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16 June 2021

Dear Paul

APPLICATION NO: 21/00496/FUL

DESCRIPTION: Proposed residential development comprising 110 dwellings (including 55 affordable dwellings), new vehicular access off Delavale Road (following the demolition of 26 Delavale Road), public open space and associated landscaping and engineering works.

LOCATION: Land West of Delavale Road, Winchcombe

Thank you for consulting the Cotswolds Conservation Board ('the Board') on the above planning application, which is for a development that would be located within the Cotswolds National Landscape.

The Board recognises that the Cotswolds National Landscape is a living and working landscape where the provision of new housing that meets local needs can play an important role in maintaining vibrant and thriving local communities. However, this housing needs to be delivered in a way that is compatible with – and positively contributes to – the statutory purpose of conserving and enhancing this area of outstanding natural beauty (AONB).

We recognise that this site has the potential to accommodate *some* development without having significant adverse impacts on the Cotswolds National Landscape. We also acknowledge that the site of the proposed development is allocated for housing in the emerging Tewkesbury Borough Plan. However, we already have concerns about the scale and extent of development being proposed for this site in the emerging Plan (i.e. 80 dwellings). The proposal for 110 dwellings represents a significant, further 38% increase in the number of dwellings for this site.

We consider that the scale, extent and potential impact of the proposed development constitutes major development, in the context of paragraph 172 and footnote 55 of the National Planning Policy Framework. We do not consider that the proposal demonstrates the exceptional circumstances or the public interest that would be required for such development to be permitted.

Furthermore, we consider that the application is 'premature'. This is because the development proposed is so substantial – and its impacts so significant – that it would undermine the plan-making process by predetermining decisions about the scale of new development that are central to the emerging plan, which is well advanced.

On this basis, we object to the proposed development and recommend that planning permission should be refused.

Cotswolds Conservation Board

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The Cotswolds National Landscape is a designated Area of Outstanding Natural Beauty (AONB), managed and looked after by the Cotswolds Conservation Board.

cotswoldsaonb.org.uk

Chairman:
Brendan McCarthy
Vice Chair:
Rebecca Charley

In terms of impacts on landscape and scenic beauty, we are concerned that the design of the proposed scheme and the proposed density of housing would fail to deliver the required mitigation, as specified in the emerging Plan and in previous landscape and visual sensitivity studies. As such, the adverse landscape and visual impacts are likely to be more significant than anticipated in those previous studies.

For example, rather than providing a 'feathered edge' to the settlement, the edge of the proposed built development would consist almost entirely of a combination of roads, garden fences and sides of houses. Also, rather than being delivered within the limit of the built development, much of the proposed landscaping and tree planting would be delivered beyond the proposed site boundary and beyond the proposed settlement boundary. The proposed mitigation measures would, themselves, have adverse impacts, including reducing the characteristic openness of the site.

We are particularly concerned that the proposed development would intrude negatively into the landscape, notably in the south-western corner of the site, where there would be an incongruous, triangular-shaped wedge of built development extending, diagonally, well beyond the existing, adjacent built development into open countryside.

Additional concerns include:

- the impact of increased traffic movements on the tranquillity of the Cotswolds National Landscape, which is one of the area's 'special qualities', and on the historic environment of Winchcombe;
- the increase in sky glow, site aura, light presence and light glare and the impact that this would have on the dark skies of the Cotswolds National Landscape, which is another of the area's 'special qualities'.

We consider that the above points provide a clear reason for refusal. As such, we consider that there should not be a presumption in favour of granting planning permission (i.e. the 'tilted balance' should be disapplied), even if there is found to be a shortfall in housing supply.

Further, supporting information is provided in Appendices 1 to 3 below. This includes, without prejudice, recommendations on the maximum scale and extent of development that should be permitted if housing is to be delivered on this site at some point in the future.

If you have any queries regarding these comments, please do get in touch.

Yours sincerely,

A handwritten signature in black ink that reads "John Mills". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

John Mills
Planning & Landscape Lead
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APPENDIX 1. SUPPORTING INFORMATION RELATING TO THE BOARD'S OBJECTION TO PLANNING APPLICATION 21/00496/FUL

MAJOR DEVELOPMENT

Context

A key consideration is whether the proposed development constitutes 'major development' in the context of paragraph 172 and footnote 55 of the National Planning Policy Framework (NPPF). Major development status would fundamentally change the way in which the proposed development should be addressed.

