



Ben Warren
Planning: Place and Growth
Cheltenham Borough Council
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Cheltenham
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By email only to: ben.warren@cheltenham.gov.uk

19 December 2022

Dear Ben,

APPLICATION NO: 22/02101/FUL

DESCRIPTION: Self-build retirement dwelling (revised scheme 21/02693/FUL)

LOCATION: Land Adjacent Lilleybrook Golf Club, Cirencester Road, Charlton Kings, Cheltenham

Thank you for consulting the Cotswolds National Landscape Board¹ on this proposed development, which would be located within the Cotswolds National Landscape².

In reaching its planning decision, the local planning authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape³. The Board recommends that, in fulfilling this 'duty of regard', the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) take into account the following Board publications⁴:

- Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023 ([link](#));
- Cotswolds AONB Landscape Character Assessment ([link](#)) particularly, in this instance, with regards to Landscape Character Type (LCT) 2 Escarpment;
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) particularly, in this instance, with regards to LCT 2 ([link](#)), including Section 2.2;
- Cotswolds AONB Local Distinctiveness and Landscape Change ([link](#));
- Cotswolds Conservation Board Position Statements ([link](#)) particularly, in this instance, with regards to the Tranquillity Position Statement ([link](#)) and with regards to the Dark Skies and Artificial Light Position Statement ([link](#)) and its appendices ([link 1](#), [link 2](#), [link 3](#))

The Board objected to the previous application for a new dwelling at this site, application reference 21/02693/FUL which was withdrawn prior to determination. Having reviewed this current application, the Board again **objects** for the reasons outlined in Annex 1 below.

We consider that the applicant has not demonstrated that the proposal will conserve and enhance the natural beauty of the National Landscape in line with paragraphs 176 and 185c of the National Planning Policy Framework ('NPPF') and Policy SD7 of the Cheltenham, Gloucester and Tewkesbury Joint Core Strategy ('JCS') and the dwelling would also constitute an isolated home in the countryside in conflict with paragraph 80 of the NPPF and JCS Policy SD10.

Cotswolds Conservation Board

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The Cotswolds National Landscape is a designated Area of Outstanding Natural Beauty (AONB), managed and looked after by the Cotswolds Conservation Board.

cotswoldsaonb.org.uk

Chairman:
Brendan McCarthy

Vice Chair:
Rebecca Charley

Please do not hesitate to contact me if you wish to discuss this response.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Joyce', with a small dot at the end.

Simon Joyce

Planning Officer

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ANNEX 1. COTSWOLDS NATIONAL LANDSCAPE CONSULTATION RESPONSE IN RELATION TO PLANNING APPLICATION 22/02101/FUL

Isolated new dwelling in the countryside (NPPF Para. 80)

In common with our response to the previous application, we wish to highlight a consideration of the proposal against the requirements of paragraph 80 of the NPPF.

At paragraph 2.1 of the Planning Statement the appellant states a previous Permission in Principle ('PiP') application (appn. ref. 21/01773/PIP) was refused due to the site's location being outside of the Principal Urban Area of Cheltenham and therefore conflicted with JCS Policy SD10, along with a lack of information to be assured about the appropriateness of the development in the AONB. However, as with the previous application 21/02693/FUL, the applicant omits to mention that the refusal of that PiP application also cited a conflict with paragraph 80 of the Framework. Paragraph 6.4 of the Case Officer's report for 21/01773/PIP explicitly states that "*paragraph 80 of the NPPF states that decisions should avoid the development of isolated homes in the countryside, subject to certain exemptions, none of which are considered applicable in this instance*". Indeed, the requirements of paragraph 80 are not considered at all in this submission.

The applicant outlines in the Planning Statement how even if the Council considers there to be conflict with JCS Policy SD10, that particular policy is currently considered 'out of date' in terms of paragraph 11d of the Framework due to the Council's present lack of five-year housing supply. However, paragraph 11dii) of the Framework still requires an assessment of the proposal against the policies in the Framework, so it is surprising that applicant's submission fails to consider, or even mention, the requirements of paragraph 80.

