

Town and Country Planning Act 1990

Section 78 Appeal

CD CI6-C Summary

Summary Proof of Evidence on Landscape and Visual Matters

Produced by Stuart Ryder BA (Hons) CMLI
on behalf of Cheltenham Borough Council.

August 2021

Appellant: Robert Hitchins Ltd

Appeal Site: Oakley Farm Slopes, Oakley, Cheltenham

LPA Reference: 20/01069/OUT

PINS Reference: APP/B1605/W/21/3273053



This page has been left intentionally blank



1.0 Summary Proof of Evidence

- 1.1 My evidence is in relation to the landscape elements of the putative Reason for Refusal No. 2 (RfR2) and addresses matters of landscape and visual effects that would be brought about by the proposal to build 250 new dwellings on six fields known locally as Oakley Farm Slopes.
- 1.2 In Section 1, I explain my professional credentials as an experienced Chartered Landscape Architect with 30 years' experience of working on projects where landscape character and visual impacts are critical.
- 1.3 Section 2 sets down the scope of my evidence and explains in broad terms the approach that I have adopted to compile this Proof.
- 1.4 Section 3 explains why the landscape of the Site is important and quotes from the National Association of AONB's website which explains that,¹¹
- 'An AONB is a designated exceptional landscape whose distinctive character and natural beauty are precious enough to be safeguarded in the national interest. AONB's are protected and enhanced for nature, people, business and culture.'*
- 1.5 Section 4 reviews in detail which parts of the 11 cited policies from RfR2 have landscape elements that are applicable to the proposals and which are not.
- 1.6 Section 5 considers the positive and negative landscape effects of the proposals and conducts a balancing exercise to judge whether the proposals conserve or enhance the landscape. The assessment points from this section's summary box are repeated below;
- There has been four positive landscape effects of the development identified and thirteen negative ones.
 - The negative landscape effects are not only numerically larger but also at a greater scale or affect the fundamental landscape character of the Site.
 - The overall balancing of positive versus negative effects shows that there would be a total loss of rural character in the developed portion of the Site and a significant reduction in the rural landscape character in the remaining open space.
 - There would be a reduction to the setting quality to this part of Cheltenham which helps to give the town its distinctive sense of place.

¹¹ <https://landscapesforlife.org.uk/> - accessed 30/7/21

- There is no protection or enhancement of the Cotswolds AONB as a valued landscape as per NPPF §177 and its natural beauty is largely removed from the whole Site.
- The overall landscape effect at the Site is considered to be **Major/Moderate, Adverse and Permanent**. It neither conserves or enhances the landscape.

1.7 Section 6 considers positive and negative visual effects that would arise from the proposals. A summary box at the end of this section provides the following seven points;

- There are two positive visual effects of the development identified and nine negative ones.
- The negative visual effects are not only numerically larger but also occur at a greater scale across a wider area of both the AONB and the edge of Cheltenham.
- More people will experience the adverse visual effects than the positive ones and the adverse visual effects alter the fundamental scenic quality of the Site and how it relates to its contextual area.
- There would be a reduction to the visual quality of the setting to this part of Cheltenham which helps to give the town its distinctive sense of place.
- There is no protection or enhancement of the scenic qualities of the Cotswolds AONB as a valued landscape as per NPPF §177 at the Site and as experienced in views from other parts of the AONB.
- Short-range visual effects are considered to be **Moderate, Adverse and Permanent**.
- Mid-range visual effects are considered to be **Moderate to Moderate / Minor Adverse and Permanent**.
- Long-range visual effects are considered to be **Moderate, Adverse and Permanent**.

1.8 Section 7 conducts a review of the proposed landscape mitigation measures and provides the following end of section summary of the proposed measures and likely success;

- The primary landscape mitigation measures are the planting of a tree belt, the provision of open space to the upper south side of the Site, mature tree retention,

part hedgerow retention and part preservation of the ridge and furrow pattern in the remnant fields of the open space albeit in a more fragmented state.

