

Town and Country Planning Act 1990

Section 78 Appeal

CD C16-C

Proof of Evidence on Landscape and Visual Matters

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on behalf of Cheltenham Borough Council.

August 2021

Appellant: Robert Hitchins Ltd

Appeal Site: Oakley Farm Slopes, Oakley, Cheltenham

LPA Reference: 20/01069/OUT

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1.0 Introduction, Authorship and Instruction

- 1.1 My name is Stuart Ryder and I am a Chartered Landscape Architect and Director of Ryder Landscape Consultants Ltd (RLC). I have been a Chartered Member of the Landscape Institute since 1995.
- 1.2 I hold an Honours Degree and Post Graduate Diploma with Distinction in Landscape Architecture from Leeds Metropolitan University and I have been working in private practice since 1991 completing numerous Landscape and Visual Impact Assessments (LVIA) and design proposals for housing, commercial, mixed use and major infrastructure schemes.
- 1.3 During my career I have been seconded into a Development Control Team of a Local Authority and into the Environment Agency National Environmental Advisory Service.
- 1.4 I have sat on the Landscape Institute's Technical Committee reviewing and guiding technical matters that affect the wider profession. I also mentor and examine Graduate Landscape Architects as they progress along the Landscape Institute's Pathway to Chartership process. Other education work has included being a visiting lecturer to the Landscape Architecture Department at Manchester Metropolitan University.
- 1.5 I have sat on the North East Design Review Panel and written design guidance documents for the Environment Agency including their Landscape and Environmental Design Guide and their Access for All Guide.
- 1.6 I have prepared proposals for similar sized housing developments in a variety of different locations around the country. I have acted as an Expert Landscape Witness at previous Planning Inquiries, providing evidence on landscape, visual and land management matters.
- 1.7 I have been appointed by Cheltenham Borough Council (hereafter referred to as CBC) to produce landscape evidence for this Inquiry. I am aware of the nature of the application from providing landscape consultation comments on it to CBC and having considered the putative landscape Reason for Refusal (RfR) I accepted the commission to produce this Proof of Evidence. My Expert's Declaration and statement of truth are at Section 11 below.
- 1.8 I confine my evidence to landscape and visual matters. My evidence should be read in conjunction with that of CBC's other witnesses;
 - Mr John Rowley of CBC who provides evidence on the plan making process;

- Mr Paul Instone, Director of Applied Planning who provides evidence on planning and planning balance matters; and
- Mr Will Holborow of Conservation Architects and Heritage Consultants Purcell who addresses matters of heritage impact.

2.0 Scope of Evidence

- 2.1 This Proof of Evidence (Proof) has been prepared to consider the landscape and visual effects of the proposed construction of up to 250 residential dwellings, with access and associated landscaping on land to the south of Harp Hill in the Oakley district of Cheltenham. These proposed works are hereafter referred to as the 'Development' and their location as the 'Site'.
- 2.2 The application was validated on the 16th July 2020 but was not subsequently determined by CBC and Robert Hitchins Ltd submitted this Appeal against its non-determination. As explained at §5.1 of the Planning Statement of Common Ground (CD C9) the CBC Planning Committee of the 20th May 2021 confirmed seven putative Reasons for Refusal (RfR). The committee's refusal was in line with the Planning Officer's recommendation.
- 2.3 The allegations of landscape and visual harm is contained in RfR2 reproduced in its entirety in the shaded box below;

Putative Reason for Refusal 2

The proposals constitute major development within the Cotswolds 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 the 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 LI and DI of the Cheltenham Plan (2020), Policies SD4, SD6 and SD7 of the Joint Core Strategy (2017), Policies CE1, CE3, CE10 and CE12 of the Cotswolds AONB Management Plan 2018-23 and paragraphs 170 and 172 of the NPPF.

- 2.4 There is also mention of the Cotswolds AONB in RfR 1 but this is a statement of location and does not contain details of landscape harm. RfR1 is not considered further in this Proof.

- 2.5 The four separate paragraphs of RfR2 are ‘unpacked’ in Table I below to define the specific allegations of landscape harm.

Table I – Landscape matters contained in RfR2

Paragraph Ref and General Content	Matters of specific landscape harm
First - Major development within the AONB and importance of AONB.	No specific allegation of landscape harm but rather discussion of prohibition of major development within an AONB when it would be allowed.
Second – Discussion of landscape effects of proposals and mitigation measures.	<ol style="list-style-type: none">1. Fail to conserve or enhance the landscape and scenic beauty of the AONB.2. Result in significant harm to and permanent loss of the landscape quality and beauty of this part of the AONB.3. The proposed indicative mitigation measures intended to minimise harm to the AONB are considered inadequate and do not address the concerns.4. The mitigation measures would alter the character of the site as a whole and result in harm to the AONB in themselves.
Third – Failure to demonstrate any exceptional circumstances or public interest.	No specific allegations of landscape harm but rather identification of lack of reason for this major development.
Fourth – List of landscape focussed policies that it is in conflict with.	There are eleven landscape policy references provided where conflict is alleged at Local, Joint Core Strategy, AONB and National level.

- 2.6 It is the landscape harm identified in the second paragraph that is the focus of this Proof with the discussion of major development in the AONB a matter that Mr Instone addresses in his Proof.
- 2.7 It should be noted that the original NPPF 170 and NPPF 172 references from RfR2 have altered in the current July 2021 NPPF. The new reference for NPPF 170 is NPPF 174 and the former AONB paragraph NPPF 172 has been split into two new paragraphs with references NPPF 176 and NPPF 177. These modifications are explained further in my Section 4.

Structure of Evidence

- 2.8 The landscape and visual effects of the proposed development are presented in this Proof across the following sections:

- Section 3 explains why the landscape of the Site is important;
- Section 4 reviews the cited landscape policies from the fourth paragraph of RfR2;
- Section 5 considers what are the landscape effects of the proposals;
- Section 6 addresses the visual effects of the proposals;
- Section 7 undertakes a review of the mitigation proposals;
- Section 8 considers conflict and compliance with the sited policies as cited in RfR2;
- Section 9 is a review of the six disagreement areas from the Landscape SoCG (CD C11);
- Section 10 provides my Conclusions and acts as my Summary Proof; and
- Section 11 is my Expert's Declaration.

2.9 Appendices are used for illustrations and bulkier items such as methodology, photography and source landscape character information.

Methodology

2.10 I have attended the Appeal Site on three separate occasions;

- 18th August, 2020 in the daytime;
- 26th July, 2020 afternoon and evening; and
- 27th July, 2021 in the morning and afternoon.

2.11 Panoramic photography in accordance with the Landscape Institute's Technical Guidance Note TGN 06/19 was taken during these site visits and is presented in my Appendix F. It provides the basis for, and representative viewpoints of my visual impact assessment contained in my Appendix C.

2.12 This has provided me with a good understanding of the area's landscape character and views to the Site from publicly accessible locations. I have only considered views to the Site and its setting in summer conditions. The Appellant's landscape advisors – MHP Landscape Architects provide winter photography as part of the application LVIA (CD A37-D).

2.13 In addition I have used other photography, studied relevant OS Mapping information, aerial photography and published landscape character information before compiling my Proof as presented.

- 2.14 Where possible I have attempted to tabulate information to save space and provide summary boxes at the end of lengthier sections. To shorten this Proof it makes reference to agreed points and descriptions as contained in the Landscape SoCG (CD C11).

Subject exclusions

- 2.15 I do not address spatial planning issues or planning balance which is the remit of Mr Paul Instone as a Chartered Town Planner. I do however consider aspects of planning policy with direct relevance to landscape and visual matters. Likewise I do not consider details of housing land supply and this is addressed by Mr John Rowley in his evidence.
- 2.16 Finally reference is made to the landscape character of Hewletts Reservoir and other heritage assets. However evidence on their respective heritage value is given by Mr Will Holborow as a Heritage Consultant.

3.0 Why is this landscape important?

A National Landscape

- 3.1 The Site is part of the Cotswolds Area of Outstanding Natural Beauty (AONB) which has recently been renamed as the Cotswolds National Landscape in recognition of its national importance. As explained by the National Association of AONB's on their website's landing page,¹

'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.'

- 3.2 The International Union for the Conservation of Nature (IUCN) is a leading international organisation working in the twin environmental fields of nature conservation and the sustainable use of natural resources throughout the world. The UK's AONB's and National Parks fall into Category V – Protected Landscape/Seascapes. The primary objective of these Category V – Protected Landscapes is to,²

'To protect and sustain important landscapes/seascapes and the associated nature conservation and other values created by interactions with humans through traditional management practices.'

Distinctive and sensitive escarpment

- 3.3 A highly distinctive part of the Cotswolds AONB is its escarpment that rises dramatically above the flat Severn and Evesham Vales and allows extensive westerly views out to the wider flatter landscape. From this scenic high ground the majority of the Cotswolds AONB then dips in a south east direction with a range of larger, more extensive landscape types.
- 3.4 It is the escarpment that marks the westerly extents of the Cotswolds AONB and provides both landscape continuity and interest along its whole practically unbroken 84km (52mile) length from Mickleton in the north to Bath in the south³. It is referred to as Landscape Character Type 2 – Escarpment and it is a narrow and distinctive strip that rarely exceeds 1km (0.6miles) in width.⁴

¹ <https://landscapesforlife.org.uk/> - accessed 30/7/21

² <https://www.iucn.org/theme/protected-areas/about/protected-areas-categories/category-v-protected-landscapes-seascape> - accessed 30/7/21

³ The Cotswolds Landscape Character Assessment (CD J5) – Para 1, Page 59

⁴ Ibid

- 3.5 It is particularly sensitive to modern built form with historic settlement patterns not being set on the steep ground to avoid building difficulties, or too high up the escarpment to minimise climatic exposure. The Cotswolds Landscape Character Assessment (CD J5) document defines this section of the escarpment as landscape character area **2D – Cooper’s Hill to Winchcombe** and notes in its last descriptive sentence,⁵

‘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, and Oxford further to the east.’

Escarpment setting to Cheltenham

- 3.6 The escarpment provides a defining and readily identifiable topographical feature to the easterly edge of Cheltenham. It forms a dramatic backdrop to the town and has historically restricted its largescale expansion eastwards.
- 3.7 It is the escarpment that helps to define Cheltenham as a place and helps provide the town with its *genus loci*. It is mentioned as the backdrop to the town’s famous racecourse, provides a setting to Cheltenham when travelling on the M5 and forms a large part of the Cheltenham Circular Walk not to mention the Cotswolds Way National Trail as passes the town.

Link between Cheltenham and the Cotswolds

- 3.8 The proximity and visibility of the escarpment as it rises to the east provides people in the town of Cheltenham a visual and physical link to the rest of the AONB landscape beyond.
- 3.9 There is no public access across the Site but there is good visibility to it from the town including from Priors Road, the new Oakley Grange housing area and Imjin Road Recreation Ground (also called Priors Farm Recreation Ground).
- 3.10 Its open rural character provides a transitional landscape area between the denser developed areas of Cheltenham and the open, rural character of the Cotswolds.

Views from other parts of the Cotswolds AONB

- 3.11 The Site has a notable hedgerow pattern when viewed from the escarpment to the north east and is readily discernible from numerous public footpaths and popular open access areas such

⁵ Ibid Page 54

as Cleeve Common. These views are generally elevated and provide a panoramic scene across Cheltenham at the base of the escarpment.

3.12 The Site adds quality to this view for a number of reasons;

- There is a flow of apparently uninterrupted open, rural landscape running down the escarpment into Cheltenham ending at the Site;
- The continuation of open land appears to run up from the Site, across Battledown Hill and beyond to Wistley Hill, Hartley Hill and Leckhampton Hill to the south of Cheltenham, this assists in retaining the character of the escarpment and Cheltenham's character set on the flat land; and
- The regular post enclosure hedgerow pattern and rectangular field shapes gives a managed agricultural appearance adding further interest to the scrubby elements of the view.

Landscape elements on the Site

3.13 The Site itself has a number of notable landscape characteristics that combine to add value and sensitivity to the Site and are regarded as positive assets;

- Prominent uninterrupted sloping landform that is a continuation of both Battledown Hill to the south and the escarpment's lower slopes running down from Aggs Hill to the east;
- Network of mature hedgerows that contribute to its agricultural appearance and provide the strong landscape pattern in more distant views;
- A mix of mature open field and hedgerow trees adding visual interest and attractive features to the local landscape and a sense of partial tree cover in longer range views;
- Prominent ridge and furrow field patterns in the larger Fields 1, 2 & 3.

3.14 The mixture of former farm buildings on Site do not detract from its overall attractive character. A recent addition of timber post and sheep wire fencing across Fields 1 & 2 appears slightly out of keeping when compared to the hedgerow field boundaries but it is agricultural in style.

Time-depth

- 3.15 There is a sense of time-depth to the Site primarily from the ridge and furrow agrarian pattern, mature hedgerows and large open field trees being reminiscent of older land management. The contrast with the more contemporary housing to the north adds to the Site's older character.
- 3.16 The presence of the Listed pavilion and reservoir wall at Hewletts Reservoir also adds a sense of establishment and age to the south eastern portion of the Site. This is countered somewhat by the modernity of the Oakley Grange developments set to the north and north east corner of the Site.