As outlined in paragraph 172 of the NPPF, planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. Relevant case law has provided some useful clarification on this issue. For example, case law states that:

- The local planning authority should not simply weigh all material considerations in a balance, but should refuse an application unless they are satisfied that: (i) there are exceptional circumstances; and (ii) it is demonstrated that, despite giving great weight to conserving the landscape and scenic beauty in the AONB, the development is in the public interest.¹
- No permission should be given for major development save to the extent the development was needed in the public interest, met a need that could not be addressed elsewhere or in some other way and met that need in a way that to the extent possible, moderated detrimental effect on the environment, landscape and recreational opportunities.²

Further guidance on the issue of major development is provided in Policy CE11 and Appendix 9 of the Cotswolds AONB Management Plan 2018-2023³ and in the Board's Landscape-led Development Position Statement⁴.

Is it major development?

The applicant does not appear to explicitly state whether or not they consider the proposed development to be 'major development'. However, para 6.86 of the applicant's Planning Statement states that *'the Council, in their site selection criteria for the WIN1 allocation, justify the inclusion of the site on the basis that it is not considered to involve 'major development' within the AONB'*. The inference, therefore, is that the applicant does *not* consider the proposed development to be major development.

The Board strongly disagrees with this inference. We consider that the proposed development *does* constitute 'major development' in the context of paragraph 172 of the NPPF, as explained below.

¹ R (Mevagissey Parish Council) v Cornwall Council [2013] EHC 3684 (Admin) ([link](#)), paragraph 51: *'The planning committee are required, not simply to weigh all material considerations in a balance, but to refuse an application unless they are satisfied that...'*

² R (Advearse) v Dorset Council v Hallam Land Management Ltd [2020] EWHC 807 ([link](#)). Direct quote from paragraph 35.

³ Cotswolds Conservation Board (2018) *Cotswolds AONB Management Plan 2018-2023* ([link](#)).

⁴ Cotswolds Conservation Board (2021) *Landscape-led Development Position Statement* ([link 1](#)) (main document – see Section 7.3) and [link 2](#) (Appendices – see Appendix 5)).

Nature / scale

Even if one accepts that the proposed allocation of 80 dwellings on this site does not constitute major development, there are still a number of reasons why the proposed development should be considered to be major development, as outlined below.

The proposed development would include 30 more dwellings than the proposed site allocation (i.e. 110 dwellings instead of 80). This represents a 38% increase in the number of dwellings on the same area of land. As such, the quantum of development and the density of development would be significantly larger than for the proposed allocation.

The applicant asserts that they would still be able to achieve the objectives specified for this site allocation in the draft Local Plan, such as a feathered edge to the development. However, as explained later in this response, we strongly disagree with this assertion.

It is worth noting that we consider that the proposed site allocation already constitutes major development, as we have outlined in our consultation responses on the emerging Tewkesbury Borough Plan. In this context, the proposed development would constitute an even larger quantum of major development.

110 dwellings exceeds the Development Management Procedure Order (DMPO)⁵ definition of major development:

- in terms of number of dwellings, 11 fold (i.e. 110 dwellings compared to the DMPO threshold of 10 dwellings);
- in terms of area of the development site, 7 fold (i.e. 6.9ha compared to the DMPO threshold of 1ha).

The overall area of the proposed development also exceeds the applicable thresholds and criteria for urban development projects, in Schedule 2 of the Environmental Impact Assessment (EIA) Regulations,⁶ (i.e. 6.9ha compared to the Schedule 2 threshold of 5ha).

Although the DMPO and EIA Schedule 2 thresholds are not over-riding factors, they are still 'relevant considerations'⁷ in determining if the proposed development constitutes major development in the context of paragraph 172 of the NPPF.

We strongly disagree with the applicant's assertion, in paragraph 7.12 of their Planning Statement, that the scale and nature of the proposed development is 'small'. In fact, we do not consider that the proposed development would comply with the NPPF requirement for the scale and extent of development to be limited. The fact that the proposed development exceeds, by 38%, the number of dwellings proposed for the allocation in the emerging Tewkesbury Borough Plan adds further weight to this argument.

In reaching their conclusion on the scale and nature of the proposed development, the applicant has compared the scale of the proposed development with the scale of the Cotswolds National Character

⁵ <https://www.legislation.gov.uk/ukxi/2015/595/article/2/made>.

⁶ <https://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made>. Category 10b. It is worth noting that the relevant thresholds and criteria don't apply in the Cotswolds National Landscape because it is a 'sensitive area'. As such, urban development projects smaller than 5ha would also require an EIA screening. This makes the fact that the proposed development exceeds the relevant thresholds and criteria even more significant.

⁷ Maurici, J., QC (2014) *In the matter of the National Planning Policy Framework and in the matter of the South Downs National Park Authority – Opinion* (commonly referred to as one of the 'Maurici Opinions') ([link](#)). Paragraph 28.