- Secondary mitigation measures include diversifying hedgerow margins and grass swards, tree planting alongside roads and in the public open space, road narrowing at a hedge break and small scale domestic hedge planting for a limited number of house boundaries.
- These mitigation measures do not address rural character change, loss of visible open sloping ground, loss of landscape pattern and cannot be considered as protecting or enhancing the positive landscape character of the Site as part the Cotswolds AONB.
- The described measures do not successfully mitigate the reduction in quality to the setting of the Oakley part of Cheltenham.
- Nor do the mitigation proposals address the change in long range views from the Cotswold escarpment.

1.9 In Section 8 I use the assessments of landscape and visual effects, taking into account the proposed mitigation measures, to define which parts of the RfR2 landscape planning policies (as identified in Section 4) the proposals comply with and which they are in conflict with. Rather than repeat the summary table from the end of Section 8 the following points are carried forward to this conclusion.

- There is considerably greater conflict with the detailed parts of the cited landscape planning conditions than compliance;
- Where compliance is achieved, or partially achieved it is for such things as submitting a LVIA or the internal layout of the housing proposals;
- The proposals are in conflict with LI – Landscape and Setting and DI – Design from the recently adopted Cheltenham Plan, July 2020;
- The proposals are largely in conflict with SD4 – Design, SD6 – Landscape and SD7 – Cotswolds AONB from Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, December 2017;
- The proposals conflict with the three cited Cotswolds AONB Management Plan policies that have a landscape dimension namely, CE1 – Landscape, CE3 – Local Distinctiveness and CE1 I – Major Development;

- The proposals conflict with July 2021 NPPF §174 a) as they neither protect or conserve the valued landscape of the Cotswolds AONB, there is also conflict with NPPF §176 & §177 given the scale and extent of the proposals; and
- The citing of these landscape policies in putative RfR2 is justified.

I.10 Section 9 considers the six areas in dispute between parties, as identified in the Landscape SoCG and presents evidence to address each of the points. It draws upon the previous sections and arrives at the following conclusions on behalf of Cheltenham Borough Council;

- **The landscape and visual sensitivity of the Site** – the landscape sensitivity of the Site is High and its visual sensitivity is Medium-High;
- **Value of the Site within AONB** – the Site shares a similar value to other parts of the AONB and this value is not diminished by adjacent development which has surrounded this part of the AONB in one form or another since its designation in 1966.
- **Value of the Site to the setting of Cheltenham** – the Site has high value in the setting of Cheltenham when looked at from the town's edge and from other parts of the Cotswolds AONB looking back to the town.
- **Extent and nature of landscape character change** – the proposals lead to a fundamental landscape change at the Site and total loss of its rural character, this loss has been judged as **Major/Moderate, Adverse and Permanent**. The extent of this change is limited by the existing land use around the Site but it is discernible from many, popular public locations on the Cotswold escarpment.
- **Extent and nature of visual harm** – the proposals lead to a series of adverse visual changes to short, mid and long range views to this part of the AONB. The adjacent built form does not act as a visual precedent for major development at this Site.
- **Value of the proposed recreation area** – a review has highlighted concerns over accessibility, value of a sloped area, the high number of functions assigned to the public open space and the impact of running the Site's main access road through it.

In summary

I.11 For all the reasons explored above I consider that the proposals will remove all semblance of rural landscape character and the features of natural beauty that justified this Site's inclusion in

the Cotswolds AONB. Combined with this significant negative landscape impact in a nationally important landscape area there are a series of adverse visual effects as people look onto the Site from the edge of Cheltenham and from elevated parts of the Cotswold escarpment.

- I.12 These numerous adverse landscape and visual effects should be taken into account and according to the new NPPF §176 given great weight in the planning balance as the Inspector determines this Appeal.
- I.13 Dismissal of this Appeal will assist in retaining a designated landscape precious enough to be safeguarded in the national interest for the benefit of all.

The following appendices are bound in a separate document

- Appendix A – RLC Landscape and Visual Impact Assessment
- Appendix B – Landscape Effects Table
- Appendix C – Visual Effects Table
- Appendix D – Cotswolds Special Qualities and their Applicability to Site
- Appendix E – Cotswolds Conservation Board's – Extracts of Landscape Character and Guidance Documents
- Appendix F – Panoramic Photography