consideration and findings related to this site are fully taken into account. Along with this, the site has an extensive planning history related to the earlier, larger proposal (13/01605/OUT); the Inspector's and Secretary of State's findings in this appeal should also be reflected in any future scheme.

Site area: 21ha

Constraints

- Local Green Space
- Impact on AONB
- Flood Risk mitigation
- Highways
- Heritage assets

Site specific requirements

- Approximately 350 dwellings on land north of Kidnappers Lane
- Provision of a secondary of school with six forms of entry on land to the south of Kidnappers Lane
- Safe, easy and convenient pedestrian and cycle links within the site and to key centres
- A layout and form that respects the existing urban and rural characteristics of the vicinity
- A layout and form of development that respects the character, significance and setting of heritage assets that may be affected by the development
- A layout and form of development that respects the visual sensitivity and landscape character of the site as part of the setting for the AONB

### **2.6.2 POLICY GI1: LOCAL GREEN SPACE**

Development will not be permitted within a Local Green Space, designated either within the Cheltenham Plan or an approved Neighbourhood Plan, unless there are very special circumstances which outweigh the harm to the Local Green Space. Particular attention will be paid to the views of the local community in assessing any development proposals that affect a designated Local Green Space.

The sites listed in Table 8 are designated as Local Green Spaces within the Cheltenham

2.6.3 The Leckhampton site is 26.4ha, reference no. 15.

#### **2.6.4 POLICY GI2: PROTECTION AND REPLACEMENT OF TREES**

The Borough Council will resist the unnecessary (Note 1) felling of trees on private land and will make Tree Preservation Orders in appropriate cases.

For protected trees (Note 2), the Council will require:

- a) any tree which has to be felled to be replaced, where practicable (Note 3); and
- b) pruning, where it is necessary, to be undertaken so as to minimise harm to the health or general appearance of a tree and to be in conformity with British Standard for Tree Work (BS3998, 2010).

In cases where trees are not protected by a Tree Preservation Order or by being in a Conservation Area but contribute to the townscape and character of the town, the Council will consider including such trees in a Tree Preservation Order.

#### **2.6.5 POLICY GI3: TREES AND DEVELOPMENT**

Development which would cause permanent damage to trees of high value (Note 1) will not be permitted.

The following may be required in conjunction with development:

- a) the retention of existing trees (Note 2); and
- b) the planting of new trees (Note 3); and
- c) measures adequate to ensure the protection of trees during construction works.

### **2.7 Neighbourhood Development Plan**

2.7.1 Leckhampton with Warden Hill Parish was designated as a Neighbourhood Area by Cheltenham Borough Council in 2015. The Neighbourhood Development Plan group has produced a number of documents including a Landscape and Visual Appraisal (Lepus November 2017).

## **3 SITE CONTEXT**

### **3.1 Location (Plan HDA 1)**

3.1.1 The application site of approximately 18 hectares is located on the south-western edge of Cheltenham. Cheltenham is a town in the county of Gloucestershire located to the east of the M5, approximately 15 km to the north-east of Gloucester and 15 km to the south-east of Tewkesbury.

3.1.2 The centre of Cheltenham is located approximately 3km to the north of the Site with the parish of Leckhampton to the east of the Site and the residential district of Warden Hill located beyond the A46 (Shurdington Road) to the north.

- 3.1.3 The Site is a broadly rectangular parcel of land, contained by roads, watercourses and field boundaries and includes the Hatherley Brook which runs through the middle of the site. To the north the Site is bounded by the Shurdington Road (A46), and the line of the abandoned Great Western railway line to Banbury. To the east the site is bounded by Moorend Stream and to the west by Kidnappers Lane. The southern boundary comprises hedgerow field boundaries to the east of the Hatherley Brook and Kidnappers Lane to the west.
- 3.1.4 Approximately 1km to the south of the Site lies Leckhampton Hill, located within the Cotswold Area of Outstanding Natural Beauty (AONB) and crossed by the Cotswold Way at its summit (the Devils Chimney).
- 3.1.5 The location and boundary of the Site is identified on Plan HDA 1.

### **3.2 Geology**

- 3.2.1 The town of Cheltenham is located on blue lias formation and Charmouth mudstone formation bedrock, in an area of Evesham 3 soils. The National Soil Resource Institute has classified the Site as having lime rich, loamy and clayey soils, with impeded drainage (soilscape 9). The site is a mix of Grade 2, Grade 3a and Grade 3b as classified land under the Post 1988 Agricultural Land Classification (England). The Cheltenham Borough Council Strategic Flood Risk Assessment Level 1 shows that the Site is located on River Terrace Deposits.

### **3.3 Landform and Drainage (Plan HDA 3)**

- 3.3.1 The topography of the wider study area is dominated by the Cotswold escarpment, which consists of Leckhampton Hill (293m AOD at Devil's Chimney) to the south of the Site, Hartley Hill (287m AOD) to the south-east and Shurdington Hill (262m AOD) to the south-west. The escarpment contains the southern edge of Cheltenham.
- 3.3.2 The area to the north of Church Road and Leckhampton Lane is on a much gentler north-facing slope, with rolling topography to the west. The Site is relatively level, on a gentle north-facing slope with levels of 78m AOD to the south, falling to approximately 68m AOD along the railway line to the north-east of the site.
- 3.3.3 The Hatherley Brook runs south-to-north through the centre of the site. The side slopes to the brook are steep to its west and more gentle to its east-side. The Moorend Stream runs adjacent to the eastern boundary of the site, beyond the site boundary hedgerow and a public footpath. The streams are fed by a network of field drains which criss-cross the site and from run off from the elevated land to the south.