Area (NCA). However, the Cotswolds NCA is even larger than the Cotswolds National Landscape, which itself covers 2,000km². We consider this to be a completely inappropriate comparison. We address this issue (of comparing the scale of a proposed development with the scale of the Cotswolds National Landscape) in Appendix 2 of our Landscape-led Development Position Statement.⁸

The proposed development would increase the number of dwellings in Winchcombe by approximately 5%.⁹ As such, we acknowledge that the proposed development would not be out of proportion to the existing settlement, in terms of number of dwellings. However, it is worth noting that new housing built or permitted since 2011 has already increased the number of dwellings in Winchcombe by approximately 14%. If the proposed development is permitted, the increase in number of dwellings compared to the 2011 baseline would be 20%.

This would be a significant cumulative increase, over a period of approximately 10 years, for a settlement in an Area of Outstanding Natural Beauty (AONB). This adds further weight to it being considered major development. If the current proposal for 35 dwellings on the adjacent site to the north is factored in, these increases would be even more significant.

We acknowledge that the proposed development would lie within the settlement boundary being proposed in the emerging Tewkesbury Borough Plan. However, as this Plan has not yet been adopted, consideration also needs to be given to the fact that the site lies outside the settlement boundary identified in the Tewkesbury Borough Local Plan to 2011, adopted March 2006. The fact that the site lies outside this settlement boundary in that Plan adds weight to it being considered major development.

It is worth noting that the applicant asserts, in paragraph 6.75 of their Planning Statement, that only limited weight should be given to the emerging Tewkesbury Borough Plan at this stage. If that is the case, then the settlement boundary identified in the adopted Tewkesbury Borough Plan to 2011 is even more relevant and adds even more weight to the proposal being considered major development.

Overall, we consider that the proposed development *does* constitute major development in the context of paragraph 172 and footnote 55 of the NPPF in terms of its nature and its scale. In fact, given the quantum of housing being proposed (i.e. 110 dwellings), we consider that it constitutes major development regardless of the other factors that should be taken into consideration in reaching this judgement.

Setting

The proposed development would be located within the Cotswolds National Landscape within Landscape Character Type (LCT) 1 (Escarpment Outliers) and, specifically, Landscape Character Area 1B (Escarpment Outliers – Langley Hill). The Cotswolds AONB Landscape Strategy & Guidelines for LCT1 states that the Escarpment Outliers are ‘highly sensitive to change that would introduce built elements to otherwise agricultural landscapes’.¹⁰

Further comments regarding (impacts on) the setting of the proposed development are provided later in this response, with regards to adverse impacts.

⁸ Cotswolds Conservation Board (2021) *Landscape-led Development Position Statement* ([link 1](#) (main document) and [link 2](#) (Appendices – see Appendix 2)).

⁹ Based on a 2011 baseline of 1,931 dwellings and existing commitments for a further 277 dwellings (as of 2019).

¹⁰ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/lct-1-escarpment-outliers-2016.pdf>

Potential to have significant adverse impacts on the purposes of AONB designation

Our assessment of whether the proposed development could have significant adverse impacts on the purposes of AONB designation is provided later in this response. Overall, we consider that the proposed development *would* have significant adverse impacts. As such, we consider that it also constitutes major development in this regard.

Do exceptional circumstances apply and would it be in the public interest?

Need

The Board acknowledges that Winchcombe is one of just two Rural Service Centres (RSC) within Tewkesbury, the other RSC being Bishop's Cleeve. The two RSCs sit below Tewkesbury Town and above 12 'Service Villages' in the 'settlement hierarchy' for Tewkesbury Borough. As such, we recognise that Winchcombe is a focal point of the delivery of new housing in the Borough.

However, the majority of Winchcombe also lies within the Cotswolds National Landscape. As outlined in the Board's Landscape-led Development Position Statement, new housing in the Cotswolds National Landscape should be delivered in a way that is compatible with the purpose of designation. Also, as stated in Policy CE12 of the Cotswolds AONB Management Plan 2018-2023, development in the Cotswolds National Landscape should also be based on robust evidence of local need arising from within the National Landscape, with priority being given to the provision of affordable housing.

The applicant refers to the Winchcombe Town Housing Needs Survey Report, dated September 2016 (for example, in paragraph 11.18 of their Planning Statement). However, housing needs surveys become out of date as individuals' housing circumstances change. The rule of thumb is that the results have a shelf life of between three to five years.¹¹ Given that the Winchcombe Town Housing Needs Survey Report was published nearly five years ago, it is questionable whether the data that it provides is still valid. For example, the housing need may have already been met by new housing developments - and / or the needs of local residents may have changed - within that five year period. As such, we would question the robustness of this data as evidence of affordable housing need.

