

# PROOF OF EVIDENCE ON LANDSCAPE AND VISUAL MATTERS

## Section 78 Appeal by Robert Hitchins Ltd

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Prepared by:  
**Paul Harris BA, DIP LA, CMLI**  
**Chartered Landscape Architect**

In respect of:  
**Land at Oakley Farm, Cheltenham**

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LPA: **Cheltenham Borough Council**  
LPA reference: **20/01069/OUT**

PINS reference: **APP/B1605/W/21/3273053**

Date: **10<sup>th</sup> August 2021**

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## **Appendix A**

### Cotswold AONB Landscape Strategies and Guidelines – LCT2 Escarpment (paginated)

Core documents that are referenced in this proof of evidence:

**A37 D** Appendix 6.1 ES Landscape Chapter 6 including supporting Graphics: Figures 6.1 to 6.38

**A37 E** Appendix 6.2 Arboricultural Survey and Statement

**A38** Officer Report dated May 2021

**E1** Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031, adopted Dec 2017

**E2 A** Cheltenham Plan , adopted July 2020

**J1** Cotswolds AONB Management Plan

**J3** Cheltenham Borough Council Landscape Character, Sensitivity and Capacity Assessment of the Cotswolds AONB within Cheltenham Borough

**J5** Cotswold AONB Landscape Character Assessment

**J6** NCA 106 Severn and Avon Vales National Character Area Profile, Natural England

**J7** NCA 107 Cotswolds National Character Area Profile, Natural England

**J10** Local Landscape Character Area 7.1 – Oakley Farm Pasture Slopes, Cheltenham Borough Council 2015.

**K17** Appeal Decision: APP/Q3115/W/20/3265861 Little Sparrows, Sonning Common, Oxfordshire

**K37** Appeal Decision: APP/F1610/A/13/2196383 Land Off Station Road, Bourton-on-the-Water, Gloucestershire

**K44** Appeal Decision APP/F1610/A/13/2196383 Land Off Station Road, Bourton-on-the-Water, Gloucestershire

## 1. AUTHORSHIP

- 1.1. I am Paul Stuart Harris, a qualified Chartered Landscape Architect and Director of MHP Design Ltd, a Landscape Architecture practice registered with the Landscape Institute. I am a Chartered Landscape Architect and have been a professional member of the Landscape Institute since January 1990. I have a degree and diploma in Landscape Architecture from Gloucestershire College of Arts & Technology (GLOSCAT) now part of the University of Gloucestershire.
- 1.2. I have over 30 years' experience as a professional landscape architect undertaking all aspects of landscape design and assessment including landscape and visual impact assessment. I have given evidence as an expert witness on landscape matters at a variety of different planning inquiries and hearings. I have been the Managing Director of MHP Design Ltd Chartered Landscape Architects since 2009 and was previously a partner of Mitchell Harris Partnership from 2001 to 2009 and director of Paul Harris Associates from 1994 to 2001. All of those landscape practices have been registered with the Landscape Institute.
- 1.3. I am an active professional participant on the Gloucestershire Design Panel representing landscape architecture and I am a member of the Professional Review Group for undergraduate and post graduate courses in Landscape Architecture at the University of Gloucestershire.
- 1.4. The statement that I have prepared and provide for this appeal (reference APP/B1605/W/21/3273053) is true and that the opinions expressed are my true and professional opinions irrespective of by whom I am instructed.

## 2. BACKGROUND & SCOPE OF EVIDENCE

2.1 This proof of evidence has been prepared to consider the landscape and visual effects arising from proposed residential development of land at Oakley Farm, Cheltenham. Matters of planning balance are then addressed by my colleague Mr Hutchison, reliant upon my conclusions. I defer to him on issues relating to the interpretation and assessment of policy, though my conclusions have been informed by an understanding of relevant local and national policy.

2.2 My proof of evidence therefore considers landscape and visual effects arising from:

*'Development comprising up to 250 residential dwellings, associated infrastructure, ancillary facilities, open space and landscaping. Demolition of existing buildings, creation of a new vehicular access from Harp Hill.'*

2.3 The application was submitted in outline with all matters reserved except for means of access to the Site from which has been identified as being taken from Harp Hill in respect of vehicular traffic. Although matters relating to layout, design and appearance and landscaping are reserved matters, the application was supported by illustrative masterplan, illustrative landscape strategy and preliminary access design and layout drawings. Information to set development parameters were provided in access and movement, building heights and land use parameter plans. A landscape and visual impact assessment was included within the landscape chapter of the Environmental Statement.

2.4 The weight given to the conserving and enhancing landscape and scenic beauty of Areas of Outstanding Natural Beauty (AONB) by the National Planning Policy Framework (NPPF) has been clearly understood by the Appellant from the commencement of the project. As such the project has been 'landscape led' from the outset to ensure that harm is minimised. To that end I have been instructed from an early point in the project and my advice has strongly influenced the above supporting documents. Where harm could not be avoided, it has been offset and balanced by enabling the potential for significant landscape and visual enhancements.

- 2.5 The baseline from which the outline application has evolved, has been informed by a number of initial studies in particular the landscape and visual assessment and the arboricultural survey<sup>1</sup>. The latter being undertaken to BS 5837: 2012 and in liaison with the tree officer from the Local Planning Authority (LPA). This initial work was undertaken to ensure that the importance and sensitivity of site vegetative features and their contribution to the character and appearance of the landscape, underpinned the evolution of the spatial design strategy.
- 2.6 Objections were lodged by the Woodland Trust with regards the potential for a number of the site trees to be classed as veterans, with a further three trees having potential to become veteran status. The Landscape Officer also raised a query that the survey of the existing vegetation was not detailed. However, the appellants arboricultural consultant had liaised with the LPA tree officer to agree requirements for tree protection and supported the application with a full Arboricultural Impact Assessment. Moreover, the scheme was informed by the initial arboricultural survey and work to understand tree constraints which informed the development of the initial outline proposals. The officers report rightly acknowledges in para. 6.143 that the *'dwellings seem to be fairly evenly distributed across the site; the layout and provision of open and landscaped area largely dictated and constrained by retained trees and hedgerow and heritage assets at Hewlett's Reservoir.'*<sup>2</sup>
- 2.7 The Woodland Trust also noted in their comments that the number of veteran and notable trees on this relatively small site makes the site and the assemblage of trees particularly valuable to wildlife. It should be noted that correspondence from the Gloucestershire Wildlife Trust did not raise an objection to the development proposals<sup>3</sup> and the Council's Ecologist raised no objection<sup>4</sup>.
- 2.8 The value of this 'landscape led' approach to achieving a sensitive design strategy is clear. Although the site is well treed, the putative reasons for refusal do not identify harm to trees as a result of the appeal proposals. This is a matter of agreement within the Statement of Common Ground for Landscape and Visual matters.

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<sup>1</sup> CD: A36 A Environmental Statement Chapter 6 Appendix 6.2

<sup>2</sup> CD: A38 Officer's Report para.6.143

<sup>3</sup> CD: A38 Officer's Report para.6.77

<sup>4</sup> CD: A38 Officer's Report para.6.76

2.9 Published landscape assessment, strategy and guidelines were also used to inform the evolution of the spatial design strategy. In particular, the following published assessments and guidance were carefully considered:

- Cotswold AONB management Plan 2018 – 2023 (CMP)<sup>5</sup>
- Cotswolds Landscape Character Assessment<sup>6</sup>
- Landscape Character, Sensitivity and Capacity of the Cotswolds AONB within Cheltenham Borough (LCSCA)<sup>7</sup>

2.10 The published assessment and guidance was found to have limitations due to a number of reasons. The landscape character assessment within the Cotswold Management Plan 2018 - 2023 identifies the appeal site as being in Character Area 2c Escarpment: Coopers Hill to Winchcombe<sup>8</sup>. This is an extensive area of predominately rural character to which a broad brush assessment identifies the appeal site as having only a limited correlation with the features and characteristics attributed to the wider landscape character area. The landscape character, sensitivity and capacity study commissioned by the LPA provides a finer grain assessment of the appeal site as part of a wider assessment of AONB designated land within Cheltenham Borough. However, it largely fails to identify variations in landscape and visual sensitivity that arise across almost all of the published study parcels due to the immediate interface with the active urban environment. The LCSCA review finds almost all land parcels to have high landscape and high visual sensitivity regardless of the balance of desirable attributes and detractors.

2.11 The officer's report makes reference to comments raised by the LPA's landscape consultant that section 6 of the ES under-reports the significance of both landscape and visual effects. Although landscape assessment is a matter of judgment with professional differences commonplace, the landscape and visual sensitivity identified by Ryder Landscape Consultants in the LCSCA was not that assessed by the appellants landscape consultants. It appears that the assessment of 42 separate land parcels within the LCSCA required a broader approach and led to almost all of the sites being given very similar sensitivity ratings and subsequent

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<sup>5</sup> CD: J1 Cotswolds AONB Management Plan 2018-2023

<sup>6</sup> CD: J5 Cotswold AONB Landscape Character Assessment

<sup>7</sup> CD: J3 Cheltenham Borough Council Landscape Character, Sensitivity and Capacity Assessment of the Cotswolds AONB within Cheltenham Borough

<sup>8</sup> CD: J5 Cotswold AONB Landscape Character Assessment

low capacities for potential development. This strongly suggests that the LPA's landscape assessment has overstated landscape and visual sensitivity, giving rise to artificially enhanced site wide landscape and visual sensitivity values which may not be fully justified when considered in the context of detracting landscape and visual features, especially at a more fine grain of assessment.

2.12 The appeal site provides a good example of how landscape and visual sensitivity can vary widely across a study parcel that has been assessed to have a single high sensitivity rating. Similarly, when the appeal site is compared to the remote and tranquil areas of the wider escarpment it is clear that there is further wide variation in actual sensitivity although both will be rated as having high sensitivity. Published assessment can therefore only provide a starting point to understanding site landscape and visual sensitivity and it is proper to professionally test and reassess initial broad-brush assessment undertaken by the LPA.

2.13 The appeal proposals were lodged on the grounds of 'non-determination'. It follows the failure of Cheltenham Borough Council (the LPA) to determine an outline planning application (LPA ref: 20/01069/OUT) within the statutory 16 week period. The LPA reported the application to its Planning Committee on the 20<sup>th</sup> May 2021, to request the Members confirm whether they would have granted planning permission, had the LPA still been the determining authority. They decided that the application would have been refused and identified the following putative reason for refusal (2) which is relevant to landscape and visual matters:

*2) 'The proposals constitute major development within the Cotswold Area of Outstanding Natural Beauty (AONB). In accordance with national planning policy, the AONB is afforded the highest status of protection in relation to conserving and enhancing landscape and scenic beauty and in which major development is prohibited unless in exceptional circumstances and when in the public interest.'*

*The proposed construction of 250 houses would, by virtue of the location and size of the application site, the scale and extent of development and the numbers of dwellings proposed plus associated infrastructure would fail to conserve or enhance the landscape and scenic beauty of the AONB and would result in significant harm to and permanent loss of landscape quality and beauty of this part of the AONB. The proposed indicative mitigation measures intended to*

*minimise harm to the AONB are considered inadequate, do not address the concerns and would alter the character of the site as a whole and result in harm to the AONB in themselves.*

*The applicant has failed to demonstrate any exceptional circumstances (or public interest) that would justify the proposed development within the AONB and thereby outweigh the identified harm to the AONB.*

*The proposed development is therefore contrary to Policies L1 and D1 of the Cheltenham Plan (2020), Policies SD4, SD6 and SD7 of the Joint Core Strategy (2017), Policies CE1, CE3, CE10 and CE12 of the Cotswold AONB Management Plan 2018-2023 and paragraphs 170 and 172 of the NPPF'.*

- 2.14 RfR 2 contains two elements to the refusal that I will address separately through my evidence. The first element I address is:

*'The proposed indicative mitigation measures intended to minimise harm to the AONB are considered inadequate, do not address the concerns and would alter the character of the site as a whole and result in harm to the AONB themselves.'*

- 2.15 By addressing this element of the RfR first I will show how the appeal proposals respond to the variation in site landscape and visual sensitivity by directing development towards the areas of lesser landscape and visual sensitivity. At the same time, creating opportunities for long term conservation and enhancement of areas which have a higher sensitivity. By doing so I will address the second element of RfR2 which states that the appeal proposals:

*'Fail to conserve or enhance the landscape and scenic beauty of the AONB.'*

- 2.16 My evidence will then consider the balance of landscape and visual harm with the enhancement opportunities that would arise from development and consider the whole against the policies and guidance referenced in RfR2.