### **3.4 Local Land Use and Vegetation (Plan HDA 5)**

- 3.4.1 The site covers approximately 18ha and consists of pastoral fields, smallholdings/ market gardens and associated buildings and redundant greenhouses, remnant orchard and tree groups.
- 3.4.2 To the north, west and east the site boundaries abut the Cheltenham Principal Urban Area (PUA), and to the south the site is adjacent to undeveloped green fields and Kidnappers Lane. The parish of Leckhampton forms the eastern boundary of the site and residential development around The Park and Warden Hill lies to the north of Shurdington Road (A46). The proximity of the urban edge has an urbanising influence on adjacent parts of the site.
- 3.4.3 The undeveloped area between the site and Church Road to the south consists of pastoral fields, orchards, plant nursery sites and scattered dwellings served by Farm Lane and Kidnappers Lane to the south and west. Recently permitted housing development will be constructed on the former Berry's nurse site. The area to the immediate south-east of the site is comprised of a group of adjoining publicly valued green spaces: Lotts Meadow (a field crossed by public rights of way and frequently used by local residents) Burrows sports field, the Hall Road allotments and a local school with associated sports ground. These areas, west of the Moorend Stream, are to be included in a Local Green Space designation (subject to the adoption of the draft Local Plan).
- 3.4.4 The old village of Leckhampton (within Cheltenham PUA) has developed along Church Road up to Kidnappers Lane. To the west of the Kidnappers Lane and Church Road junction, Church Road has a more rural character and includes listed buildings, and a moated site and fishpond which is designated as a Scheduled Monument. South of Church Road the land is rural agricultural land and forms the northern edge of the Cotswold AONB.
- 3.4.5 To the west of Farm Lane is a 20<sup>th</sup> century block of housing, The Lanes and a recent housing development, currently under construction, extend south to Leckhampton Lane. Undeveloped Green Belt land is located beyond this area of development, to the south and west.
- 3.4.6 Vegetation within the Site consists of tree belts running along the watercourses and hedgerow field boundaries, along with some areas of remnant orchards. Woodlands are more of a feature to the south of the Site on the Cotswold escarpment and intervening lower slopes. Dogkennel Wood is located to the south-east and woodland covers much of Leckhampton Hill. Furze Wood is located to the south-west on Shurdington Hill.

### **3.5 Designations (Plan HDA 2)**

3.5.1 There are no landscape designations on, or adjacent to, the Site. The Cotswolds Area of Outstanding Natural Beauty (AONB) lies approximately 600 metres to the south at the closest point. There is limited intervisibility between the AONB from Leckhampton Hill and the application site.

3.5.2 The site is approximately 150m from the edge of The Cheltenham Central Conservation Area at the closest point where it runs along the Shurdington Road to the north-east. This is a large Conservation Area and the nearest listed buildings to the site are located within it around the Park (approximately 277m to the north); however, none of these listed buildings have visual continuity with the site due to intervening buildings and vegetation. There are a number of listed buildings and one Scheduled Monument to the south and west of the site. The nearest of these is the Grade II listed Olde England which is situated 350m to the south of the site, close to the Grade II listed Moat Cottage. The Scheduled Monument at Church Farm is 500m to the south. Other Scheduled Monuments are over 2km from the site.

3.5.3 There are no areas of Ancient Woodland within or adjacent to the site. Woodland is concentrated on the escarpment with the closest Ancient Woodland being located 2km to the south-west of the site at Shurdington Grove.

3.5.4 There are a large number of public rights of way (PROW) throughout the surrounding area, the majority of which are footpaths. The Cheltenham Circular Walk crosses the area to the south of Kidnappers Lane and is a Long-distance Walkers Association Trail (LDWAT), which loops around Cheltenham. Leckhampton Footpath 12 runs along the eastern boundary of the site and Leckhampton Footpath 6 runs through the Site and along a part of the south-western boundary.

## **4 LANDSCAPE BASELINE**

### **4.1 Landscape Character**

#### National Scale

4.1.1 The study area is located towards the south-eastern edge of the Severn and Avon Vales (Character Area 106) as identified in The National Character areas profiles produced by Natural England (Ref 9). This Character Area is associated with a diverse range of flat and gently undulating landscapes which are generally open without extensive woodland. The southern edge of Cheltenham is adjacent to and surrounded by Character 107, Cotswolds as identified in The Countryside Character areas produced by The Countryside Agency (Ref 10). The main characteristics of this area are defined by its underlying geology with dramatic scarps rising above adjacent lowlands.



4.1.2 The Site is located close to the border between the two Character Areas, with Leckhampton Hill to the south in the Cotswolds overlooking the Severn and Avon Vales character area (which includes the Site).

4.1.3 The Site and surrounding area share some of the characteristics of the National Character Area Profiles, including having a well-wooded character provided by frequent hedgerow trees and surviving orchards and dramatic limestone scarp which has influenced drainage, soils, vegetation and land use.

#### County Scale

4.1.3 The County Landscape Character Assessment for Gloucestershire was completed in January 2006 by Landscape Design Associates (LDA) for Gloucestershire County Council and is still extant. This Assessment identifies 38 character types within Gloucestershire. The Site at Leckhampton is located in an area of 'Settled Unwooded Vale: SV6B: Vale of Gloucester', which forms the majority of the landscape character type of the Cheltenham urban fringe, and is bordered to the north and east by the Urban character of Cheltenham (see HDA 4).

4.1.4 The key characteristics of the Settled Unwooded Vale SV6B: Vale of Gloucester are listed below and an extract reproduced in Appendix 4:

- *Soft, gently undulating to flat landscape, but with intermittent locally elevated areas that project above the otherwise flatter landform;*
- *Area drained by a series of east west aligned tributaries of the Severn, including the Cam, Frome and Chelt, and the Stratford Avon flowing into the Severn from the north;*
- *Mixed arable and pastoral land use enclosed by hedgerow network, in places forming a strong landscape pattern;*
- *Limited woodland cover with mature hedgerow trees and occasional orchards; Rural areas bordered by large urban suburban areas and interspersed with commercial and industrial premises;*
- *Varied mix of building materials including brick, timber, and stone, and slate and thatch roofing;*
- *Proliferation of modern 'suburban' building styles and materials;*
- *Major transport corridors pass through the Vale, frequently aligned north south, beyond which is a network of local roads and lanes linking villages and hamlets;*
- *and Widespread network of pylons and transmission lines.*

4.1.4 To the south of the Settled Unwooded Vale SV6B: Vale of Gloucester is the Settled Unwooded Vale 18A: Vale of Gloucester Fringe. This is described in the Cotswold AONB partnership 2002 LCA report. The key characteristics of this area are:

- *'Soft gently undulating landform, with lower escarpment slopes forming a transitional area between the vale and escarpment;*
- *Cotswolds Escarpment defines the eastern limit of the Vale and provides a dramatic backdrop to vale settlements and landscapes;*
- *mixed arable and pasture use with occasional orchards;*
- *well maintained hedgerows forming a strong landscape pattern;*
- *limited woodland and ancient woodland cover;*
- *quiet winding lanes linking villages, hamlets and farms at the foot of the escarpment;*
- *varied mix of building materials, including use of brick, timber and stone, and slate and thatch roofing, but with Oolitic Limestone still prevalent within the vale villages in closer proximity to the Cotswolds Escarpment;*
- *proliferation of modern 'suburban' building styles and materials;*
- *major transport corridors through vale;*
- *rural areas bordered by large urban and suburban areas and interspersed with commercial and industrial uses; and*
- *widespread network of pylons and transmission lines.'*

#### District Scale

4.1.5 In 2013 The Joint Core Strategy (JCS) published the Landscape Characterisation Assessment and Sensitivity Analysis. This report built on the LDA 2006 report and is a more detailed study which results in smaller and more intricate landscape character areas, outside of the Cotswolds AONB.