The applicant also refers to data from Homeseeker Plus, Tewkesbury Borough Council's Housing Register (for example, in paragraph 11.19 of their Planning Statement). We acknowledge that Homeseeker Plus provides useful data relating to housing needs. However, as explained in our Housing Position Statement,¹² we do not consider that this data should be used explicitly as a measure of affordable housing need. For example, households on the register can express a preference for up to three locations, which could lead to double, or even triple, counting of housing need.

The number of households on Homeseeker Plus that have both a local connection to and a preference for Winchcombe and whose data is validated is likely to be significantly less than the number of households identified in paragraph 11.19 of the applicant's Planning Statement. As such, we would question the robustness of this data as evidence of affordable housing need.

The applicant refers to other housing need assessments, such as the Gloucestershire Local Housing Needs Assessment and the Gloucestershire Strategic Housing Market Assessment. However, given the relatively small size of Winchcombe, compared to Tewkesbury Town and Bishops Cleeve, and the relatively rural nature of the rest of the Cotswolds National Landscape in Tewkesbury Borough, it is

¹¹ National Network of Rural Housing Enablers (2016) *Producing Robust and Influential Housing Needs Surveys*.

¹² Cotswolds Conservation Board (2021) Housing Position Statement ([link 1](#) (main document – see Section 5.10) and [link 2](#) ([appendices](#) – see Appendix 3)).

likely that the vast majority of housing need identified for Tewkesbury Borough would arise outside of the Cotswolds National Landscape.

This is an important consideration because the Government's Planning Practice Guidance (PPG) states that AONBs '*are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas*'.¹³

As outlined previously in this consultation response, the proposed development would result in 38% more houses being built on this site than is proposed for this site in the emerging Tewkesbury Borough Plan. Presumably, Tewkesbury Borough Council considers that the number of dwellings proposed for this site in the emerging Plan is a sufficient contribution to the overall identified housing provision for Tewkesbury Borough. As such, we would question the need for this site to provide an increased number of dwellings over and above what is already being proposed.

Finally, it is worth noting that the Government has recently stated that meeting housing need is never a reason to cause unacceptable harm to protected landscapes and that the standard method for calculating housing need does not present a 'target'.¹⁴

Taking account of all of the above points we do not consider that there is an exceptional need for the proposed development or that the development would be in the public interest.

When considering whether the development is in the public interest it is important to bear in mind that AONBs are landscapes whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard them.

Alternative Options

Major development applications should include an assessment of the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way. As outlined previously, relevant case law has clarified that no permission should be granted for major development save to the extent that, inter alia, the development meets a need that could not be addressed elsewhere or in some other way.

The applicant does not appear to have explicitly addressed this requirement. In particular, there does not appear to be a clear explanation of why an additional 30 dwellings is required on this site, over and above the 80 dwellings already allocated in the emerging Tewkesbury Borough Plan, or why these additional 30 dwellings could not be accommodated elsewhere.

Detrimental Effects

Detrimental effects are addressed in the next section.

IMPACTS ON THE PURPOSE OF DESIGNATION

Landscape Character

The Board acknowledges that the Winchcombe Town Landscape Visual Sensitivity Study, undertaken by Toby Jones Associates (TJA) in 2014, concludes that the effect upon landscape character and upon local landscape features and elements in the event of development would be 'low adverse'. The

¹³ <https://www.gov.uk/guidance/natural-environment#landscape>. Paragraph 041.

¹⁴ <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system/outcome/government-response-to-the-local-housing-need-proposals-in-changes-to-the-current-planning-system>

study states that this relatively small impact is mainly as a consequence of the existing influence that the settlement has on the prevailing character and on the extent to which parts of the site are screened from view by topography, settlement and tree cover.

However, it is important to note that the site only adjoins the built up area of Winchcombe on its eastern boundary and along half of the southern boundary. The housing immediately to the east (Delavale Road) and to the south (Mercia Road) was built before the AONB boundary was reviewed in 1990, when the site was still considered suitable for inclusion within the Cotswolds National Landscape. In addition, the site itself has no urbanising features. As such, nothing has fundamentally changed since 1990 to suggest that the site no longer merits its AONB status.

The Guidelines for Landscape and Visual Impact Assessment (GLVIA) indicates that landscapes that are designated as AONBs should be accorded the highest value in LVIA assessments,¹⁵ albeit that this high value is partly dependent on the degree to which the criteria and factors used to support the case for designation are represented in the specific study area¹⁶.

In this regards, it is worth noting that the site reflects at least one of the key features of Landscape Character Type (LCT) 1 (Escarpment Outliers):

- Lower, gentler slopes cloaked in improved pastures and arable farmland, divided up by a network of hedgerows and some dry stone walls.