- 2.17 At time of writing this proof of evidence, communication with the council's landscape consultant had been undertaken to agree a Landscape Statement of Common Ground. Whilst



some details remained to be agreed, the matters in dispute that appear to remain are as follows:

- I. Site landscape and visual sensitivity
- II. The value of the site within the AONB
- III. The value of the site to the setting of Cheltenham
- IV. The extent and nature of landscape character change
- V. The extent and nature of visual harm
- VI. The value of the proposed recreation/open space area

### 3. LANDSCAPE CHARACTER OF THE APPEAL SITE AND CONTEXTUAL LANDSCAPE

#### Site features

- 3.1 The appeal site has a number of features which contribute to local landscape character. Of these, the sloping topography and its correlation with long distance views, agricultural pasture and established trees and hedges are positive attributes. These features vary notably in their distribution, consistency, intactness and prominence across the site.
- 3.2 Site hedges are moderately intact in some areas but weak and gappy in others with poor quality hedges found along the lower northern and western site boundaries. The southern boundary hedge along Harp Hill is dense but I am advised that on occasion it has been cut low to facilitate views from the adjoining residential area resulting in a poor and irregular shape and structure in places. Where hedges have been protected from irregular cutting they have grown taller but are weaker at the base and bramble encroachment is common throughout. Site hedges make a contribution to the agricultural character of the site but they are generally declining in quality and will benefit from long term management.
- 3.3 The southern boundary hedgerow adjoining Harp Hill is generally broad in width but varies in height. It is punctuated with mature trees and a number of emerging younger trees. Left as a natural native hedgerow it would grow naturally taller and form an almost complete screen to views from Harp Hill. Long term management and ongoing annual maintenance are therefore important to retain the characteristics of the hedge as presently experienced.
- 3.4 Hedgerow along the western site boundary with the public right of way is similarly in decline with considerable bramble encroachment. This hedgerow has not been recently managed and will benefit from long term restoration and management. This will provide an opportunity to open up new views from the footpath close to Harp Hill which can take advantage of the panoramic views to the north east. Lower down the slope the hedgerow can be managed to improve the natural screening of the site to assist with mitigating landscape and visual effects.
- 3.5 Site trees are generally found clustered in the north east quarter of the appeal site where they have a correlation with the land associated with the former farmstead. A number of high quality trees are found in internal site hedgerows where they make a contribution to the

agricultural character of the site. Although not planted as woodland or copse, the site trees are experienced as an open woodland which reduces the openness within the lower slope. This reduces views into and across the site as well as providing a rural characteristic that has a correlation with the well treed slope of Battledown Hill to the south. Trees were recognised as having notable value during initial site assessment so were subject of extensive survey and discussion with the LPA. To ensure that they were conserved and practically retained, the masterplan process was driven partly by the tree constraints. The landscape strategy went further and ensured that the trees were meaningfully incorporated into the green infrastructure strategy. This was a key element in the strategy to conserve a semi-rural character to the landscape whilst enhancing green corridors through the site which will also inform the setting and distinctive sense of place of the development itself.

- 3.6 On the site boundaries many of the established trees have declined particularly along the western and southern site boundaries due to a combination of natural decline, limited management and disease. Trees within the hedgerow that borders the southern boundary with Harp Hill are also generally poor in quality with a number showing extensive pruning which has left them disfigured. The eastern boundary with the reservoir and more recent housing development is limited in the number of established trees, creating a more open characteristic to the landscape in this location.
- 3.7 The arboricultural survey and Statement with Parameters Plan is contained in Appendix 6.2 of the ES.
- 3.8 When seen on an aerial plan of the appeal site, trees are seen predominately located on middle to lower sloping ground and away from the higher slope land adjoining Harp Hill. This is general distribution of the clustered trees makes an important contribution to the character of the appeal site. As the land slopes down to the northern boundary it becomes more contained by landform, settlement features and the established trees. In contrast, as the slope ascends to Harp Hill it becomes more open. This has a direct effect on both local views across the appeal site and long distance views into the appeals site.
- 3.9 The sloping pasture is experienced in the context of the site trees and hedges where it contributes to the agricultural character of the site. Not all of the site is identifiable as pasture with a broad swathe of rougher and less maintained land associated with the former

farmstead, its access and the clustered trees. Localised changes in topography also break the consistency of the sloping pasture towards the lower sloping ground associated with the tree cluster. As a result, the sloping pasture is less visually prominent along the lower sloping site areas than on the upper slopes adjoining Harp Hill.

- 3.10 Former farm structures, yards, security fencing and tracks along the lower southern margin of the site contribute to a sense of landscape decline and dereliction in this part of the site. Vandalism has been associated with these features and along the southern boundary of the site where in close proximity to the existing settlement area at Oakley. These feature and the lower margin of the site make only a very limited contribution to the overall character of the appeal site but they do influence the character of some closer views into the site from the adjoining settlement edge.

#### Contextual features which influence landscape character and appearance

- 3.11 Key contextual features immediately adjacent to the site comprise settlement areas, roads and the Hewlett Reservoir. These are distinctive in that they all contribute to the character of the wider Cheltenham settlement area rather than the rural landscape of the Cotswolds escarpment.
- 3.12 To the north and north east of the site lies the residential area of Oakley, seen partly under construction in Figure 6.7 Appendix 6.1 of the ES<sup>9</sup>. This area immediately adjoins the northern boundary of the site and has an influence on the landscape character of the site through its prominent urban features and loss of local tranquillity.
- 3.13 To the west of the site lies the established residential area associated with Wessex Drive. This residential area is located on rising land that links the Oakley residential area to the north with the Harp Hill and Battledown residential areas. The public right of way (ZCH/86/1) that separates the site from the Wessex Drive settlement area forms a direct link between the residential area of Harp Hill and the residential area of Priors Road and the Sainsburys supermarket. The Wessex Drive area has prominent urban characteristics when seen from

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<sup>9</sup> CD: A37 D Appendix 6.1

both Priors Road and Harp Hill which impacts on the character and tranquillity of the site along its margin with the settlement.

3.14 To the south of the site in an elevated location above the general highest levels of the site is the road at Harp Hill. This road provides access to both local residences and to the wider Cotswold escarpment via Aggs Hill. Established and contemporary residential development lies to the immediate south of the road along the entire southern boundary of the site. The road and established settlement have a semi rural character due to the hedgerow of the site along its southern boundary and greater visual connectivity with the Cotswold escarpment to the north and north east. These settlement features influence the landscape character of the site along its elevated southern margin and notably reduce local tranquillity in that part of the site, especially where hedgerows have been cut.

3.15 To the east of the site Hewlett's Reservoir creates a distinct edge to the site through the combination of a tall, partly overgrown brick wall and the formal engineered form of the reservoirs themselves. The reservoir structures and their margins form a continuous link between the settlement on Harp Hill with the settlement at Oakley, creating enclosure of the site with non agricultural land uses and obvious physical separation from the wider rural agricultural landscape to the east.

3.16 These contextual features are important elements that influence the landscape character of the site through the prominence of adjacent settlement features, settlement activities and reduction in tranquillity normally associated with the wider rural landscape particularly the Cotswold escarpment. As such the site has a strong sense of association with the wider Cheltenham settlement area and a sense of separation from the prominent and distinctive rural landscape of the Cotswold escarpment. I assess that tranquillity varies from low to medium across the site according to proximity to the settlement features and Harp Hill road.

3.17 The Cotswold escarpment is also a key contextual feature which forms the backdrop and setting to the entire Cheltenham settlement area. I consider its individual landscape characteristics separately but in the context of the site, the escarpment landscape creates a deeply rural and elevated, large scale landscape that is seen to be distinctly separated from the urban settlement area by its distinctive land use and landform. This creates a strong sense of large scale enclosure to the wider Cheltenham settlement area including the site due to the

long established settlement at Battledown and Harp Hill which lies at greater elevation than the site itself.

#### Landscape character and the Cotswolds AONB

3.18 The appellants landscape and visual assessment identifies the hierarchy of landscape character assessments that have informed the landscape and visual impact assessment. To understand the sensitivity that should be given to individual features and broader characteristics of the site and contextual area, is it necessary to understand the recognised 'Special Qualities' attributed to the AONB that make the area distinctive and which are valuable especially at a national scale.

3.19 The Cotswolds AONB Management Plan 2018 – 2023 (CMP) sets out these special qualities and states of them:

*'They are the key attributes on which the priorities for its conservation, enhancement and management should be based. They bring out the essential of the AONB as an evocative description of the area rather than as a statistical account.'*<sup>10</sup>

3.20 The CMP sets out the Special Qualities of the Cotswolds AONB in a Statement of Significance in which it states:

*'The Cotswolds are a rich mosaic of historical, social, economic, geological, geomorphological and ecological features. The special qualities of the Cotswolds AONB are:*

- *The unifying character of the limestone geology – its visible presence in the landscape and use as a building material;*
- *The Cotswold escarpment, including views from and to the AONB;*
- *The high wolds – a large open, elevated predominately arable landscape with commons, 'big skies' and long distance views;*
- *River valleys, the majority forming the headwaters of the Thames, with high quality water;*
- *Distinctive dry stone walls*

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<sup>10</sup> CD: J1 page 18

- *Internationally important flower rich grasslands particularly limestone grasslands;*
- *Variations in the colour of the stone from one part of the AONB to another which add a vital element of local distinctiveness;*
- *The tranquillity of the area, away from major sources of inappropriate noise, development, visual clutter and pollution;*
- *Extensive dark sky areas;*
- *Distinctive settlements, developed in the Cotswold vernacular, high architectural quality and integrity;*
- *An accessible landscape for quiet recreation for both rural and urban users, with numerous walking and riding routes, including the Cotswold Way National Trail;*
- *Significant archaeological, prehistoric associations dating back 6000 years, including Iron Age Forts, Roman villas, ridge and furrow fields, medieval wool churches and country estates and parks;*
- *A vibrant heritage of cultural associations, including the Arts and Crafts movement of the 19<sup>th</sup> and 20<sup>th</sup> centuries, famous composers and authors and traditional events such as the Cotswolds Olympicks, cheese rolling and woolsack races.’<sup>11</sup>*

3.21 Understanding which attributes of the site contribute to the special qualities of the AONB and which make a lesser contribution is therefore important to understanding the susceptibility, value and subsequent sensitivity of the landscape.

3.22 The site and the wider Cheltenham settlement area lie within the National Character Area NCA 106 Severn and Avon Vales<sup>12</sup> area, at a location which forms a transition with National Character Area 107 Cotswolds. It is relevant to this appeal that the designated Cotswolds AONB does not all fall within NCA 107 Cotswolds character area<sup>13</sup>. A narrow margin of land designated as AONB falls within a landscape more typical of the Severn and Avon Vales is identified in published assessment. Although transitional landscapes can share characteristics it is relevant that some areas of the Cotswolds AONB are recognised to have a stronger correlation with the vale landscape than the elevated and undeveloped escarpment landscape at the point of transition.

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<sup>11</sup> CD: J1 page 18

<sup>12</sup> CD: J6 NCA 106 Severn and Avon Vales

<sup>13</sup> CD: J7 NCA 107 Cotswolds

- 3.23 Although National Character Areas provide a broad level of published landscape assessment which do not have the detail of local assessments, in this instance they do identify that the site falls within an area of landscape transition which will have implications when assessing sensitivity and changes to that landscape.

#### Published landscape assessment

- 3.24 At district level the site falls within the Escarpment (2) landscape character type and within the Coopers Hill to Winchcombe (2D) landscape character area, as identified in the Cotswolds AONB Landscape Character Assessment<sup>14</sup>. This is also a broad assessment area which forms the dramatic backdrop to the towns of Gloucester, Cheltenham and Bishops Cleeve. Key characteristics are set out in published assessments and Chapter 6 of the application ES. My appendix 1 provides an extract from the Cotswolds AONB Landscape Strategies and Guidelines that sets out the key features of the LCA<sup>15</sup>.

- 3.25 It is acknowledged that the appeal site reflects some of the published landscape characteristics but it is relevant to this appeal that there are a number of key characteristics which cannot be applied to the site due to the nature and influence of the settlement and its features which contain the site. The published assessment identifies that:

*'Land use is characterised by large unenclosed areas of rough grassland on upper slopes and improved pasture in moderately sized hedged enclosures bordering the vale'*<sup>16</sup>

- 3.26 It is true that the appeal site reflects the improved pasture bordering the vale but this pasture does not form a seamless transition with the large unenclosed areas of rough grassland characteristic of the upper slopes of the scarp. Where this element of the published character is replaced with settlement features such as found south of Harp Hill, the improved pasture appears disconnected with the wider rural landscape and appears at distance, as an area of green space closely associated with the urban area. I do not accept that the improved pasture contributes the same value to the landscape of the AONB when it is disconnected from the

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<sup>14</sup> CD: J5 Cotswold AONB Character Assessment

<sup>15</sup> Appendix 1 page 1

<sup>16</sup> CD: J5 Cotswold AONB Character Assessment page 54



elevated rough grassland of the upper slopes. This is because a further key characteristic of the escarpment landscape recognises that:

*'Despite the close proximity of large urban centres, settlement on the escarpment slopes is sparse and limited to scattered linear settlements bordering the many roads that link Cheltenham to villages on the High Wold...'*<sup>17</sup>

- 3.27 The prominent and obvious containment of the appeal site with established settlement is in stark contrast to the sparsely settled landscape characteristic described in the published assessment. This link with the sparsely settled, unenclosed grassland of the upper escarpment slope has now been fully lost with the development of the Oakley residential area to the north and north east of the appeal site. It is not disputed that the site has an intrinsic value as open green space but it does not, in my opinion, contribute to the desirable characteristics of the escarpment to anything like the same extent as the sloping improved pasture which remains beyond the edge of the settlement and which retains its connectivity with the sparsely settled, unenclosed grassland of the upper escarpment.