4.1.6 The area of undeveloped land at Leckhampton is labelled Landscape Character Area A within the JCS 2013 report (See Appendix 4 for an extract). This is the area bounded by Shurdington Road to the north, the PUA to the east and south, Church Road along the south and Farm Lane to the west. The characteristics of this area are detailed below:

- *'A very gently sloping, intimate landscape, consisting of numerous small holdings and nurseries (of varying condition), that are predominantly used as unimproved pasture.'*
- *'Enclosed almost entirely by built form in the north, west and east, with the Cotswold AONB Escarpment directly to the south and south-east, the area is further enclosed at a local scale by a strong and varied tree structure...'*

- *'Field size ranges from small to medium, bound by tree and scrub, and post and wire fence. Two tributaries of the Hatherley Brook provide natural and well vegetated features.'*
- *Although the fast A46 passes the site other roads are narrower and somewhat less trafficked. The proximity to residential development with associated fencing; a commercial auction unit and associated car parking; dilapidated nursery greenhouses; and the often dishevelled aesthetic of the area can have a detrimental visual impact.*
- *dense built form is often fully or partly screened by vegetation; settlement within the site takes the form of scattered farmsteads and cottages (often of historic importance); and the small holdings with varied animals (pigs, sheep, horses and chickens) and 'home-made' appearance lend a textural, intimate and personal quality to the area. Vegetation, fencing, and grass are often rough in nature and ridge and furrow and other localised undulations add interest to the pasture.'*

#### Landscape Sensitivity assessment

4.1.5 In the 2013 JCS report the Landscape Character Area A is classified as C1: Leckhampton North in the sensitivity assessment and is awarded a High-Medium sensitivity with the following reasons:

- *'Localised historic significance - moated site, ridge and furrow, traditional/period buildings*
- *Unkempt appearance and limited views within the site*
- *High doorstep amenity value – including a network of public footpaths*
- *Quite tranquil considering proximity to built form and A46*
- *Important green/rural 'buffer' between Cheltenham and AONB - readily viewed from the AONB*
- *Diverse vegetation structure with potential for high biodiversity'*

#### HDA Local Landscape Character Areas

4.1.6 In recognition of the changes in character across the local landscape, the site and its immediate rural surroundings have been divided into 3 different character areas (CA1-3 on plan HDA 4). These are summarised below:

- CA1 – Leckhampton Urban Fringe: The character area is located to the south of Shurdington Road and includes two plant nursery sites and smallholdings. The area contains urban fringe land uses and is surrounded by built development on three sides. Many of the buildings and fields are unmanaged / in poor condition. Generally flat topography with streams and ditches running through the area and a good network of hedges. This area includes the Site.

- CA2 – Leckhampton Open Pasture: Located to the south-east of the site, the area consists of medium and large pasture with an intact hedgerow network and hedgerow trees. The area has a rural and open character with views of the Cotswold escarpment.
- CA3 - Leckhampton Contained Pasture: Located to the south-west of the site, beyond Kidnappers Lane, the area comprises a mixture of medium sized fields in pasture with hedgerow boundaries and some remnant orchard. Settlement is scattered and contains listed buildings and a scheduled monument. A number of footpaths cross the area, with views of Leckhampton Hill from southern section of character area.

#### Summary of landscape assessment

4.1.7 The Site shares a number of the characteristics identified in the County and District level Character Assessments. The site is gently undulating to flat landscape with mixed land use and occasional derelict or disused orchards, enclosed by a strong pattern of hedgerows, but with limited woodland cover. It is an area interspersed with commercial and horticultural premises, many disused and lies adjacent to a large urban area.

#### **4.2 Site Character and Features**

4.2.1 The site has previously been used for market gardening and currently includes small holdings and remnant orchards. It is an irregular shape being made up of several subdivided fields. There are three areas of linear woodland, along Hatherley Brook and Moorend Stream, and a short length along the disused railway embankment to the north-west. A number of mature hedgerows form substantial boundary features to the site and form part of the internal field pattern. Small areas of scrub and tall ruderal vegetation are found throughout the site.

#### **4.3 Baseline Landscape conclusions**

4.3.1 The key landscape features within and adjacent to the Site are the two watercourses, the Hatherley Brook and the Moorend Stream, and their associated belts of trees and vegetation consisting of mature category A and B trees, some of which are protected by Tree Preservation Order (TPO). Species include willow, ash, birch and oak. Secondary to these are the mature tree belts are the mature Crack Willow, with a hedgerow understorey located within the Site. The other high-quality landscape features are the boundary hedgerows on Kidnappers lane and those that form field boundaries within the Site. The sensitivity of these features' ranges from Low – unmanaged fields with scrub to High – mature TPO oak trees.

4.3.2 The Site does contain some of the key characteristics of character area SV6B: Vale of Gloucester (Ref 11). The northern fields, within the Site, have a more urban edge characteristics, whereas the south-eastern fields display the more rural characteristics of the 'Settled Unwooded Vale' landscape character type.

4.3.3 CA1 (Leckhampton Urban Fringe) has been assessed as having Low sensitivity due to its urban characteristics and unmanaged / neglected landscape. Local character areas CA2-CA4 have been assessed as having Medium sensitivity as they are more rural in character and are associated more strongly with the more rural characteristics of Character Area SV6B.

## **5 Visual Baseline**

### **5.1 Introduction**

5.1.1 In order to prepare a baseline from which to assess the scheme, Key Viewpoints from within the Site area and the surrounding areas were agreed with Cheltenham Borough Councils in September 2012 (the site assessed in 2012/3 was substantially larger than the current application area, however, all the agreed viewpoints have been assessed in the current LVA). The viewpoints used within this baseline assessment were chosen to represent typical views of the Site and its immediate environs. Photographs were taken in winter in order to illustrate the most extensive views of the Site (the worst-case scenario).

5.1.2 The following paragraphs summarise the existing views and visual amenity from the Key Viewpoints (VP) within the vicinity of the Site. Detailed descriptions of the views from the key viewpoints are set out in accompanying tables located within Appendix 3 and their locations illustrated on Plan HDA 6.

