

## Response to Cheltenham Borough Council Regulation 16 consultation on the Leckhampton with Warden Hill Parish Council Neighbourhood Plan

This Parish Council obviously supports its own draft Neighbourhood Plan and strongly defends the vision, objectives and all the specific policies in the draft plan and its appendices.

Since the submission of the draft plan to Cheltenham Borough Council in advance of this consultation there have been developments to which we would draw Cheltenham Borough Council's attention and which we acknowledge will require some amendment to the emerging plan.

### **1. Land north of Church Road adjacent to Leckhampton Farm Court**

The September 2023 appeal decision on the application for 30 dwellings on land north of Church Road by Redrow Homes (APP/B1605/W/23/3317851, original CBC reference 21/02750/FUL) will require minor redrafting of the text on **page 7 of Appendix 2 Green Infrastructure List**. This text describes the parcel of land on which planning permission was granted by the appeal. The descriptions of Priority Habitats, historical significance and its prominence in the valued landscape all still apply but the text should now record the fact that planning permission for 30 dwellings has been granted. Nevertheless it should be retained and should still emphasise that further development applications must still respect the traditional orchards and highly sensitive nature of the remaining green elements of the site including woodland and brook line.

Indeed the text can be strengthened further in the light of the ecological evidence presented by this council to the appeal which highlighted that the

“Gloucestershire Natural Capital Mapping Project shows the site's exceptional value compared to neighbouring areas for a multitude of ecosystem services including biodiversity, carbon storage, food provision, local climate regulation, nature connectivity, soil health and water quality. It also highlights the value of both the orchards and the woodland and stream as habitats and shows that the site is mapped as part of both the Cotswold Nature Improvement Area (NIA) and the Nature Recovery Network.”

*[APP/F5540/W/23/3317851 Supplementary information from Leckhampton with Warden Hill Parish Council: Ecological mapping of the appeal site ]*

### **2. Land next to Shurdington Road covered by Policy MD4 of the Cheltenham Plan (Miller's 350 homes)**

The Secretary of State's appeal decision on the application for 350 dwellings on land next to Shurdington Road by Miller Homes (APP/B1605/W/22/33091563, original CBC reference 20/01788/FUL) will require minor redrafting to text on **pages 4, 5 and 12 of Appendix 2 Green Infrastructure List** which refer to this site but which did anticipate development under Cheltenham Plan Policy MD4 so should not be deleted but amended. A minor drafting amendment will also be needed to update para 59 of the main Plan text.

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On page 4 (location listing no 6, **Hatherley Brook area**) the map should be amended to reflect the hedgerows, trees, brook line and green space remaining under Miller's submitted plans, the new public access to this space. The text wording will also have to be slightly amended to reflect the new situation.

On page 5 (location listing no 7, **Fields known as R2 and R3**), the text and map will have to be quite significantly modified in the light of the regrettable permission granted to build on these fields and the emphasis placed on the more limited but still important feature of the bordering hedgerow, wooded pathway CHL9 and other surviving vegetation. These should continue to play an important role in providing shade, habitats and a softer aspect to the landscape. The inspector's comments cited should be replaced with reference to the latest appeal inspector's notes on R2 and R3 - paras IR 116 and 117 of their recommendations to the Secretary of State - which recognise the site's "local quality" and says that "the proposal would see the field at R3 form an area of open space with a well treed boundary to Kidnappers Lane retaining existing features. This would ensure that the landscape appearance of the area would be little changed. Field R2 would be developed with housing but with a green space and landscaping at its southern boundary retaining the existing hedge. Outwardly therefore, although R2 would have housing on it, it would retain its green edge." These conclusions are important and need to be respected in future development.

On page 12 (location listing 17, **Fields known as NE bordering Moorend Stream**) the text and map did anticipate development under Policy MD4 and sought to protect the wooded pathways, remaining trees and habitats which it should still do. It will nevertheless require amendment to reflect Miller's submitted plans and the planned accessible open green space and balancing pond on the east of the site which can now form an important area of accessible green space and habitat in its own right and should be protected in future development.