Landscape Character, Sensitivity and Capacity Assessment of Cotswolds AONB Within Cheltenham Borough Administrative Area (LCSCA)

- 3.28 The landscape character, sensitivity and capacity assessment (LCSCA) prepared by Ryder Landscape Consultants, considers the appeal site in its assessment of land parcel LCA 7.1. It identifies the site as falling within the 'Pasture Slopes' landscape character type and is identified as the 'Oakley Farm Pasture Slopes' landscape character area.
- 3.29 The site analysis of land parcel LCA 7.1 summaries both a landscape and visual appraisal which need not be repeated here and concludes its assessment of the site as having both high landscape character and visual sensitivity and an overall high landscape sensitivity. It assesses a high landscape value from which its methodology concludes that the site has major landscape constraints and a low overall capacity for accommodating development.

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<sup>17</sup> CD: J5 Cotswold AONB Character Assessment page 54

3.30 The LCSCA<sup>18</sup> considered 42 separate sites in a broad brush assessment undertaken in 2015 and updated in 2016. There are a number of observations made in the assessment of LCA 7.1 with which I do not agree and that I consider important when considering the baseline landscape and visual sensitivity of the appeal site. I set these out below.

3.31 The first point of disagreement is with the statement made within the broad description of the 'Pasture Slopes' landscape character type that:

*'Settlement is very sparse throughout this character type, principally due to the sloping topography. A small number of individual farmstead properties occur.'*<sup>19</sup>

And that:

*'Roads within this character type are not common...'*<sup>20</sup>

This is clearly not a recognisable description of the appeal site which adjoins settlement on all sides other than where it abuts the reservoir. Harp Hill is also a very distinct road with urban settlement which influences the character of the site. The LCSC does recognise that there is residential built development to the north, west and south (and subsequently east as well) which is at odds with this broad statement that suggests a greater sense of rural character than is actually experienced on the ground.

3.32 The site analysis also observes that residents along the western boundary (Wessex Drive) are a key visual receptor which I do not agree with as views from properties at Wessex Drive are generally obscured by a combination of topography, established vegetation and garden boundary structures. I accept that there may be a limited number of glimpsed views through or over the screening features but these are very limited and I do not consider these to be a key visual receptor of the appeal site..

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<sup>18</sup> CD: J3 Cheltenham Borough Council Landscape Character Assessment

<sup>19</sup> CD: J10 page 1

<sup>20</sup> CD: J10 page 1

- 3.33 The analysis concludes with regard to visual sensitivity that *'views looking from the area are expansive and panoramic, resulting in an overall visual sensitivity of **High**'<sup>21</sup>*. However, there is no acknowledgement that views change due to the sloping nature of the site and the far greater influence of screening features that influence views from and into the site at lower levels.
- 3.34 The analysis concludes that the landscape character sensitivity is high due to the *'small to medium scale of the character area, high levels of well maintained boundary vegetation, sloping topography and views into the area from adjacent residential properties and Harp Hill.'* I note that Harp Hill is not identified in the analysis as being a key visual receptor and that no reference is made to how the character of the site contributes to the recognised special qualities of the AONB. The high landscape character sensitivity rating is applied across the site and appears to take no account of the influence of the existing residential development that adjoins the appeal site or the influence of the active road at Harp Hill. These are in my opinion, important factors that influence the landscape character across the site which does not justify the conclusion that landscape sensitivity is high across the entire site.

#### Landscape Value

- 3.35 Landscape value is implied to be high by the national AONB designation in which the appeal site is located. This value is a broad value implied by policy rather than landscape character or its individual elements and how they contribute to the special qualities of the AONB. The appellants landscape assessment takes the landscape value to be high at face value due to the national designation.
- 3.36 It is notable however, that not all areas of the AONB are physically equal in elements and characteristics which contribute to the special qualities, recognised landscape character and scenic beauty. The appeal site is one area where changes to the contextual landscape since its inclusion in the AONB designation have affected the character and scenic beauty and its value is in my opinion now less than the value of the unsettled and deeply rural landscape of the higher escarpment and its rural agricultural landscape to the east. The appeal site is

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<sup>21</sup> CD: J10 page 3

contained on almost all sides by built development and is now physically separated from the wider rural landscape with detrimental effects to its landscape character and scenic beauty.

- 3.37 At first blush it might be contended that a landscape assessment methodology should require any land within it to be ascribed a 'high' value irrespective of the actual attributes of the site simply due to the national designation. However, such an approach would mean disregarding the fact that such an ascription no longer properly reflects the quality and appearance of the landscape of the appeal site because of physical changes made to the contextual landscape since the AONB designation was introduced in 1966 and then extended in 1990. A small area to the west within the appeal site was excluded in the original designation but included in 1990. The Oakley Grange development had not been commenced at this time with GCHQ buildings present. At that time the, the landscape would have appeared much as it did in 1966.
- 3.38 The Appellants starting point for the landscape visual assessment was the presumption of a baseline 'high landscape value' which was then assessed and considered through the analysis. This high value landscape was considered in the context of a landscape with an averaged medium susceptibility due to condition and influences on character from the adjoining settlement areas which reduce the overall landscape and visual sensitivity where their influences are greatest. An overall medium high sensitivity was identified but it is clearly not the case that all areas of the site have the same landscape or visual sensitivity.
- 3.39 This creates something of an obstacle to understanding and assessing true landscape sensitivity which requires landscape value to be considered in conjunction with susceptibility of that landscape to change. In a landscape which is comprised of almost all features which contribute positively to the recognised and published character of the area it would be reasonable and correct to assume that susceptibility to change will be high. When considering the influences of the existing surrounding settlement features and separation of the appeal site from the wider rural and unsettled landscape it is clear that the appeal site susceptibility, when averaged across the site is not greater than medium. Averaging susceptibility across the site implies some areas have higher susceptibility such is found along the upper slope areas of the site. Lower susceptibility areas are found within the lower slope areas where derelict farm structures and prominent settlement features notably lower the quality and condition of the landscape. The officers report clearly states that the LPA's landscape consultant

*'comments specifically on the importance of reading the landscape character of the site as a whole; the site appearing as an identifiable landscape unit and not sub-divided into lower and upper parts.'*<sup>22</sup> I strongly disagree with this approach as it creates an overly blunt tool for individual site assessment.

3.40 In the following paragraph of the officer's report it states: *'It is acknowledged that concentrating built form on the lower parts of the site would potentially result in less harm to the landscape character of the AONB.'*<sup>23</sup> This is a sensible recognition of the reality of the Appeal Site itself and chimes with my approach. However, it contradicts the position taken by the Council's landscape consultant and supporting my opinion that the site has variable landscape and visual sensitivity that should be taken into consideration when considering the impacts of appeal proposals and the effectiveness of mitigation measures.

3.41 The appellants landscape assessment took this approach and assessed an averaged medium susceptibility which gave rise to a baseline landscape sensitivity of medium high. If a more fine grained assessment based on physical condition and context could be made of the landscape value of the site, it is my opinion that it would no longer be high due to contextual changes to the landscape and should be considered no greater than medium or moderate value.

3.42 The matter of planning policy and statute giving equal protection to all parts of an AONB was addressed in a recent appeal decision (APP/Q3115/W/20/325861)<sup>24</sup>. The Inspector recognised however that:

*'...it would be unrealistic to expect the appeal site and its immediate context to share all or even most of these special qualities. It is important to have a balanced interpretation of how such special qualities relate.'*<sup>25</sup>

The Inspector went on to observe that:

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<sup>22</sup> CD: A38 LCSCA para.6.45

<sup>23</sup> CD: A38 LCSCA para.6.45

<sup>24</sup> CD: K17 Appeal Decision APP/Q3115/W/20/3265861 Little Sparrows, Sonning Common, Oxfordshire

<sup>25</sup> CD: K17 Appeal Decision APP/Q3115/W/20/3265861 para.53

*'I accept that the appeal site and the immediate landscape context within the Chilterns AONB form part of a valued landscape this is primarily on the basis of the landscape designation and related less to demonstrable physical attributes of the appeal site.'*<sup>26</sup>

3.43 The LCSCA prepared by Ryder Landscape Consultants assesses the appeal site (LCA 7.1) to have a high landscape value and high landscape sensitivity. This implies their assessment finds the site has high susceptibility to change across all parts of it. Given the condition, character and contextual features of the lower and slope areas of the site, I do not consider this to be a fair assessment as it is not necessary to consider the appeal site as a single unit with unfluctuating sensitivity as it clearly has variable sensitivities according to the location and nature of site attributes and contextual features.

3.44 The LCSCA considered 42 separate land parcels or landscape character areas (LCA's) of which all were confirmed in Table 7 of their assessment to have 'Major Landscape Constraints and Low Capacity for built development'<sup>27</sup>. This is not surprising when a high landscape value is automatically applied to the assessment.

#### Landscape sensitivity

3.45 It is my assessment that the sensitivity of the landscape of the appeal site is influenced by both site and contextual features. Derelict former farm structures and strong settlement influences from the immediately adjoining Oakley residential area, along with reduced visual connectivity with the wider rural landscape reduce the sensitivity of the landscape to change along the lower sloping areas of the site. As the site rises towards Harp Hill the pasture become more visually prominent and open. Although settlement features including the road have an influence on the character of the site, the openness and greater visual connectivity of the upper slope areas increases the rural character and increase potential sensitivity to change.

3.46 In my opinion there is a distinct correlation between elevation of the sloping pasture and the level of potential landscape sensitivity. This creates greater potential sensitivity to the elevated areas mid site to Harp Hill than the lower areas of the site adjoining the Oakley settlement area.

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<sup>26</sup> CD: K17 Appeal Decision APP/Q3115/W/20/3265861 para.67

<sup>27</sup> CD: J3 pages 24 & 25

3.47 The appellants landscape assessment applied a high landscape value due to designation and medium susceptibility to arrive at a landscape sensitivity of medium high. This however, is an average sensitivity across the site and as set out in this proof of evidence, it is clearly not the case that all areas of the appeal site have the same landscape sensitivity, for the reasons described above.

#### 4. VIEWS AND VISUAL AMENITY

##### Views from the appeal site

- 4.1 There are no public accessible views from the appeal site. However, when on the elevated areas of the site there are long and panoramic views both across Cheltenham, towards the Malvern Hills within the Severn Vale and towards the Cotswolds escarpment from Aggs Hill to Cleeve Common. These views are seen over trees, site boundaries and adjoining settlement features. At lower elevations the views generally diminish, and settlement features of the adjoining area become more prominent. Site vegetation also begins to screen views and the openness of the site reduces with a stronger sense of containment approaching the Oakley settlement edge.
- 4.2 As the views diminish at lower elevation, the quality of the views also diminishes due to the prominence of urbanising features and limited visual connectivity with the wider rural landscape. A higher elevation the quality of the views increases with the finest views being adjacent to the southern margin of the site closer to Harp Hill. These views are then panoramic with settlement features seen in the context with the wider rural vale and escarpment landscapes. Urbanising features remain a detractor to the views but they are less prominent in the context of the large scale landscape of the Cotswold escarpment which forms a focus to the views. Site trees are seen to obscure settlement features within the adjoining Oakley settlement area, enhancing the quality of the view by hiding the wider Cheltenham settlement area and creating a framed view towards the escarpment at Cleeve Common.
- 4.3 There are also good views from within the site towards the listed pavilion building at Hewlett's Reservoir which are presently unavailable to the public. These views are experienced from the immediately adjoining field which is to remain open as future natural open space. Although the pavilion is not open to the public, I was permitted to visit the structure by the Water authority. The pavilion has an elevated location from where long views to the escarpment to the north east over the recent Oakley development are experienced. There is also a long view over the appeal site to the west. This corresponds to the retained natural open space so would be fully preserved. Matters of heritage are addressed by my colleague Miss Stoten with whom I have discussed views and the changes that would arise from the introduction of



development to the site and in particular the effect of new planting on the potential screening of existing views.

- 4.4 Overall, the higher parts of the appeal site provide an opportunity to increase accessibility to a number of high quality, panoramic views. These views have a correlation with the topographical elevation of the site. At lower site levels closer to the Oakley settlement the views are limited and lower in quality. At higher site levels, the views are panoramic and very high quality. None of these views are presently accessible to the general public.