It is not necessary for a site to incorporate multiple LCT key features for it to be a valued component of the LCT. As such, we consider that the site merits the high value that reflects its AONB status.

For these reasons, we strongly disagree with the applicant's assertion (for example, in paragraph 10.24 of their Planning Statement) that this parcel of land holds a low landscape value.

Given that the site only has development on the eastern edge and half of the southern edge, we consider that the susceptibility to change is still potentially moderate, compared to an infill development where the susceptibility to change might be low, for example.

A housing development of 110 dwellings, occupying a site of 6.9ha on what is currently greenfield land in an AONB – and which currently reflects at least one key feature of the Escarpment Outlier LCT - represents a sizeable change in landscape character. As outlined above, in relation to the issue of major development, we strongly object to the applicant's comparison of the scale of the proposed development with the scale of the Cotswolds National Character Area, which is even bigger than the Cotswolds National Landscape – this is a completely inappropriate comparison.

The change in landscape would be experienced across a large area, including from the upper slopes of Langley Hill to the west, the northern slopes of Cleeve Hill to the south and the Cotswold escarpment to the east. The change will be permanent and irreversible.

These factors all add up to the effect on landscape character being more significant than the 'low adverse' effect identified in the TJA report.

As well as the impact of the proposed built development, we are also concerned about the proposed landscaping / tree planting, particularly to the west of the proposed housing. In-field tree planting is not characteristic of the open, agricultural fields in locality. The adverse effects of this loss of openness are recognised in the applicant's supporting information (for example, paragraph 7.12 of

¹⁵ Landscape Institute and Institute of Environmental Management & Assessment (2013). Guidelines for Landscape and Visual Impact Assessment (GLVIA). Third Edition. Paragraph 5.47.

¹⁶ GLVIA. Paragraph 5.24.

the Planning Statement). Bizarrely, the applicant claims that this adverse effect will be offset by the proposed mitigation planting. This cannot be the case as it is the proposed planting that is contributing to the loss of openness.

Also, the triangular wedge shape of the area of tree planting in the south west section of the shape is not characteristic of the more rectangular shape of copses and shelter belts in this locality.

It is worth noting that the area of proposed landscaping and tree planting to the west of the limit of built development does not actually lie within the proposed site allocation boundary or the proposed settlement boundary in the emerging Tewkesbury Borough Plan. The land beyond the settlement boundary should, ideally, be allowed to retain its open farmland character. As such, any proposed landscaping / tree planting mitigation should, in theory, be within the site allocation / settlement boundary rather than extending beyond it, in line with the indicative 'screen planting' shown in Figure 4 of the TJA report.

Therefore, although the proposed landscaping and tree planting is intending to reduce adverse effects, it will actually have a long-term adverse effect on landscape character.

Part of the justification for the TJA report identifying a low adverse effect is that this conclusion is based on the requirement for any development on this site would:

- only extend up to the 115m contour line; and
- have a 'feathered settlement edge, avoiding a harsh, linear edge.

However, the applicant's Proposed Site Layout Plan shows that the limit of development at the 115m contour would primarily be a combination of either roads, garden fences or the sides of houses. The gardens of the proposed dwellings are considerably smaller / shorter than the gardens that currently form the edge of built development along Delavale Road. As a result, the proposed houses would be closer to the edge of the settlement than is currently the case.

The density of the proposed housing is considerably denser than the density of housing along Delavale Road. It is also considerably denser than is proposed in the site allocation in the emerging Tewkesbury Borough Plan (with a 38% increase in the number of houses on the same area of land).

There is only one location along the whole length of the development edge where the development could be said to be 'feathered'. This is the undeveloped strip of land that would separate the proposed housing in the south west of the site from the rest of the housing. This, on its own, does not constitute a feathered edge.

On this basis, we consider that, rather than 'softening' the settlement edge, the built development component of the proposed development would, in fact, result in a 'harder' settlement edge.

We recognise the justification for using the 115m contour line as the limit of built development (for example, the fact that there is already precedent 20th century development to this height). However, when this limit was proposed in the TJA report, the potential extent of development extended further south to Harvey's Lane. In theory, this would have resulted in a gently meandering development edge. However, the 115m contour line to the south of the site curves sharply towards the existing settlement edge. It was partly for this reason that a site was not allocated for housing on the north side of Harvey's Lane.

This has left the proposed site allocation (and the currently proposed development) with a very incongruous, triangular-shaped wedge of land that extends well beyond the limit of the adjacent built development along Mercia Road. Built development in this south west corner of the site would

intrude negatively into the landscape. As such, it would be contrary to the Cotswolds AONB Landscape Strategy & Guidelines for LCT 1 and, by extension, contrary to the Cotswolds AONB Management Plan 2018-2023 and the Joint Core Strategy.¹⁷

Overall, we consider that the proposed development would result in at least moderate adverse effects on landscape character, potentially increasing to significant adverse for the southern end of the site, particularly the protruding south west corner. This would be in both the short and longer term.

