



## PROOF OF EVIDENCE - SUMMARY

### COTSWOLDS CONSERVATION BOARD

Town and County Planning Act 1990

Section 78 Appeal

Planning appeal by: JJ Gallagher and Mr Richard Cook

**Location:** Land off Ashmead Drive, Cobblers Close, Gotherington, Cheltenham, Gloucestershire  
**Development:** Outline planning application with means of access from Ashmead Drive to be determined (all other matters reserved for subsequent approval), for the erection of up to 50 dwellings (Class C3); earthworks; drainage works; structural landscaping; formal and informal open space; car parking; site remediation; and all other ancillary and enabling works

**Tewkesbury Borough Council Reference:** 19/01071/OUT

**Planning Inspectorate Reference:** APP/G1630/W/20/3256319

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**Date:** 2 November 2020

## **1.0 SUMMARY OF PROOF OF EVIDENCE**

- 1.1 The evidence of the Cotswolds Conservation Board relates to Reason for Refusal 2 (in relation to planning application 19/01071/OUT) and to Main Issue 2 for the planning appeal (Ref: APP/G1630/W/20/3256319).
- 1.2 In Section 1 of the Proof of Evidence, I outline my professional experience and qualifications, including Chartered Membership of the Royal Town Planning Institute
- 1.3 Section 2 provides a brief description of the Appeal Site.
- 1.4 Section 3 provides a brief planning history of the Appeal Site.
- 1.5 Section 4 provides a brief description of the proposed development.
- 1.6 Section 5 refers to the reasons for refusal and the grounds for appeal.
- 1.7 Section 6 sets out the relevant policies of the Development Plan and summarises the extent to which the proposed development is consistent with these policies, including:
  - The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy
  - The Tewkesbury Borough Local Plan to 2011
  - Pre-Submission Tewkesbury Borough Plan 2011-2031
  - Gotherington Neighbourhood Plan
- 1.8 Section 7 sets out other relevant material considerations and summarises the extent to which the proposed development is consistent with these material considerations, including:
  - AONB designation and the statutory duty to have regard to the purpose of AONB designation.
  - National Planning Policy Framework
  - National Planning Practice Guidance
  - Landscape and Visual Sensitivity Study and associated landscape consultant comments
  - Planning Decisions (16/00901/OUT and 19/01071/OUT)
  - Appeal Decision (APP/G1630/W/3175559)
  - Officer's Report for planning application 19/01071/OUT
  - Cotswolds AONB Management Plan 2018-2023
  - Cotswolds AONB Landscape Character Assessment
  - Cotswolds AONB Landscape Strategy and Guidelines
  - Cotswolds Conservation Board Position Statement in Development in the Setting of the AONB
- 1.9 Section 8 outlines the main issues for the Conservation Board.
- 1.10 Section 9 provides an analysis of the main issues outlined in Section 8.
- 1.11 Section 10 provides a summary and conclusions.

## 2.0 PROOF OF EVIDENCE - SUMMARY STATEMENT

2.1 The Conservation Board was established by Parliamentary Order in 2004 and has two statutory purposes:

- To conserve and enhance the natural beauty of the Cotswolds AONB.
- To increase the understanding and enjoyment of the special qualities of the AONB.

2.2 The first of these purposes is also the statutory purpose of AONB designation.

2.3 The Conservation Board recognises that the Cotswolds AONB and its setting should not be preserved in aspic and that it should be a living, working landscape with thriving local communities. However, the development that is required to achieve these aspirations should be delivered in a way that is compatible with – and positively contributes to - the purpose of conserving and enhancing the natural beauty of the Cotswolds AONB.

2.4 As such, our main interest in any proposed development in the Cotswolds AONB, or its setting, is the extent to which the development would help to deliver – or is compatible with - these purposes and aspirations.

2.5 In this instance, the Conservation Board considers that the proposed development would not help to deliver – and would not be compatible with – these purposes and aspirations. Indeed, we consider that the development would have a significant adverse effect.

2.6 In particular, we consider that the proposed development would have:

- A major adverse effect on views from the Cotswold escarpment to the Vale of Gloucester / Severn Vale.
- A major adverse effect on views from the Appeal Site towards the Cotswold escarpment and escarpment outliers.

2.7 This is particularly significant given that views into and out of the AONB, in relation to the Cotswold escarpment (and, by extension, the escarpment outliers), are one of the special qualities of the AONB.

2.8 A summary comparison of the applicant's LVA assessment of visual effects and the Conservation Board's assessment of visual effects is provided in the table below.

| EDP Ref  | Visual Receptor | APPLICANT'S LVA ASSESSMENT |                     |                  |                  | COTSWOLDS CONSERVATION BOARD ASSESSMENT |                     |                  |                  |
|----------|-----------------|----------------------------|---------------------|------------------|------------------|---|---------------------|------------------|------------------|
|          |                 | Sensitivity                | Magnitude of Change | Nature of Effect | Overall Effect   | Sensitivity                             | Magnitude of Change | Nature of Effect | Overall Effect   |
| EDP VP1  | Appeal Site     | High                       | Medium              | Neutral          | Moderate         | High                                    | High                | Adverse          | Major adverse    |
| EDP VP8  | Nottingham Hill | Very High                  | Low                 | Adverse          | Moderate         | Very High                               | Medium              | Adverse          | Major adverse    |
| EDP VP10 | Cleeve Hill     | Very High                  | Very Low            | Neutral          | Moderate / Minor | Very High                               | Low                 | Adverse          | Moderate adverse |

2.9 When seen from the AONB (particularly with regards to receptors on Nottingham Hill), the development would be perceived to have:

- (i) A significant adverse effect on the strategic gap and Strategic Landscape Area between Gotherington and Bishop's Cleeve.
  - (ii) A significant adverse effect on the east-west linear form of the settlement of Gotherington.
- 2.10 Contributing factors to the above points include the disproportionate increase in housing in Gotherington and the mass of housing that would be created well to the south Malleson Road.
- 2.11 Based on the above points, the Conservation Board considers that the proposed development would not be consistent with national and local planning policies and guidance, including the policies of the Development Plan and the Cotswolds AONB Management Plan 2018-2023.
- 2.12 In addition, we consider that the provisions of paragraph 11d of the National Planning Policy Framework (NPPF) mean that the 'tilted balance' (i.e. the presumption in favour of granting planning permission) should not apply, regardless of any shortfall in housing supply in Tewkesbury Borough, especially when the above points are taken into account. The adverse effects on the AONB do not have to be classed as 'significant' in order for the provision of paragraph 11d to take effect.
- 2.13 The Conservation Board is fully aware of the fact that the opinions outlined above run contrary to the opinions expressed by several relevant stakeholders. We also acknowledge that the circumstances relating to the Appeal Site and the proposed development have not changed significantly, in landscape terms, since the time of the previous appeal decision in 2018.
- 2.14 However, it is the professional opinion of the Conservation Board's Planning and Landscape Officer that, to-date:
- the scale of the potential adverse effects of the proposed development have been under-estimated, particularly in the context of the Cotswolds AONB;
  - policy requirements and guidance relating to the Cotswolds AONB have not been fully addressed.
- 2.15 This Proof of Evidence seeks to redress that balance.
- 2.16 Finally, it is worth noting that the appellant's Landscape and Visual Assessment has already identified that there would be a moderate adverse visual effect for receptors on Nottingham Hill, in the Cotswolds AONB. By extension, this equates to a moderate adverse effect on the purpose of conserving and enhancing the natural beauty of the Cotswolds AONB. As such, even based on the appellant's own evidence base, the proposed development would not be compatible with the purpose of AONB designation.