#### Views across the appeal site

- 4.5 There are a number of views obtained over the appeal site from public accessible locations as well as from adjoining residential properties on Harp Hill. Users of Harp Hill immediately south of the site can experience panoramic views over the roadside hedge where gaps exist or the hedge is cut low. Unauthorised hedge cutting was undertaken in late winter 2021 which partly opened up these views before they became lost due to summer hedge growth. The nature of the views seen from the road at Harp Hill is important to this appeal as the views generally look over the site rather than into the site. Existing mature site trees do not obscure the views due to the effect of topography across the site. This is illustrated in the appellants viewpoint photograph 1 Fig 6.4 and viewpoint photograph 2 Fig 6.5<sup>28</sup>.
- 4.6 During summer months and when maintained at an appropriate height to maximise potential for ecological habitat, the roadside hedge predominately screens most views experienced by road users. Occasional glimpsed views over or through the hedge to the higher escarpment at Cleeve Common maybe seen but generally road users will experience a greater sense of openness and of large skies, in contrast to the contained views experienced lower down Harp Hill where settlement flanks both sides of the road just west of the site.
- 4.7 During winter conditions, the potential for views is increased particularly if the hedgerow were to be managed to facilitate some views whilst balancing the need to conserve hedgerow habitat. The wider settlement is then seen in these views which remain dominated by the prominent escarpment landscape towards Cleeve Common. As such settlement features are

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<sup>28</sup> CD: A37 D Figures 6.4 and 6.5

already an element of the views experienced from Harp Hill where the setting of Cheltenham against the backdrop of the escarpment is fully appreciated. In these winter views, some screening of the settlement at Oakley is provided by the site trees within the areas of the former farmstead. Winter views from Harp Hill are represented by viewpoint photograph 1 Fig 6.4 and viewpoint photograph 2 Fig 6.5<sup>29</sup>.

- 4.8 Residents of properties immediately adjoining Harp Hill south of the appeal site may enjoy views similar to those experienced along Harp Hill road with greater opportunity to see into a wider area of the appeal site. These views will be high quality but may experience a more extensive view of settlement features. During public consultation as part of the application process I was invited to visit new dwellings being constructed south of Harp Hill just west of the reservoir site. I observed first-hand how the views are panoramic and long distance with a focus on the escarpment towards Cleeve Common and wider towards the Malvern Hills. However, it was also very apparent that residential development at Oakley immediately north of the reservoir site was prominent and a detractor in these views. From the raised external decks of the residence, I was able to clearly see how proposed mitigation planting to the north of the development area would not only be able to reduce potential visual effects of the development itself but would result in a beneficial visual effect to this view due to its potential to screen existing residential properties whilst not obscuring or reducing the panoramic view of the escarpment.
- 4.9 This beneficial visual effect arising from the proposed mitigation planting would in my opinion improve the long distance view to all properties adjoining Harp Hill, adjacent to the southern boundary of the site.
- 4.10 Views from the public right of way which descends from Harp Hill to Oakley along the western boundary of the site vary in extent and quality but are largely visually contained. Where gaps in the weak hedgerow exist, there are views into and across the site. These views are more extensive closer to Harp Hill due to elevation but at the same time these views are limited by the more robust nature of the vegetation in this location. As the footpath descends, panoramic views across the site quickly diminish to views generally limited to the site. The hedgerow vegetation becomes poorer and gappy in places towards Oakley permitting a

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<sup>29</sup> CD: A37 D

number of views into the site. These will be greater in winter conditions when at the same time settlement features will also become more prominent as a feature in these views. Viewpoint photograph 3 Fig 6.7<sup>30</sup> represents a winter view from the public right of way which represents a 'worst case' example where a view into the site is available. The panoramic view presented in Fig 6.8<sup>31</sup> shows how the public right of way becomes quickly contained by the boundary hedgerow of the appeal site.

#### Views towards and into the appeal site

- 4.11 Views into the appeal site from properties and roads west of the site off Wessex Drive are almost fully obscured by a combination of topography, garden boundaries and established vegetation. The relationship of Wessex Drive to the appeal site can be seen in viewpoint photograph 3 Fig 6.8.
- 4.12 Views from public accessible locations and residences with views towards the site at Oakley will experience some views into the site which are limited by established vegetation and in some areas by topography. The rising sloping pasture is seen through these potential screens in some location but views are not experienced in the context of the wider escarpment. Established site trees are prominent in many of the views from Oakley which limit deeper views into the site but contribute to a rural character. Where there are less established trees to towards the western margin there is greater potential for deeper views into the rising pastoral slope. Again, these are limited to the site and are not seen in the context of the wider escarpment landscape. These views are represented by viewpoint photograph 4 Fig 6.9, 5 Fig 6.10, 6 Fig 6.12, 7 Fig 6.14, 8 Fig 6.15 and 17 Fig 6.30.<sup>32</sup>
- 4.13 Public accessible views are also experienced into the site from the wider settlement area from a limited number of locations on Priors Road, west of the supermarket. These views are seen across the supermarket car park and from the road but are generally limited to glimpses between foreground settlement features. These views are represented by viewpoint photograph 13 Fig 6.22 and 14 Fig 6.24<sup>33</sup>. The established settlement area off Wessex Drive is

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<sup>30</sup> CD: A37 D

<sup>31</sup> CD: A37 D

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<sup>33</sup> CD: A37 D

also seen in the context of the views. Again, as for views into the site from Oakley Grange, the glimpsed views of the sloping pasture are generally not experienced in the context of the wider unsettled escarpment but rather in the context of the main settlement area. The site is part seen in the context of the settlement and as such are generally indistinct, making only a limited contribution to sense of place or setting.

4.14 Views from the escarpment towards the wider settlement including the appeal site are more notable and contribute to the character and scenic beauty of the escarpment. These views are long distance and generally extend from the southern edge of Cleeve Common towards Aggs Hill to the north east of the site. These views are panoramic and long distance with the wider Cheltenham settlement area seen in its immediate context with the Cotswold escarpment. The views extend far to the west and into the Severn vale, including to the Malvern Hills and beyond. In this context the settlement features of Cheltenham are an important element where the town is seen not only in the setting of the escarpment but also of the vale and higher ground to the west which contains the vale. These views are represented by viewpoint photograph 11 Fig 6.19, 12 Fig 6.21, 20 Fig 6.34 and 21 Fig 6.35<sup>34</sup>. It is accepted that the appeal site will be visible in a number of long distance views beyond those assessed with chapter 6 of the ES. The officer's report raises issue with regard a further long distance view below Queens Wood at Southam but I consider that the representative viewpoints assessed, cover the majority of these long distance views towards the appeal site where distance and contextual features reduce the visual prominence of the appeal site and its backdrop of Battledown Hill. The LPA requested supporting information in the form of a number of photomontages of confirmed key views. The appellant was provided with the co-ordinates by the LPA for the locations of these views which were then reproduced as verifiable photomontages.

4.15 In this context the rising slope of the appeal site is identifiable but small in scale. It is seen in the context of the wider settlement and the reservoir with the settlement area of Battledown seen semi wooded and elevated above the site. The pastoral slopes in the foreground are seen in the context of the unsettled, open grassland landscape of the escarpment creating a sense of transition from settlement to the elevated wider rural landscape east of the escarpment. The appeal site is identifiable and distinctive, but it is not seen in this context of the wider

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<sup>34</sup> CD: A37 D

landscape of the AONB. It is experienced in the context of the Cheltenham settlement area which in turn is seen in the context of the escarpment which is seen to extend for miles to the south beyond the appeal site and Battledown Hill.

- 4.16 The appeal site is also seen with the settlement area of Oakley in the foreground which is seen to obscure lower areas of the site along with the screening effect created by the site trees. As such the site has greater visual prominence at higher elevation towards the middle and upper areas of the sloping pasture than to the lower areas adjoining Oakley. The site trees are identifiable but not distinctive as part of the wider rural landscape. Instead, they appear as part of the well treed urban area which extends across the whole of Battledown Hill.
- 4.17 The nature of the long distance views from the escarpment at Cleeve Common to Aggs Hill vary little due to the scale and panoramic nature. In almost all views from the escarpment the appeal site is seen in the immediate context of the settlement and the settled area of Battledown Hill. The distance of potential visual receptors from the main settlement area is extensive and as such views are generally experienced with a sense of isolation, wilderness and tranquillity. The foreground pastoral landscape contributes to this sense of separation from the settled vale as it is seen to merge into the open grasslands of the higher escarpment slopes. However, the appeal site does not contribute to this effect as it is seen to be separated from this landscape by the settled wooded landscape of Battledown Hill and the wider Cheltenham settlement area. As such the appeal site makes a lesser contribution to the setting of Cheltenham and has a lower sensitivity to change when compared with the unsettled landscape seen in the foreground to most of the views from the escarpment.

#### Visual sensitivity

- 4.18 The Ryder Landscape Consultants LCSCA assessed a high visual sensitivity for the appeal site based on *'views looking from the area are expansive and panoramic, resulting in an overall visual sensitivity of high'*<sup>35</sup>. However, panoramic views into the AONB are not frequent within the lower slope area due to a combination of screening from vegetation, existing settlement and impact of topography. I am in agreement that the mid and upper slope areas of the appeal site can be assessed to have a higher visual sensitivity but even between the mid slope and

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<sup>35</sup> CD: J10 page 3

the upper slope areas there are significant variation in the quality of views. Upper slope views have fine long distance views of the escarpment and visual receptors experience the setting of the wider settlement seen contained by the escarpment and vale landscape. At lower elevation, the views frequently focus on the immediate settlement area and do not have the same value as the upper slope views.

- 4.19 The extent and nature of long distance views across the site from Harp Hill illustrate the sensitivity of the most elevated areas of the site. Although views across the main settlement area are also attractive from mid slope and lower slope areas of the site, these are not generally available to the general public. In views from the escarpment, the appeal site is identifiable but the mid to upper slope areas have greater visual prominence and distinctiveness. As such the visual sensitivity of the site reflects that of the landscape sensitivity in that the more elevated the site areas have greater potential visual sensitivity. The appellants landscape assessment recognises the variation in quality of views and applies a high sensitivity to views from within the AONB and for views from elevated locations such as Harp Hill. The lower quality of views from within the immediate lower slope settlement areas is also recognised in the assessment of sensitivity and are generally identified to be no greater than medium sensitivity even where views are technically into the AONB and may be seen in the context with glimpses of the higher escarpment.
- 4.20 Views of the escarpment or elevated landscapes that part contain the wider Cheltenham settlement are commonplace within the town particularly where space permits views over foreground-built form. Seeing the escarpment does not necessarily imply greater value to local views in the context of the urban area even though the Cotswold AONB Management Plan implies value to views into the AONB. It is clear that glimpses of the landscape within the AONB do not have the highest value where the landscape context of the AONB is not distinct or the elements in the view do not make a notable contribution to understanding the wider setting.
- 4.21 In summary, all areas of the appeal site do not have the same potential visual sensitivity and there is a strong correlation between elevation of the sloping site and potential for greater visual sensitivity.

## 5. THE APPEAL PROPOSALS

### Mitigation

- 5.1 The planning application was for outline planning permission, seeking approval for means of access from Harp Hill (by vehicles) but with all matters relating to appearance, scale, layout and landscaping being reserved for future consideration. As such mitigation measures are set out in principle rather than detail which can be evolved and influenced by the LPA.

### Inherent mitigation: Mitigation of landscape effects

- 5.2 There are a number of existing landscape features both within and adjacent to the appeal site which provide inherent mitigation and which reduces the potential effects arising from the introduction of the appeal proposals to local landscape character.
- 5.3 Within the appeal site all of the existing trees which are worthy of retention have been retained within the proposals. The trees have been professionally assessed and their requirements to conserve them in good health have been identified as a constraint to inform the masterplan. The trees have not simply been retained for their own sake but have been used to retain and create new green corridors through the appeal site, maintaining robust connectivity with adjacent green space and wildlife corridors. This arrangement is identified in Figure 4.1.3 of the appellants DAS<sup>36</sup>.
- 5.4 A key feature that has been retained within the appeal proposals is a broad swathe of open pasture that lies at the higher elevation of the site adjoining Harp Hill. This retains an open area of grassland that can be managed to reflect the ecology of the area and provide a potentially significant ecological enhancement. This retained openness at the most prominent elevated part of the site, will form a key strategic element in the wider green infrastructure strategy. The officer's report comments that this could resemble an urban parkland but there is no particular reason for this to be either designed or managed in this way. Detailed landscape proposals and long term management plans will be the subject of a reserved matters application over which the LPA has full opportunities to influence details.

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<sup>36</sup> CD: A4 Design and Access Statement

5.5 The appeal proposals are in outline but have the potential to provide a significant, new public open space with natural appearance. Features could include:

- Public access to a broad swathe of land for leisure and recreation where presently there is no access.
- Safe public footpath to avoid walking on the highway or its verge at Harp Hill
- Managed to retain key views towards the escarpment to the north and east so that Cheltenham is experienced in its escarpment setting.
- Managed key views to the north west across Cheltenham and the wider vale so that Cheltenham is also experienced in its vale setting.
- The potential for a variety of habitats to be expanded and enhanced across the site, linking established habitats such as the site trees with boundary hedgerows and long grass meadow areas.
- The potential for mown paths to be sited to encourage walkers, dog walkers and those using the open space to take in specific views including new views to the Hewlett's Reservoir pavilion.
- The potential for new attractive walks from Harp Hill to Priors Road which improve local connectivity using attractive open green space and green corridors.
- Dog waste bins to encourage local dog walking and reduce pressure on other walking sites east and north and east of the reservoir.