The Site as a setting

- 3.17 The Site acts as an open setting to the Listed structures of Hewletts Reservoir allowing sight to be taken to them.
- 3.18 It also acts as the setting to Harp Hill which is a transitional part of Cheltenham's built up area with houses placed to the southern side of the road only and character becoming increasingly more rural as one travels up Harp Hill to move further into the Cotswolds AONB via Aggs Hill. This ribbon or linear form of development is a typical form of setting in the escarpment landscape character type.⁶
- 3.19 Finally its openness acts as a functional gap between the redeveloped Oakley Grange housing area and the older housing areas of Harp Hill and Battledown Hill preventing their visual and physical coalescence.

Section Summary

The Site is important in character and appearance terms due to;

- Its recognition and designation as a nationally important landscape;
- It is part of the distinctive Cotswold escarpment;
- It contributes to the recognisable and attractive escarpment setting to Cheltenham;
- It provides a visual and physical link between Cheltenham and the wider Cotswolds AONB;

⁶ J9 – Local Distinctiveness and Landscape Change, Cotswolds Conservation Board, 2003

- It is a scenic part of views from the Cotswolds AONB out over Cheltenham;
- The Site's attractive landscape characteristics of uninterrupted slopes, mature hedgerows, open field trees and clearly evident ridge and furrow field patterning;
- A sense of time-depth given its agricultural character and contrast with neighbouring development.
- Its value as a setting to Hewletts Reservoir and Harp Hill.

4.0 Landscape Planning Policies cited in RfR2

4.1 The cited policies are reviewed on a document by document basis.

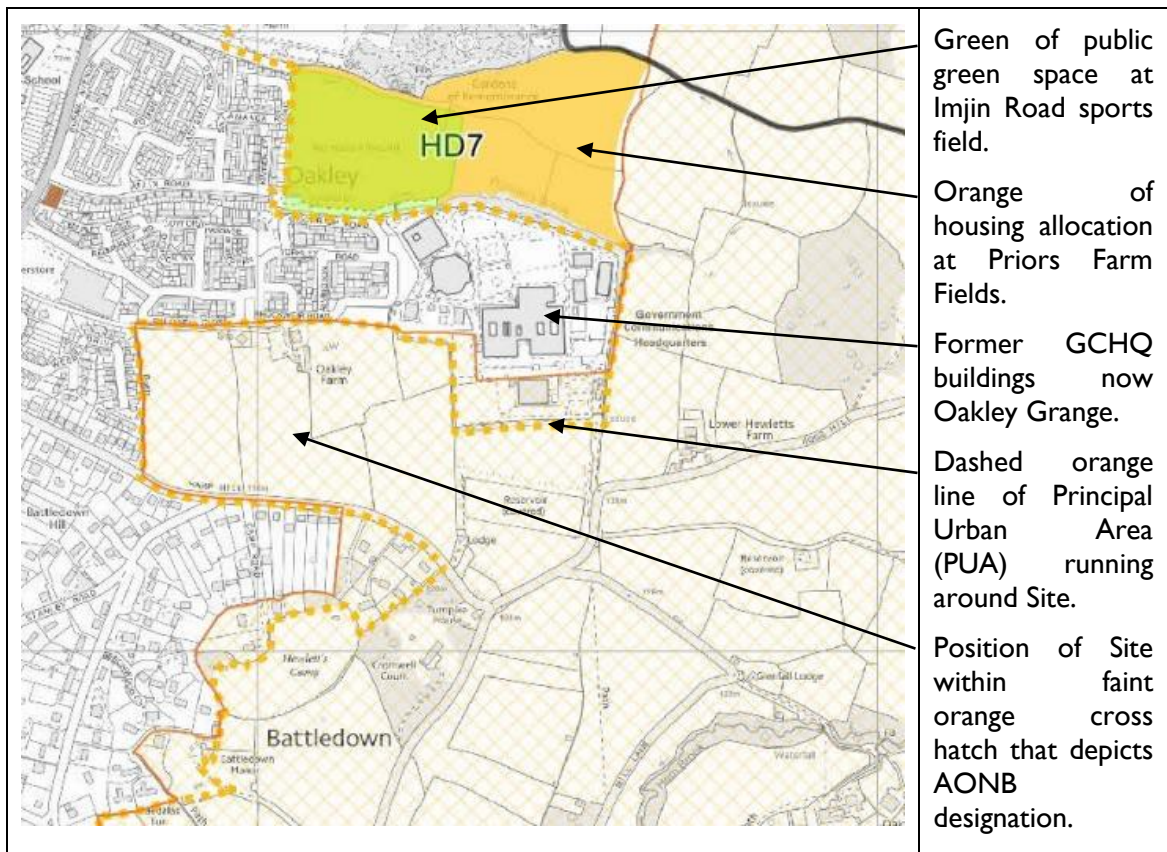
Cheltenham Plan – Adopted 20th July 2020

4.2 There are two landscape policies in the adopted Cheltenham Plan;

- LI – Landscape and Setting
- DI – Design

4.3 Also taken from the Cheltenham Plan is a digital extract of the Site as shown on the Proposals Map.

Figure 1 – Extract from Cheltenham Plan proposals and policies map



4.4 **Policy LI – Landscape and Setting** works in conjunction with JCS Policy SD6 – Landscape and has a small amount of wording in its policy box as reproduced as a digital extract below;

POLICY L1: LANDSCAPE AND SETTING

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

- 4.5 Prior to the policy box at §7.3 it helpfully explains that for the purposes of Policy L1 the setting of Cheltenham is considered to,

‘embody those features which create the distinctive sense of place for the Borough, including the Cotswold escarpment, the distinguished architectural heritage and the myriad green spaces.’

- 4.6 The Cotswold escarpment is explicitly listed as the first of three features that create Cheltenham’s distinctive sense of place.

- 4.7 As well physical harm to the setting the policy box also includes visual effects into or out of areas of acknowledged importance. The AONB is explicitly cited in §7.5 of the policy explanation as an area of acknowledged importance. Views into and out of the AONB are therefore a consideration of compliance or conflict with this policy.

- 4.8 Finally from the explanatory text to this policy L1 §7.6 explains that the policy is intended to,

‘add further dimension through the recognition of local distinctiveness and the particular environmental qualities that make Cheltenham special.’

- 4.9 **Policy D1 – Design** – has four sub-points but it is point b) as reproduced below that has an overt landscape applicability. It seeks to control development that does not respect the character of neighbouring development and /or the landscape. In the instance of this Appeal the proposals will need to complement both the neighbouring built form of Oakley Grange - Harp Hill – Wessex Drive but also the landscape in which it is located.

POLICY D1: DESIGN

Development will only be permitted where it:

- b) complements and respects neighbouring development and the character of the locality and / or landscape.

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) – Adopted December 2017

- 4.10 There are three landscape orientated policies from the JCS cited;
- SD4 – Design Requirements
 - SD6 – Landscape

- SD7 – Cotswolds AONB

4.11 **SD4 – Design Requirements** – There are two points contained within the policy box with the first, longer point having seven sub-points. Not all the sub-points have a landscape dimensions whilst others are for matters of detail landscape and urban design at Reserved Matters stage. Sub-points i, iv and vi are presented in full with their most pertinent landscape or locational part of their text highlighted.

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

iv. Public Realm and Landscape

New development should ensure that the design of landscaped areas, open space and public realm are of 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

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

4.12 **SD6 – Landscape** has three sub-points in its policy box and all are applicable to these proposals.

4.13 SD6 sub-point 1 sets the principle that development should seek to protect landscape character for its own ‘intrinsic beauty’ and for the benefits it brings to ‘economic, environmental and social well-being.’

4.14 SD6 sub-point 2 has been reproduced below with highlighted emphasis placed on parts of the policy wording. Development needs to protect or enhance landscape character and avoid detrimental effects on landscape elements that make a significant contribution to character, history or setting of a settlement or area.

2. Proposals will have regard to the 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 the development will protect or 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.

4.15 SD6 – sub-point 3 at the discretion of the Local Planning Authority requires applicants to submit Landscape and Visual Impact Assessment information and landscape mitigation and enhancement proposals. The Appellants have done so at application stage.

4.16 Proceeding text to the policy box at §4.7.2 explains why landscape is important to the settlements of the JCS area.

4.7.2 The landscape of the JCS area provides the setting for its towns and villages. Landscape character is a key component of an area's identity and development will be required to respect it. Landscape proposals for new development should be appropriate to the landscape character of the locality and contribute to local distinctiveness.

4.17 Subsequent explanatory text to the policy box explains which landscape character assessments need to be considered as proposals are drawn up and at §4.7.4 defines the Cotswolds AONB Landscape Character Assessment (CD J5) as being relevant. The final explanatory paragraph §4.7.7 also emphasises the importance of considering both landscape and visual effects.

4.18 **SD7 – Cotswolds AONB** is the final JCS Policy listed in RfR2. The policy box wording is relatively short as reproduced below as a digital extract with key parts highlighted.

Policy SD7: The Cotswolds Area of Outstanding Natural Beauty (AONB)

All development proposals 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.

4.19 On first reading of the policy wording it would seem that the policy is only applicable to proposals within the setting rather than the AONB proper. However not only the title of the policy but clear reference is made to managing applications 'in or affecting the AONB' in the last sentences of both JCS §4.8.1 and §4.8.2.

4.20 This JCS policy also ties the policies of the Cotswolds AONB's current Management Plan (CD J1) into the decision-taking process for applications that affect the AONB.

Cotswolds AONB Management Plan 2018-23 (CD J1)

- 4.21 There are four management plan policies from the current AONB management plan listed in RfR2. All are prefixed with the letters CE standing for conserving and enhancing policies;
- CE1 – Landscape
 - CE3 – Local Distinctiveness
 - CE11 – Major Development (as corrected from cited CE10)
 - CE12 – Development Priorities & Evidence of Need
- 4.22 **CE1 – Landscape** has four sub-points listed in its policy box with the first two having direct relevancy to the Site and its proposals. They are reproduced below with pertinent text highlighted. The subsequent two concentrate on agri-environment and land management skills.

Policy CE1: 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.

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.

- 4.23 The supporting text to this policy explains that landscape change is inevitable which recognises that the landscape of the AONB will not be 'preserved in aspic' However, it also notes in the third paragraph of the second column the importance of views in and out of the AONB.

'The surroundings and setting of the AONB are important to its landscape and scenic beauty. For example, views out of the AONB and into it from surrounding areas are a significant consideration for development and land management.'

- 4.24 **Policy CE3 – Local Distinctiveness** – is a four part management plan policy with part one and its three sub-parts (as reproduced and highlighted below) being the most applicable to these proposals. It again identifies the relevancy of the Cotswolds Landscape Character Assessment (CD J5) as a document that defines what is distinctive about an area and introduces two further Cotswolds Conservation Board documents 'Landscape Strategy and Guidelines' (CD J8) and 'Local Distinctiveness and Landscape Change' (CD J9) that proposals should be compatible with.

Policy CE3:
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 Board's 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.

- 4.25 **CE3 – Local Distinctiveness** point 2 – Innovative Design, point 3 – Design Codes and Point 4 – Local Limestone Quarrying are not applicable to the proposals at this stage.
- 4.26 **CE11 – Major Development** – has three parts to it with pertinent text highlighted in the management policy box overleaf.

Policy CE11: Major Development

1. Proposals for major development in the Cotswolds AONB and in the setting of the AONB, including site allocations in Local Plans, **must comply with national planning policy and guidance** and should have regard to – and be compatible with – the guidance on major development provided in Appendix 9 of the Cotswolds AONB Management Plan.

2. Any major development proposed in the Cotswolds AONB, including major infrastructure projects, **should be 'landscape-led', whereby it demonstrably contributes to conserving and enhancing the natural beauty of the Cotswolds AONB and, where appropriate, to the understanding and enjoyment of its special qualities³¹**. This should include fully respecting and **integrating the special qualities of the AONB into the planning, design, implementation and management of the development, from the very beginning of the development's inception.**

3. The A417 'missing link' scheme should be an exemplar of the 'landscape-led' approach outlined this policy³².

- 4.27 **CE11** – Part 1 links major development within the AONB back to national policies within the NPPF and National Planning Policy Guidelines. The applicability of these is taken as a matter of course and the NPPF is cited in RfR2 and other putative RfR's.
- 4.28 **CE11** - Part 2 explains development in the AONB should be 'landscape-led' and goes onto explain further that any major development should '*demonstrably contribute(s) to conserving and enhancing the natural beauty of the Cotswolds AONB.*'
- 4.29 **CE11** – Part 3 is not applicable to the Appeal proposals.
- 4.30 **CE12 – Development Priorities & Evidence of Need** – This management plan policy does not make any specific reference to landscape matters but does to the requirement of housing need. This links through to NPPF §177 that considers exceptional circumstances and when

major development may be allowed in a nationally designated landscape. CE12 is not considered further in this Proof.

