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By email only to: [Emma.Pickernell@cheltenham.gov.uk](mailto:Emma.Pickernell@cheltenham.gov.uk)

19 January 2022

Dear Emma,

**APPLICATION NO:** 21/02750/FUL

**DESCRIPTION:** Residential development of 30 no. dwellings (Class C3); vehicular, pedestrian and cycle access from Church Road; pedestrian and cycle access from Farm Lane; highways improvement works; public open space, landscaping, orchard planting and children's play space; surface water attenuation and other associated works

**LOCATION:** Land Adjoining Leckhampton Farm, Court Farm Lane, Leckhampton

Thank you for consulting the Cotswolds Conservation Board ('the Board') on this proposed development, which would be located in the setting of the Cotswolds National Landscape.<sup>1</sup>

The Board acknowledges both the current shortfall in the provision of market and affordable housing in Cheltenham Borough and that the Borough highly constrained in terms of suitable areas for new housing, not least due to the AONB and Green Belt designations. The Board also supports the provision of housing, when it is delivered in a way that is compatible with the purpose of conserving and enhancing the natural beauty of the Cotswolds National Landscape.

However, after having reviewed the information submitted by the applicant, the Board **objects** to this application as we consider that the potential impact of the proposal on the Cotswolds National Landscape has not been adequately assessed. As explained in the Annex accompanying this response, this objection therefore requests further information and clarification to be submitted by the applicant to allow the Board to fully assess any potential adverse impact of the proposal, particularly in views to and from the Cotswold escarpment, which are one of the 'special qualities' of the Cotswolds National Landscape, those being the features of the AONB that makes the area so outstanding that it is in the nation's interest to safeguard it.

In particular, the Board would request that the applicant provides further information relating to the following:

- A photomontage of the development from Viewpoint 17 outlined in the LVIA;
- A response to the Board's assessment that the applicant's LVIA downplays the potential adverse landscape and visual impacts on the Cotswolds AONB of this development located within its setting;
- An assessment of the cumulative highways impacts in relation to the tranquillity of the AONB. This would include the proposed development and other proposals that have been recently

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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](http://cotswoldsaonb.org.uk)

*Chairman:*  
**Brendan McCarthy**  
*Vice Chair:*  
**Rebecca Charley**

consented, are the subject of applications currently awaiting determination or are sites allocated within Development Plan Documents.

The Board will be able to provide a definitive opinion on likely effects once this information has been submitted by the applicant.

Please don't hesitate to contact me if you wish to discuss this response further.

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 21/02750/FUL

### Background

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 Landscape.<sup>2</sup> 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 publications:

- 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 Types (LCTs) 18 Settled Unwooded Vale, 2 Escarpment and 7 High Wold;
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) particularly, in this instance, with regards to LCT 18 ([link](#)), including Section 18.1, LCT 2 ([link](#)) including Section 2.1 and LCT 7 ([link](#)) including Section 7.1;
- Cotswolds AONB Local Distinctiveness and Landscape Change ([link](#));
- Cotswolds Conservation Board Position Statements ([link](#)) particularly, in this instance, with regards to Housing Position Statement ([link](#)), Development in the Setting of the AONB ([link](#)), Tranquillity ([link](#)) and Landscape-Led Development Position Statement ([link](#)).

Whilst the applicant’s Planning Statement outlines that paragraph 176 of the National Planning Policy Framework (NPPF) states that the development within the setting of AONBs “*should be sensitively located and designed to avoid and minimise adverse impacts on the designated areas*”, it omits mention in the same paragraph of the ‘great weight’ which should be given to conserving and enhancing landscape and scenic beauty of AONBs. The ‘great weight’ is relevant in this instance as the site forms part of the setting of the Cotswolds National Landscape and its development could, to some degree, potentially adversely impact its landscape character and quality.

The Board’s Position Statement on Development in the Setting of the AONB referred to above outlines how the surroundings of the Cotswolds National Landscape are also important to its landscape character and quality. Development proposals that affect views into and out of the AONB need to be carefully assessed to ensure that they conserve and enhance the natural beauty and landscape character of the AONB.