It is worth noting that even if the TJA conclusion of a 'low adverse' landscape effect (or the applicant's conclusion of a slight to moderate landscape impact¹⁸) is accepted for the proposed development, the effect is still adverse and, as such, is contrary to the statutory purpose of conserving and enhancing the natural beauty of the Cotswolds National Landscape.

Visual Impact

The TJA report concludes that development would be a moderate adverse effect upon views from:

- the Gloucestershire, Wychavon and Winchcombe Way descending towards the town from Langley Hill; and
- the Gloucestershire Way descending from Stancombe Wood to the east beyond Winchcombe.

This judgement is based upon the high sensitivity of the viewers but the low magnitude of predicted change in the views.

Even the applicant acknowledges that there would be slight / moderate adverse effects in views from Langley Hill.¹⁹

However, as outlined in relation to landscape character, above, we consider that the magnitude of change would be considerably larger than that suggested in the TJA report. For example, the proposed development would:

- have a high density of housing;
- have a relatively hard edge, rather than a feathered edge;
- intrude negatively into the landscape, particularly in the south-western corner of the site, where there would be an incongruous, triangular-shaped wedge of built development extending, diagonally²⁰, well beyond the existing, adjacent built development into open countryside.

Taking these points into account, we consider that there would be at least moderate adverse visual effects, potentially increasing to significant adverse for the southern end of the proposed development, particularly the protruding south-west corner.

Our own site visit has indicated that this triangular wedge of development would intrude negatively into views from both Langley Hill, to the west of the site, and from the Cotswold Way, on Cordean Lane, to the south of Winchcombe (albeit with the built form of Winchcombe in the foreground in this second view). See Appendix 3 for further details. From the photograph provided in the Toby Jones

¹⁷ Cotswolds Conservation Board (2016) Cotswolds AONB Landscape Strategy & Guidelines – Landscape Character Type 1 ([link](#)). Section 1.1.

¹⁸ Planning Statement. Paragraph 10.24.

¹⁹ Planning Statement. Paragraph 7.13.

²⁰ In other words, not parallel with the existing settlement edge.

Statement (which forms document 'EXAM015' in the Local Plan Examination papers) it is also evident that this triangular wedge of development would be seen to intrude negatively into the open countryside, away from the existing settlement edge, when viewed from Salters Hill.

The fact that there are multiple locations where adverse visual effects would be experienced adds to the overall significance.

We consider that the proposed mitigation landscaping would have limited effect, both in the short and longer term. This is because the key viewpoints provide elevated views of the site. As such, the proposed landscaping, particularly hedgerows, would do little to screen / filter the view of the proposed two-storey houses. Also, much of the proposed landscaping is intended to screen views from Langley Hill and would do little to mitigate adverse impacts on views from south and east of Winchcombe.

Other 'natural beauty' factors

Tranquillity

An important consideration for the Board is the potential increase in traffic movements on local roads, associated with the proposed development, particularly in close proximity to listed buildings.

Increases in traffic movements can potentially have an adverse impact on the tranquillity of the Cotswolds National Landscape, which is one of the area's 'special qualities'. The Board's Tranquillity Position Statement²¹ set out a 'rule of thumb' that, within the Cotswolds National Landscape, increases in traffic movements of 10% or more are potentially significant.²² However, the Position Statement also indicates that a lower threshold may be appropriate in areas with a particularly high landscape – or historic – sensitivity.

The applicant's Transport Assessment (Table 6.3) indicates that the development would generate 44 two-way trips via car or van in AM peak and 56 in PM peak. Table 7.3 indicates that the majority of these trips would be on 'Route 1' (i.e. southbound out of Winchcombe via Back Lane and Malthouse Lane) - 26 at AM peak and 33 at PM peak. However, the analysis in Section 9 of the Transport Assessment doesn't include the Malthouse Lane / B4632 junction or Back Lane / Malthouse Lane. As such, the Transport Assessment fails to identify the likely percentage increase in traffic movements at these key locations.

Malthouse Lane is very narrow and the junction of Malthouse Lane and the B4632 is a very sensitive location as it is directly adjacent to the Grade II* listed Ye Old Corner Cupboard pub and multiple other listed buildings. Similarly, Back Lane is also a very sensitive location as it is directly adjacent to Winchcombe Abbey Scheduled Monument for nearly 400m (i.e. the majority of the section of the scheduled monument between North Street and Malthouse Lane).

Given the sensitivity of these locations, the lack of data on likely % increases in traffic movements at these locations is a serious concern.