National Planning Policy Framework (NPPF). Published July 25th 2021

- 4.31 Since the issuing of the putative Reasons for Refusal the NPPF has been updated. This has led to new paragraph references for such matters as valued landscape and the protection of AONB and other national landscapes. The updated paragraph references are given and the former NPPF 2019 ones presented in brackets at their first reference only.
- 4.32 The two cited paragraphs have become three with the former §172 now split into two with §176 and §177. Both paragraphs remain in Section 15 – Conserving and Enhancing the Natural Environment;
- §174 (formerly §170) – Valued landscape
 - §176 & §177 (formerly §172) – AONB and other national landscapes.
- 4.33 §174 remains with the exact same wording and part a) makes reference to protecting and enhancing ‘valued landscapes’ which Footnote 7 confirms includes AONBs.
- 4.34 §176 is very similar to the previous NPPF §172 and requires decision takers to give great weight to conserving and enhancing landscapes in AONBs and National Parks. It also extends the paragraph with a further sentence addressing development in the setting of these designated landscapes which is not relevant to this Inquiry as the Site is part of the Cotswolds AONB.
- 4.35 §177 is a new paragraph which gathers up the second part of the previous NPPF §172 and seeks to restrict major development within an AONB or National Park. The decision and description of what is ‘Major Development’ remains unchanged at Footnote 60 (previously Footnote 55). The three assessments of any exceptional, public interest focussed development also remain unchanged including at point c) an assessment of any;

‘detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.’

Section Summary

The applicability of the eleven cited planning policies in RfR2 to landscape matters have been considered and all have been found to be applicable with the exception of CE12 which although still valid holds no explicit landscape references. The following parts to each policy have the greatest landscape applicability to the Site.

Cheltenham Plan, July 2020

LI	Landscape and Setting	All of policy.
DI	Design	Part b) applies at this stage.

Gloucester, Cheltenham and Tewksbury Joint Core Strategy, December 2017

SD4	Design	Parts i), iv) & vi).
SD6	Landscape	All three parts.
SD7	Cotswolds AONB	All of policy.

Cotswolds AONB Management Plan 2018-2023

CE1	Landscape	Parts i) and ii).
CE3	Local Distinctiveness	Part I.
CE11	Major Development	Parts i) and ii).
CE12	Development Priorities & Evidence of Need	All parts are relevant in relation to 'need' but none with a specific landscape focus.

NPPF, July 2021

174	Valued Landscapes	Part a) with regard to valued landscape.
176	National Landscapes Part 1	All paragraph.
177	National Landscapes Part 2	All paragraph.

5.0 What are the landscape effects?

- 5.1 This section provides a comparison of the positive and negative landscape effects to allow a balancing exercise to be undertaken to determine if there will be an overall beneficial or adverse effect on the landscape of the Site and its contextual area.
- 5.2 It is based on an understanding of the Site's landscape baseline character, value, susceptibility, sensitivity combined with the magnitude of change that the proposals would bring to the landscape. These are effectively at the heart of the LVIA process as contained in my Appendix B.
- 5.3 Section 6 looks at visual effects in a similar way.

Positive landscape effects

- 5.4 Starting with positive landscape effects that would be brought about by development change at the Site. There has been four positive landscape effects identified as presented in Table 2 below.

Table 2 – Positive landscape effects arising from the development

Ref – Topic - Links	Summary of positive landscape effect
Landscape Positive 1 - Increased tree coverage Also discussed in visual effects from Harp Hill and AONB escarpment.	The proposals show a minimum 12m wide tree planting belt running parallel to the slope and effectively forming a screening strip separating the northern developed part of the Site and the southern open part. Such a linear tree belt is not characteristic of the tree planting on site which is open field and hedgerow trees or the form of woodland blocks and scrub development on the escarpment of the AONB. In landscape terms it will appear associated with the housing development that has led to its planting. At 12m it may allow sight through in winter conditions as well. Other trees are shown as being planted as avenue trees along the main access road and as street trees within the development parcels. Again the character and function of these will be different to existing trees on Site and appear as part of the new urban form.
Landscape Positive 2 – Increased Green Infrastructure. Also discussed in Landscape Negative 4 – Hedgerow Loss	There would be an increase in the quantum of Green Infrastructure when measured on an area basis with the new tree belt providing an estimated 0.7Ha of native tree and scrub planting as indicated on the Landscape Strategy Plan (CD A29). However this positive is tempered by the fact that a similar and arguably better connected Green Infrastructure network in the form of the Site's existing internal hedgerows are reduced by

Ref – Topic - Links	Summary of positive landscape effect
	approximately 75%. Nor does the tree belt provide any new linkages to other pieces of Green Infrastructure off site.
Landscape Positive 3 – SuDS water feature.	Water features, particularly when naturalistic can add interest and increase habitat diversity to a landscape. However a note of caution is also made as water features do not naturally occur on a slope and should a SuDS basin be formed the surrounding ground profiling could appear artificial in a landscape whose dominant landform is its steep, consistent slope. The level of positive landscape effects also assumes that water would be permanently retained in the basin as indicated, appropriate planting, management and attractive treatment of control structures, fencing, access points and the like.
Landscape Positive 4 – Attractive living space Also discussed in Landscape Negative 5 change of setting to mature trees.	Although not presented in detail there is no suggestion that the landscape proposals internal to the estate cannot be designed to create an attractive urban space in which to live. These factors are controllable through Reserved Matters. The new NPPF §131 is noted and an increase in tree planting along the streets of the proposals may be required. The retention of the majority of the mature trees within the proposals is also noted albeit in changed surroundings.

- 5.5 The retention of such elements as the upper and boundary hedgerows, open space to the south side and some of the ridge and furrow are not considered positive landscape effects as they are already in existence at the moment.

Negative landscape effects

- 5.6 Negative landscape effects caused by development change at the Site are considerably more numerous totalling 12 as discussed in Table 3 below.

Table 3 – Negative landscape effects arising from the development

Ref – Topic - Links	Summary of negative landscape effect
Landscape Negative 1 – Breaking up the slope	An existing key landscape characteristic of the Site is the extent and visibility to the steep slope across the majority of the Site. The proposals would change approximately two-thirds of the slope and remove it from sight with either built development or tree belt set over it. This also reduces the appreciation of this topographical feature of Battledown Hill from the contextual and wider landscape. The upper part of the slope is retained in Field 1 but at a much smaller scale. In Fields 2 & 3 where the main and secondary site access roads are proposed the profile of the fields will be heavily

Ref – Topic - Links	Summary of negative landscape effect
	modified with embankments and possible cuttings to achieve an acceptable highway gradient.
Landscape Negative 2 – Reduction in field size	The built area and its screening tree belt will reduce the size of the fields evident in the landscape. The upper undeveloped portion of fields will not appear as large or impressive in scale as their pre-development form.
Landscape Negative 3 – Loss of landscape pattern	<p>The removal of the lower portions of the hedgerow network will reduce the visible and regular landscape pattern they currently cast over the slope. This pattern is largely appreciable in more distant views to the Site from the Cotswold escarpment.</p> <p>The upper portions will remain visible but will not be as strong or notable a landscape feature. Sight to them will diminish as the tree belt grows, screens views to them and planting assimilates any remaining hedgerow form.</p>
Landscape Negative 4 – Loss of native hedgerow	The built proposals remove the lower portion of internal field boundary hedgerows which are a positive landscape asset in themselves and for helping to pick out the steepness and uniformity of the slope across Site. Their part removal reduces the existing green infrastructure on Site and reduces the ability to appreciate the sloping landform.
<p>Landscape Negative 5 – Change in setting to mature trees.</p> <p>Also discussed in Landscape Positive 4 – Attractive living space</p>	<p>The majority of mature trees on Site, including those with a TPO, appear to be retained within the indicative design proposals. This keeps them as a positive landscape asset but reduces their contribution to the wider landscape as they will no longer be as visible.</p> <p>Trees that currently are viewed and judged within an open field setting will be set with residential built form around them and their fundamental character of a rural tree will change to an urban tree. Should they survive the construction process (particularly level changes) they will act as attractive features within the new residential area. This intention to retain mature trees within the built form is in compliance with the latter part of the new NPPF §131.</p> <p>CBC's Arboricultural Officer also sounds two notes of concern in their consultation response. The first is with regard to ash die back disease affecting some of the mature trees on Site leading to them being felled over the next decade. His second point of concern arises from pressure from new residents seeking to prune or fell TPO stock when they realise the disadvantages of large trees on a small housing plot, e.g. shade, root heave and leaf/branch fall.</p>
Landscape Negative 6 –	The construction of houses, SuDS basin, access roads, any

Ref – Topic - Links	Summary of negative landscape effect
Reduction in ridge and furrow patterning ⁷	<p>formation of the indicated break in the slope and tree belt planting will reduce the amount and notability of the ridge and furrow agrarian field pattern on Site. In Field 1 an estimated 70% would be lost under houses, in Field 2 an estimated 30% of the stronger pattern in the upper field lost to road construction and in Field 3 an estimated 50% lost under the road and cutting construction with associated re-grading either side of the main access route. The overall change in the prominent ridge and furrow area is broadly measured as reducing from its current 8.4Ha to 3.8Ha, a reduction of an estimated 55%. This loss could increase further if public utility installation or diversions are required in the remaining open space.</p> <p>This remaining ridge and furrow would not be as impressive a landscape feature as it currently is as its scale is significantly reduced and it would be broken up by planting, paths and roadways.</p> <p>There is also the reduction in the sense of maturity and time-depth to the landscape and a resulting reduction in the quality of the setting to the Listed parts of Hewletts Reservoir.</p>
Landscape Negative 7 – Modified land form	<p>Construction on slopes is not as straight-forward as flatter sites with platforms required for houses and ground form modification for roads, paths and drainage features such as the SuDS Basin and any new or diverted services. Depending on final finished floor levels and highway access gradients there could be the need for embankments and cut-slopes on the Site. Such modifications to the landform will appear artificial in comparison to the existing slope in the parts where it is retained. It will also remove sight and lessen appreciation of the Battledown Hill topographical form.</p>
<p>Landscape Negative 8 – Expansion of built form up the escarpment</p> <p>Also discussed in Visual Negatives 5, 7 and 8.</p>	<p>There will be a large area of new residential development built up the lower part of the slope changing its current open, rural character to one of residential built form.</p> <p>This will combine with the existing development of Oakley Grange and appear as a larger development extending further south up the hill towards Harp Hill. Physically it will not join with the reasonably well screened ribbon development line that are the Harp Hill properties but rather reduce the open space that keeps them as distinctly separate entities in the landscape at the moment.</p>
Landscape Negative 9 – Reduction in quality of Harp Hill road corridor	<p>As identified in Section 3 Harp Hill is important as a transitional landscape between the denser development of Cheltenham's main urban area and the nearby AONB landscape. The new housing visible from it and in particular the setting of the main access off</p>

⁷ Based on free to use Lidar imagery at <https://houseprices.io/lab/lidar/map?ref=SO9711022472>

Ref – Topic - Links	Summary of negative landscape effect
	<p>Harp Hill will reduce this transitional quality.</p> <p>The new road access and associated boundary hedge removal will allow sight down the main access to the proposed houses beyond. In time the proposed tree belt and road side avenues will screen out most sight to the new houses but the perception of a large housing area situated to the north of Harp Hill will remain.</p>
Landscape Negative 10 – Reduction in flow of open land running into Cheltenham	The combination and quantum of open space across the existing six fields is significantly reduced and altered by the development reducing the physical and perceived link between this part of Cheltenham and the AONB. This reduction in open space is perceived both near to Site and from further afield on the Cotswold escarpment.
Landscape Negative 11 – Landscape character of the remaining open space Also discussed in Visual Positive 1 and Visual Negative 2.	<p>The remaining open space on the upper part of the slopes is described on the Landscape Strategy Plan (CD A29) as having a ‘country park’ type character with an ability to look north across the greater Cheltenham area and east along the escarpment. This might be true until the tree belt establishes and reduces sight to the new housing lower down the slope but until that point the open space’s character will be heavily influenced by the development that forged it, making it feel more like an urban park. A country park is typically much larger, allows a longer duration of stay and usually more distant from built form to give its users a perception of being in the countryside.</p> <p>When established and assuming successful retention of existing boundary and internal hedgerows the open space will have the characteristics of three smaller, compartmentalised field parcels. Former Fields 2 & 3 compartments will have the main access road running through them. The road, its lighting and associated vehicle movements are not characteristic of a country park.</p> <p>The other effect of the tree belt growing to maturity is that it will screen views across greater Cheltenham and along parts of the escarpment reducing the open space’s scenic value.</p>
Landscape Negative 12 – Increase in lighting in previously dark fields	Road, traffic and domestic lighting will all increase in the fields and extend up the slope. The area however does not have an intrinsically dark sky but the sense of development up the slope will clearly remain evident at night.

5.7 In looking at this combination of specific negative landscape change a number of overall concluding landscape effects can be arrived at.