The National Planning Policy Guidance (NPPG 2014) also confirms in relation to the Section 85 duty<sup>2</sup> that “*The duty is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas.*”

A High Court decision (*Stroud District Council v Secretary of State for Communities and Local Government (Gladman Development Ltd) February 2015*) helps confirm the application of what is now paragraph 176 of the NPPF as far as ‘great weight’ is concerned. Mr Justice Ouseley stated in this case that paragraph 115 (now paragraph 176) of the NPPF “*certainly covers the impact on the scenic beauty of the land actually within the AONB. It seems to me that it would be unduly restrictive to say that it could not cover the impact of land viewed in conjunction with the AONB from the AONB. But to*

*go so far as to say that it must also cover land from which the AONB can be seen and great weight must be given to the conservation of beauty in the AONB by reference to that impact reads too much into paragraph 115.”.*

The above decision helps to clarify that there are differing ways of assessing impacts on the setting of the AONB which require the application of different policies and guidance: (i) harm directly to land in the designated AONB itself from views out of the AONB and between parts of the AONB towards new development in its setting (where Paragraph 176 of the NPPF is relevant) and: (ii) as a separate material consideration, harm to land outside the designated AONB, for example views of new development in the context or backdrop of the AONB (where paragraphs 176 or 177 is not relevant).

Impact of views back towards the AONB, from outside the AONB, may be a separate material consideration and subject to separate policy and guidance, for example paragraph 174 of the NPPF also states that planning decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.

Policy SD7 of the Cheltenham, Gloucester and Tewkesbury Joint Core Strategy (2017) requires 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 also be required to be consistent with the policies set out in the Cotswolds AONB Management Plan.

The Cotswolds AONB Management Plan 2018-2023, which is a material consideration in planning decision making, identifies the Cotswold escarpment, including views from and to the AONB, as being one of the AONB's 'special qualities'. The special qualities of the AONB are those aspects of the area's natural beauty which make the area distinctive and which are valuable, especially at a national level. They are also the key attributes on which the priorities for the AONB's conservation, enhancement and management should be based.

Policy CE1 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 and Landscape Strategy and Guidelines. They should have regard to the scenic quality of the location and its setting and ensure that views – including those into and out of the AONB – and visual amenity are conserved and enhanced.

Furthermore, the Council's Local Landscape Character Area (LLCA) Assessment identifies that this site falls within LLCA1 which is of 'high' value whilst the lower farmland slopes within the AONB (LLCA6) is a landscape of 'very high' value.

### **Landscape and Visual Impact**

The site of the proposed development is located directly adjacent to the boundary of the Cotswolds National Landscape and therefore lies within the setting of the AONB. It is visible from multiple viewpoints within the AONB from Public Rights of Way, access land and local roads, including the Devil's Chimney/Leckhampton Hill (c.1km to the southeast). These Public Rights of Way include the nationally significant Cotswold Way National Trail and the regionally important Cheltenham Circular Footpath.

The Board acknowledges that the proposal, when viewed from the Cotswolds escarpment, would to some extent be viewed as part of a wider panorama and also more immediately in the context of

development to the west, including the Brizen View and Brizen Park developments. It also recognises that the land to the east and immediately north of the site is designated as the Leckhampton Fields Local Green Space in the Cheltenham Plan and that the site is in close proximity to the consented secondary school south of Kidnappers Lane and the remainder of that site is allocated for approximately 350 dwellings as site MD4 in the Cheltenham Plan.

It is noted that the present boundary screening would be mostly retained and would be strengthened by supplementary native planting. The development, which would be relatively low density compared to neighbouring sites, would be also set back from Church Road, following the precedent of the Brizen View scheme with a 'green corridor' retained along the Hatherley Brook and many of the existing trees in the centre of the site also being retained. The use of slate roofs should also, to an extent, aid the assimilation of the development into the local landscape, certainly in comparison to the red tile used on the roofs of properties in the Brizen Park development.

Notwithstanding the above, having reviewed the applicant's LVIA, the Board considers that its assessment downplays the potential adverse landscape and visual impacts on the Cotswolds AONB from this development located within its setting. We would also raise a number of queries relating to the assessments made within the LVIA and request that an additional photomontage is provided from Viewpoint 17 to help assess the potential impacts of the development.