5.6 The existing trees and proposed green corridors have been used to reduce the potential scale of the development by creating separated areas of built form rather than a single area. This is illustrated in Figure 4.1.5 of the DAS<sup>37</sup>. How the existing trees would be incorporated into an extended green infrastructure that provides the broad principles for mitigating both landscape and visual effects is illustrated in Figure 4.1.1 of the DAS<sup>38</sup>.

5.7 The existing trees therefore play an important role in anchoring new green infrastructure into the appeal site, with robust connectivity to adjoining green space.

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<sup>37</sup> CD: A4 Design and Access Statement page 25

<sup>38</sup> CD: A4 Design and Access Statement page 21



5.8 Site boundary hedges are also retained where removal is not absolutely required to accommodate access and visibility splays. Although this will require a section of hedgerow to be removed adjoining Harp Hill, the majority of the boundary hedgerows will be retained with potential to restore and manage. Furthermore, significant areas of new hedgerow will be planted which will significantly exceed the areas of lost hedgerow. Such new hedgerow planting might include:

- Restoration of hedgerows at the site vehicular entrance off Harp Hill, where existing hedge has to be removed to achieve visibility splays.
- Potential for hedgerow along one or either side of the new access from Harp Hill to screen activity and vehicle lights
- New boundary hedgerow planting and restoration along the pedestrian and cycle access to Priors Road and along the northern boundary of the site.
- New hedgerow planting to the edges of the tree belt that will separate the built development area from the retained natural open space. This will ensure that as the tree belt developments, views through or under the tree canopies to built form and gardens will remain screened from the natural open space along the upper slope and from green corridors through the retained trees.

5.9 These hedgerows presently contribute to the character of the appeal site as well as contributing to screening particularly along Harp Hill and alongside the public right of way that extends along the western site boundary. It is however of note that there appears to be a wish on the part of some local residents to manage the hedgerow in a manner which can facilitate intermittent wider views to the north. This too could be secured by suitable management if that is considered appropriate by the Council at reserved matters stage. If that was to be undertaken then areas of new planting could be managed in a way to more than compensate for those parts of the hedgerow onto harp Hill being managed at a reduced height.

5.10 Hedgerow and trees contribute to screening some views into the appeal site from the Oakley settlement area beyond the northern site boundary. There is no hedgerow along the site boundary with Hewlett's Reservoir as the listed red brick wall maintains a stock proof boundary. The wall is presently encroached with brambles and scrub in some areas and will be cleared so that the listed structure can be seen in full form the future public open space

adjoining. There are no public accessible views from the raised ground of the reservoir site but views from the listed pavilion are noted to the west. This view crosses the present open ground of the appeal site and extends into the vale. The view is fully conserved by retaining the open space across the upper slope of the site. Mitigation planting which will soften the landscape and visual effects of the proposed built development north of the reservoir, will not conflict with the view as vegetation matures. The ridge and furrow remnants visible within the field immediately adjoining the reservoir will also be conserved in the retained open space adjoining the reservoir.

- 5.11 Matters regarding heritage will be considered and addressed by my colleague Miss Stoten.
- 5.12 A further internal hedgerow descends the appeal site from Harp Hill to the northern boundary farm track running parallel with the western site boundary. This will have to be removed on the lower and mid slope areas of the site to accommodate practical development. Above the development the hedge can be retained where it falls within the proposed grassland open space. Again there is the potential for extensive compensatory additional hedgerow planting elsewhere within the site in association with the proposed tree belt that crosses the site. This can assist with maintaining green corridors where existing hedgerow will have to be removed to facilitate the development or access. Detail 4.1.6 of the DAS provides an example of how 'hop over' principles can be used to retain connectivity where access is required through a hedgerow<sup>39</sup>. Such details are however, a matter for approval and detailing at the reserved matters stage.
- 5.13 The retention and long term enhancement of both boundary and internal site hedges are important elements in conserving and enhancing a semi rural character to the retained open space adjoining Harp Hill. It is accepted that the pastoral setting in which the site trees are partly seen will be changed but this change will in my opinion, emulate the well treed landscape character of the Battledown Hill settlement area that forms the elevated backdrop to the appeal site.
- 5.14 The built form and layout of the Oakley settlement area adjoining the northern site boundary also provides inherent mitigation for the development proposals. The existing settlement

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<sup>39</sup> CD: A4 Design and Access Statement page 29

features allow the development proposals to be seen in the immediate context of modern residential area, appearing as a logical planned extension of that residential area in keeping with the wider pattern of settlement. With reference to Figure 2.10.1 of the DAS<sup>40</sup> it is clear that new residential development with area identified as A, B, C, E, F and part G would appear extensions to the existing settlement identified as areas L and M.

5.15 Although there is limited visual connectivity between the appeal site and the established residential area at Wessex Drive, the existing settlement is nonetheless seen in views from Priors Road where it would be seen in the foreground of part of the development proposals. As such, developed built form seen in views from Priors Road would be experienced in the context of this established settlement resulting in very limited change to the landscape character experienced in views from the town in this location.

5.16 The existing green infrastructure and pattern of settlement are in my opinion important elements which bring inherent mitigation to the scheme, reducing the extent to which the development proposals will introduce changes to the landscape character beyond the appeal site and its very immediate margins. Moreover that existing vegetation will provide an excellent foundation for additional planting of trees and hedgerow as well as facilitating management to readily assimilate the development into the wider landscape.

Inherent mitigation: Mitigation of visual effects

5.17 I have identified the value of established site vegetation and the existing settlement features for inherent mitigation of landscape effects. These also assist with the mitigation of local visual effects of development. These features also provide inherent mitigation in conjunction with the sloping site topography. From long distance views from the escarpment at Cleeve Common to Aggs Hill, the lower areas of the appeal site are less visually prominent due to physical screening and visual indistinctiveness due to the distance of the view and the contextual settlement features.

Proposed mitigation: Mitigation of landscape effects

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<sup>40</sup> CD: A4 Design and Access Statement page 14

- 5.18 It is accepted that the introduction of new residential development to the lower and mid slope areas of the site will introduce a change to the landscape character from semi-rural to urban. The introduction of tree planting to create the corridors of new green infrastructure, anchored to the existing site trees and hedges will soften the change to one with a character of a well treed urban area. This is patently not out of keeping with the well treed character of the adjoining Battledown settlement area.
- 5.19 The most significant element of mitigation is a belt of new tree and hedge planting that would cross the site east to west where it would contain the area of new built form to the mid and lower slope areas of the site. New tree planting will be strategically anchored to the existing site trees so that the belt of vegetation also forms part of the strategic network of green corridors that have potential to maintain wildlife connectivity and conserve the semi-rural character of undeveloped elevated areas of the site. These mitigation and enhancement principles are set out in Fig 14 of the DAS<sup>41</sup>. These principles can be secured through a condition that requires the development to meet or exceed the landscape led design principles set out in Fig 14.
- 5.20 The new tree planting would not be an alien feature to the local landscape character as trees and hedgerows are elements of both the settlement and rural edge character in this location. This is evident in the aerial photograph contained in technical appendix 6.2 Fig 6.3.7<sup>42</sup>. The existing hedgerow and trees that extend eastwards across the site from the main cluster of site trees to the boundary with the Oakley settlement area, illustrate that this feature is already partly present on the site. It's continuation across the site to the western boundary would reflect the approximate line of a possible former field hedge identified in Fig 6.3.7.
- 5.21 It is accepted that regrading of the landform will be required to practically accommodate new built form but this also provides an opportunity for mitigating views from the south and west. A benefit of this change in landform is that mitigation planting would not require a long period of establishment before screening became effective. Based on the illustrative cross section provided in 4.1.7 of the DAS<sup>43</sup>, young trees and hedges would in my opinion provide effective screening in as little as 5 years.

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<sup>41</sup> CD: A4 Design and Access Statement page 22

<sup>42</sup> CD: A37 D

<sup>43</sup> CD: A4 Design and Access Statement page 30

- 5.22 Exposed earthworks would be temporarily visually distinctive and have an adverse construction phase impact but could be seeded and put to temporary grass cover in a matter of weeks. With reference to the aerial photograph in Fig 6.3<sup>44</sup> a similar scale of ground disturbance is evident on the Oakley settlement area which was found to be acceptable to the council.

Proposed mitigation: Mitigation of visual effects

- 5.23 The proposed belt of trees that would separate the retained open, upper slope area from the development area will mitigate both landscape and visual effects so its merits need not be repeated here. The earthworks and tree belt would have a further function in mitigating visual effects in long distance views from the escarpment towards the site. Although the partial loss of green open space cannot be mitigated, this forms only a fragment in the much wider panoramic views. The introduction of the proposed east west tree belt in conjunction with the earthworks would form a mottled backdrop to the development seen from the north which will reduce the visual effects of the new built form and replicate the well treed urban area seen widely across the urban area. The rising slope south of the tree belt would still be identifiable above the tree belt, in turn seen in the context with the reservoir grassland. This will notably reduce the extent to which change is apparent in views from the escarpment.
- 5.24 It is an important consideration that long distance and panoramic views from Harp Hill and the adjoining residential properties are retained and that new tree planting does not create screening or cause a notable reduction in these views. With reference to the existing site trees, although they assist with screening some views from Oakley into the site, they do not obscure views to the north or north east from Harp Hill or from the public right of way closer to Harp Hill. These panoramic views are elevated and extend over the site trees with focus on the escarpment. With reference to viewpoint 1 Fig 6.3<sup>45</sup> it can be seen that even though the site trees are mature, they do not screen views of the escarpment to the north and east. The mitigation tree planting belt that will cross the site, will similarly have canopies that are seen well below the main view to the distant escarpment. As such, mitigation tree planting will screen new built form but will not obscure long distance views to the north and north east.

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<sup>44</sup> CD: A37 D Fig 6.3.7

<sup>45</sup> CD: A37 D Fig 6.3

### Enhancement opportunities

- 5.25 I have set out the principles of the landscape and visual mitigation which are instrumental to reducing landscape and visual effects of development. The development of part of the site provides a number of significant opportunities for enhancements which I set out below.

### Improved public access and connectivity

- 5.26 The LCSCA identifies the landscape character area to have moderate recreational value even though no public rights of way cross the appeal site and no permissive access has been established. As such there is presently no authorised public access to the appeal site. Panoramic views identified from residential properties adjoining Harp Hill are not generally experienced by either road users or pedestrians using Harp Hill.
- 5.27 It is also relevant that there is no pedestrian footpath alongside the road on Harp Hill adjoining the southern boundary of the appeal site. Those walking or exercising on Harp Hill are presently required to use the road or roadside verges. The provision of a broad area of public accessible natural open space within the appeal site adjoining Harp Hill, provides a significant opportunity to improve public access to the site as well as to offer a safe and attractive alternative to walking the narrow road verges.
- 5.28 The proposed natural open space will provide an opportunity for walkers to use attractive natural open space closer to the main areas of residential development than is presently available. This is not a small and incidental space left after development has been accommodated but is a large scale open space which provides practical opportunities for informal leisure activities. It is not conceived as formal recreational space but rather an open space which retains a natural appearance and provides opportunities for ecological habitat appropriate to the location. It can provide practical walking areas not presently available west of the reservoir and has potential to encourage local residents to use this space rather than drive to the popular walking areas beyond Aggs Hill. The appeal site natural open space therefore has potential to reduce the need to travel to other areas of the AONB which may be subject to damage from intensive visitor use. This damage is evident along the lane sides to Cleeve Common and along the Cotswold Way at Cleeve Common.

5.29 The provision of new accessible open space also provides the opportunity to improve connectivity through the site from the residential area of Harp Hill to the commercial and retail facilities on Priors Road. This connectivity is presently limited to the narrow and enclosed public right of way on the western boundary of the site.

5.30 Furthermore, the events of the last year has underscored the importance of the provision of an area of new accessible open space within the urban fabric, especially for denser urban developments (such as that at Oakley) where access to urban parkland is not close by.

#### New public accessible views

5.31 Greater access to the appeal site will open up panoramic views not presently available to the public. These will be enjoyed from a safe and natural environment away from Harp Hill. Views will be similar to those presently enjoyed from elevated location adjoining as the features of the new development will be predominately screened by mitigation planting that separated the elevated natural open space from the area of built development. It is envisaged that a network of mown paths could be established within a wider natural meadow grassland area in a layout that encouraged walkers to enjoy specific views including new close up views of the listed reservoir pavilion not currently available to the public.