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- 5.8 There is a total loss of existing rural landscape character in the developed portion of the Site and a significant reduction in the rural character in the remaining open space along the upper slope.
- 5.9 Alongside the reduction in rural character there is a considerable reduction in the quality of the setting to this part of the Cheltenham settlement edge and its relationship with the Cotswolds AONB.
- 5.10 There is no protection or enhancement of the Cotswolds AONB valued landscape but rather a fundamental change to its overall landscape character and effective removal of its natural beauty. In landscape terms it would no longer look like, or function as part of the AONB.
- 5.11 The special qualities that combine to give this part of the Cotswolds AONB their natural beauty are scheduled out in the Table 3 - Landscape Effects Table in Appendix B and the effects of the development set against each to describe the anticipated negative change. The applicability of the special qualities to the Site are reviewed in Appendix D.

Balancing of positive and negative landscape effects

- 5.12 There are considerably more negative landscape effects than positive ones and their scale and resulting impact on the Site's overall landscape character is large.
- 5.13 The planting of the major tree belt across the Site can be classed as introducing a positive landscape characteristic in terms of introducing native trees and screening the houses but it does not address the change in landscape character across the broader Site.
- 5.14 The positive landscape effects as well as being numerically smaller are also smaller in scale and value e.g. SuDS balancing pond or for the benefit of people that will live on the estate. Whereas the negative effects tend to be larger and affect the more fundamental planks of the Site's landscape character as a piece of the Cotswolds AONB landscape.
- 5.15 The final judgement is that there is a **Major / Moderate, Adverse and Permanent effect** on the landscape character of the Site. It would cease to be a recognisable or functioning part of the Cotswolds AONB and as a valued landscape its overall character is neither protected nor enhanced.
- 5.16 The Site's landscape context also experiences an overall **Moderate / Minor, Adverse and Permanent** landscape effect with the following summaries provided from my Landscape Effects Table in Appendix B.

- Oakley Grange, Wessex Drive and lower Harp Hill residential areas – Minor to Moderate, Adverse and Permanent;
- Contextual AONB Area and Battledown Hill – Moderate, Adverse and Permanent;

Section summary

The following landscape effects have been identified in this Section.

- There has been four positive landscape effects of the development identified and thirteen negative ones.
- The negative landscape effects are not only numerically larger at 12 but also at a greater scale or affect the fundamental landscape character of the Site.
- The overall balancing of positive vs 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 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 Cotswolds AONB as a valued landscape as per NPPF §177 and its natural beauty is removed from the whole Site apart from the retention of mature trees in the southern boundary hedgerow.
- The proposed landscape mitigation proposals associated with the main public open space would not mitigate the landscape harm caused by the proposals or conserve or enhance the AONB's character.
- The overall landscape effect at the Site is considered to be **Major / Moderate, Adverse and Permanent**.
- The overall landscape effect in the contextual area to the Site is considered to be **Moderate / Minor, Adverse and Permanent**.

6.0 What are the visual effects?

- 6.1 Adopting a very similar approach to the discussion of landscape effects this section considers positive visual change, negative visual change and then conducts a balancing exercise to confirm if the overall visual effects of the proposals are beneficial or adverse in appearance terms.
- 6.2 There is one difference between Sections 5 & 6. This visual section starts with a discussion of representative viewpoints where the development will be visible from. These representative viewpoints form the basis of my Visual Impact Assessment in Appendix C and are themselves presented in Appendix F.

Representative viewpoints

- 6.3 The application was accompanied by a Landscape and Visual Impact Assessment (LVIA) as part of the submitted Environmental Statement (ES). It formed Technical Appendix 6 to the ES (CD A37-D) in which the Visual Impact part presented 16 No viewpoints. I have visited these viewpoints and assessed the likely visual change from each to allow me to prepare my initial landscape consultation response and this subsequent Proof.
- 6.4 In attending these viewpoints and travelling around Cheltenham or along the escarpment other publicly accessible locations have been identified where the Site is clearly evident and forms part of the view. Where the view is sufficiently different to others in the LVIA or is taken from a location with leisure or cultural importance then a further representative view has been taken and is included. My own panoramic representative viewpoint photography is presented in Appendix F along with a location plan.
- 6.5 There is also a series of other panoramas taken with the Appellant's permission of the Site itself from locations that are not publicly accessible. These are referred to as Site Photographs and illustrate the landscape character of the Site but do not form part of the Visual Impact Assessment contained in Appendix C. They have been given an I suffix for Illustrative.
- 6.6 The Rule 6 parties may also identify further viewpoints that they consider important including views from private land or dwellings. All the Appellants LVIA VP's and my own VP's have been taken from publicly accessible locations in accordance with GLVIA3.⁸

⁸ GLVIA3 - Guidelines for Landscape and Visual Impact Assessments – Third Edition Page 101

- 6.7 To assist the Inspector and the smooth running of the Inquiry the Appellant's Landscape Architect Mr Paul Harris and myself have agreed to jointly produce a combined viewpoint location plan after the exchange of evidence.
- 6.8 With such a Site that is clearly evident from numerous locations close to and far away there is an advantage to grouping certain viewpoints together. I have done this as short range, mid range and long range viewpoints. However at times when specific visual effects are being discussed there will be the need to make reference to specific viewpoints.
- 6.9 The application LVIA VP's show the Site in winter conditions whilst my own photography has been taken in summer conditions in both 2020 and 2021.
- 6.10 In addition to the LVIA VP's the Appellant has provided at the request of CBC visually verified images (photomontages) of the proposed development from five of the LVIA VP's. These are held at CD A18.

Positive Visual Effects

- 6.11 Two positive visual effects as described in Table 4 have been identified in the application documents or by myself as I have considered the illustrative layout.

Table 4 – Positive visual effects of the proposals

Ref – Topic - Links	Summary of positive visual effect
Visual Positive 1 – Increased opportunity to see Cotswold escarpment.	<p>The new publicly accessible routes through the main open space to the south of the Site would allow people new 'legal' views out to the line of the Cotswold escarpment as it runs north east towards Cleeve Common and Nottingham Hill.</p> <p>These views are already partially gained from Harp Hill for road users (cars, cyclists and pedestrians) looking over or through gaps in the boundary hedge. There would also be a view opened up at the main access road but this has not been classed as a positive given the view would encompass the main site access road and new housing.</p> <p>The panoramic views north and east from the open ground of the Site would be unrestricted by the Harp Hill boundary hedgerow but would have the new housing as a part of their foreground. The views will also diminish over time with the establishment of the tree screening belt. The lower down the slopes the open space users are the earlier and more effective the screening will be.</p> <p>With paths through the open space indicated at the upper part of the remaining slope the views would stay open for as long as</p>

Ref – Topic - Links	Summary of positive visual effect
	possible. However the remaining hedgerows if allowed to grow high will restrict views to the north east towards the AONB escarpment as path users approach them and the space within these remnant fields will feel enclosed and compartmentalised. The escarpment views are only evident whilst moving east along the proposed path.
Visual Positive 2 – Increased opportunity to see and closer views of Listed structures. This is also discussed in Landscape Negative 6.	<p>There would be an increased opportunity to see the Hewletts Reservoir Listed structures. At the moment only oblique views over the field gate (Photo I5) are evident. By allowing access across the open ground of the public open space more direct and closer views of the pavilion, old boundary wall and reservoir wall will be possible. However with increased accessibility to the side of the town's primary drinking water facility it is likely that the boundary to the reservoir will need to be made more secure with increased security fencing. The increased access may unfortunately lead to a greater obscuring of the Listed structures through new, more secure fenestration.</p> <p>An increase in the ability to take this view is a different matter to the landscape setting of the reservoir which would not be as rural or remote with the main access road aligned upon it in Field 3 where currently there is an open pasture field..</p>

- 6.12 Recreational enhancement through access is discussed in the next section which is a review of the mitigation measures.

Negative visual effects

- 6.13 Table 5 below groups views into the three categories – short, mid and long range views. Short range views are in the immediate vicinity of Site, mid-range at an approximate distance of between 200m to a 2km and long range are all views over 2km. Within each group specific viewpoints are referenced to illustrate the visual change that would come about because of the proposals.

Table 5 – Negative landscape effects arising from the development

Ref – Topic - Links	Summary of negative visual effect
Short range views (0-200m)	
Visual Negative 1 – Loss of views to rural field from Public Footpath Cheltenham 86 – See SR VPI	The view from this path that links the original farm track to Harp Hill skirts up the side of the Wessex Drive housing area and is squeezed between a collection of side garden fences and the Site boundary. There is not a constant opportunity to look to the east over the rural fields of the Site towards the Cotswold escarpment. However when it does present itself it is a highly attractive view

Ref – Topic - Links	Summary of negative visual effect
	<p>and reinforces the fact that you are at the edge of settlement as you walk along the path.</p> <p>Building on the Site will remove the chance to look over the lower slopes of the fields at close quarters and will screen sight to the more distant higher escarpment. Views across open land would be gained across the retained open space but will become enclosed with the growth of the main tree belt. There will be a notable worsening of the quality of the view from Footpath 86 and a reduction in the enjoyment of using this path if it becomes 'hemmed' in by development on both sides for the majority of its length.</p>
<p>Visual Negative 2 – Visual change at Harp Hill caused by main Site entrance – See SR VP2 and SR VP3</p>	<p>There will be minor visual change for road users travelling along Harp Hill with the existing boundary hedge largely screening out open views north to the new development. Where they do occur through gaps or lower parts of the hedge the developing tree line beyond will add a second line of screening. The hedge is less effective as a screen for the residents of Harp Hill as their homes are set on the higher side of the road allowing views out over the hedge even from the ground floor and curtilage of their properties.</p> <p>The area of greatest adverse visual effect on Harp Hill is where the boundary hedge will be removed at the main entrance. This will open up a sudden view down the slope of Field 3 to the new houses beyond. Depending on the direction of travel you will also be able to see the main site access curving down Field 3 with its associated earthworks and street lighting. The existing housing at Oakley Grange would also become evident where at the moment it is screened by the Harp Hill boundary hedge (See SR VP3).</p> <p>Ultimately the tree belt will largely screen out views to the new houses to the north of it but the main access road and other features south of it are likely to be visible. It should also be noted that the presence of a modern road leading off across open land gives a perception that there is development along it somewhere.</p>
<p>Visual Negative 3 – Views from Oakley Grange</p>	<p>Oakley Grange has been built over the brown field site of the former GCHQ campus. A number of streets either run parallel to the Site's northern boundary (Pillowell Close and Brockwell Road) or at 90 degrees to it (Alvington Drive and Yorkley Road). The most recent easterly end of development that encloses the east side of Field 6 remains under construction.</p> <p>The older part of Oakley Grange has more public amenity space butting up to the Site's northern boundary as illustrated on SR VP4. This open ground is generally sloped as it runs up to meet the higher ground of the Site. Many of the edge properties in the newer</p>

Ref – Topic - Links	Summary of negative visual effect
	<p>part of Oakley Grange e.g. Bream Close have unobstructed views west across the Site.</p> <p>There will be no long range summer views up the slope of the Site from public roads given the existing mature trees along the north side of the Site, retained planting from the GCHQ campus and additional planting. The houses of Harp Hill cannot be seen and there is no sense of the open ground of the Site. Visibility up the hill is likely to increase in winter and spring after leaf fall. The existing tree cover will not screen out sight to the new houses in either winter or summer conditions with new dwellings visible in the gaps between trees. There will be a visible sense of development to the north of Oakley Grange where currently there is none.</p>
Mid-range views (200m to 2km)	
<p>Visual Negative 4 – Reduction in view to open green space from Priors Road – See MR VPI and Verified View (CD A18)</p>	<p>Priors Road (B4075) is set approximately 250m to the west of the Site. It forms a significant local road for people moving around the eastern periphery of Cheltenham. As it passes the Sainsbury's superstore and petrol station a view to the houses of Wessex Drive is clearly evident with the open sloping ground of Fields 1&2 set behind them. The single line of Harp Hill houses is also partially visible but it is the open, sloping rural character of the Site that forms the focus and most attractive part of the view. This view out of all the views to Site is experienced by the greatest number of people as they travel along the busy road.</p> <p>Building on the visible lower open ground of Fields 1 & 2 will remove all semblance of rural character in the view. The new built form will appear to extend up from Wessex Drive with an array of roofs stepping up the slope. In essence it will appear as an urban scene all the way from Sainsbury's up to Harp Hill where at the moment it appears an attractive settlement edge to the Oakley part of Cheltenham. The proposed mitigation of the tree belt and open space to the upper south side of the Site will have no effect on this view as they will be screened by houses until the upper canopies of the tree belt grows above the highest roof line.</p>
<p>Visual Negative 5 – Views from Imjin Road Playing Fields and Crematorium new access road – See MR VP2.</p>	<p>The view from the Imjin Road Playing Fields looks south to the rising ground of the Site running up to the part visible housing line on Harp Hill. The Site appears as open, sloping ground with a collection of mature trees set upon it and forms the backdrop to the older part of Oakley Grange and less so for the more recently developed part of the former GCHQ site.</p> <p>Development at the Site would visually appear to extend up the slope to visually (but not physically) join up the older and newer houses of Oakley Grange with those on Harp Hill. The proposed</p>