The Board wishes to make the following specific comments and observations in relation to the LVIA:

- The LVIA seems to give greater weight to the magnitude of change than to sensitivity when considering the overall effect both in landscape and visual terms, resulting in an underestimation of the significance of the overall effect:
  - *Landscape effects:* The LVIA considers that the three LCTs noted above as being affected by the proposals are all of 'high' sensitivity. This is due to what the LVIA identifies as their 'very high' landscape value, though 'medium' susceptibility due to both the distance between the site and the upper slopes of the scarp and the degree of screening in views towards the site. It then considers that the magnitude of the landscape effect is 'very low', resulting in an impact of 'negligible' adverse significance at years 1 and 15 for all three LCTs. In the Board's view, this assessment potentially conflates the magnitude of change and significance of effect and whilst we recognise that such diagrams cannot be used in a hard and fast manner to assess effects, we would highlight that Figure 1c of the LVIA clearly shows that a 'high' sensitivity coupled with a 'very low' magnitude of effect is likely to result in a landscape effect of 'minor' adverse significance, rather than 'negligible' as claimed. It would only be 'negligible' if assessed at the very bottom end of 'high' sensitivity and very bottom end of 'very low' magnitude of effect. The Board disagrees with such an assessment, in particular that the magnitude of effect would be at the bottom end of 'very low' (i.e. almost 'none'), defined as "*a negligible, potentially reversible change in existing landscape character or landscape elements*".
  - *Visual effects:* The LVIA considers the potential visual impact of the development from four publicly-accessible viewpoints within the AONB, viewpoints 14 to 17. Paragraph 4.117 states that these viewpoints and the Public Rights of Way connecting them are "*very well used and Leckhampton Hill forms a particular attraction for visitors for its historic and geological features and panoramic views across the landscape*". The LVIA provides a blanket assessment of the impact of visual effects from these four separate viewpoints. It is clear from the photographs provided that the four viewpoints provide very different views of the site; for example, the site is far more visible from viewpoints 16 and 17 than in 15. A blanket assessment covering these four viewpoints is therefore not appropriate and leads to

an underestimation of visual effects from the AONB. Nonetheless, receptors are assessed as 'very high'/'high' sensitivity and the magnitude of effect is assessed as 'low', resulting in a 'minor' (adverse) significance of effect at Year 1. Again, the Board's view is that this assessment conflates magnitude and significance and underestimates the visual effect. Figure 1f shows that to be considered of 'minor' (adverse) significance, the visual effect would have to be at the very bottom of 'high' sensitivity and at the very bottom of 'very low' magnitude. A combination of 'very high/high' sensitivity and 'low' magnitude would result in a 'moderate' (adverse) significance of effect.

- The LVIA provides a number of photomontages of the development at years 1 and 15 after its construction. However, it is disappointing that no photomontage is provided from viewpoint 17 (Devil's Chimney/Leckhampton Hill) to aid the assessment of the potential impact of the development from what the LVIA itself identifies as a key viewpoint where the site's boundary screening would be less effective in mitigating the visual impact due to it being viewed from an increased elevation. **Therefore, the Board requests that a photomontage is provided from this location.**
- The LVIA describes how the site is located in close proximity to three separate LCTs, referred to above. These LCTs reflect a number of the 'special qualities' for which the Cotswolds are designated as an AONB and are those aspects of the area's natural beauty which make it in the nation's interest to safeguard them. These include the views to and from the escarpment. The Cotswolds AONB Landscape Strategy and Guidelines (LS&G) for LCTs 18, 2 and 7 highlight a number of potential adverse landscape implications relating to this development, in particular:
  - Erosion of the rural setting of the AONB (Section 18.1, Section 2.1);
  - Loss of landscapes that contribute to the setting of towns and villages (Section 18.1);
  - Intrusion of expanded settlement fringes including urban fringe into the landscape including within the setting of the AONB (Section 18.1, Section 7.1);
  - Degradation of views from and to the Cotswolds Scarp (Section 18.1, Section 2.1);However, when considering the potential effects on the three LCTs, the LVIA merely repeats the same conclusion three times (at paras. 6.6, 6.9 and 6.12) rather than appearing to consider each LCT individually.
- The LVIA seems to imply that only a small part of the LCTs would be affected and that therefore the scale and potential impact of the proposed development are not significant. The Board's position is that it is not appropriate to compare the extent of the effect with the size of the whole LCT in an attempt to downplay its potential impact, as taking this approach would completely undermine the national planning policies that are put in place to protect, conserve and enhance the natural beauty of AONBs. This position is expanded upon in Appendix 2 of the Board's Landscape-Led Development Position Statement, referenced above.
- The LVIA does not adequately address the cumulative effects of the development as multiple viewpoints, both in terms of views from the AONB and views towards the AONB, are likely to be adversely affected.
- Linked to this, the LVIA also does not address the fact that the development, as evidenced by the ZTV included at Figure 7, would potentially be seen from a substantial area of access land on Leckhampton Hill, not just the viewpoint from designated public rights of way and gives the impression that the development may only be seen from one specific location on Public Rights of Way, in particular the Cotswold Way, the Cheltenham Circular Walk and ASH31 rather than from substantial lengths of these routes.