### **5.2 Summary of visibility**

5.2.1 Views from the north: Shurdington Road forms the northern boundary to the Site. Open views of the Site can be seen from the section of the road to the north-east of the Site (VP5) and from the adjacent section of Kidnappers Lane. These views include the large field in area F1 of the Site, with views of housing to the west and the Cotswolds escarpment to the south. The view is generally rural, despite the busy road and the close proximity to Cheltenham. The upper floors of the houses to the north of Shurdington Road will have views into the Site. Aside from area F1, the remainder of the Site cannot be seen from this viewpoint. To the north-east of the boundary with Shurdington Road, the boundary vegetation screens the majority of the views of the Site. Glimpses of the Site can be seen through the boundary vegetation and partial views are possible through gaps in the vegetation.

- 5.2.2 A thick belt of willow and ash trees lines the Moorend stream to the east of the Site, filtering views from the north-east at the boundary with Merlin Way (VP6). Only glimpses of the Site (area F4) are possible through the boundary vegetation in winter. In summer the additional foliage blocks views of the Site from this viewpoint. Footpath CHL/12 runs to the west of the Stream, adjacent to the application boundary; this footpath has glimpsed views of the Site, limited in extent by virtue of by the hedgerow boundaries to the adjacent fields. Views from the northern section of this footpath are of small holdings; small scale fields, often overgrown, with scattered outbuildings (areas F4 and 5).
- 5.2.3 There are no views from the near-by Redrow development area, along Nourse Close and Brizen Lane, or from Footpath ASH/29 (VP15).
- 5.2.4 There are no views of the Site from the northern section of Farm Lane (VP3). The boundary hedgerow and tree planting block views of the Site. Views from the GCC land are screened by intervening hedgerows and trees.
- 5.2.5 Views from the east: The Site is well contained from the east by the vegetation lining the Moorend Stream. There are no views of the Site from the residential development to the east of Merlin Way or the Borrows Field recreation area.
- 5.2.6 Footpath CHL/6 runs across the Site from Merlin Way in the east to Kidnappers Lane, south of the Site. There are open views of the Site (areas F4 and 5) from this footpath although these are limited in their extent by the hedgerow network and trees within the Site. Large portions of the footpath are enclosed by hedgerow planting and views are generally of small fields with sheds and outbuildings. There are partial views of area F3 and open views south towards the escarpment from the southern section of the footpath.
- 5.2.7 Views from the south: Footpaths CHL/11, CHL/12 (VP7) and CHL/13 (VP8) run through Lotts Meadow, to the south of the site. It comprises an open field in pasture with mature hedgerow boundaries and two mature oak trees. There are no views of the site, views being screened by intervening trees and hedgerows. However, Leckhampton Hill can be seen to the south, beyond the properties of Vineries Close.
- 5.2.8 There are no views from the properties to the north of Vineries Close. Leckhampton Lane marks the boundary of the AONB. The Site is screened from view from the road by the development around Vineries Close and intervening hedgerows and trees. The Site is also screened from west of Farm Lane by the hedgerow boundary to the south of the Redrow development and hedgerows and trees along Farm Lane (VP1 and 2).

- 5.2.9 Views from the west: The Site are well contained from the west. Glimpses and partial views of the Site can be seen from Kidnappers Lane, which forms the western and south-western site boundary. The boundary vegetation filters most views of the Site, particularly in summer. The Site is visible from the properties to the immediate west of Kidnappers Lane. These views are generally ground floor winter views, glimpses of area F1 and F2, though Site boundary vegetation with some views over the vegetation from the upper floors. There are no views of the Site from Footpaths CHL/8, CHL/9 or CHL 10 (VP9).
- 5.2.10 Views from the AONB: The AONB boundary follows the line of Leckhampton Lane to the south of the Site. Views from the AONB are limited to Footpaths ASH30-32, sections of Leckhampton Hill road and viewpoints from the top of Leckhampton Hill at the Devils Chimney. There are no views from the foot of the escarpment.
- 5.2.11 Vegetation blocks views of the Site from Footpath ASH/30 as it crosses Shurdington Hill however there are long distance glimpsed views where the footpath meets the top of the escarpment (VP 14). From this location, the settlement of Cheltenham can be seen over the intervening vegetation. The Redrow development is clearly visible and there are occasional glimpses towards the Site, although the majority of the Site is screened by vegetation. The settlement of Cheltenham dominates the middle-distance views.
- 5.2.12 The Site is more visible from Leckhampton Hill, although again the views are limited by intervening vegetation and are generally from the distant, high north-facing sections of the escarpment. Views from Footpath ASH/32 are blocked by housing and Dogkennel Wood until the footpath reaches higher ground. From VP10 there are only glimpses of small parts of the Site. These glimpses reduce further in summer when trees and hedgerows are in leaf.
- 5.2.13 Trees and vegetation line the northern edge of Leckhampton Hill Road, limiting the views to the north. There are no views of the Site from the majority of the road. Viewpoint VP11 is located at a gateway into a field near the apex in the road alignment and from this position Lott's Meadow, to the south of the site, is clearly visible. However, the Site itself is difficult to perceive, the view includes the settlement of Cheltenham, with the Site adjacent to the edge of the settlement, set within a well-established landscape structure. The foreground contains the housing along Leckhampton Lane and agricultural fields to the south and west. To either side of the field gate, on Leckhampton Hill, the views are reduced by the boundary hedgerow of the field.
- 5.2.14 Views from footpath ASH/31 are limited to higher slopes (VP12), where the land to the south of Cheltenham can be seen over field boundary vegetation and existing trees. The

Site is difficult to distinguish from the settlement edge of Cheltenham and comprises a small portion of the wider view. Views contain the rolling foot slopes of the escarpment, with agricultural land to the west and Cheltenham to the north and east.

5.2.15 From the Devils Chimney, on Leckhampton Hill, there are partial views of the Site, from specific viewpoints along the footpath eg. (VP 13). Much of the escarpment is contained by woodland with views, from the Cotswold Way, into the vale blocked by trees. Where views are possible, they are panoramic views of Cheltenham, with agricultural fields in the foreground. The majority of the middle-distance view is of urban settlement stretching into the distance. The whole of Leckhampton is visible, as well as the properties along Church Lane, although the settlement edge to Church Lane is softer and more heavily vegetated than the urban edge marked by Shurdington Road. South of the Site Lott's Meadow is clearly visible, although the Site is significantly less visible by virtue of the more extensive hedgerow structure. There are glimpsed and partial views of areas F1, 3,4 and 5.

5.2.16 The vegetation adjacent to the Hatherley Brook, Kidnappers Lane, Leckhampton Lane and the Moorend Stream form key landscape features within the landscape. St Peters Church and the barns of Church Farm depot are also recognisable features in the view.