Ref – Topic - Links	Summary of negative visual effect
	<p>southern open space would not be evident in this view and would not mitigate this loss of sight to open ground and enlarged grouping of built form. Eventually the tree belt to the south of the development area will grow up and screen views to Harp Hill and Battledown Hill and the scheme would then appear as development extending up to a wooded backdrop from this viewpoint.</p>
<p>Visual Negative 6 – Introduction of further built form in rural AONB landscape from paths on Aggs Hill in AONB – See MR VP3</p>	<p>This view is taken as part of the wider panorama back to Cheltenham town with the green roof of Hewletts Reservoir blending practically seamlessly with Field 3 of the Site. A thin strip of open ground in Field 2 is evident and even a pocket of Field 1 is visible through a break in the internal hedges. More of the Site would be evident in winter months. Harp Hill houses are evident but not those on Battledown Hill largely due to increased tree cover and their positioning to the west of the hill. The new houses of Oakley Grange are not evident to the north of the view again due to increase tree cover.</p> <p>This view effectively looks along the line of the proposed open space to the upper south side of the Site. The main site access road would be evident as would the southern edge of the main housing areas until the tree belt establishes. The net effect of introducing these two parts of the development is to place development further up the sloping ground, reduce the gap to the Harp Hill properties and effectively mark the position of the edge of Cheltenham where currently it is not evident. The change to the view is not wide scale but is to a particularly sensitive part of it looking from within the AONB to another part of it.</p>
Long-range views (2km plus)	
<p>Visual Negative 7 - Cotswolds Way and Bill Smylie Butterfly Reserve See LR VPI and LR VP2</p>	<p>Importance - The Cotswolds Way (CW) is a long distance walk of national renown and Bill Smylie Butterfly Reserve through which the Cotswolds Way runs and acts as common land with open access. There are numerous paths running off from the CW but the primary route follows the western lip of the Cotswold escarpment offering panoramic views across the whole of Cheltenham and out across the Vale of Gloucester.</p> <p>Field pattern - The Site appears as a recognisable regular pattern of three open pasture fields sweeping down the lower slope of the escarpment as it runs down into Cheltenham. The green roof of Hewletts Reservoir blends into the grass of Field 3 making it appear a larger single entity when in fact it is two separate areas. Development would remove this strong and notable pattern.</p> <p>Oakley Grange - What is also clearly evident is the development of Oakley Grange with the older houses in white render with grey</p>

Ref – Topic - Links	Summary of negative visual effect
	<p>roofs and the new generally in brick with orange roofs set at a slightly higher level and running up to the reservoir. The full canopies of the mature trees are visible in summer views with a grouping around Fields 4 & 5 to the centre of the Site's northern side.</p> <p>Harp Hill and Battledown - To the south of the Site the line of houses on Harp Hill are partially visible and the houses of Battledown Estate less so given its heavier tree coverage. There are pockets of open ground behind Harp Hill road that link visually with the open ground of the Site to give a sense of open, green landscape with scattered housing rather than a dense collection of houses as can be seen at Oakley Grange and across the wider Cheltenham area.</p> <p>Visible development - The main access road would be visible as would the bulk of the housing to the north side of the Site even with the retention of the mature trees. The grain or texture of the proposals would appear akin to Oakley Grange and they would merge visually in these long distance views and appear to run up the slope towards Harp Hill.</p> <p>Loss of open space - There will be a notable loss of open ground with the visible amount reduced to the open space to the south. The proposed open space would appear as a finger of open ground whereas at the moment the Site appears as a larger, more defined block of open ground. The visible width of the proposed open space would narrow over time with the growth of the main tree belt across the length of the Site.</p> <p>Tree belt form - The tree belt itself is likely to appear out of keeping to other tree planting on the slopes that appear more naturalistic in form and 'flow' down the escarpment slopes rather than run in a straight, uniform width line parallel to the slope. Given time and establishment of the tree belt the proposed housing would appear to be set against a wooded backdrop with the green roof of Hewletts Reservoir remaining visible as open ground but the proposed open ground on the Site largely screened from view.</p>
<p>Visual Negative 8 - Cleeve Common Open Access Land Please see LR VP 3, LR VP4 & LR VP5</p>	<p>Importance – Open access land, route of Cotswolds Way National Trail, visitor attraction of local and national cultural significance with Scheduled hill fort and the memorial tree marking the lives of numerous people who enjoyed the common and the elevated, panoramic views from it.</p> <p>Rather than repeat the detail discussion of the view the comments of the Cotswolds Way above are also applicable for Cleeve Common. However differences and additional features are</p>

Ref – Topic - Links	Summary of negative visual effect
	<p>summarised.</p> <p>Sweep of open land – It is easier to appreciate the sweep of open land from the higher part of the escarpment down towards Oakley and the sense of connectivity between the Site and the higher escarpment.</p> <p>Form of Battledown Hill – The domed form of Battledown Hill is more evident from Cleeve Common and the role it plays in visually separating development at Oakley Grange from built form at Charlton Kings. The open fields of the Site help to keep the overall character of Battledown Hill as only partly settled rather than subsumed into the wider urban form of Cheltenham.</p>
<p>Visual negative 9 - Footpaths on escarpment slope. Please see LR VP6 taken near Southam</p>	<p>Again set within the AONB the views towards the Site from paths that run up and down the escarpment slopes are generally similar in form and context to the description given for the Cotswolds Way. Differences or additional considerations are however summarised below.</p> <p>Foreground vegetation – there is generally more foreground vegetation in the form of field hedges and hedge trees partially screening the views so they are not as open or continuous as the views from higher up the escarpment. There tends to be pockets of views along these paths.</p> <p>Different angles – the pattern of the Site's three main fields is still readily discernible but sometimes at a different angle to the familiar array as seen from the higher escarpment.</p> <p>Reduction in visible urban area – the amount of Cheltenham that is visible is reduced given more vegetative screening and being lower down the slopes. This changes the context of the view.</p>

Balancing of positive and negative visual effects

- 6.14 There are considerably more negative visual effects than positive ones and their scale and extent is larger than the positive ones that are derived from opening up public access to the south of the Site.
- 6.15 Both positive visual effects are on Site looking outwards whilst the visual effects looking back to the Site are all negative. The proposals do not improve the appearance of the Site in its surrounding scene.
- 6.16 It is argued by the Appellant that the proposals are in keeping with the adjacent landscape character of built form at Oakley Grange. However the existing character and designated status of the Site is as an AONB and not simply as a settlement edge. It displays the visual

qualities and attractiveness of the Cotswolds AONB and visually links the escarpment, in a scenic way, to the built form of Cheltenham.

- 6.17 The value and resulting sensitivity of the views within and to the AONB is such that even changes of relatively small magnitude can result in adverse visual effects of considerable significance.
- 6.18 In considering the three groupings of visual receptors the following final assessments are given. In short-range views visual receptors will experience a **Moderate Adverse and Permanent effect** on visual amenity and the scenic quality of the Site as a piece of existing, attractive landscape will be lost.
- 6.19 In mid-range views the visual change is considered to be a **Moderate to Moderate / Minor, Adverse and Permanent** effect with either views to the AONB land fundamentally altered or further urbanisation of the AONB land evident.
- 6.20 In long range views there would a **Moderate, Adverse and Permanent** visual effect with the change occurring in an obvious and recognisable part of the wider panoramic scene.
- 6.21 All the short, mid and long range views that include the Site as a piece of the Cotswolds AONB are reduced in scenic quality. The proposals reduce the visual attractiveness of Cheltenham's settlement edge in Oakley and do not protect or enhance the appearance of the Site as a part of the Cotswolds AONB.

Section summary

The following visual effects have been identified in this Section.

- 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 to this part of Cheltenham's setting which helps 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.**

7.0 Review of landscape mitigation and enhancement proposals

7.1 This section considers the likely effectiveness of the proposed landscape mitigation measures as identified on;

- Illustrative Masterplan (Robert Hitchins, Drawing Number 309.P.3.9 Rev E) – CD A23;
- Design and Access Statement (MHP, dated June 2020) – CD A4;
- Landscape Strategy (MHP, Drawing Number 18017.201, dated 28.04.2020) – CD A29;
- Environmental Statement Volume 1 Main Text (January 2020) – CD A36-A;
- Environmental Statement Volume 2 Technical Appendix 6 (January 2020) – CD A37-D; and
- Verified Views and Methodology (prepared by Andy Maw Design, dated January 2021) – CD A18.

7.2 The mitigation proposals seek to address the following adverse landscape and visual effects;

- Loss of openness;
- Change in rural character at the Site;
- Relationship with neighbouring areas;
- Loss of hedgerows; and
- Change in visual amenity.

7.3 The actual landscape mitigation measures illustrated on the Landscape Strategy drawing (CD A29) have been summarised in Table 6 below. They have been split into primary and secondary measures and review comments placed against each.

Table 6 – Landscape mitigation measures as illustrated on the Landscape Strategy Plan

Description of measure	Review of effectiveness of measure
Primary measures	
Minimum 12m wide native tree belt running to south of developed area approximately two thirds of the way up the	Firstly 12m is narrow to form a structural planting belt particularly for winter screening. It is also to be planted to screen sight to a cut slope presumed proposed for house platform formation. There are three breaks in the belt

Description of measure	Review of effectiveness of measure
slope to provide separation between the houses and public open space.	proposed for the two main estate roads and a new footpath. Ultimately the tree belt should grow to provide separation between the housing and public open space. However it will not replace the open rural landscape character of the Site nor will the open space be integrated with the man development area. It may also lead to shading problems for the most southerly houses of the development.
Retention of the southern open space to the upper side of the slope as public open space in order to ' <i>conserve the wider landscape character and scenic beauty of the AONB.</i> '	<p>The retained open space does not conserve the wider landscape character and scenic beauty of the AONB because it is not of the scale to do so. Effectively a proposed sloping pasture field that is 85m wide is expected to conserve the character and wider landscape presence of a field that is 285m wide. This is not achievable.</p> <p>The desired 'country-park' character is also at odds with the current AONB rural landscape character as the space would be provided with surfaced pathways, mown grass paths, trim trail, information boards and varying grass sward heights. All of these are alien features to rural fields and it will appear 'domesticated' and like an urban park providing a service to people rather than used for agricultural production. This is particularly so if there is no agricultural management of the remaining open field areas and boundary hedgerows.</p>
Ridge and furrow retention.	The Appellant recognises the importance of the ridge and furrow field patterns and according to drawing notes seeks to retain it in the public open space fields. However the greater part of it will be lost to form the development area. The parts that remain will also be denuded by the ground modelling required to form the road accesses across Fields 2 & 3 and the surfaced path through the public open space unless it humped levels of the pattern which is not an aid to accessibility and general usage. It is estimated that approximately 45% of the prominent ridge and furrow is capable of retention in the open space and this as a pattern would be broken up by new roads and paths.
Retention of mature trees within the housing areas and use as focus for street level public space	The landscape strategy shows the retention of the majority of mature trees that currently have open field positions towards the north of the Site. They would become the focus for small pockets of community open

Description of measure	Review of effectiveness of measure
	<p>space or in the case of the trees in Field 5 the focus for a natural play space area. The retention of mature trees in a scheme is to be welcomed as recently included in NPPF §131. If protected during construction they should become assets for the new residents of the development. However the mature trees' contribution to the wider landscape is greatly reduced as they become surrounded by new built form that also restricts sight in longer views to the upper parts of the canopies and not the whole tree. Many of the trees on Site have Tree Preservation Orders placed on them so their retention is expected and is not necessarily a mitigation measure. There is also ash die-back disease to consider and a latent desire for crown reduction from new residents.</p>
<p>Part retention of the hedgerow network on Site, augmentation and improved management of retained hedges.</p>	<p>Only part of the hedgerow network is retained with the two most critical hedgerows from a landscape character and pattern point of view, namely the internal hedgerows between Fields 1 & 2 and Fields 2 & 3 largely removed to accommodate housing and the cut slope where the tree belt would be planted. A measure on the landscape strategy plan shows removal of approximately 75% of these twin key internal hedgerows. The remaining 25% is also adversely affected with new or widened breaks for roads and paths and adjacent woodland planting to subsume them into the woodland belt. Their presence as notable hedgerows and the pattern they form is removed from the AONB landscape.</p> <p>Existing boundary hedgerows fair better with additional planting shown and description of enhanced management. The retention of the hedgerow along Harp Hill will assist in retaining the existing character of this routeway but the break for the main access road cannot be mitigated.</p> <p>New hedgerows are proposed to the northern boundary that is already reasonably vegetated and the eastern boundary to Hewletts Reservoir. This will likely replace lost native hedgerow length on Site but not in such a prominent position or be as strong a landscape characteristic.</p> <p>Concern is also raised about any sections of retained boundary hedgerow that may come under the management of private home owners.</p>

Description of measure	Review of effectiveness of measure
Secondary Mitigation Measures	
Diversification of hedge margins	This is largely proposed to diversify the retained edges to the former fields in the public open space. It would lead to an ecological benefit and appreciable landscape improvement from within the public open space but not visible from the wider landscape.
Tree planting in public open space.	New amenity tree planting within the public open space is proposed to increase the amount of tree planting on Site and provide replacement for existing field trees. The amount of amenity trees and their location will further reduce the rural quality of the remaining public open space. This is particularly true of the indicated road side planting where lines of trees run down a curving hedge that mirrors the curved alignment of the road. The drawing's annotation suggests that the tree planting would link to green infrastructure off site at Hewletts Reservoir but as a working reservoir this green infrastructure is minimal and set to north and south of that facility.
Narrowing of roads as they pass through existing hedgerows	This is both an ecological and landscape mitigation measure in terms of providing the shortest possible gap in a retained hedgerow for wildlife movement and to retain as much of the positive landscape features on Site. However the main access road's gap through the retained portion of the hedge between Field 2 and 3 is unlikely to be able to be narrowed and is not shown as such on the landscape strategy plan.
Small area of hedges as garden boundaries near to the north boundary with Pillowell Close.	This is a small area that is proposed to link existing trees together. Hedges as garden boundaries appear more natural than hard fenestration but this is just a limited part of the Site and domestic hedges are not shown across the rest of the scheme. It will also be difficult to prevent owner removal or over maintenance. In terms of landscape character and visual presence in wider views these and any other domestic hedge boundaries would have minimal effects and be largely screened out by the houses they are associated with.