5.32 The creation of a new access from Harp Hill into the site will create some change to the character of the road where the access is made. Where hedgerow requires removing to achieve visibility splay requirements it can be replaced set back with a tall grass margin returned to the roadside. Although a new access will introduce a settlement feature were none is seen, its design and finished need not be out of keeping with this semi rural location. The harm that arises is assessed to be minor adverse for both landscape character and visual amenity. This needs to be considered in the context of the panoramic view that will be made available to road users who will experience a long distance view to the escarpment at Cleeve Common as they pass the access. Due to the sloping nature of the ground the new access road will only be seen for a short distance into the site and it will be experienced in the context of a new natural grassland landscape that will form the foreground to the view.

#### Improvement to existing views

- 5.33 The establishment of a new belt of tree planting across the site that links with the existing site trees not only has potential to fully mitigate the visual effects of development in views from the south and south west but has potential to enhance existing views from Harp Hill and immediately adjoining residential properties. This can be achieved through the screening of not only new built form but the present settlement edge at Oakley. The sloping nature of the site allows tree planting to screen the present harsh settlement edge whilst preserving views over the trees to the wider settlement area and the elevated escarpment landscape. This would improve existing views from residential properties off Harp Hill by removing the somewhat raw settlement edge from the scenic long distance elements which are the main focus of the views.

#### Restoration of site green infrastructure

- 5.34 The retention and incorporation of site trees and a number of hedges into the appeal proposals allows for their long term restoration and conservation through management. The area of improved pasture that will form the natural open space across the upper slope area of the site can be managed to improve species diversity and habitat opportunities. The strategic association of the existing and proposed green infrastructure will provide long term opportunities for new habitat establishment that better reflects the natural grasslands of the upper escarpment area.

#### Appropriateness of the mitigation measures and harm to the AONB

- 5.35 The officer's report concludes in section 6.62 with regards to mitigation measures:

*'Proposed mitigation, which largely comprises of the retention of a section of the southern pasture slopes, retention of TPO'd trees and some hedgerow, proposed hedgerow planting and a tree belt are not considered sufficient to mitigate the identified harmful visual and landscape effects of the proposed development; the proposed mitigation measures considered to alter the character of the site as a whole and result in harm to the AONB in themselves.'*<sup>46</sup> This assessment is a key element of RfR 2.

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<sup>46</sup> CD: A38 para.6.64



5.36 Landscape Strategies and Guidelines for the Escarpment landscape character type set out in the CMP include the following strategies and guidelines:

- *Create new woodlands that link to existing woodlands on lower escarpment slopes to counteract the impact of intrusive or degraded urban edges.*
- *Plant new trees and hedges within and around new development to reduce impact on the landscape ideally in advance of development taking place.*
- *Retain existing trees and hedges etc as part of the scheme.*
- *Promote and link to the escarpment 'green' infrastructure in any major extension in Gloucester and Cheltenham.*<sup>47</sup>

5.37 The above published strategies and guidelines are specific for the Escarpment Character Type in which the appeal site is located and prepared by the CCB in response to the identified '*Local Force for Change*' – *Development, expansion and infilling of settlements including residential, industrial and leisure onto or towards the lower slopes of the Escarpment, including Cheltenham.*<sup>48</sup>

With respect to the author of the officer's report the extent of proposed mitigation is far more than simply retaining existing features, but includes extensive areas of additional tree and hedge planting, as well as a regime of management together with the provision of a significant area of open space. The mitigation measures are fully in accordance with these published objectives and as such I am satisfied that mitigation measures are fully compliant with the CMP and will not in themselves result in harm to the AONB.

5.38 As the LPA has considered the mitigation measures to be harmful, they will presumably not have taken them into account as mitigation effects when assessing landscape and visual harm of the wider development proposals of which they assess a Moderate/Adverse and Permanent impact; rather they will have presumably considered such mitigation as harmful and therefore exacerbating the impact of the development, if so it is a conclusion that it is in my view perverse. The officer confirms in the report that:

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<sup>47</sup> Appendix A page 4

<sup>48</sup> Appendix A page 3

*'In light of the Council's landscape impact review and assessment, officers conclude that the landscape and visual effects of the proposed development would be at least Moderate/Adverse and Permanent.'*<sup>49</sup>

The published Cotswolds AONB Strategies and Guidelines underpin the appropriateness of the proposed mitigation measures and contradict the Council's case that mitigation will alter the character of the site as a whole, resulting in harm to the AONB. The Council's assessment that the appeal proposals at best will give rise to Moderate/Adverse and Permanent impact is clearly not the case where mitigation measures are in keeping and would be effective at reducing or removing landscape and visual effects. When mitigation measures that are recognised as being appropriate for the appeal site are taken into account, it is clear that an impact less than Moderate/Adverse will be achieved which is reflected in the appellants landscape assessment. Contrary to comment in the officer's report that the appellants landscape assessment under-reports landscape and visual effects, my strong view is and remains that the assessment is appropriate.

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<sup>49</sup> A38 para.6.64

## **6. LANDSCAPE AND VISUAL HARM AND THE BALANCE WITH CONSIDERATION TO THE OPPORTUNITY FOR ENHANCEMENTS**

- 6.1. The landscape and visual effects arising from the development proposals are set out in Table 6.6 of the landscape chapter of the ES<sup>50</sup>.
- 6.2 A moderate adverse landscape effect is assessed for the appeal site itself arising from the loss of sloping pasture and introduction of new built form that extends the current settlement edge into what is presently undeveloped land. Landscape harm is limited by restricting development to the lower parts of the site within a well landscaped context as well as the retention, enhancement and long term conservation of the open upper slope areas which make a greater contribution to the local landscape character. A minor adverse effect is assessed to the wider sloping pasture landscape character type due to the loss of pasture land. Minor adverse landscape effects are assessed to the confirmed landscape receptors of the Escarpment LCT, Harp Hill and the residential margins.
- 6.3 Landscape harm is limited by the inherent mitigation provided by contextual settlement features and site trees and hedges. It is also limited by the retention and strengthening of a broad swathe of upper slope that conserves a semi rural and open character to the landscape that will retain its visual connectivity to the escarpment and wider settlement area. Proposed mitigation will create a new edge to the built confines of the settlement, approximately mid slope that will contain the development to the mid and lower slopes which are already notably influenced by the Oakley settlement area, thereby retaining the more important upper slopes in a form which is undeveloped (save for the proposed access road).
- 6.4 Effects arising from the new access road will be mitigated by a combination of measures. These are set out below:
- New hedgerow planting to rear of the visibility splay requirement linking back into the undisturbed hedgerow that borders Harp Hill.
  - Long grass margins to be encourage through management of the existing highway verge where within the control of the appellant.

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<sup>50</sup> A37 D after para. 6.7.10

- Establishment of new meadow grassland adjoining the access road as it enters and passes through the site.
- Potential for new native hedgerow planting adjoining the road to reduce the visual prominence of vehicle activity and vehicle lighting.
- Careful detailing of kerbs and edges to better reflect the semi-rural location. Such details will be subject to a reserved matters application.
- Low level/controlled lighting scheme considered in association with the detailed landscape proposals

6.5 An important element in mitigating the prominence of the access road will be the inherent mitigation provided by the natural slope of the site. By gently cutting into the slope, a natural and immediate screen can be created that will remove the road from sight from Harp Hill beyond the entrance itself. This would be a detail for a reserved matters application but has potential to significantly mitigate the visual effects on visual receptors on and associated with Harp Hill. Incorporating ecological 'Hop Over'<sup>51</sup> principles within the design can also impart a strong semi-rural character to the access road within the site assisting with beneficial landscape effects.

6.6 Together, these measures will achieve an access road with semi-rural appearance set within a landscape with natural appearance. It is accepted that the access onto Harp Hill will create a change to the immediate character of Harp Hill in that location but this must be considered with the new panoramic views that are opened up to users of Harp Hill which are predominately screened during summer conditions.

6.7 The introduction of new roads and tracks to the unsettled escarpment is clearly going to cause harm where no such features exist or are locally limited. However, that is not the context of the appeal site which is contained by Harp Hill to the south, Pillowell Close to the north, Wessex Drive to the west and numerous other roads and tracks associated with Oakley Grange and the reservoir site. These are clearly identifiable in the aerial photograph Fig 6.3.7 Appendix 6.1 of the ES<sup>52</sup>.

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<sup>51</sup> CD:A4 page 29 Fig 4.1.6

<sup>52</sup> A37 D Appendix 6.1

6.8 When considered in the context of the special qualities of the AONB, the appeal site does not reflect the majority of the special qualities other than a limited historic association through ridge and furrow and views to and from the Cotswold escarpment, from which it is disconnected. The contextual area to the AONB in this location contains a significant amount of built development which contrasts with significantly with the deep, rural are of the countryside within the AONB. The appeal site with regard to landscape character is less sensitive than other parts of the AONB. I set out in **Table 1** below the special qualities of the AONB to which the appeal site or its contextual areas immediately adjoining, makes a contribution:

Special Quality	Attributed to the appeal site	Attributed to the contextual area adjoining the site
Unifying character of the limestone geology	No	No
The Cotswold escarpment	Yes	No
The high wolds	No	No
River valleys	No	No
Distinctive drystone walls	No	No
Internationally important flower rich grasslands	No	No
Internationally important ancient broadleaved woodland	No	No
Variations in the colour of the stone from one part of the AONB to another	No	No
The tranquillity of the area	No (medium at best due to settlement and roads)	No (The reservoir site is assessed to have medium tranquillity only to site dwellings and adjoining road on two sides)
Extensive dark skies	No	No
Distinctive settlements developed in the Cotswold vernacular	No	No
Accessible landscape for quiet recreation	No	No
Significant archaeological, prehistoric and historic	Yes	Yes

associations including ridge and furrow fields		
Vibrant heritage of cultural associations	No	No

6.9 Table 1 clearly illustrated that the appeal site reflects clearly only two of the special qualities of the AONB and that the immediately adjoining areas reflects only one of the special qualities. I note that the officers report raises the comment from the Cotswold Conservation Board (CCB) that the development: *'is likely to have significant adverse impacts on the tranquillity of the Cotswolds AONB, particularly with regards the number of vehicle movements within and adjacent to the AONB.'* However, I note that policy CE4 Tranquillity of the Cotswolds AONB Management Plan<sup>53</sup> is correctly not referenced in RfR 2 as the site has medium tranquillity at best, due to the influences of the adjoining settlement features. I also note that the CCB consider that proposals to enhance biodiversity within the AONB could undermine the existing landscape character of the site<sup>54</sup>. Whilst I understand that improved pasture is the present characteristic of the site, flower rich grasslands can be encouraged through simple long term management of pasture. As flower rich grasslands are recognised as a special quality of the AONB I am surprised that the CCB would not wish to encourage the development of a more diverse flowering grass sward through long term management. I am aware that improved pasture is an element of the escarpment landscape character, which is a special quality of the AONB, but improved pasture itself is not recognised as a special quality of the AONB. I am therefore somewhat surprised by the stance of the CCB therefore.

6.10 Visual effects arising from the development proposals are assessed to result in a residual minor adverse impact to long distance views and a residual moderate to minor adverse impact on visual receptors experiencing local views. The overall combined residual significance of landscape and visual effects is assessed to result in a minor / moderate adverse impact.

6.11 The identified landscape and visual harm is predominately contained to the site and immediate adjoining areas with limited harm assessed to the wider landscape character beyond the settlement. Similarly visual harm is generally localised and results from the

<sup>53</sup> CD: J1

<sup>54</sup> CD: A38 para.6.53

immediate loss of openness to the lower and mid slope pasture which cannot be fully mitigated.

- 6.12 The potential enhancements to the appeal site arising from logically confining development to the lower and mid site through new woodland planting and provision of new public access and landscape enhancement of the upper slope areas are significant and should be considered in the context of the assessed landscape and visual harm arising from the loss of openness and semi-rural character of the lower and mid slope areas. It is also relevant that the landscape change resulting from the development proposals is not consistent throughout the lower and mid slope as established site trees which are located within these lower slope areas are fully retained. Change to the upper slope through the provision of the new site access road is limited by the predominately two dimensional nature of the built form and the inherent and proposed mitigation measures that can be used to reduce visual effects and conserve a semi-rural character of the overall appearance of the upper slope landscape.
- 6.13 It is relevant that the character of Harp Hill adjacent to the southern boundary of the site is not rural but has distinct urban features which form a gateway to the main settlement area. It is the potential for panoramic views and strong visual connectivity with the rural unsettled escarpment to the north and north east that introduces a semi-rural characteristic to this location. I note that the linear settlement adjacent to the southern boundary of the site on Harp Hill continues to be developed, introducing contemporary style properties, set within an urban setting but enjoying rural views. In this context the new access road and its junction simply forms part of the ongoing evolution of the settlement in this location, with correspondingly limited landscape and visual magnitude of effect.
- 6.14 Long distance views to and from the appeal site are attractive and do contribute to the special qualities of the AONB associated with the escarpment. These views are predominately retained and enhanced by the mitigation measures which will create greater screening of the Oakley settlement area. Overall, the appeal proposals will not adversely impact on the key views either to the site or on views seen over and across the site. The introduction of new views to the public +in the upper part of the site will provide an opportunity for a greater number of people to enjoy long distance and panoramic views not presently available to them.