### **5.3 Existing visual baseline conclusions**

5.3.1 The visibility of the Site is restricted to its immediate surroundings and specific viewpoints from the top of the escarpment to the south and south-west of the Site. Open views of the Site can only be seen from the Shurdington Road immediately north of the Site (VP5), and from public right of way within the Site (CHL/6). Glimpsed and partial views of the Site can be seen from Kidnappers Lane to the south-west and glimpsed views can be seen from Merlin Way to the east (VP6). The north-eastern, central and south-western parts of the Site (Areas F2, F3 (north), F4, and F5) are the least visible from the surrounding landscape.

5.3.2 Lotts Meadow, the proposed GCC school site and the Redrow development site are the most visible parcels of land from the AONB, particularly from Leckhampton Hill (VP10-13) and Shurdington Hill (VP14).

5.3.3 The sensitivity of these key viewpoints identified ranges from Low sensitivity to High sensitivity. The sensitivity of the viewpoint is based on the visibility of the and the sensitivity of the receptor groups represented by each viewpoint location. The 4 visual receptors with no view of the Site, but that are in close proximity to the Site, have been assessed as of Low sensitivity, these are Viewpoints 3, 7, 8 and 9.



- 5.3.4 Three local viewpoints have been given Medium sensitivity due to either open views of a portion of the Site or glimpsed / partial views of the whole Site, from locations adjacent to, or within the Site. These are viewpoint 4, 5 and 6.
- 5.2.5 Five of the key viewpoints have been classed with High sensitivity due to the type of visual receptor, their location in the AONB and the extent of the view. These include viewpoints 10 - 14.

## **6 THE PROPOSED DEVELOPMENT**

### **6.1 Description of the proposals**

- 6.1.1 Proposals for the site comprise a full planning application for up to 350 dwellings together with access roads, open space and landscape planting. The location and extent of the development proposals are shown on the Overall Planning Layout (Cooper Baillie Dwg. No. CB\_70\_064\_001).
- 6.1.2 The proposed development framework responds to the constraints and opportunities of the site, with the existing landscape features given prominence within the development and supported by the proposed housing addressing a central green corridor. The urban form of the development has been set out to deliver a sequence of routes, streets and spaces of varying character to ensure the development has a distinctive sense of place that will respond and connect physically and visually to the landscape setting such as Leckhampton Hill. The scheme is a largely two storey development with a series of focal buildings, some of which are 3 storey which will support the overall legibility of the development and supporting key routes.

### **6.2 Landscape Strategy (Plan HDA 7)**

#### Green Infrastructure

- 6.2.1 Further to the site analysis, a Green Infrastructure Plan has been developed in conjunction with the masterplanning of the roads and built development.
- 6.2.2 The Green Infrastructure Plan sets out the proposed land uses and planting proposals and illustrates the main footpath and cycleway links. The Landscape Strategy is focused on the following areas:
- Moorend Meadow and a Community Orchard
  - Allotments
  - The Hatherley Brook Corridor
  - Play Areas
  - Urban Spaces and Shurdington Road entrance

### Moorend Meadow

6.2.3 Moorend Meadow will be an extensive area of open space that would be maintained as informal meadow grassland. The ground is well drained and not subject to flooding and is large enough to provide an informal kick about area. The western end includes an area of existing traditional orchard trees which could form the basis of a community orchard and contribute to the biological net gain associated with the scheme. New allotments would be provided to the west of the meadow. An additional footpath would be constructed across the southern side of the meadow and connect residential areas east of Merlin Way with the open space and the rural circular walks out of Leckhampton.

### The Hatherley Brook Corridor

6.2.4 The Hatherley Brook runs north-south through the site and the associated corridor provides the opportunity to create a multi-functional space central to the proposed development. The open space would provide:

- Additional water features and aid surface water drainage of the site.
- Pedestrian and cycle access between the Shurdington Road and Kidnapers Lane and a safe route to the proposed secondary school.
- Informal open space and an attractive setting for play areas;
- New wildlife habitat and maintain and enhance existing ecological corridors and links to the wider countryside.

6.2.5 A proportion of the area would be taken up by SuDs features. The attenuation features would remain as ponds throughout the year, the wet areas expanding to accommodate surface water run-off. The ponds would provide the opportunity to increase the wildlife potential of the site. The associated swales and ditches across the development area would drain into the ponds providing a network of wetland habitat linking to the wider landscape.

6.2.6 South of the ponds, the Hatherley Brook would be crossed by a 3.7m wide cycleway and emergency access link. The crossing would be carefully located so to avoid TPO'd trees and sensitive wildlife habitat. The bridge would allow for east-west pedestrian and cyclist movement and create a green link for wildlife through to Merlin Way and Leckhampton.

6.2.7 Tree species along the Brook include: Crack Willow, Ash, Field Maple, Goat Willow, Oak, Alder, Silver Birch. These native species would form the basis of new planting for open spaces associated with the Brook. A number of mature trees located alongside the Brook are protected by TPOs. All but one would be retained and protected as part of the development. Ash (TPO 615, Tree 128, B1) would be lost as part of the creation of the main attenuation basin. New tree planting would be established along the brook corridor to compensate for the loss of the Ash tree.

Play Areas

6.2.8 Play spaces would be located along the course of the Hatherley Brook corridor with the LEAP located centrally, west of the brook corridor. Two further smaller play areas would be provided at the northern and southern ends of the brook corridor. They would be linked with pathways, providing good access from residential areas as well as passive surveillance from passing cyclists and pedestrians. New planting would create an attractive setting with a degree of enclosure and would create some more shady areas.

**7 LANDSCAPE APPRAISAL OF THE PROPOSED DEVELOPMENT**

**7.1 Assessment of Impacts during Construction Phase: short to medium term: Landscape Effects**

7.1.1 The predicted landscape impacts of the proposed development can be subdivided into impacts on existing landscape features on or around the Site and impacts on local landscape character. The impacts on existing landscape features, together with the effects of new elements introduced into the landscape as part of the proposed development, are assessed to determine the residual impact on landscape character.

		<i>Sensitivity of receptor</i>				
		Very High	High	Medium	Low	Very Low
<i>Magnitude of change</i>	High	Major	Substantial	Substantial or Moderate	Moderate	Minor
	Medium	Substantial	Substantial or Moderate	Moderate	Minor	Negligible
	Low	Moderate	Minor	Minor	Negligible	Negligible
	Very Low	Minor	Negligible	Negligible	Negligible	Negligible

**Major significance of effect:** An effect of international/national importance and is important to the decision-making process;

**Substantial significance of effect:** An effect of regional/district significance and could be a key decision-making issue; prominent changes to a sensitive view or substantial change or widespread loss of characteristic features in a sensitive landscape with little capacity for change;

**Moderate significance of effect:** An effect of local significance and not likely to be a key decision-making issue; noticeable change to view in an average, ordinary landscape with some capacity to accommodate development; in combination the cumulative impacts of VR's with a moderate significance would be more significant (district significance) and may be a key decision-making issue.