The consultation response received by the Architects Panel dated 6 January 2022 in response to the previous application 21/02693/FUL concluded that, in the Panel's view, that particular design did not meet the requirements of paragraph 80 of the Framework, in that case failing to demonstrate "*that the design is of exceptional quality, in that it:*

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area".

Whilst the applicant has once more revised the design proposal, the Board considers that the proposed dwelling does not pass what is accepted as a high bar in terms of the 'exceptional quality' required by paragraph 80. As such, we would welcome further comment upon the new scheme by the Panel.

As a consequence, we consider that the application has not demonstrated that the requirements of national planning policy have been met. Paragraph 80 of the Framework expressly states that planning decisions should avoid the development of isolated homes in the countryside and as none of the circumstances listed in a) to e) at paragraph 80 exist in this case, the application should be refused.

Lack of assessment of landscape and visual impact

Policy SD6 of the JCS requires development to seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental, and social well-being. This reflects advice in the National Planning Policy Framework that requires policies and decisions to recognise the intrinsic character and beauty of the countryside. Policy SD7 of the JCS follows and states that all development proposals within the setting of the Cotswolds National Landscape 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.

Policy CE1 of the Cotswolds AONB Management Plan states that proposals that are likely to impact on, or create change in, the landscape of the Cotswolds AONB, should have regard to, be compatible with and reinforce the landscape character of the location, as described by the Cotswolds Conservation Board's Landscape Character Assessment (LCA) and Landscape Strategy and Guidelines (LS&G). Proposals that are likely to impact on, or create change in, the landscape of the Cotswolds AONB should have regard to the scenic quality of the location and its setting and ensure that views and visual amenity are conserved and enhanced.

In landscape character terms, the application site lies within the Escarpment Landscape Character Type, as identified within the Cotswolds AONB LCA. Views to and from the escarpment are one of the 'special qualities' of the Cotswolds National Landscape identified in the AONB Management Plan, these being aspects of the area's natural beauty which make the area distinctive and which are valuable, especially at a national scale.

Section 2.2 of the Cotswolds LS&G referred to above identifies a number of potential adverse landscape implications for proposals such as this for isolated development of new single dwellings on the mid-escarpment slopes. These include visual intrusions introduced to the landscape, the introduction of 'lit' elements to characteristically dark escarpment slope landscapes, the potential for glint from buildings and the suburbanisation and domestication of agricultural landscape by the introduction of gardens, parking areas and driveways.

One of the Landscape Strategies outlined at Section 2.2 of the LS&G is to 'oppose new housing on the Escarpment unless special circumstances apply in accordance with the NPPF and development conserves and enhances the AONB as required by the CRoW Act 2000'. Paragraph 8.3 of the Cheltenham Plan also states that *"a restrictive approach is therefore necessary to conserve and enhance both of these elements [the built form of the AONB and its attractive location on the urban fringe]. The Council considers it particularly important to protect the scarp as the dominant feature of Cheltenham's setting and is concerned at the cumulative effect of even small-scale development and of development in new locations within the AONB"*.

Whilst paragraph 3.3 of the submitted Planning Statement refers to a 'landscape appraisal' which *"further demonstrates how the proposed development is now sensitive to and appropriate for the location in the AONB"*, such a document does not appear to have been submitted in support of the application and we would request its submission.

Landscaping

In common with the previous application, no information has been submitted to demonstrate how the residential curtilage of the bungalow will be established, what its extent will be and how the potential visual clutter of domestic paraphernalia will be minimised across the grassland field. Further details are requested in this respect.

Lighting

In line with Policy CE5 (Dark Skies) of the Cotswolds AONB Management Plan, lighting should be avoided if possible. If it cannot be avoided, it should be minimised. The Cotswolds AONB Landscape Strategy & Guidelines for LCT 2 (Section 2.2) identifies the 'introduction of lit elements to characteristically dark escarpment slope landscapes' as a potential (adverse) implication for development such as this. The guidelines seek to 'protect the unlit character [of] ... the escarpment', with these dark skies being one of the 'special qualities' of the Cotswolds National Landscape.