Overall assessment of mitigation proposals

- 7.4 The majority of the proposed landscape mitigation measures are contained in the public open space to the south of the Site.

- 7.5 The proposed landscape mitigation measures do not act as a replacement for the lost landscape character of the Oakley Farm slopes. They do not recreate a rural character but rather form a park area which neither protects nor enhances the valued landscape of the Cotswolds AONB at the Site. Even though its planting and management may be 'country park' in style its end character given the influences of the new houses, linear shape, lack of circular routes and urban features such as roads and street lighting will make it akin to an urban park.
- 7.6 The mitigation proposals do not successfully replace the scenic setting function that the Site currently performs for the Oakley part of Cheltenham. The considerably thinner strip of open ground is set between Harp Hill and the proposed tree belt and is only discernible from Harp Hill and the new development rather than from Priors Road and the Imjin Playing Fields.
- 7.7 Nor does the narrower strip of open space serve to resolve the loss of scenic quality in long range views from the Cotswold escarpment. It is largely hidden from view behind the developed portion of the Site and ultimately the tree belt as it reaches maturity. Nor does the proposed open space carry the scale, hedgerow pattern or give the opportunity to perceive the sloping ground of Battledown Hill's north side. This significantly diminishes its ability to act as a continuation of the open, sloping ground linking the AONB into Cheltenham.
- 7.8 It is acknowledged that there is the ability to create an attractive place to live that will comply with current housing layout standards. However this is at the cost of significantly reducing the landscape character and public appreciation of part of a nationally designated landscape.

Proposed environmental enhancements

- 7.9 The scheme contains a number of other proposals that are presented as environmental enhancements as summarised in Table 7 below along with my review comments.

Table 7 – Review of environmental and recreational enhancements

Enhancement measure	Review of proposed measure
Re-surfacing Cheltenham Footpath 86 that runs to west side of Site.	This is of minor enhancement value and does not fundamentally change its route or function. Nor will its character change with high hedges set both sides of the path.
Diversification of grass sward in public open space.	This will lead to an improvement in the ecological value of the open space but not necessarily enhance its landscape character particularly compared to its current rural baseline appearance.
Traffic free routeway through the public open space to travel to broader	The proposed route through the public open space would link Cheltenham Footpath 86 to the upper end of Harp Hill near to an exit shown adjacent to Hewletts Reservoir. This is

Enhancement measure	Review of proposed measure
AONB.	<p>suggested as an enhancement for pedestrians as there is no footpath up Harp Hill from Battledown Estate's private access. This would be an enhancement but is a recreational one not a landscape benefit. It also requires people to cross the Site's main access and returns walkers back out onto Harp Hill where there is no footpath present.</p> <p>The other enhancement claimed for this route is the visual opportunity it gives people to look along the Cotswold escarpment to the north east. This view already exists in part from Harp Hill to the escarpment (See SR VP2 and SR VP3) over the top or through the road side hedgerow. The quality of this view and at times ability to see it is questioned with the new built development in the foreground visible until the tree belt grows, the presence of the main access road in some of the views and part screening of the vista by the retained hedgerows and newly planted trees in the main open space.</p>
Recreational usage of the public open space.	<p>The new public open space would provide legal access to the remnants of Fields 1, 2 & 3 to the south side of the Site. This open space would only be suitable for more passive forms of recreation such as walking and taking the view to Cheltenham rather than active sports (other than such pursuits as mountain biking or off road running). Its slope and uneven ground from the retained portions of ridge and furrow would make access across it difficult for low mobility users or people with protected characteristics. Definitely a recreational enhancement but with limitation and whose character and ability to provide views out towards Cheltenham will reduce with the increasing maturity of the tree belt screening out sight to the town.</p>
Ability to take views to the listed structures of Hewletts Reservoir.	<p>Suggested as a visual enhancement providing sight to the Listed parts of the reservoir with the pavilion specifically annotated on the Landscape Strategy Plan. Sight to the pavilion exists at the moment over the field gate at the top of Harp Hil (See I5). This is not introducing a new feature to the scene but giving closer sight to it. This is considered an incidental and minor recreational/visual benefit.</p>

Overall assessments of enhancement opportunities

- 7.10 The enhancement opportunities relate more to ecological and recreational benefits rather than landscape or visual ones. The change in character for the remaining portion of open land from rural fields to a park appearance is a further extension of the influence of the

development up the slope and a resulting increased reduction in landscape character. The enhancement opportunities neither protect nor enhance the landscape character of the undeveloped portion of the Site.

- 7.11 The positive benefits of providing a traffic free path through the open space i.e. safer walking route and more open views to the escarpment are acknowledged. It is also highlighted that neither of these benefits are considered large in scale and do not actually require the greater development of the Site to deliver.

Section summary

The review of the environmental mitigation and enhancement measures has found;

- 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 that form the open space.
- 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 some 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.
- The scale of the proposed enhancements in landscape terms has been judged to be small and it is noted that they do not need the wider development of the Site to deliver them.

8.0 Conflict and compliance with landscape policies and guidance

- 8.1 This section takes the relevant parts of the landscape policies identified in Section 4 and applies the findings of the Proof to determine if there is conflict or compliance with them.

Cheltenham Plan Landscape Policies

- 8.2 **Policy LI: Landscape and Setting** – Conflict as the development would cause harm to the setting of the Oakley part of Cheltenham as established in mid-range views from Priors Road (MR VPI) and also from longer views such as from Cleeve Common (LR VP3). This harm is compounded by the fact that the views are either into or out of an area of acknowledged importance, namely the Cotswolds AONB.
- 8.3 **Policy DI: Design Part b** – The Appellants may seek to argue part compliance with this policy considering the proposed built form will appear similar to the recent two phase of the neighbouring development of Oakley Grange. However this disregards the fact that the Oakley Grange site is set at a lower level and does not extend up the visible, steeper slopes of the Battledown Hill. Nor do the proposals in terms of either their built form or their proposed open space provision complement or respect the baseline character of the Site or the wider AONB landscape. For these landscape change reasons the proposals are considered in conflict with Part b of Policy DI: Design.

JCS Policies

- 8.4 **SD4 – Design Requirements: Point i – Context, Character and Sense of Place** and for the very same reasons as used to demonstrate conflict with Cheltenham Plan Policy DI – Part b the proposals are in contrast with the neighbouring developments and the character and context of the Cotswolds AONB leading to conflict with this part of the policy. Nor do the proposals positively enhance the local distinctiveness of this part of the AONB. The elements of the policy that cover internal layout of the proposals appear to be complied or at least have the capacity to be complied with. The final requirement to have appropriate regard to the historic environment has been addressed by Mt Holbarow in his heritage evidence.
- 8.5 **SD4 – Design Requirements: Point iv - Public Realm and Landscape** point concentrates on the new external realm in which people will live or work. The internal spaces to the built proposals have been found to have the ability to constitute an integral and cohesive element

within the design subject to control and refinement through detail design at Reserved Matters. This does not mean that it complements or adds design interest to the character of the AONB and it remains in stark contrast to it. Sustainable transport appears to be partly accommodated as well within the public realm proposals with a cycle link to Priors Road. In design terms the scheme appears to be able to achieve compliance in the layout of the housing area public realm.

- 8.6 However the larger public open space to the south of the Site is not an integral part of the proposals and is largely separated from the built development by the cutting and tree belt that is deemed necessary to screen it in views from the south. This lack of integration is a point of policy conflict. Fundamentally integration could be improved if the open space was visually and physically linked to the built development by removing some or all of the tree belt or extending housing further up the slope into parts of the open space. The knock on effect would be to remove tree screening and make the development even more evident illustrating the fundamental design difficulties at this particular Site.
- 8.7 **SD4 – Design Requirements: Point vi – Inclusiveness and Adaptability** the proposals as they stand now appear to be in conflict with the inclusiveness part of this design requirement that requires all potential users to be able to take access to both buildings and spaces in a new development. Access on a steeply sloping site is difficult at times to achieve and the main access road has a gradient of 1:12.5 as calculated from the Indicative Access Long Sections drawing 333.E.7.1 (CD A34). This is steep for many low mobility users or people with protected characteristics. Likewise the sloped paths to access the larger area of public open space appear steep and use of the open space itself made more difficult by the retained ridge and furrow pattern.
- 8.8 With reference to page 6 of the ‘Housing and disabled people - A toolkit for local authorities in England: Planning for accessible homes’⁹ document it is the responsibility of Planning Inspectors to give ‘due regard’ to the Public Sector Equality Duty (PSED). On this occasion it is most likely the need to advance equality of opportunity for people with protected characteristics to use the footpaths of and off the main access road and principal area of public open space on Site.
- 8.9 **SD6 – Landscape** – All three sub-point of this policy are considered applicable. The first sub-point establishes the principle that development should seek to protect landscape character

⁹ Jointly published by the Human Rights and Equality Commission and Habinteg – October 2018

for its own 'intrinsic beauty'. These proposals do not protect the intrinsic beauty of any part of the receiving landscape (either built or open space) and are in clear conflict with it.

- 8.10 **SD6 – Landscape** sub-point 2 requires proposals to protect or landscape character and avoid detrimental effects on landscape elements that make a significant contribution to character, history and setting of a settlement. These proposals are in conflict with it by fundamentally altering the landscape character of the Site, by cloaking its obvious sloped topography, by removing its strong hedgerow pattern and reducing the overall quality to Cheltenham's settlement edge in Oakley.
- 8.11 **SD6 – Landscape** sub-point 3 has been complied with as the then applicants submitted Landscape and Visual Impact Assessment information and landscape mitigation and enhancement proposals.
- 8.12 **SD7 – Cotswolds AONB** – the proposals do not conserve, nor enhance its landscape and scenic beauty so there is obvious conflict with this policy. The review of the Cotswolds AONB Special Qualities in Appendix D also demonstrates further inability to conserve and enhance these specific features of the Cotswolds' natural beauty at the Site. As demonstrated below nor is there consistency with the Cotswolds AONB Management Plan policies.

Cotswolds AONB Management Plan Policies

- 8.13 **CE1: Landscape – Point 1** requires proposals to have regard to, be compatible with and reinforce the landscape character of the location as described in the Cotswolds CB's Landscape Character Assessment (CD J5) and Landscape Strategy and Guidelines (CD J8). Extracts of these documents are presented in my Appendix E with pertinent points highlighted for the escarpment landscape character area where the proposals are located. The Appeal proposals are not compatible with or reinforce the landscape character of the escarpment character type and are in clear conflict with this management plan policy.
- 8.14 **CE1: Landscape – Point 2** requires proposals to have regard to the scenic quality of the location and its setting and ensure that views into and out of the AONB as well as general visual amenity is conserved and enhanced. These proposals do not achieve that and there is clear conflict with this second part of this management plan policy
- 8.15 **CE3: Local Distinctiveness – Point 1** has three sub-parts, The first *sub-point 1* requires compatibility with three Cotswolds CB's documents, namely the Landscape Character Assessment (CD J5), Landscape Strategy and Guidelines (CD J8) and Local Distinctiveness and Landscape Change (CD J9). Relevant parts of these documents are set in Appendix E with

highlighted sections which show that there is part conflict as the proposals would not contribute to positive local distinctiveness but potentially others.