**Minor significance of effect:** An effect of very local significance and unlikely to be of importance to the decision-making process; small scale or temporary changes to view or to a low sensitivity landscape with capacity to accommodate development;

**Negligible significance of effect:** Minimal effect and not significant to the decision-making process.

## 7.2 **Landscape Features**

- 7.2.1 An assessment of the Scheme layout and Green Infrastructure plan indicate that the effects of construction of the proposals are likely to have a limited impact on the significant landscape features within the Site, due to the location and design of the proposals and the location of the features. The landscape impacts of development are summarised at Appendix 2.
- 7.2.2 The willow, ash, birch and oak trees along the Hatherley Brook and Moorend Stream, (TG3, 9 and 7) have been assessed as the highest value landscape features on the Site. These features would be retained and protected, with a maximum of 4 trees being proposed for removal. A single ash tree, separate from the brook corridor, (part of a TPO'd group of three, in TG3) is proposed for removal. Early consultation with the Landscape Architect for the LPA considered the merits of the group and assessed the tree loss as being acceptable given the size and condition of the affected tree, its location in relation to the group and the adjacent riparian trees. The mitigation by way of the scale of proposed replacement planting was also considered. The remaining TPO trees would be retained and protected through the construction period. The mature, high value, tree belts of crack willow and black poplar would not be affected by the proposed development and would be retained in their entirety.
- 7.2.3 Key hedgerow field boundaries would also be retained. These are generally the High value hedges identified in plan HDA 5. Of the 6 hedgerows given a high sensitivity, 5 would be retained in their entirety and 2 would have small sections of the hedgerow proposed for removal to allow site access and circulation routes.
- 7.2.4 The existing agricultural land, nurseries and smallholdings would become residential development, strategic open space, allotments, play areas and informal open space. Some of the Medium and Low value tree groups and hedgerows within the Site are proposed for removal.
- 7.2.5 The majority of the existing agricultural land, nurseries and smallholdings within the Site (field areas F1-F4) would be lost to accommodate the development. Area F5 (Moorend Meadow) would be retained as strategic open space.
- 7.2.6 Of the 11 tree groups present on the Site, 3 would be lost as a result of the development. and part of one removed to provide access north of a SuDs feature. All the tree groups to be removed (TG4, TG6 (part), TG8 and TG10) have Low sensitivity and are either of poor quality or are young tree groups. Two of the 11 hedgerow features would also be removed as part of the development.
- 7.2.7 Of the 30 landscape features assessed at construction, only 7 features have been assessed with a moderate impact, which are in combination, considered to be less than significant. These include: the redevelopment of fields in pasture (Areas F1, F3 and F4), the removal of four category B trees from Hatherley Brook (TG9), the loss of a TPO'd tree in tree group TG3 and the removal of small sections of hedgerow (H2 and H11). A detailed arboriculture report assesses the predicted losses in greater detail.

### **7.3 Landscape Character**

- 7.3.1 The assessment of impact during construction on landscape character is made with reference to the baseline character assessment and the Scheme design. The Site lies within character area 'SV6B: Vale of Gloucester' (Ref 10), and includes a limited number of the key characteristics important in the make-up of the character area. The northern development area, within the Site, has more of the urban edge characteristics, whereas the south-eastern section of the Site displays more of the characteristics of the 'Settled Unwooded Vale' landscape character type.
- 7.3.2 Area CA1 would, in large part, change from urban edge land uses to built development with public open space (in addition to the Site development the Berrys nursery site has been approved for residential development). The high quality and sensitive landscape elements of the character area, including the higher quality hedges and stream-side vegetation, would be retained. Local Character Area CA2 including Lott's Meadow, would be unaffected by the development and would retain its landscape character. Local Character Area CA3 would also be unaffected by the development but would be substantially changed should the secondary school application be approved. Such a scheme would be replace open fields to the south of areas F1 and F2 with school buildings and outdoor facilities.
- 7.3.3 The change in character of the Site during construction of the development would have a low or negligible significance on the surrounding urban areas and character area SV6B (Ref 11) to the west of the Site.
- 7.3.4. The retention of Lott's Meadow and the enhancement of the landscape structure to the Site would maintain the immediate setting to the adjacent AONB. The location of the development area, within close proximity to the existing urban form of Cheltenham and within a landscape character area already heavily influenced by urban edge land uses would result in a negligible impact on the character of the wider setting to the AONB.
- 7.3.5 The proposed development would not be visible from the south-west and the construction of the development would not have an adverse effect on the character of a of Leckhampton Lane, Church Road or Farm Lane. The proposed development would have a negligible adverse effect on the remaining areas of character area 18A: Vale of Gloucester Fringe (Ref 12). The change in character and outlook from the Cotswold escarpment (character areas A18A and 2D) would also be negligible.

### **7.4 Assessment of Impacts during Construction Phase: short to medium term: Visual Effects**

- 7.4.1 The key viewpoints as agreed with the Council's landscape architect are identified in the baseline study, and the views/visual amenity summarised above. The degree to which the proposed development is predicted to impact upon the view has been assessed on the basis of the detailed scheme design and the GI strategy. The visual impacts of development are summarised at Appendix 3.
- 7.4.2 Views from the north: Open views of the construction of the proposed development would be possible from the section of Shurdington Road to the north-west of the Site

(VP5) and from the northern-most section of Kidnappers Lane. From these viewpoints the views would include the treed road frontage, housing, the associated landscape areas and distant views of Leckhampton Hill. Vistas have been created through the proposed development framing views of the Cotswolds escarpment to the south.