The % increase in traffic movements at other locations identified in Tables 9.2 and 9.3 is also of serious concern, with multiple locations being forecast to exceed the 'rule of thumb' threshold of a 10% increase in traffic movements (especially when the cumulative of the proposed housing development at the adjacent Land Off Kyderminster Road site is taken into account).

²¹ Cotswolds Conservation Board (2019) Tranquillity Position Statement ([link](#)). Section 4.5.

²² This threshold is based on the 'rules of thumb' specified in the Institute of Environmental Assessment's 'Guidelines for the Environmental Assessment of Road Traffic'.

Dark Skies

The dark skies of the Cotswolds National Landscape are one of the area's special qualities. Development proposals in the National Landscape should seek to avoid and minimise new sources of light pollution.²³

We are disappointed that the applicant's Lighting Impact Assessment (LIA) does not refer to the Board's Dark Skies & Artificial Light Position Statement.²⁴ However, we acknowledge that it does, at least, refer to the Institution of Lighting Professionals' (ILP) Guidance Notes for the Reduction of Obtrusive Light, which forms Appendix 2 of the Position Statement.²⁵

The ILP guidance indicates that areas within AONBs should be classed as Environment Zone E1. However, the applicant asserts that the site should be classed as a less stringent combination of Environmental Zones E1 and E2 (which applies to villages or relatively dark outer suburban locations). They indicate that this is because the site is on the edge of the Cotswolds National Landscape and on the existing village boundary where street lighting is already installed.

However, we disagree with the applicant's assertions in this regard. The site is currently undeveloped, with no lighting, and is an integral component of the AONB landscape in this locality. As such, the fact that the site is 'on the edge' of the AONB is largely irrelevant. We therefore recommend that the obtrusive light limitations that should be applied are those that the ILP guidance specifies for Environmental Zone 1.

Either way, the applicant has failed to quantify the extent to which the proposed development complies with the ILP's obtrusive light limitations for either Environmental Zone E1 or Environmental Zone E2.

The LIA acknowledges that there will be a slight increase in sky glow, site aura and light presence and a possible increase in light 'glare', albeit to a degree that is minor adverse.

The LIA's conclusion of minor adverse residual effects is partly based on the assertion that the location is of local 'geographical importance' (Table 10.2). We strongly disagree with this assertion. The Cotswolds National Landscape is, as the name suggests, a landscape of at least national importance. As a Category V landscape in the International Union for Conservation of Nature's (IUCN) international classification of protected landscapes, it is also, arguably, of international importance.

This national geographical importance potentially elevates the residual effects of the proposed lighting to major adverse.

TILTED BALANCE

Paragraph 11 of the NPPF sets a presumption in favour of granting planning permission, known as the 'tilted balance'.²⁶ Paragraph 11 also sets out the circumstances in which this tilted balance does not apply. One of these circumstances is where the application of AONB-related policies provides a clear reason for refusing the proposed development.

²³ Cotswolds Conservation Board (2018) *Cotswolds AONB Management Plan 2018-2023* ([link](#)). Policy CE5.

²⁴ Cotswolds Conservation Board (2019) *Dark Skies & Artificial Light Position Statement* ([link](#)).

²⁵ Cotswolds Conservation Board (2019) *Dark Skies & Artificial Light Position Statement*. Appendix B ([link](#)).

²⁶ Ministry of Housing, Communities & Local Government (2019) *National Planning Policy Framework* ([link](#)). Paragraph 172.

The applicant asserts, in paragraph 10.26 of their Planning Statement, that the tilted balance should be applied in the determination of this application. However, the Board strongly disagrees with this assertion.

As outlined above, we consider that the proposed development constitutes major development in the context of paragraph 172 and footnote 55 of the NPPF. Paragraph 172 of the NPPF sets a presumption against granting planning permission for major development. This, in itself, provides a clear reason for refusal, in the context of paragraph 11di of the NPPF.

Even if the proposed development is not considered to constitute major development, we still consider that the impact of the proposed development on the purpose of AONB designation would be significant enough to provide a clear reason for refusal.

It is important to separate the issue of the tilted balance from the issue of the overall planning balance. The decision, on whether the tilted balance should be applied, should be made before the subsequent step of deciding the overall planning balance.

In deciding the overall planning balance, there may be clear reasons for refusal and there may also be clear reasons for permitting the proposed development. If the tilted balance has been disapplied before this stage, the presumption in favour of granting planning permission is no longer relevant. However, the great weight that should be given to conserving and enhancing landscape and scenic beauty would still be relevant.