- 8.16 **CE3: Local Distinctiveness – Point 1** sub-point 2 requires design to respect local settlement patterns. It can be argued that in terms style, scale and materials the building proposals are in keeping with the local contemporary housing of Oakley Grange and settlement pattern of wider Cheltenham. However it differs as it runs up this lower slope of the Cotswold escarpment which the housing in Cheltenham has largely resisted given the special qualities and value placed on the Cotswolds AONB. To me this management plan policy addresses smaller developments and settlements and not major development such as this. Conflict is however still found as both the built and open space elements do not respect the local distinctiveness of this part of the AONB.
- 8.17 **CE3: Local Distinctiveness – Point 1** sub-point 3 seeks a suitable colour of limestone for development proposals. It is unclear if limestone cladding is proposed and it is controllable through Reserved Matters should consent be granted. Likely compliance is assumed.
- 8.18 **CE11 – Major Development** in considering Part 1 that requires major proposals to comply with national planning policy and guidance this is addressed under discussion of the NPPF at §8.24 onwards.
- 8.19 **CE11 – Major Development** Part 2 seeks proposals to be ‘landscape-led’ and the Appellant can point to project proposals prepared by a Landscape Architecture practice with MHP preparing the Landscape Strategy Plan (CD A29) plan and Design and Access Statement (CD A4). However the proposals have failed to conserve or enhance the natural beauty of the Site which is the key principle to this management plan policy so they are in conflict with it.
- 8.20 **CE12 - Development Priorities & Evidence of Need** – as explained above in Section 4 this policy does not have any specific landscape wording but is included in RfR2 as it is CCB’s reference to evidence of need that is considered lacking for this development.

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- 8.21 **§174 a) – Valued landscape** – conflict with this national policy as the proposals neither protect or enhance the valued landscape of the Cotswolds AONB.
- 8.22 **§176 – Scale and extent of development in a national designated landscape** – the scale of proposed development is large as is its proposed development area. These factors mean

there is conflict with this policy that requires development within an AONB to be limited in scale and extent.

- 8.23 **§177 – Major development in a national designated landscape** – there is conflict with this policy as the proposals form a major development in the AONB but without the exceptional circumstance and public interest that would allow it to be built. The three tests of exceptional circumstance are reviewed by Mr Instone in his Planning Proof.

Section summary

This section's summary is set overleaf so the whole summary box can appear on one page.

Section summary

Using a similar summary table to Section 4 where the applicability of the landscape policies were first discussed this section summary simply summarises if there is conflict, compliance or part compliance with the relevant parts of landscape planning policies cited in putative RfR2.		
Cheltenham Plan, July 2020		
LI	Landscape and Setting	Conflict
DI	Design	Conflict.
Gloucester, Cheltenham and Tewksbury Joint Core Strategy, December 2017		
SD4	Design	Part i) – Part conflict and part compliance. Part iv) - Part conflict and part compliance. Part vi) – Conflict.
SD6	Landscape	Part i) – Conflict. Part ii) – Conflict. Part iii) – Compliance.
SD7	Cotswolds AONB	Conflict.
Cotswolds AONB Management Plan 2018-2023		
CEI	Landscape	Part i) - Conflict Part ii) - Conflict
CE3	Local Distinctiveness	Part 1 – Sub-point 1 – Part conflict Part 1 – Sub-point 2 – Conflict Part 1 – Sub-point 3 – Insufficient information at this stage.
CEI1	Major Development	Part 1 – Conflict. Part 2 – Conflict.
CEI2	Development Priorities & Evidence of Need	All parts are relevant in relation to ‘need’ but none with a specific landscape focus.
NPPF, July 2021		
174	Valued Landscapes	Conflict.
176	National Landscapes Part 1	Conflict.
177	National Landscapes Part 2	Conflict.
The citing of these landscape policies in putative RfR2 is justified with conflict found with all the policies in part or whole.		

9.0 Landscape and visual matters still in dispute

Six matters

9.1 The Landscape SoCG (CD C11) identified six landscape and visual matters that were still in dispute between parties, they are;

- The landscape and visual sensitivity of the Site.
- Value of the Site within the Cotswolds AONB.
- Value of the Site to the setting of Cheltenham.
- Extent and nature of landscape character change.
- Extent and nature of visual harm.
- The value of the proposed open space and its use for recreational purposes.

9.2 Each of these matters is considered in turn below with no more than two side of evidence on each.

9.3 The full details of the Appellant's side to these dispute matters is as yet unknown so my summation of their opinion may be incorrect or incomplete. It is based on points gathered from the submitted application documents rather than detailed discussions with the Appellant's landscape advisor Mr Harris.

9.4 Where appropriate a LVIA process has been adopted where the value of a location or characteristic is considered alongside its susceptibility to establish an overall judgement on sensitivity. Judgements of sensitivity can then be combined with magnitude of change to assess the significance of change to landscape and visual elements of these matters still in dispute. Such a process is not applied to all the dispute matters and cross-referencing is made to previous comments or documents to abbreviate discussions whenever possible.

Dispute matter 1 – The landscape and visual sensitivity of the Site

- 9.5 I assess the landscape sensitivity of the Site to be **High** based on its **High landscape value** and **Medium/High susceptibility** to change from residential developments.
- 9.6 The Site's **High landscape value** is derived from the following factors;
- Its designation as a nationally important landscape;
 - Proximity and function as part of Cheltenham's distinctive and valued setting;
 - The function it performs linking Cheltenham to the Cotswolds AONB; and
 - The quality and combination of individual landscape elements on Site including the length of observable slope, mature trees, strong hedgerow/field pattern and its ridge and furrow pattern.
- 9.7 The Site's **Medium/High susceptibility** to housing development of this sort is based on it's;
- Open and prominent nature of the fields.
 - Strongly sloping ground where dense housing is not usually built.
 - Obvious conflict with the intentions of local planning and AONB management plan policies; but with
 - Some local precedent from neighbouring Oakley Grange development the majority of which lies outside of AONB tempering the susceptibility judgement from High to Medium/High.
- 9.8 The Site's **High** visual sensitivity stems from its **High visual value** in short, mid and long range public views and **Medium/High visual susceptibility** to major residential development.
- 9.9 The **High visual value** is illustrated in the panoramic photography held in my Appendix F and is discernible from numerous publicly accessible locations at short, mid and long ranges in which views it contributes high scenic value.
- 9.10 The Site acts as part of the visible setting to this part of Cheltenham whether people are looking out to the Cotswolds AONB say from Priors Road (MR VPI) or back to Cheltenham from the AONB such as the Cotswolds Way (LR VPI) or Cleeve Common (LR VP5).
- 9.11 Specific scenic qualities of the Site include its obvious sloping landform on Battledown Hill combined with its hedge / field pattern and mature open field trees. Its openness also allows views out from Harp Hill and an appreciation of the form of Battledown Hill in other views. It

also has value in preventing the visual coalescence of properties in Oakley Grange with those on Harp Hill in mid and long range views.

9.12 The Site's has been judged as having a **Medium/High visual susceptibility** to residential development of this scale and form given;

- That there is existing similar scale development set to its west, north and part of its east flanks providing some visual association;
- Visual association to the houses of Harp Hill to the south is lesser given the separation of the road itself and the lesser density of this ribbon of houses;
- That the Site's openness and existing visual qualities cannot accommodate such a form of development without fundamental change to its overall appearance; and
- The Site's individual visual qualities such as the open slope, mature trees and hedgerow pattern are highly susceptible to this form of development.

9.13 The Appellant seeks to rely on the fact that the lower slope has some lesser value, or susceptibility to development leading to it have a reduced sensitivity when compared to the upper slope. I did not find this to be true on my Site visit and the six fields read as a unit rather than as an upper and lower slope. Field 1 & 2's lower slopes are also visible from the high scarp.

9.14 The proximity to existing housing is greater to the lower slope but this does not give justification for development. Such development, and arguably more intrusive built form, was in place at GCHQ when the Site was initially designated in 1966 and then again in 1990. This piece of the AONB has had built form set next to it since its formation and the more recent housing does not reduce the value of the lower, northern slope area.

In summary

9.15 The existing housing areas close to the Site are recognised and have not been ignored in my assessment of the Site's landscape and visual sensitivity. Its presence lowers both my landscape and visual susceptibility judgements. However the presence of nearby housing areas does not reduce my overall assessment of its landscape and visual sensitivities which remains as **HIGH** given its baseline rural character set within the nationally designated landscape of the Cotswolds AONB. The Site does not have two landscape characteristics and the greater prominence of housing to its lower side does not split the Site or reduce its value as a piece of the AONB.

Dispute matter 2 - Value of Site within AONB

- 9.16 The Appellant's advisors may present evidence to the Inquiry to suggest that the value of the Site within the AONB is diminished by being at the edge of the designated area, or reduced by nearby housing or because it does not have all the special qualities of the wider AONB.
- 9.17 I maintain that it is a functioning and recognisable part of the Cotswolds AONB and its value should be judged as per any other part of the AONB rather than degraded or as unduly influenced by its neighbouring development.
- 9.18 In considering the origins of the Cotswolds AONB in 1966 it was deemed to have sufficient natural beauty to warrant designation as part of the then new AONB. At the time there would have been the built form of the GCHQ Oakley Grange complex to the south and east. Uncovered reservoirs were positioned to the east and Harp Hill houses stood to the south of the road in a similar arrangement to today. The Site's original inclusion in the Cotswolds AONB was with a similar amount and positioning of development around it.
- 9.19 A boundary review for the AONB was conducted in 1990. This review considered if the land around the fringes of the AONB displayed sufficient similarity and quality to the rest of the AONB to remain designated. The Site was not only retained but actually extended by the inclusion of Field I taking the designated AONB land all the way up to the built form of Wessex Drive.
- 9.20 At the time of the 1990 boundary review the full extent of the GCHQ complex was in place and stretched from Priors Road (site of current Sainsbury's) all the way east to the boundary of Hewletts Reservoir. It consisted of numerous buildings of varying scales and storeys, car parking areas, aerial masts and antennae. Even with this quantum of non-rural development immediately north and east of the sloping pasture farmland the Site was deemed of sufficient value and demonstrated enough natural beauty to be retained in the AONB.
- 9.21 In looking at historical aerial photography of the Site in its surroundings it is evident to see that its internal layout as six fields has not changed since 1945 and much of the historic tree planting and hedgerow pattern remains the same as when the Site was designated in 1966.
- 9.22 The aerial photograph review also assists with considering the question of whether Hewletts Reservoir acts as a block or break between the Site and the rest of the AONB. Reservoir 3 (the elevated one nearest the Site) as seen today was only covered with a green roof in 1966 and as evidenced in end of Second World War photography from 1945 the main reservoirs were uncovered. They would have been more visible in elevated long range views back

towards this part of the AONB from Aggs Hill and the high escarpment to the north east. The historic boundary walls and pavilion remain intact as described in Mr Holborow's Proof on heritage matters.

- 9.23 Even with Hewletts Reservoir in a visually more prominent state at the connecting east end of the Site both were considered of suitable landscape character and sufficient quality to include in the original designated AONB.
- 9.24 The visibility of Hewletts Reservoir from the wider landscape has decreased considerably since the formation of the grass roof and as evidenced in MR VP3 taken from Aggs Hill and LR VPI taken from the Cotswolds Way the grass of the roof is visually indistinguishable from the pasture of Field 3. In fact because of this visual 'merging' Field 3 does at times appear larger than it really is. In elevated views the reservoir's grass roof assists the perception of the sloped, open landscape of the lower escarpment running from Aggs Hill, down through the Site and on into the built form of Cheltenham.
- 9.25 The reservoir's boundary appearance in closer range views from Harp Hill has not fundamentally altered since the AONB designation in 1966 or its review in 1990.
- 9.26 If the reservoir complex was not considered a block in 1966, or 1990 and its appearance has not significantly changed since then it should not be considered an obstruction or separating feature between the Site and wider AONB today. Its green roof assists visual linkages greatly.
- 9.27 Four further points are made regarding the value of the Site within the AONB;
- A very recent Appeal Decision at Newhouse Farm, Horsham in the High Weald AONB using the July 2021 NPPF has considered the fact that even though a piece of AONB land is on the edge of a designated landscape and not in 'deep countryside' this does not downplay its policy or statute importance¹⁰;
 - The Site still displays enough of the Cotswolds AONB special qualities by being part of the escarpment landscape character type and having historic ridge and furrow patterning to demonstrate natural beauty as per the assessment in my Appendix D;
 - The Site has considerable local value in terms of setting and linking Cheltenham to the wider AONB; and
 - It has value as a positive element of views to the AONB from Cheltenham and back towards the town from the AONB.