- 7.4.3 The new housing development would also be visible from Shurdington Road adjacent to the north-east section of the Site boundary, particularly at the point of the new access road into the site. The existing properties to the north of Shurdington Road would have glimpses of the proposed development from south-facing upper floor windows.
- 7.4.4 The thick belt of vegetation lining the Moorend Stream, to the east of the Site, would continue to filter views from the north-east at the boundary with Merlin Way (VP6). Glimpses of the construction work would be possible through the boundary vegetation and large machinery including cranes would be visible over the vegetation, leading to some partial views of the construction work, particularly in winter. Footpath CHL/6 would be maintained and continue to run through the Site within a corridor of open space. During construction there will be open views of the development to the north from this footpath. The hedgerow that runs to the south-east of the footpath would be retained. The retained hedgerow H6 would partially screen views of the proposed development to the west of the southern section of the footpath.
- 7.4.5 Views from the east: The vegetation adjacent to the Moorend Stream would be retained and would continue to screen the Site from east. There would be no views of the Site from the residential development to the east of Merlin Way or the Borrows Field recreation area.
- 7.4.6 Views from the south: Footpaths CHL/11 and CHL/12 (VP7) run south of the Site boundary. Views from these footpaths would be unaffected and continue to be of a large open field, Lotts Meadow, with mature hedgerow boundaries and distant views of Leckhampton Hill.
- 7.4.7 There would be no views of the development from Footpath CHL/13 or from the properties to the north of Vineries close (VP8).
- 7.4.8 Leckhampton Lane and Church Road mark the boundary of the AONB. There would be no views of the proposed development within Site at construction from these viewpoints.
- 7.4.9 Views from the west: There would be glimpses and occasional partial views of the development from Kidnappers Lane, the majority of the Site boundary vegetation would be retained, filtering views of the proposed development, particularly in summer.

- 7.4.10 There would be partial and glimpsed views of the proposed development from the properties to the immediate west of Kidnappers Lane. There would be no views of the development within the Site from Footpaths CHL/8, CHL/9 or CHL/10 (VP9 or from publicly accessible viewpoints to the west of Farm Lane.
- 7.4.11 Views from the AONB: The AONB boundary follows the line of Leckhampton Lane to the south of the Site from which there are no views of the Site. Views of the development, in general, would be limited to footpaths ASH30-32, sections of the Leckhampton Hill road and viewpoints from the top of Leckhampton Hill at the Devils Chimney. Vegetation would block views of the Site from Footpath ASH/30 until it reaches the top of the escarpment (VP 14). From the summit of the escarpment, the settlement of Cheltenham can be seen over the intervening vegetation.
- 7.4.12 Specifically, from Leckhampton Hill there would be glimpses of the proposed development from viewpoint locations VP11 and VP12, where the views would be limited by intervening vegetation. The proposed housing would merge with the existing settlement edge of Cheltenham, with only the proposed construction activities, setting the Site apart from the existing town. Views from Footpath ASH/32 would continue to be screened by housing and Dogkennel Wood until the footpath reaches higher ground. From VP10 there would only be occasional glimpses of the construction work as much of the Site is screened by vegetation. These glimpses would reduce further in summer when trees and hedgerows are in leaf. Trees and vegetation line the northern edge of Leckhampton Hill Road, limiting the views to the north. There would be no views of the proposed development from the majority of this road.
- 7.4.13 Views from footpath ASH/31 are limited to glimpses from higher slopes (VP12). The development would be difficult to distinguish from the settlement edge of Cheltenham and would comprise a small portion of the wider view.
- 7.4.14 From Devils Chimney, on Leckhampton Hill, there would be more distant partial views of the development, from specific viewpoints along the footpath (VP 13). Much of the escarpment is contained by woodland with views into the vale blocked by trees. Where views are possible, these would be panoramic views of Cheltenham, with the proposed development located in the middle ground and agricultural fields in the foreground. Although the content of the view would change, in respect of the Site area, the proposed development would form a relatively small part of the view and would be seen within the context of the exiting urban settlement of Cheltenham stretching into the distance.

## 7.5 Significance of the impacts of the construction work:

		<i>Sensitivity of receptor</i>				
		Very High	High	Medium	Low	Very Low
<i>Magnitude of change</i>	High	Major	Substantial	Substantial or Moderate	Moderate	Minor
	Medium	Substantial	Substantial or Moderate	Moderate	Minor	Negligible
	Low	Moderate	Minor	Minor	Negligible	Negligible
	Very Low	Minor	Negligible	Negligible	Negligible	Negligible

7.5.1 Within the Site (excluding the potential cumulative impacts of future development at Berrys Nursery and the GCC land) the significance of visual impacts, on individual viewpoints, can be summarised as follows:

- Two key viewpoints would have visual impacts of Moderate significance, one view VP13 has a high sensitivity due to the location of the receptor and the extent and sensitivity of the view within the AONB. The second, VP5 which has a lower sensitivity but is much closer in proximity to the proposed development.
- Four further key viewpoints would have a visual impact of Minor significance due their location within the Site and the glimpsed and partial views of the proposed development.
- The remaining viewpoints have Visual impacts of Negligible significance which are not considered further.

## 7.6 Impact during Operational Phase (after 10 years): long term

### Predicted long term Landscape Effects

7.6.1 The landscape proposals put forward in the Green Infrastructure plan would retain the significant landscape features within the Site and protect them throughout the construction period. Key linear features have been used as the basis for Green corridors that run through the Site and would be enhanced through the development. The impacts on the Landscape Features and Landscape Character within the Site following completion are assessed below.

## 7.7 Landscape Features

7.7.1 The proposals would retain and enhance the highest value landscape features including the willow, ash, birch and oak trees along the main watercourses. Five trees within these features have been proposed for removal to facilitate development. Following completion and the implementation of the mitigation measures, these features would be enhanced through management and additional planting



7.7.2 A total of 9 landscape features would be enhanced through the mitigation measures proposed, 5 of which were assessed as having a High landscape sensitivity.

7.7.3 In total xha of land is being retained as strategic public open space within the Site, this would include habitat enhancements such as woodland, native scrub, meadow and rough grassland planting and the creation of new wetland habitats. Additional wetland habitats are proposed around the new SuDS features. Within the Moorend Meadow new orchard would be created (the proposed community orchard) and approximately xm2 of allotments would be provided. This would be in addition to new structural planting to the site boundaries and planting within the proposed development, including landscape and amenity planting along Shurdington Road, the main streets and two public areas

7.7.4 No Category A trees would be lost to development and the majority of losses are Category C trees (see Arboricultural Impact Assessment for further details). The Illustrative landscape masterplan shows new individual trees proposed as part of the development. This more than mitigates for the number of trees that would be lost.

7.7.7 In conclusion: the retention of key landscape features and the addition of the mitigation measures would form a comprehensive green network across the Site. The south-eastern area of the Site would be retained and protected as open space, maintaining the green edge to the south of Cheltenham. While some landscape features would be lost to facilitate the proposed development, areas of new habitat would be created and retained features would be enhanced and managed as part of the open space strategy. Areas of existing habitat would also be improved to allow greater potential for wildlife.

## 7.8 **Landscape Character**

7.8.1 Following the completion of the development and the implementation of the mitigation measures the character of the Site would be determined. Area CA1 would largely comprise built development with public open space focused on the two stream corridors.

