


STATEMENT OF COMMON
GROUND FOR LANDSCAPE
AND VISUAL MATTERS;

LAND AT KIDNAPPERS LANE,
LECKHAMPTON

BETWEEN

ROBERT HITCHINS LTD
&
CHELTENHAM BOROUGH COUNCIL

Appeal Reference:
APP/B1605/W/19/3238462

<p>Signed:</p> 	<p>Signed:</p> 
<p>Name: Stuart David Ryder</p>	<p>Name: Paul Stuart Harris</p>
<p>On behalf of Ryder Landscape Consultants (acting on behalf of Cheltenham Borough Council)</p>	<p>On behalf of MHP Design Ltd (acting on behalf of the Appellant)</p>
<p>Date: 10th January 2020</p>	<p>Date: 10th January 2020</p>

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1 INTRODUCTION

- 1.1 This Statement of Common Ground for Landscape and Visual Matters has been prepared by MHP Design Ltd on behalf of Robert Hitchins Ltd (the Appellant).
- 1.2 It has been produced in conjunction with Cheltenham Borough Council (the Local Planning Authority) and relates to a Section 78 Planning Appeal for Land at Kidnappers Lane, Leckhampton, (the Appeal site).
- 1.3 The purpose of this Statement of Common Ground for Landscape and Visual Matters is to identify the areas where the principal parties are in agreement and to narrow down the issues that remain in dispute. This will allow the Public Inquiry to focus on the most pertinent landscape and visual issues.

2 THE PROPOSED DEVELOPMENT

2.1 It is agreed that the application was submitted with all landscape matters of detail reserved for subsequent determination. An Illustrative Masterplan (Dwg 300.P.3 by Robert Hitchins Ltd) was submitted to demonstrate how the appeal site could deliver the scale of development proposed. This plan has been used to understand the form of the appeal proposals along with the following documents:

- Landscape and Visual Impact Appraisal (MHP Design Ltd dated January 2019 with particular reference to Figure 12 – Constraints and Opportunities and Figure 13 – Landscape Strategy.
- Design and Access Statement (Pegasus Group dated January 2019)

2.2 From the above listed reference documents, it is agreed that the development proposals may be described as follows:

- Access to all 25 No. units is to be taken from a single point off Kidnappers Lane;
- The initial 50m of access road is a primary road with footpaths set all the way round the hammer head arrangement. The road has a suggested carriageway width of 5m;
- The remainder of the single spine road through the proposed development is indicated as secondary road with a carriageway width of 4m. A separate footpath is suggested to one side broken by driveways.
- Predominately detached properties are set off the secondary road with their principal elevations facing the spine road;
- A series of detached and semi-detached garages support the proposed detached properties;
- Off road parking is suggested with drives fronting the garages and parking areas supporting the semi-detached properties;
- The existing trees are proposed to be retained in open space towards the centre of the Site;
- There is further open space marked on the plan near the entrance to the Site and at a SuDS pond indicated to the north corner of the Site;
- A foul water pumping station is also indicated at the north corner of the Site;

- Hedgerow is indicated to be either retained or planted around the Site;
- Proposed tree planting is indicated in the hedgerows around the Site, in the open space and down the secondary road; and
- Proposed hedgerows are indicated as rear boundary treatments to some of the properties.

- 2.3 It is agreed that the appeal proposals of up to 25 dwellings is equivalent to a development density of 19.2 dwellings per hectare. The proposal could include a mix of house types, sizes and tenures which can be determined at the Reserved Matters stage.
- 2.4 It is agreed that landscape assessment has been made on the basis of two storey dwellings with associated single storey garaging.
- 2.5 It is agreed that access to the 25 dwellings would be from a new access road off Kidnappers Lane located in the area of the existing site access.
- 2.6 It is agreed that the existing established hedges which adjoin the appeal site are to be retained and that where boundary vegetation is presently weak or absent, new native hedge planting has been proposed.
- 2.7 It is agreed that an area of Public Open Space has been indicated on site to meet the needs of the proposed development. The suitability of this space, including final scale and arrangement would be controllable through Reserved Matters.
- 2.8 It is agreed that further details relating to the laying out and the planting within the open space area as well as long term management arrangements, can be agreed by condition or through planning obligations.