## Tranquillity

Tranquillity is another of the 'special qualities' of the Cotswolds National Landscape. In other words, it is one of the features of the Cotswolds that makes the area so outstanding that it is in the nation's interest to safeguard it. The Cotswolds National Landscape has relatively high levels of tranquillity, especially when compared with the surrounding urban areas. However, there is a serious risk that the tranquillity of the AONB could decline as a result of increasing levels of development, infrastructure, traffic and visitor numbers.

The Board's Tranquillity Position Statement referenced above recommends that proposals that have the potential to impact on the tranquillity of the AONB accord with Policy CE4 of the Cotswolds AONB Management Plan 2018-2023, give great weight to conserving and enhancing the tranquillity of the AONB and assess potential impacts on tranquillity, particularly with regards to noise, vehicle movements and landscape and visual impacts. Cumulative impacts on tranquillity should also be taken into consideration in such assessments and with regard to the impact of the proposed development combined with other existing or proposed developments.

Section 4.5 of the Tranquillity Position Statement outlines how The Institute of Environmental Assessment's 'Guidelines for the Environmental Assessment of Road Traffic' recommends using two 'rules of thumb' for identifying the scale at which increases in traffic movements should be considered in an Environmental Impact Assessment (EIA):

- Rule 1: Where traffic flows will increase by more than 30% (or the number of heavy goods vehicles (HGVs) will increase by more than 30%).
- Rule 2: Any other sensitive areas where traffic flows have increased by 10% or more.

AONBs are specifically identified as 'sensitive areas' in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, Rule 2 should be applied in the Cotswolds AONB and should relate to both traffic flows. On this basis, it can be argued that an increase in traffic flows of more than 10% from a development proposal or in combination with other proposals is likely to be significant and have an adverse impact on the tranquillity of the Cotswolds AONB.

However, the Transport Assessment submitted in support of the application does not consider the potential impact of traffic generated by the development on the AONB and its tranquillity especially in relation to the cumulative impact of this and the other developments recently consented or allocated nearby which in combination number around 800 dwellings.

## Other matters

The Board also notes and supports the concerns expressed by the Council's Tree Officer in respect of the potential impact of the development on veteran trees and the Architect's Panel in respect of sustainable construction.

## NOTES:

- 1) 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.

- 2) Section 85 of the Countryside and Rights of Way Act 2000.  
[www.legislation.gov.uk/ukpga/2000/37/section/85](http://www.legislation.gov.uk/ukpga/2000/37/section/85)
- 3) 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](http://www.cotswoldsaonb.org.uk/management-plan)
  - b. Cotswolds AONB Landscape Character Assessment  
[www.cotswoldsaonb.org.uk/lca](http://www.cotswoldsaonb.org.uk/lca)
  - c. Cotswolds AONB Landscape Strategy and Guidelines  
[www.cotswoldsaonb.org.uk/lsg](http://www.cotswoldsaonb.org.uk/lsg)
  - d. Cotswolds AONB Local Distinctiveness and Landscape Change  
[www.cotswoldsaonb.org.uk/ldlc](http://www.cotswoldsaonb.org.uk/ldlc)
  - e. Cotswolds Conservation Board Position Statements  
[www.cotswoldsaonb.org.uk/ps1](http://www.cotswoldsaonb.org.uk/ps1)  
[www.cotswoldsaonb.org.uk/ps2](http://www.cotswoldsaonb.org.uk/ps2)