- 6.15 Overall, the appeal proposals will result in a highly localised impact on the Oakley Farm Pasture Slopes LCA but not to an extent that it would disrupt or undermine the Pasture Slopes LCT of the district. At a local and wider scale, I do not consider this to constitute 'material harm' to the Cotswolds AONB as only a small part of the Pasture Slopes LCT would be impacted which would not alter the overall character of the Pasture Slopes LCT or wider Escarpment LCT.
- 6.16 The appeal proposals would therefore have localised landscape and visual effects but these would not exceed a minor or moderate adverse impact. In my opinion, this level of adverse effect would not represent a significant impact on the special character of the Cotswolds AONB or the setting of Cheltenham. This reflects the observation of the Inspector in the Sonning Common Appeal Decision who found that a slight to moderate adverse effect on the landscape character would not represent a significant impact to the landscape character and appearance of the Chilterns AONB.<sup>55</sup>
- 6.17 The Inspector in the Land West of Ham Lane, Ham Lane Lenham, Maidstone Appeal (APP/U2235/W/15/3131945) identified that the appeal site (albeit not in AONB) did form '*has a visual and physical relationship to the AONB by virtue of its proximity.*'<sup>56</sup> The Inspector's description of the appeal site strikes accord with this appeal in that although undeveloped was influenced by existing settlement:

*'Whilst the site shares some physical similarity with surrounding countryside, the wider character and appearance of this part of Ham Lane and of adjacent sites display little overall distinctiveness. Built development comprises various piecemeal schemes of contrasting styles which I do not consider contribute to any particular physical uniformity or gateway impression relative to the surroundings. By virtue of the peripheral location adjacent to post war housing, I also do not consider the principle of developing the site to have specific adverse implications for the important and more historic forms and character of Lenham elsewhere.'*<sup>57</sup>

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<sup>55</sup> CD: K17 Appeal Decision APP/Q3115/W/20/3265861 Little Sparrows, Sonning Common, Oxfordshire para.75

<sup>56</sup> CD: K44 Appeal Decision APP/U2235/W/15/313194 Land West of Ham Lane, Ham Lane, Lenham, Maidstone para.20

<sup>57</sup> CD: K44 Appeal Decision APP/U2235/W/15/3131945 Land West of Ham Lane, Ham Lane, Lenham, Maidstone para.21



6.18 The Inspector was aware of the slight adverse effect of development on views from within the AONB<sup>58</sup> but concluded that the proposals would not be harmful to the character and appearance of the open countryside, including the setting of the Kent Downs AONB<sup>59</sup>. The Inspector acknowledges that the site formed part of a wider panorama and would be visible from a number of public rights of way but he noted that *'In this wider context, I find the presence of houses would not appear as uncommon or incongruous features at the edge of the settlement'*<sup>60</sup>.

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<sup>58</sup> CD: K44 Appeal Decision APP/U2235/W/15/3131945 Land West of Ham Lane, Ham Lane, Lenham, Maidstone para.35

<sup>59</sup> CD: K44 Appeal Decision APP/U2235/W/15/3131945 Land West of Ham Lane, Ham Lane, Lenham, Maidstone para.53

<sup>60</sup> CD: K44 Appeal Decision APP/U2235/W/15/3131945 para.40

## 7. CONSIDERATION AGAINST POLICY AND GUIDANCE

7.1 I set out below national and local planning policies which are pertinent to landscape and to the appeal site. I also refer to published guidance that assists with understanding what level of development would give rise to an unacceptable landscape and visual harm. All development involving built development upon green field sites will cause some harm. Understanding the significance of any effect and, in particular the level at which harm becomes unacceptable is therefore important in measuring whether development is compliant with landscape policies and guidance.

7.2 The conservation and enhancement of the Cotswold Area of Outstanding Natural Beauty is a key focus of both national and local planning policy.

### **National Policy and Planning Guidance**

7.3 National Planning Policy Framework (NPPF Feb 2019) in paragraph 170 (now paragraph 174) states that:

*'Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*a. Protecting and enhancing valued landscapes, sites of biodiversity or geographical value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

*b. Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

7.4 NPPF paragraph 172 (Now paragraph 176) states that:

*'Great weight should be given to conserving and enhancing landscape and scenic beauty in national park, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural*

*heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

*a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*

*b) the cost of, and scope for, developing outside of the designated area, or meeting the need for it in some other way; and*

*c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

7.5 Both NPPF paragraph 170 (174) and 172 (176) put an emphasis on development conserving and enhancing the natural environment but fall short of being nil harm policies. The requirement that development 'should' is dependent on the weight that is given to other matters arising from an assessment of points a to c of paragraph 172.

7.6 Appeal Decision APP/Q3115/W/20/3265861<sup>61</sup> is relevant to this appeal. The Inspector observed that the appeal site did not reflect many of the special qualities of the Chilterns AONB and was clearly less sensitive to development than other areas less influenced by built development. He acknowledged that a '*slight to moderate adverse effect on landscape character would not represent a significant impact in respect of the Chiltern Hills AONB*'<sup>62</sup>.

7.7 The Inspector concluded that: 'the proposed development would have some localised landscape and visual effects, but these would not result in unacceptable impacts on the AONB...'. This did not mean that the Inspector did not give great weight to conserving the landscape and scenic beauty of the AONB but rather he identified that the appeal site did not make a significant contribution to the special qualities of the AONB. The adverse effects

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<sup>61</sup> CD: K17 Appeal Decision APP/Q3115/W/20/3265861 Little Sparrows, Sonning Common, Oxfordshire.

<sup>62</sup> CD: K17 Appeal Decision APP/Q3115/W/20/3265861 para.69

arising from the appeal proposals were sufficiently localised and limited that it would not constitute 'harm' or unacceptable impacts on the AONB.

7.8 This is a similar conclusion reached by the Inspector in the Land West of ham Lane, Ham Lane, Lenham, Maidstone Appeal (APP/U2235/W/15/3131945)<sup>63</sup>.

7.9 Appeal Decision APP/F1610/A/13/2196383 Land Off Station Road, Bourton on the Water, Gloucestershire<sup>64</sup> is also relevant to this inquiry. The Decision approved residential development for up to 100 dwellings within the AONB. The Station Road site had a number of similarities with this appeal site in that the Inspector noted *'It is not disputed that the development would be located within the AONB and would be visible from both the built-up area and the surrounding countryside'*<sup>65</sup>. The Inspector also noted that *'The appeal site is therefore enclosed by the town on three sides. And in addition, the site is well related to the built-up area as a whole, being close to the centre....'*<sup>66</sup> A further similarity with the current appeal site was that the appeal was identified by the Inspector to be separated from the wider countryside: *'On the site's fourth side, to the north west, there is open countryside. But the site does not directly adjoin that area, because it is separated from it by the Fosse Way'*<sup>67</sup>. He went on to acknowledge that: *'The site, notwithstanding its current quasi-agricultural land use, is disconnected from the wider countryside. Whereas its physical and visual association with the settlement is far stronger'*<sup>68</sup>.

7.10 The Inspector noted of the AONB designation that: *'Another important consideration is the purpose of the AONB designation. That purpose as stated in the Act is to conserve and enhance the area's natural beauty. However, nothing in the relevant legislation suggest that the aim is to be seen as incompatible with any development. In the case of the Cotswolds, the designated area is very extensive and washes over buildings and entire settlements, as at Bourton. Not every site within such a broad-brush area, either developed or undeveloped, can have an equal importance to the AONB's purpose.'*<sup>69</sup>

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<sup>63</sup> CD: K44 Appeal Decision APP/U2235/W/15/3131945 Land West of Ham Lane, Ham Lane, Lenham, Maidstone

<sup>64</sup> CD: K37 Appeal Decision APP/F1610/A/13/2196383 Land Off Station Road, Bourton-On-the-Water

<sup>65</sup> CD: K37 Appeal Decision APP/F1610/A/13/2196383 para.27

<sup>66</sup> CD: K44 Appeal Decision APP/F1610/A/13/2196383 para.69

<sup>67</sup> CD: K44 Appeal Decision APP/F1610/A/13/2196383 para.70

<sup>68</sup> CD: K44 Appeal Decision APP/F1610/A/13/2196383 para.71

<sup>69</sup> CD: K44 Appeal Decision APP/F1610/A/13/2196383 para.67

- 7.11 The Inspector of the Station Road Bourton appeal concluded that *'I conclude that the development would not cause any significant harm to the aim of conserving and enhancing the AONB's landscape of natural beauty.'*<sup>70</sup>

### **Cheltenham Plan (2020)**

- 7.12 Policy L1 Landscape of the Cheltenham Plan (2020)<sup>71</sup> states:

*'Development will only be permitted where it would not harm the setting of Cheltenham including views into and out of areas of acknowledged importance'*

- 7.13 Paragraph 8.3 of the Cheltenham Plan comments on the importance of protecting the scarp as the dominant feature of Cheltenham's setting.

- 7.14 As I have commented in my proof of evidence, the escarpment contains much of the eastern and southern edges of the town and is a feature widely seen in a combination of open and glimpsed views throughout the town. The escarpment to the east of Cheltenham is very distinct where it rises from the edge of the settlement to the open and unsettled landscape along the upper scarp. This is seen to extend from the north of Cheltenham at Cleeve Common to south of Cheltenham at Leckhampton Hill. The appeal site falls within an area of sloping pasture which does not reflect the broader unsettled escarpment character but is seen as an outlying slope associated with Battledown Hill and its associated established settlement. The wider unsettled escarpment contributes to the special qualities of the AONB whilst the sloping pasture makes a contribution it is not of the same landscape sensitivity as the unsettled escarpment.

- 7.15 As observed by the Inspector in his Appeal Decision (APP/Q3115/W/20/325861)<sup>72</sup> where there is a lower sensitivity due to a site having fewer attributes which contribute to the special qualities of an AONB, localised landscape and visual effect would not result in unacceptable impacts on that AONB or setting of the wider settlement. This being stated, the development would result in an increased opportunity to introduce new views where the settlement is seen in the context of the wider escarpment. When balanced against a minor loss of local views, I

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<sup>70</sup> CD: K37 Appeal Decision APP/F1610/A/13/2196383 para.77

<sup>71</sup> CD: E2

<sup>72</sup> CD: K37 Appeal Decision APP/F1610/A/13/2196383

do not consider the appeal proposals to give rise to significant impacts that would cause harm to the wider setting of the town. As such I consider that the appeal proposals would not be contrary to the policy intentions of L1 to protect the setting of the town.

**Local Policy (Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031)**

7.16 Core Strategy Policy SD4 Design Requirements<sup>73</sup> states:

*1. Where appropriate, proposals for development – which may be required to be accompanied by a masterplan and design brief – will need to clearly demonstrate how the following principles have been incorporated:*

*i. Context, Character and Sense of Place*

*New development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. Design should establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live, and having appropriate regard to the historic environment*

*ii. Legibility and Identity*

*New development should create clear and logical layouts that create and contribute to a strong and distinctive identity and which are easy to understand and navigate. This should be achieved through a well-structured and defined public realm, with a clear relationship between uses, buildings, routes and spaces, and through the appropriate use of vistas, landmarks and focal points*

*iii. Amenity and Space*

*New development should enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space, and the avoidance or mitigation of potential disturbances, including visual intrusion, noise, smell and pollution*

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<sup>73</sup> CD: E1

*iv. Public Realm and Landscape*

*New development should ensure that the design of landscaped areas, open space and public realm are high quality, provide a clear structure and constitute an integral and cohesive element within the design. The contribution of public realm designs, at all scales, to facilitate the preferential use of sustainable transport modes should be maximised*

*v. Safety and Security*

*New development should be designed to contribute to safe communities including reducing the risk of fire, conflicts between traffic and cyclists or pedestrians, and the likelihood and fear of crime*

*vi. Inclusiveness and Adaptability*

*New development should provide access for all potential users, including people with disabilities, to buildings, spaces and the transport network, to ensure the highest standards of inclusive design. Development should also be designed to be adaptable to changing economic, social and environmental requirements.*

*vii. Movement and connectivity;*

*New development should be designed to integrate, where appropriate, with existing development, and prioritise movement by sustainable transport modes, both through the application of legible connections to the wider movement network, and assessment of the hierarchy of transport modes set out in Table SDa below. It should:*

- Be well integrated with the movement network within and beyond the development itself*
- Provide safe and legible connections to the existing walking, cycling and public transport;*
- Ensure links to green infrastructure;*
- Incorporate, where feasible, facilities for charging plug-in and other ultra-low emission vehicles;*
- Be fully consistent with guidance, including that relating to parking provision, set out in the Manual for Gloucestershire Streets and other relevant guidance **documents in force** at the time.*

*2. Detailed requirements of masterplans and design briefs, should the Local Planning Authority consider they are required to accompany proposals, are set out in table SD4d. These requirements are not exhaustive.'*

7.17 This policy provides guidance for development and how it 'should' respond positively through design to achieve a high calibre development, appropriate for the location. The policy does not restrict or prevent development and only provides limited assistance to understand the threshold level of unacceptable landscape harm. As a design policy there are also many elements that may not be fulfilled at outline application stage and would be matters for detailed reserved matters.