### **3. Valued landscape**

The first appeal decision above APP/B1605/W/23/3317851, and to a lesser extent the second appeal decision by the Secretary of State APP/B1605/W/22/33091563 above, carry further importance for the emerging Neighbourhood Plan and particularly Policy LWH5 on Valued Landscape, Annex 6 detailing Inspectors' comments and Appendix 3 on Valued landscape, all of which can now be updated with reference to the latest inspectors' comments.

Both appeal inspectors accepted that Leckhampton's green fields were valued landscape under the NPPF. The first inspector referred to the 'wedge' of land "that is constrained between the Brizen Farm development to the west, the village of Leckhampton to the east, and the built-up area of Cheltenham to the north". He makes clear that this 'wedge' of land includes but importantly is not limited to the designated Local Green Space. That status of the wider Leckhampton Fields area as valued landscape as defined by the National Planning Policy Framework (now Paragraph 180) is strongly reinforced by the Inspector's report.

In paragraphs 14-16 of the appeal decision report, the Inspector says:

"When assessing what constitutes a valued landscape I consider that a single field or site should be viewed as part of a landscape rather than being assessed as a landscape in its own right. Moreover, in any such landscape there will be areas that contribute more positively than others to its overall value, while parts will add to the value in different ways.... The previous Inspector spelled out that the landscape value of the site was due not to its visual relationship to the AONB but rather to its own intrinsic charm (paragraph 260), while the Secretary of State accepted the scheme would not harm the structural elements of the wider contextual landscape character, such as the nearby AONB.

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Moreover, I am aware that the wedge, even then, had a constrained character, and so it is unlikely the previous Inspector and the Secretary of State were taking into account the countryside outside of the AONB to the west of what is now the Brizen Farm development. It is therefore fair to assume the valued landscape that both the previous Inspector and the Secretary of State found would be harmed was contained within the wedge, rather than included any wider landscape.

Overall, I share the views of the characteristics of the wedge identified by the previous Inspector, considering its mosaic of uses, its history and its network of footpaths, fields and mature vegetation are positive attributes. **I therefore have no basis to depart from the findings of the Secretary of State. Consequently, as it would be within the constrained area of the wedge, I am of the view that the appeal site too is within a valued landscape.**”

*[Appeal Decision by JP Sargent BA(Hons) MA MRTPI, Inspector appointed by the Secretary of State Decision date: 12 September 2023 Appeal Ref: APP/B1605/W/23/3317851 Land north of Church Road, Leckhampton GL51 3GS]*

The second inspector made less reference to valued landscape but nevertheless confirmed at para IR111 that the Local Green Space is valued landscape under the NPPF and at para IR113 (referring to the parish council’s Lepus report) that “the whole area has value”. She adds “It was clear to me at my site visit that.. much of the area displayed valued landscape characteristics”. Even while recommending allowing development at R2 and R3, mentioned above, she emphasised the green and landscape qualities that would be preserved (paras 116-120).

#### **4. Status of the designated Local Green Space**

There has been one recent challenge to the status of the designated Local Green Space (LGS). Although designated in the Cheltenham Plan 2020, the LGS provides the framework for Policy LWH3 Local Green Space in the draft Neighbourhood Plan and is strongly supported in the Neighbourhood Plan as a whole. The challenge came from planning application in principle 23/02022/PIP for six dwellings within the LGS on land adjacent to Leckhampton Farm Court. This council strongly opposed this application and welcomes the CBC Head of Planning’s decision which refused the application. The decision notice clearly recognises the value of the LGS, not least in relation to the loss of open space that would add to pressure on the nearby Special Area of Conservation (SAC) of the Cotswold Beechwoods, and reinforces the status of the designated LGS. *[REFUSAL OF NOTIFICATION OF PRIOR APPROVAL, 23rd January 2024 Erection of 6 dwellings at Land Rear Of Leckhampton Farm Court Leckhampton]*.

It is also worth noting that the Inspectors and Secretary of State in both the appeals above also clearly recognised the legitimacy and status of the Local Green Space.

The council also acknowledges that the publication of the latest draft of the National Planning Policy Framework will also require minor drafting amendments such as new paragraph numbers.

Leckhampton with Warden Hill Parish Council  
February 2024