3 THE SITE

- 3.1 It is agreed that the site is not located within the AONB but does lie within its setting.
- 3.2 It is agreed that the site is not within or immediately adjacent to any landscape designation in the adopted Development Plan. It is however set with proximity to the Cotswolds Area of Outstanding Natural Beauty (AONB). The site has not been identified as a valued landscape but lies within an area identified as valued having regard to paragraph 170 (a) of the Framework.
- 3.3 It is agreed that the appeal site is not located within the area proposed as Local Green Space (LGS) by the Parish Council in their plans dated 6th December 2015 as part of the JCS plan making process. The LGS definition is currently subject to the Cheltenham Local Plan process.
- 3.4 It is agreed that no part of the appeal site is currently designated as Local Green Space.
- 3.5 It is agreed that the LGS notation on the emerging Local Plan Policies Map has yet to be confirmed at this stage but shows the intent of the Planning Authority to define LGS within the wider area. The final LGS extents is to be confirmed through the Cheltenham Local Plan process.
- 3.6 The site does not have public access or provide a resource used by the public for leisure or recreational purposes.
- 3.7 It is agreed that the site has a cleared character and retains some of the features of its former use as a plant nursery.
- 3.8 It is agreed that there are two residential dwellings adjacent to the site – The Bungalow and Charltyne. The former has a tree group of a mature Eucalyptus, a Holly and a semi-mature maple that are useful markers in the landscape for determining the position of these existing properties.
- 3.9 Looking out from centrally within the site two further properties are visible, Robinswood Cottage positioned 100m to the north and Eagle Tower some 1.9km to the north-east. The

appeal site entrance lies approximately 326m north west of the access to Vineries Close and 370m from Leckhampton Farm Court.

3.10 A further useful marker for judging the position of the proposed development in the wider landscape is the large, dead oak tree in Lotts Meadow.

3.11 It is agreed that the site boundary hedges have changed little in height or width since the previous appeal (APP/B1605/W/17/3178952) in 2018. They have not received recent management or maintenance.

3.12 It is agreed that the appeal proposals have indicated additional planting both within the site and along its boundaries.

4 LANDSCAPE CHARACTER

- 4.1 Since the previous application in 2017 there has been no further landscape character information or guidance notes published on landscape sensitivity or capacity in the Joint Core Strategy area of Cheltenham, Tewkesbury and Gloucester.
- 4.2 The landscape character assessment information remains;
- Gloucestershire Landscape Character Assessment – Settled Unwooded Vale landscape character type with specific landscape character area defined as SV6b – Vale of Gloucester – LDA
 - Joint Core Strategy Landscape Characterisation Assessment and Sensitivity Analysis – September 2013
 - Landscape and Visual Sensitivity and Urban Design Report (2012)
 - Land at Farm Lane/ Church Road Leckhampton, Cheltenham – Landscape and Visual Appraisal – Final Report LDA July 2003
- 4.3 It is agreed that no new major development has started adjoining Kidnappers Lane or Shurdington Road and that the landscape character remains little changed since 2018.
- 4.4 It is agreed that the construction of the Brizen Park residential development is now advanced on Farm Lane, creating a change to the landscape character of that part of Farm Lane.
- 4.5 It is agreed that the future development of the proposed secondary school will create changes to the landscape character of the area when constructed. Physical changes to Kidnappers Lane, will include the introduction of new combined cycleway and pedestrian footpath.