7.18 Core Strategy Policy SD6 Landscape<sup>74</sup> states:

*1. Development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social wellbeing.*

*2. Proposals will have regard to local distinctiveness and historic character of the different landscapes in the JCS area, drawing, as appropriate, upon existing Landscape Character Assessments and the Landscape Character and Sensitivity Analysis. They will be required to demonstrate how development will protect, enhance landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement or area.*

*3. All applications for development will consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect. Planning applications will be supported by a Landscape and Visual Impact Assessment where, at the discretion of the local planning authority, one is required. Proposals for appropriate mitigation and enhancement measures should also accompany applications.*

7.19 This policy reflects the intentions set out in NPPF paragraph 170 (c)- Now para 174. Policy SD6 also provides guidance on the level of harm that would be unacceptable and contrary to policy intentions by directing those assessing to '*types, patterns and features which make a significant contribution to the character, history and setting of a settlement or area*<sup>75</sup>'. Where a landscape and its context is generally without features that make a significant contribution to the character, history or setting of a settlement or area, the threshold for unacceptable harm

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<sup>74</sup> CD: E1

<sup>75</sup> CD: E1 page 51 Policy SD6 para.2.



is in my opinion higher. Policy SD6 must logically facilitate acceptable development particularly as the JCS expects 35,175 dwellings to be delivered.

7.20 Core Strategy Policy SD7 The Cotswolds Area of Outstanding Natural beauty (AONB)<sup>76</sup> states:

*'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 be required to be consistent with the policies set out in the Cotswolds AONB Management Plan.'*

7.21 This policy implies that there shall be no harm, contrary to paragraphs 176-177 of the NPPF which does not preclude harm. National policy requires the decision maker to consider the extent to which it can be moderated and then considered in a balance against other considerations. It is clear that great weight should be given to conserving and enhancing landscape and scenic beauty. However, this does not exclude some localised landscape and visual effects which might result in slight to moderate adverse impacts where the quality of the landscape is not comparable with the quality of the wider valued landscape. This was the conclusion that the Inspector found in his appeal decision for the Little Sparrows, Sonning Common appeal.

### **Cotswold AONB Management Plan 2018 -2023**

7.22 Policy CE1<sup>77</sup>states:

#### *Landscape*

*1. 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.*

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<sup>76</sup> CD: E1

<sup>77</sup> CD: J1 page 43

*2. 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 – including those into and out of the AONB – and visual amenity are conserved and enhanced.*

7.23 Policy CE3 Local Distinctiveness<sup>78</sup> states:

*Local Distinctiveness*

*1. Proposals that are likely to impact on the local distinctiveness of the Cotswolds AONB should have regard to, be compatible with and reinforce this local distinctiveness. This should include:*

- Being compatible with the Cotswolds Conservation Boards Landscape Character Assessment, Landscape Strategy and Guidelines and Local Distinctiveness and Landscape Change;*
- Being designed and, where relevant, landscaped to respect local settlement patterns, building styles, scale and materials;*
- Using an appropriate colour of limestone to reflect local distinctiveness*

*2. Innovative designs – which are informed by local distinctiveness, character and scale – should be welcomed.*

7.24 Policy CE10 Development and Transport<sup>79</sup> states:

*Development and Transport – Principles*

*1. Development and transport in the Cotswolds AONB and in the setting of the AONB should have regard to – and help deliver – the purposes of conserving and enhancing the natural beauty of the AONB and increasing the understanding and enjoyment of the AONB's special qualities. They should also contribute to the economic and social well-being of AONB communities.*

7.25 It is relevant to the appeal site that policies CE4 Tranquillity and CE5 Dark Skies<sup>80</sup>, specific to special qualities of the Cotswolds AONB, are not referred to in RfR 2. This is because they are less relevant to the appeal site as its character is strongly influenced by the existing contextual

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<sup>78</sup> CD: J1 page 44

<sup>79</sup> CD: J1 page 50

<sup>80</sup> CD: J1 page 45

built development. The special qualities of dark skies and tranquillity are a characteristic of a large swathe of the deeply rural landscape within the AONB.

7.26 Policies CE1 and CE3 require development to be compatible with and reinforce the landscape character of the location as described in the Conservation Board's Landscape Character Assessment and Landscape Strategies and Guidelines. These are detailed in the landscape chapter of the ES. The first point to note is the appeal site falls within the LCT 2 Escarpment Landscape Character Type of which a key characteristic is that *'Despite the close proximity of large urban centres, settlement on the escarpment slopes is sparse and limited to scattered linear settlements bordering the many roads that link Cheltenham to villages on the high wold.'*<sup>81</sup> This characteristic is completely absent from the appeal site and its contextual areas, identifying that the appeal site does not conform to the broader published landscape character of the wider escarpment landscape.

7.27 I accept that the appeal site does have a sloping relief and sense of elevation in some areas provides the opportunity for impressive views above its lower slope but these characteristics are found on a site which is set between built development on three sides and a reservoir on the other. More importantly, the lower slopes upon which development is proposed does not share those characteristics. As the appeal site is so significantly influenced by existing settlement features, the Conservation Boards Strategies and Guidelines are not in many instances relevant to the character of the site. Local forces for change set out in the strategies and guidelines for the Escarpment landscape character area and include such requirements as:

- Maintain the open, dramatic and sparsely settled character of the Escarpment
- Conserve pattern of settlements fringing the lower slopes and their existing relationship to landform.

7.28 These clearly cannot be applied to the appeal site without recognising where settlement has already established onto the sloping landform such as to the immediate west of the site at Wessex Drive and immediately south of the site at Harp Hill and Battledown.

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<sup>81</sup> CD: J5 page 54

- 7.29 I accept that objectives such as avoiding development that will intrude negatively into the landscape and cannot be successfully mitigated, are relevant but they have to be considered in the context of the existing built development above, below and to the sides of the appeal site. When considered in the context of the more characteristic escarpment which is has open, unsettled slopes that extend from the vale to the open grassland of the higher escarpment, it is clear that many of the objectives are relevant with the landscape character.
- 7.30 The design approach to the appeal proposals has been careful to consider the special qualities of the AONB and desirable site attributes and has responded to ensure that those qualities such as long distance views, established trees and hedges and the most visually prominent open sloping pasture are meaningfully retained. This approach recognises the attributes that make a strong contribution to the desirable landscape character and focuses development proposals in area where the landscape character is less sensitive. By taking this approach the applicant has sought to achieve a development that has regard to and is compatible with the existing landscape character. As such the appeal proposals have been prepared mindful of the requirements set out in the policies of the Cotswolds Conservation Board.

## 8.0 SUMMARY AND CONCLUSION

- 8.1 The appeal site consists of an area of predominately north-west sloping, improved pasture, contained by boundary and field hedges and brick wall along the boundary with the reservoir. The site contains a number of mature trees and hedgerows which have been the subject of detailed assessment to identify constraints which have informed the evolution of the development proposals. The site lies within the Cotswolds AONB but is physically separated by existing residential development and Hewlett's Reservoir.
- 8.2 Although the site is undeveloped other than a number of disused former agricultural buildings, the character of the site is influenced by the surrounding features of the established settlement. In particular, the Oakley Grange settlement area has a notable influence on the character and visual amenity of the lower slope areas of the site. Views across the site from the upper slopes and Harp Hill are panoramic and maintain visual connectivity with the wider rural escarpment landscape which informs the wider setting of the town. On the lower slopes these views are reduced or lost and the visual influences of the settlement features become prominent influencing both landscape character and visual amenity. The landscape and visual assessment undertaken as part of the ES identifies variation across the site in both landscape and visual sensitivity to development, with greater sensitivity found across the upper slopes. This finer grain assessment differs with the assessment prepared by the LPA which assessed high landscape and visual sensitivity across the whole site.
- 8.3 The appeal proposals are in outline and consist of development of up to 250 dwellings with vehicular access from Harp Hill. The illustrative masterplan incorporates proposed green infrastructure to conserve the semi-rural landscape character and visual amenity. Site trees and hedges have been incorporated into the proposals wherever possible and supplemented with extensive tree planting and retention of open space. Development proposals have been contained to the lower and mid slope areas by this new green infrastructure which conserves the higher landscape and visual sensitivity of the upper slopes.
- 8.4 The appeal site lies within NCA 106 Severn and Avon Vales and within LCT Escarpment landscape character type at district level. At local level the site has been identified as falling within the LCA Oakley Sloping Pasture landscape character area. The Council identified a high

landscape and visual sensitivity across all parts of the appeal site in their sensitivity study (LCSCA). The appellants landscape assessment identified that landscape and visual sensitivity varies across the site and is influenced by the nature of adjoining settlement features, landcover and elevation of the sloping pastoral land. Greater landscape and visual sensitivity were identified with the upper slopes than the lower slope areas. This has informed the approach taken with the development proposals to minimise landscape and visual effects and maximise the potential for enhancements to the areas of greater sensitivity.

- 8.5 It is visually apparent that the quality of the landscape character of the appeal site, with its settlement influences, does not reflect the published characteristics of the wider escarpment landscape character type. The wider escarpment is characterised by its sparsely settled, highly tranquil landscape that forms a seamless transition from the agricultural landscape of the vale to the open grassland of the upper escarpment. In this respect the appeal site contributes only limited elements in contrast to the more dynamic and scenic landscape found elsewhere in the AONB such as Aggs Hill to Cleeve Common.
- 8.6 This is reflected in the contribution that the appeal site makes to the special qualities of the AONB. Table 1 sets out these 'Special Qualities' and illustrates that the appeal site makes only a limited contribution to the published special qualities of the AONB. Key attributes of the wider escarpment landscape include dark skies and high levels of tranquillity amongst others. These are found to be limited at the appeal site due to the influences of the settlement features and associated activities.
- 8.7 The quality of the landscape character of the appeal site does not consistently reflect the higher quality found elsewhere. As such the site provides a greater opportunity to accommodate development proposals with more limited landscape and visual effects than other areas of the AONB escarpment which better reflect the LCT Escarpment character type.
- 8.8 It is accepted that the value of the landscape of the appeal site is high due to the AONB designation. Landscape susceptibility varies according to proximity and influence of settlement features. The Oakley Grange settlement is a detractor to the character of the appeal site so reduces the susceptibility of the lower slope areas to landscape harm from sympathetic development proposals.

- 8.9 Linear settlement adjacent to the appeal site at Harp Hill has an urban character but benefits from rural views and visual connectivity with the wider countryside. The ongoing redevelopment of residential properties adjacent to the site on Harp Hill further strengthens the urban character of the settlement in this location. The introduction of the proposed site access will create some localised change to Harp Hill but this change will remain in keeping with the settlement character. The landscape and visual effects of the new access road can be mitigated to retain a semi-rural character to the southern margin of the appeal site. A notable enhancement arising from the introduction of the access will be new panoramic views introduced to users of Harp Hill.
- 8.10 Mitigation measures incorporated into the development proposals are supported by the Cotswolds AONB Strategies and Guidelines contained within the Cotswolds AONB Landscape Character Assessment. This includes woodland hedge and tree planting and potential to create new species rich grassland.
- 8.11 A combination of inherent and introduced mitigation measures conserves the panoramic views obtained both from the upper slopes of the site and across the site from Harp Hill. The introduction of new screen planting to mitigate visual effects arising from the development proposals offers potential to improve existing views from Harp Hill and adjoining residential properties by screening the present settlement edge in views.
- 8.12 My evidence confirms that the proposed indicative mitigation measures proposed to limit harm to the appeal site and wider AONB, are appropriate and beneficial to the location. They respond to the landscape and visual effects predicted from the development proposals to a landscape which is already influenced by the features and characteristics of the existing surrounding settlement.
- 8.13 When considered with the enhancements of new areas of public accessible open space, with retained and new panoramic views experiencing Cheltenham in its setting with the escarpment. Views will also be made available toward the Hewlett's Reservoir pavilion which presently are unavailable.

- 8.14 I conclude that although the proposed development would have some localised landscape and visual effects, these would not result in unacceptable impacts on the wider character and scenic beauty of the AONB or to the setting of Cheltenham.
- 8.15 Reason for Refusal 2 has not been substantiated and does not in my professional opinion, justify a refusal of the development proposals on landscape and visual grounds.
- 8.16 National policy requires great weight to be given to conserving and enhancing landscape and scenic beauty of the AONB. National policy focuses on conserving and enhancing the landscape and scenic beauty of the AONB landscape but this is not incompatible with development. The Cotswolds AONB is an extensive area and not all areas, whether developed or undeveloped can have equal importance to the AONB's purpose. The development proposals do not result in landscape and visual effects that would significant harm the aim of conserving and enhancing the special qualities of the AONB's landscape or natural beauty.