SCALE AND EXTENT OF POTENTIAL HOUSING PROVISION ON THIS SITE

As explained earlier in our response, we recognise Winchcombe's position as a Rural Service Centre in the settlement hierarchy for Tewkesbury Borough. As such, we also recognise that Winchcombe is a focal point for new housing delivery. Furthermore, we acknowledge that, if further new housing is to be permitted in Winchcombe, this site potentially provides one of the better options (from a landscape perspective) for this housing. The fact that the site is allocated for housing in the emerging Tewkesbury Borough Plan increases the likelihood of housing being permitted on this site at some point.

Without prejudice, if housing is going to be delivered on this site, we strongly recommend that the following points should be taken into consideration.

1. Built development along the southern boundary of the site should only extend as far west as the extent of the adjacent built development along Mercia Road. From this south west corner (Grid Reference: @ SP1932864), the limit of built development should extend directly northwards towards the corner where the field boundary turns to a north-south direction (Grid Reference: @ SP01932878), from where it should re-join the 115m contour line. Appendix 2 provides further guidance in relation to this recommendation.
2. The principle of providing a feathered edge should still be a requirement.
3. All associated mitigation measures, including a feathered edge, tree planting and other landscaping should be delivered within the limit of built development proposed in the previous recommendation.
4. The density of housing should be no greater than that proposed in the emerging Tewkesbury Borough Plan. The total number of dwellings should be reduced from that proposed in the

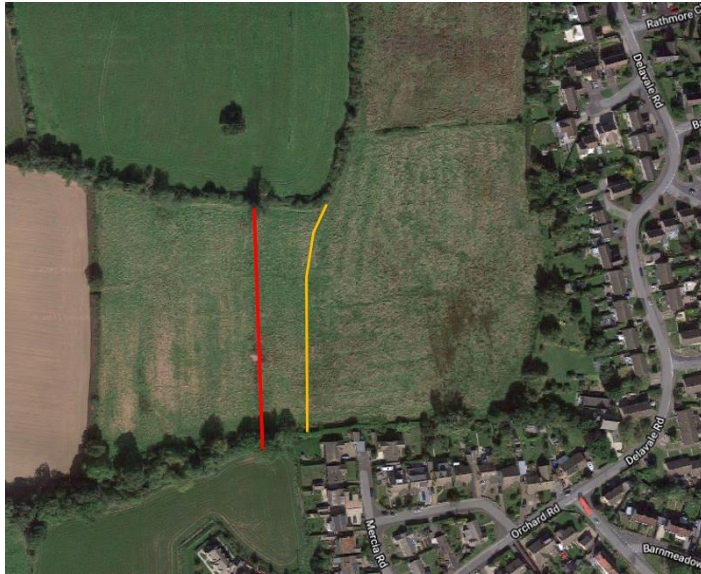
emerging Tewkesbury Borough Plan to take account of the revised limit of built development.²⁷

5. If there would still be residual adverse effects, appropriate off-site enhancements should be implemented to off-set these adverse effects (for example, improved management of hedgerows, woodland and / or priority habitats).
6. If the site goes forward as a site allocation when the Tewkesbury Borough Plan is adopted, the percentage of affordable housing should be at least 50% (with an emphasis on housing that is affordable in perpetuity and which genuinely meets local affordable housing needs).
7. If the site does not go forward as a site allocation when the Tewkesbury Borough Plan is adopted, any housing that is permitted on this site would presumably be a Rural Exception Site, for which the percentage of affordable housing should, ideally, be 100%.

²⁷ The reduction in land area within the limit of built development would be approximately 20%. As such, the number of dwellings should also be at least 20% less than the 80 proposed in the emerging Tewkesbury Borough Plan (i.e. 64 or fewer).

APPENDIX 2. POTENTIAL LIMITS OF BUILT DEVELOPMENT

Google Earth aerial view of the southern end of the proposed development site



The red and orange lines align with the historic field boundaries shown in the extract from the Ordnance Survey 25 inch map from 1923²⁸, below. The orange line could potentially be the edge of built development, with the land between the two lines potentially forming a rectangular copse / shelterbelt of a similar form to other copses / shelter belts on Langley Hill. This would help to screen this most visually intrusive section of the site (from visual receptors on Langley Hill, at least) in a way that would be more compatible with the local landscape character.



²⁸ <https://maps.nls.uk/view/109724079>

APPENDIX 3. VISUAL IMPACTS

View from the Gloucestershire Way / Wychavon Way / Winchcombe Way on Langley Hill at GR SP012288, looking E towards Winchcombe. Red line = site boundary at south end of the site; orange line = limit of built development at the south end of the site.



View from Cotswold Way on Corndean Lane, near Belas Knap, at GR SP019263, looking N across Winchcombe. Red line = site boundary at south end of the site; orange line = limit of built development at the south end of the site.