¹⁰ CD K43 - Inspector Mageean - APP/Z3825/W/21/3266503 §40 – Horsham Appeal in High Weald AONB

Dispute matter 3 - Value of the Site to the setting of Cheltenham

- 9.28 The Appellant's advisors may present evidence that seeks to portray the Site as having limited value as part of the setting to Cheltenham.
- 9.29 I consider the Site currently contributes positively to the town's setting and the proposed major residential development would significantly, if not totally remove this positive contribution.
- 9.30 The Site contributes positively to the setting in two ways – in looking out from the town to the Cotswold escarpment and vice versa when looking back from the escarpment to the town.
- 9.31 In looking out from the town it appears as an attractive, scenic backdrop in views from Priors Road (MR VPI) set beyond Sainsbury's and from the Imjin Road Playing Fields (MR VP2) where it is visible above the houses of Oakley Grange.
- 9.32 The Priors Road view currently assists in connecting this part of Cheltenham visually with its landscape setting and allows an appreciation of the location and character of the nearby Cotswolds AONB. A visually verifiable image of the proposed development from this most frequently taken viewpoint is held as CD A18. It shows the open green space has been removed from the view and the new area of housing climbing up the slope of Field 1.
- 9.33 Views from the Imjin Road playing fields were not considered in the original LVIA with this area set to the north of the Oakley Grange housing area running up to the Cheltenham Cemetery and Crematorium. From this northern view the sloping fields of the Site can be seen as forming an attractive backdrop to the Oakley Grange housing area, particularly the older section. The open, sloping nature of the Site allows a greater appreciation of the form of Battledown Hill to be taken and provides a green and obviously undeveloped gap between Oakley Grange and the housing ribbon of Harp Hill beyond. This is a view where with development the extents of Cheltenham's housing could be seen and perceived as extending out onto the high ground around the town.
- 9.34 Finally with regard to views out from Cheltenham the Site contributes to the character and perception of Harp Hill as a transitional housing area where the density of housing diminishes at the interface of urban and rural areas. This sense of transition would be reduced with the major development of 250 houses visible in views back to Harp Hill and from Harp Hill itself.
- 9.35 In considering the setting of Cheltenham when viewed from elevated parts of the AONB it is firstly acknowledged that the Site forms a small part of a much wider panoramic scene.

However it is a readily distinguishable part and contributes positive to the greater setting of the town.

- 9.36 It is readily distinguishable due to its strong hedge and field pattern. The current internal hedgerows sub-divide the visible open, sloping ground of the Site into regular shaped fields. The hedges also run perpendicular to the gradient of the main south to north slope across Site and help to accentuate this in the scene which in turn helps to mark Battledown Hill.
- 9.37 It is also readily obvious because of the open ground of the fields. Many others in the view appear to have scrub, or outgrown hedgerows forming disguising their field shape whereas the form of Fields 1 & 2 and to a lesser extent Field 3 are more obvious and regular.
- 9.38 This ability to help distinguish the Site in long range views adds value to its role in the town's setting when it acts as the 'end-stop' of open ground running down from the high escarpment (where many of the views are taken) to the escarpments lower slopes that ultimately turn into the built form of Cheltenham.
- 9.39 The open space of the Site's fields also perform another useful function in the setting of Cheltenham when viewed from elevated positions from afar (LR VP2). The open space of the Site prevents a perceived coalescence of the Oakley Grange development, with the houses of Harp Hill / Battledown Hill and beyond to Charlton Kings in the next visible valley beyond Battledown Hill.
- 9.40 There is just sufficient open space at the moment to visually link the open ground of the Site and the green roof of Hewletts Reservoir with small blocks of open space on Battledown Hill which in combination suggests this high ground remains only lightly settled and that there is not a continuous link of development running from Oakley Grange, over the hill and into the next valley beyond. This sense of open space and lack of sight to the existing Battledown Hill housing is assisted by the mature tree canopies on the hill.
- 9.41 Increasing the visible amount of development running up the slope of the Site will decrease the amount of visible open ground. This in turn will increase the sense of development from Oakley running towards Charlton Kings. The open space proposed to the north of the development will appear as a thin strip and does not have sufficient scale to keep the sense of openness flowing over Battledown Hill that currently exists. Ultimately the visible open ground in the public space will diminish as the tree belt and in field planting grows higher.

Dispute matter 4 – Extent and nature of landscape character change

- 9.42 The Appellant's advisors may present evidence suggesting that the extent of landscape character change is limited and the landscape mitigation proposals as presented are the essence of the existing AONB landscape.
- 9.43 It is my opinion that the proposals cannot fundamentally conserve the landscape character of the Site that they are building over and that the proposed mitigation measures, however well designed are unable to conserve or recreate the character of the existing AONB landscape.
- 9.44 In considering the contextual landscape to the Site first and using the cardinal compass points;
- 9.45 North – Oakley Grange (older part) will still appear and function as a contemporary housing area but without the benefit of an attractive southern setting. This character change will be most keenly felt by residents and users of streets / public space to the north side of this development;
- 9.46 East – Oakley Grange (newer part) and Hewletts Reservoir. The new Oakley Grange portion will still appear and function as a modern housing area. The open, rural setting to the west of the reservoir complex with its Listed structures will appear set more within an urban setting with both the newer Oakley Grange properties and the proposed main estate access road giving it more urban association.
- 9.47 South – The Harp Hill road corridor will appear largely unchanged up to the point of the main access where a break in the boundary hedge will allow an unrestricted view down towards the new houses and those already built in Oakley Grange and a perception of the cumulative scale of development will be gained and reduce the positive transitional landscape character of this contextual area.
- 9.48 West – Wessex Drive would lose its edge of town character but there is little perception of this at the moment given that it has 'turned its back' on the open landscape of the Site with a road layout that looks inwards and no active edge to the east. This should not be confused as the same as the visual change experienced by users of Footpath 86.
- 9.49 Overall the change to the landscape character of the contextual areas around Site is not positive. It is limited somewhat by the fact that there is modern housing to two and half sides of the Site.
- 9.50 With regard to the Site itself its existing rural landscape character based on its appearance as sloping pasture fields will be totally and permanently lost. Approximately the lower two-thirds

of the Site would be developed and take an urban form. The upper one-third, although largely kept open will also lose its rural character given its new land use, planting, trim trail, different grass management and positioning of the Site's main access road through this space.

- 9.51 The application documents suggest that the lower parts of the sloping fields are less sensitive than the upper parts given their proximity to the existing housing. That is why the new housing is positioned lower down and the more sensitive upper slopes are retained as public open space.
- 9.52 This splitting of Site's sensitivity ignores the fact that in landscape terms the fields appear, have historically functioned and are perceived as single units. The overall group of six fields appears as the Oakley Farm Pasture slopes.
- 9.53 Finally in considering the mitigation proposals the principal one that is presented to address landscape character change is the main public open space to the south of the Site. It is described on the Landscape Strategy plan (CD A29) as,
- 'The higher part of the site is to be retained as an open green space in order to conserve the wider landscape character and scenic beauty of the AONB. The existing green infrastructure is to be enhanced with new areas of native planting and meadow.'*
- 9.54 This narrow band of open space will not keep the existing rural landscape character or scenic beauty of the Site. It will appear markedly different to the existing AONB landscape of the current Site and as explained in the Landscape Strategy text the character of a Country Park.
- 9.55 The description of a Country Park is however a misnomer. Given its scale, linear nature and generally constant width of approximately 85m it will not appear or function as a Country Park where people go to escape built form. It will appear as a series of three remnant field spaces that have been generated by the adjacent major housing development that the open space users will have an eagle-eyed view of arrayed down the slope below them. Eventually the housing down the slope will be screened out by the tree belt as will the views to wider Cheltenham that are suggested as another positive feature of this open space.
- 9.56 The open space is also bisected by the Site's main access road snaking down the gradient of Fields 2 and 3 before splitting to act as feeder roads into the eastern and western ends of the proposed development. This clearly evident road system with its associated earthworks and street lighting is neither characteristic of the existing Site's rural landscape character or that of the AONB in the area. Nor will these roads be beneficial to the character, appearance or functioning of the proposed main public open space.

Dispute matter 5 – Extent and nature of visual harm

9.57 In considering the Appellant's application documents the extent and nature of the visual harm is not considered to be extensive or determinative in this application. The application Environmental Statement's landscape technical appendix (CD A37-D) concludes at 6.8.13,

'The development proposals retain the features which make the greatest contribution and have the highest sensitivity, limiting potential adverse impacts. This confirms that the study site has capacity to accommodate development whilst conserving the wider landscape character and scenic beauty of the AONB in keeping with intentions of both national and local landscape policy.'

9.58 I maintain that the visual change would be such that in all short, mid and long range views to the Site and its contextual area that the visual effect is adverse. There is no capacity to accommodate development of this type and scale whilst conserving the scenic beauty of the Site as part of the AONB or in the representative views from other parts of the AONB and edge of Cheltenham.

9.59 The greater part of my reasoning is presented above in Section 6 whose section summary is repeated below.

- There are two positive visual effects (increased visibility of Cotswolds escarpment and Hewletts Reservoir) arising from 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.

The visual effects table contained in Appendix C categorises views back to the Site as either short, mid or long range. After assessing a number of representative views in each of these categories the following amalgamated assessment of the significance of the visual effects for each range is given.

- 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.**

- 9.60 The visual change will also play a key part in the effects on the setting of Cheltenham when looking out from the town's periphery and looking back to Oakley from the more elevated parts of the AONB.
- 9.61 The change in long-distance views will have the effective open, green space of the AONB ending at the roof of Hewletts Reservoir instead of continuing through the Site to its current visible edge at Wessex Drive.
- 9.62 The Inspector will no doubt be keen to judge the likely visual effects of the development as he attends Site. The panoramic photography produced by myself and my counterpart Mr Harris go some way to explaining how the Site is currently perceived visually. I am led to believe that the Rule 6 parties will also be submitting photographic evidence of views to the Site.
- 9.63 As stated earlier myself and Mr Harris will endeavour to produce a combined panoramic photograph location plan and a suggested walking route for the Inspector's site visit and submit them in a timely fashion.

Dispute matter 6 - The value of the proposed open space and its use for recreational purposes.

- 9.64 The Appellants have proposed the principal recreation area in the remnant parts of Fields 1, 2 & 3 to the south side of the Site. There are other play areas indicated on the landscape strategy plan (CD A29) and these are described as receiving a natural play area treatment and are associated with the retained mature trees in the developed area of the proposals.
- 9.65 I do not dispute the intent or location of the natural play areas subject to them being designed and located using sound arboricultural advice so they do not adversely affect the health or setting of the mature trees they are located near. Nor should the trees become a public safety risk to users of the play areas.
- 9.66 It is the larger area of public open space that I consider may have restricted recreational value given its;
- Sloping nature limiting recreational activities;
 - Sloping ground limiting accessibility for people with mobility difficulties or protected characteristics;
 - The undulation of the ridge and furrow pattern further restricting accessibility and recreational usage; and
 - Reduction in amenity and recreational usage with the Site's access roads bisecting the space.
- 9.67 It is recognised that flatter land is available for use nearby at Imjin Road sports field and that the main public open space will have a more natural character that would cater for different forms of recreation than traditional sports fields. These different recreation opportunities include more passive pursuits including walking and taking the elevated view of the local landscape.
- 9.68 The ability to see the Cotswold escarpment and out across wider Cheltenham is considered a positive feature of this space as people recreate there. However this view is not a new one as it is already available from the higher part of Harp Hill. The views from the public open space and its scenic quality will be tempered by sight of the housing further down the slope.
- 9.69 The 12 m wide tree belt that is proposed to be planted will ultimately screen out the houses but also the view north across the greater Cheltenham area. It will also limit the amount of

the escarpment visible restricting sight to the more northerly section towards Nottingham Hill.

- 9.70 Another limitation to views out particularly eastwards to the escarpment is the cross space planting developed from the old hedgerow between Fields 1 & 2 and the proposed road side trees that curve down the slope.
- 9.71 The ability to see the Hewletts Reservoir Listed elements is considered at best of marginal recreational interest.
- 9.72 A trim trail is also indicated on the Landscape Strategy plan and should this be provided it will further reduce the claimed naturalistic character of this space.
- 9.73 In summing up the recreational value of the main public open space is challenged by its sloping land form. This space is expected to serve a multitude of functions in terms of active recreation, passive recreation, ecological enhancement, buffer to Harp Hill as well as hosting the Site's main access road corridor and acting as a continuation of the AONB's natural beauty. A lot is expected of this space and its recreational value is likely to suffer from this multitude of land uses.

10.0 Conclusions and Summary Proof of Evidence

- 10.1 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.
- 10.2 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.
- 10.3 Section 2 sets down the scope of my evidence and explains in broad terms the approach that I have adopted to compile this Proof.
- 10.4 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.'*
- 10.5 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.
- 10.6 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.

10.7 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**.

10.8 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.

10.9 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 CE11 – 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.

10.10 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

10.11 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.

10.12 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.

10.13 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.

11.0 Expert's Declaration

- 11.1 I confirm that insofar as the facts stated in my report are within my own knowledge I have made clear which they are and I believe them to be true and that the opinions I have expressed represent my true and complete professional opinion.
- 11.2 I confirm that my report includes all facts that I regard as being relevant to the opinions that I have expressed and that attention has been drawn to any matter that would affect the validity of those opinions.
- 11.3 I confirm that in preparing this report I have assumed the same duty that would apply to me when giving expert opinions in a court of law under oath or affirmation. I confirm that this duty overrides any duty to those instructing or paying me, that I have understood this duty and complied with it in giving my opinions impartially and objectively, and that I will continue to comply with that duty as required.
- 11.4 I confirm that I am not instructed under any conditional fee arrangements.
- 11.5 I confirm that I have no conflicts of interest other than any already disclosed in my reports.

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