Paragraph 185c of the NPPF states that planning decisions should ensure that new development is appropriate for its location and in doing so they should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. Paragraph 001 of the Planning Practice Guidance (PPG) on Light Pollution (Paragraph: 001 Reference ID: 31-001-20191101) states that 'intrinsically dark landscapes' are those entirely, or largely, uninterrupted by artificial light. National parks ... can serve as good examples'. As AONBs have the same level of protection with regards to landscape and scenic beauty as national parks within the NPPF and PPG and dark skies are one of the special qualities of the Cotswolds National Landscape, we consider it reasonable to treat the National Landscape as an 'intrinsically dark landscape' in NPPF and PPG terms.

Again, in common with the previous application, no further information on external lighting has been provided. The applicant should also demonstrate that the proposal complies with Guidance Note 01/21 on The Reduction of Obtrusive Light, published by the Institution of Lighting Professionals (ILP) (which forms Appendix 2 of our Position Statement on Dark Skies and Artificial Light referenced above) and other relevant guidance.

We would recommend that the relevant 'environmental zone' for which compliance should be assessed is Environmental Zone E1 which relates to AONBs. Although we recognise that the site is close to built environment of Cheltenham and its associated lighting, the Guidance Note states where an area to be lit lies close to the boundary of two zones the obtrusive light limitation values used should be those applicable to the most rigorous zone (Note 1 on page 10).

The submitted plans also show that the southern elevation is largely glazed and as such the potential for light spill and glow would be a concern. Chapter 9 of The South Downs National Park Dark Skies Technical Advice Note ([link](#), page 44), which is considered by National Park Authorities and AONB Boards to be best practice for protected landscapes in relation to this issue, advises that large (>50% on a single elevation) single areas of glazing should be avoided in protected landscapes.

Without prejudice however, should the Council be minded to grant planning permission, we would request that for the reasons outlined in this and our previous consultation response, appropriately worded conditions are imposed to require the pre-commencement approval of detailed landscaping and external lighting proposals and that louvres (or similar) should be installed in the large full-length glazed windows on the southern elevation to reduce light spill.

NOTES:

- 1) The name used for the organisation associated with the AONB designation is the Cotswolds National Landscape Board. At times this is abbreviated to National Landscape Board or The Board. The legal name of the organisation remains the Cotswolds Conservation Board but this name is no longer used in most circumstances.
- 2) Cotswolds National Landscape is the new name for the Cotswolds Areas of Outstanding Natural Beauty (AONB). The new name takes forward one of the proposals of the Government-commissioned 'Landscapes Review' to rename AONBs as 'National Landscapes'. This change reflects the national importance of AONBs and the fact that they are safeguarded, in the national interest, for nature, people, business and culture.
- 3) Section 85 of the Countryside and Rights of Way Act 2000.
www.legislation.gov.uk/ukpga/2000/37/section/85
- 4) The documents referred to in our response can be located on the Cotswolds National Landscape website under the following sections
 - a. Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023
www.cotswoldsaonb.org.uk/management-plan
 - b. Cotswolds AONB Landscape Character Assessment
www.cotswoldsaonb.org.uk/lca
 - c. Cotswolds AONB Landscape Strategy and Guidelines
www.cotswoldsaonb.org.uk/lsg
 - d. Cotswolds AONB Local Distinctiveness and Landscape Change
www.cotswoldsaonb.org.uk/ldlc
 - e. Cotswolds Conservation Board Position Statements
www.cotswoldsaonb.org.uk/ps1
www.cotswoldsaonb.org.uk/ps2

APPENDIX 1: COTSWOLDS NATIONAL LANDSCAPE CONSULTATION RESPONSE IN RELATION TO
PLANNING APPLICATION 21/02693/OUT, DATED 22 DECEMBER 2021