7.8.2 The significance of impacts on landscape character of the development of the Site and on Local Landscape Character areas is assessed as:

- CA1 – Minor: The proposed development would be assimilated into the existing urban edge and would be complemented by areas of open space that would strengthen the character of the new development. This would be a noticeable change in character from the existing urban edge land uses and defunct nursery developments.
- CA2 and CA3 – Negligible: there would be no change in landscape character following the development of the Site. However if the permitted housing at Berry Nursery and the proposed school on the GCC land were to be realised, there would be a change in character; Housing development would extend south towards the AONB beyond the

application area in CA2 and the large scale school buildings on the GCC land would extend built development south of Kidnappers Lane in CA3. Both developments would extend development south of the application area and closer to the AONB.

## 7.9 **Predicted Long term Visual Impacts**

7.9.1 The proposed development has been designed to minimise its visibility from the surrounding landscape and avoid any adverse impact on the character and amenity of views from the AONB. Both the built development and proposed planting have been strategically placed to achieve these aims. The result is that following the completion of the development and the subsequent growth of the proposed planting, the visibility of the proposed development from its surroundings would be reduced and any remaining views would be in character with the existing settlement edge of Cheltenham.

7.9.2 Views from the north: Open views of the proposed development would be possible following completion, from the section of Shurdington Road to the north-west of the Site (VP5). From this viewpoint the views would include the housing frontage and associated landscape. The new treed character to the Shurdington Road would assist in creating a green corridor into the town centre. Views south towards the Cotswold escarpment would be retained through the development.

7.9.3 Views from the east: The thick belt of vegetation lining the Moorend Stream, to the east of the Site, would be retained and additional planting would increase the level of vegetation, further filtering views from the north-east at the boundary with Merlin Way (VP6). Glimpses of the proposed development would only be possible in winter. New planting along Footpath CHL/6 would filter views of the development and create a safe and attractive route for pedestrians. The additional footpath within Moorend Meadow would have a rural character with views towards the escarpment and links to the Leckhampton circular walks.

7.9.4 Views from the south: There would continue to be no views of the Site from Lotts Meadow, Leckhampton Lane, or the properties located along the lane to the south of the Site.

7.9.5 Views from the west: Glimpses and partial views of the development would still be seen from sections of Kidnappers Lane, which forms the western boundary to the Site. There would be no views of the development within the Site from Footpaths CHL/8, CHL/9 or CHL 10 (VP9).

7.9.6 Views from the AONB: Any views of the development would continue to be limited to the higher ground on the north-facing escarpment, at intervals where there are gaps in the

vegetation (Viewpoints VP10-VP14). The proposed landscape open space and structural planting would provide a buffer to the development and assist in the integration of the new development with the existing settlement edge of Cheltenham, making the proposed development difficult to perceive. There would still be distant views of the development from viewpoints VP11 and VP13 on Leckhampton Hill, although the character of the view would remain the same as the baseline assessment. The retention of Lotts Meadow and the placement of the strategic open space at the south of the development would ensure that the view would continue to be of the urban settlement of Cheltenham with a rural landscape setting to the south and east.

7.9.7 In summary the long-term impacts of the residential development within the Site (after 10 years) would have no more than Minor adverse effects on the visual amenity of the area.

## **7.10 Summary and Conclusions**

### Landscape Features

7.10.1 The approach to the conservation of landscape features within the Site is consistent with policies GE5 – GE7 of Cheltenham Borough Local Plan (Ref 4) The proposals would retain the majority of the high-quality trees and a large proportion of the existing hedgerow network within public open space. All the TPO trees would be retained and protected through the construction period, with the exception of 1 Category B TPO'd tree that would be removed for part of the SuDS strategy. The watercourses and associated vegetation are being retained and enhanced. All retained vegetation would be protected through the construction period and improved through the implementation of the management strategy and additional native planting.

7.10.2 The retained features, along with the proposed open space planting and structural planting would form a comprehensive green network across the Site. The new planting and habitat creation would mitigate for the loss of the low-quality landscape features and the variety of habitats and biodiversity of the Site would increase following completion of the proposals.

### Landscape Character

7.10.3 The land within the Site would change from urban edge land uses, glasshouses, small holdings and agricultural fields to built development with housing and large areas of public open space, a community orchard and allotments. The change in character would affect local character areas CA1. The changes in character have been assessed as Minor (CA1) areas (CA2), CA3 and CA4 would remain rural in character, although the cumulative impact of other development on the Berry's site and GCC land would result in further changes in character south of the application area.

7.10.4 The change in character of the Site following completion of the development has been assessed as having an overall Minor or Negligible significance on the surrounding landscape, including the AONB, to the south. The overall views from these locations would continue to be wide panoramic views of the settlement of Cheltenham, with agricultural land in the foreground and to the east. The change in the perceived character of the view would be minimal.

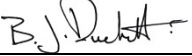
Visual Impact

7.10.5 The visual impact of the proposed development would be Minor or Negligible from the east, west and immediate south. Visual impacts from the north would be confined to the western section of Shurdington Road (VP5), which would have open views of the proposed development although the views would include the highest magnitude of effect, the sensitivity of the receptor groups at this viewpoint is Medium. After 10 years the impact of the proposals is likely to remain no more than Minor.

6.7.3.2 Visual impacts from a limited number of viewpoints at the top of the AONB escarpment (viewpoints VP10-14) during construction have a high sensitivity to development due to the AONB designation. The most prominent area of land within these views, Lott's Meadow, would be unaffected by the proposals. The retention of the existing vegetation and additional planting would mean that the new development would be well integrated with the existing settlement edge and that the change in land use would be difficult to perceive from these elevated viewpoints. Following the completion of the development the views would continue to be wide panoramic views of the settlement of Cheltenham, with agricultural land in the fore and mid-ground to the south and west. The resulting significance of the impacts of the development on the visual amenity of this area would be Negligible.

## HDA Document Control and Quality Assurance Record

Project Title: Shurdington Road, LS  
Project Reference: 436.16  
Document Title: Landscape and Visual Appraisal  
Commissioning Party: Miller Homes

Issue	Description	Date of Issue	Signed
1	Landscape and Visual Appraisal	October 2020	

	Personnel	Position
Author	Brian Duckett	Director
Approved for issue	Brian Duckett	Director

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**APPENDIX 1**  
**HDA LVA Methodology**

**APPENDIX 2**

**Landscape effects of development**



**APPENDIX 3**

**Visual Effects of Development**

**APPENDIX 4**  
**Landscape Character Assessments: Extracts**