5 CONTEXTUAL LANDSCAPE INCLUDING LOCAL FEATURES

- 5.1 It is agreed that Kidnappers Lane extends from Shurdington Road to the north west of the appeal site to Church Lane to the south east of the appeal site.
- 5.2 It is agreed that Lotts Meadow lies to the east and south of the appeal site.
- 5.3 It is agreed that the land lying between the appeal site and Kidnappers Lane comprises of a plant nursery site that is currently not in intensive commercial use.
- 5.4 It is agreed that the two linear parcels of land which lie immediately north of the appeal site and south of Robinswood Cottage remain undeveloped.
- 5.5 It is agreed that the Burrows Sports Field lies to the east of Lotts Meadow and that the residential area of Vineries Close is located to the immediate south east of Lotts Meadow. The access to The Vineries is from Kidnappers Lane. The residential development of Rectory Court also has an access onto Kidnappers Lane located almost opposite to Vineries Close.
- 5.6 It is agreed that the residential development at Leckhampton Farm Court is located to the south west of the appeal site with its access from Farm Lane. It is also agreed that the highway at Farm Lane has been altered so that it now leads directly into the new Brizen Park residential development.

6 EMERGING CHELTENHAM LOCAL PLAN AND OTHER PLANNING APPLICATIONS

- 6.1 It is agreed that Gloucestershire County Council (GCC) are at application stage with the proposal to build a new secondary school in the Farm Lane/ Kidnappers Lane area. GCC Planning reference is 19/0058/CHR3MJ and it was validated as an application on the 21 August 2019.
- 6.2 It is agreed that the Emerging Cheltenham Local Plan allocates 350 houses located in the area to the north of the site adjoining Shurdington Road.
- 6.3 It is agreed that land to the west of Farm Lane is now being built out as part of the approved Brizen Park residential development.
- 6.4 It is agreed that the present semi-rural landscape character of the area including Kidnappers Lane shall not be solely used as the basis for assessment of the appeal proposals without consideration being given to potential future landscape changes.
- 6.5 These potential future changes arise specifically from the changes to the landscape character of the Kidnappers Lane corridor from the off-site highway and footpath enhancement works associated with the proposed secondary school and submitted to Gloucestershire County Council in November 2019.

7 VISUAL RECEPTORS

- 7.1 In taking the view from Footpath CHL/6 to the north of the site, Leckhampton Hill is clearly evident as part of the AONB backdrop.
- 7.2 It is agreed that the proposals would not cause harm to the landscape character or natural beauty of the Cotswolds AONB. The proposals would be visible from within the AONB but the resulting visual effect is not significant.
- 7.3 In walking the footpath routes through the small fields and smallholdings to the north of the site following CHL/6 there is a mix of boundary types of varying visual quality and in parts views out to the wider Cotswold escarpment that encloses the east side of Cheltenham.
- 7.4 Any views back to the site from CHL/6 in the central area of Middle Fields are limited to occasional glimpses through a number of lines of vegetation. Where CHL/6 runs parallel to the site before joining Kidnappers Lane the views are experienced for a longer duration and are more open.
- 7.5 Views from Lotts Meadow take in Leckhampton Hill and have Vineries Close within the scene. Occasional glimpses of properties off Kidnappers Lane are gained although heavily screened by existing boundary vegetation. Distinctive local vegetation include the avenue of mature poplars (some with mistletoe) planted along both sides of Kidnappers Lane to the south-east of the site.
- 7.6 In dismissing a planning appeal in 2016 relating, amongst other things, to residential development of up to 650 dwellings on land adjoining the current appeal site, the Secretary of State stated that: "...whilst not designated, the site has its own intrinsic charm which gives it value..., is a locally valued landscape, and that its value derives from its own characteristics, of which views towards the AONB are only one of a number of charming features" (SoS para 19).

8 ASSESSMENT METHODOLOGY & TERMINOLOGY

- 8.1 It is agreed that the submitted Landscape and Visual Appraisal followed a recognisable methodology which reflected the requirements of the Guidelines for Landscape and Visual Impact Assessment – 3rd Edition (GLVIA3).

9 MATTERS REMAINING IN DISPUTE

- 9.1 It is not agreed that the appeal proposals would appear as a separate enclave of development, out of keeping with the semi-rural settlement form, density and pattern of the locality.
- 9.2 It is not agreed that the development would reduce the landscape quality of the surrounding Lotts Meadow.
- 9.3 Whilst there remains some disagreement on the extent of harm to the character and appearance of the locality, both parties agree that these areas of disagreement are not determinative and should not prevent planning permission being granted.