

Planning application Ref: 13/01605/OUT
Proposal: Mixed development
Location: Shurdington Road, Leckhampton, Cheltenham

Response of the Cotswolds Conservation Board

The Cotswolds Conservation Board ('the Board') was established by Parliament in 2004.

The Board has two statutory purposes¹:

- a) to conserve and enhance the natural beauty of the AONB; and
- b) To increase the understanding and enjoyment of the special qualities of the AONB.

In fulfilling these roles, the Board has a duty to seek to foster the economic and social well-being of people living in the AONB.

1. The Board is of the view that the proposal lies within the setting of the Cotswolds AONB and significantly impacts upon one of the special qualities of the AONB as identified in the Cotswolds AONB Management Plan 2013-18²:

"The Cotswolds escarpment, including views to and from it."

2. The Board therefore strongly supports the views of Natural England (NE) regarding this impact and potential cumulative impacts as set out in their letter dated 25th October 2013.
3. The Board notes that the applicant's Planning statement paragraph 4.5 suggests that "The NPPF does not contain policies that indicate development in this location should be restricted" and therefore implies that footnote 9 to paragraph 14 of the NPPF does not have to be considered in relation to this application.
4. The applicants Planning Statement contains no reference to paragraph 115 of the NPPF:

"115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty..."

5. The purpose of designation of AONBs is to conserve and enhance the natural beauty of the area. (Section 82(1) Countryside and Rights of Way Act 2000.)
6. Natural England is the government body responsible for advising the government regarding the designation of landscapes (AONBs and National Parks). NE has issued "Guidance for assessing landscapes for designation as National Park or Area of Outstanding Natural Beauty in England" (**APPENDIX 1**). Paragraphs 6.1 to 6.12 of the guidance set out the principles of assessing natural beauty and the factors to be considered with respect to a particular area. It is noted in 6.1 that "*Natural beauty is not exhaustively defined in the legislation*".

¹ Section 87, Countryside and Rights of Way Act 2000, as amended by the NERC Act 2006.

² <http://www.cotswoldsaonb.org.uk/?page=managementplan>

Planning application Ref: 13/01605/OUT

Proposal: Mixed development

Location: Shurdington Road, Leckhampton, Cheltenham

7. A factor identified in the guidance relating to landscape quality is “scenic quality” (Table 3 *Factors related to Natural Beauty* - page 13).
8. It is clear therefore that the conservation and enhancement of the scenic quality of a designated area is part of the purpose of designation, and that a designated area is judged to have scenic quality.
9. The scenic quality of a designated landscape can be appreciated visually both from within the area and from outside it. Therefore proposals which potentially affect the appreciation of the scenic quality of the AONB have to be judged against the constraining affect of NPPF 115. This is the case here, contrary to the applicants Planning Statement.
10. The issue of the importance of the retention of views of the Cotswold escarpment was considered by the Planning Inspector with respect to appeal reference APP/G1630/A/12/2183317, a copy of which is attached to this response. **(APPENDIX 2)**
11. Paragraph 29 of that decision states:

“29. In views towards the AONB the visual effect of the development on Site A would be much more pronounced. This is due to the prominence of the topography and the construction of the housing on the elevated part of the site. At present Mount View Drive appears as two parallel rows of houses on the western side of Gretton Road. Whilst this development seems to me to be a highly evident feature it does nestle into its setting and the upper slopes of Langley Hill rise up behind to form a backdrop. It is the case that the new houses would interrupt that foreground view and be prominent to the observer standing outside the site in Greet Road. Whilst some of the upper slopes would be apparent the context of the rising hillside behind the town would be significantly diminished. **From Gretton Road the situation is likely to be even worse because the observer would find that views towards Salter’s Hill and the AONB escarpment on the other side of the valley would be greatly impeded due to the proximity and elevation of the built development. The adverse impacts on the setting of the AONB would be significant.** [My emboldening] Whilst these impacts would be confined to limited viewpoints it seems unlikely that they would diminish in time, even with the proposed landscaping.”

12. Paragraph 32 of that decision states:

“32. Of greater importance is the harm to the setting of the AONB arising from the housing on the elevated part of Site A. The latter plays a role in providing the foreground setting to Langley Hill within the adjoining AONB with which it shares a number of topographic and landscape features in common. The appeal development would interrupt westerly views thus adversely affecting the setting of the AONB. Furthermore views would be impeded in an easterly direction towards the Cotswold escarpment on the other side of the valley.

Planning application Ref: 13/01605/OUT

Proposal: Mixed development

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These impacts would be limited to those public viewpoints close to the east and west site boundaries. Nevertheless there would be significant harm to the setting of the AONB. *[My emboldening]* This would be contrary to development plan policy, including saved Policies S.6 and NHE.5 in the SP and saved Policy LND2 in the LP.

13. Paragraph 70 of that decision includes:

"...Whilst there would be significant landscape harm and conflict with development plan policy there would also be substantial benefits. Most notably these would include the contribution towards housing land supply in the face of a serious short term deficit."

14. This decision makes clear that the interruption of even very localised views of the AONB can cause significant harm to the setting of the AONB, contrary to Local Plan POLICY CO 2 - DEVELOPMENT WITHIN OR AFFECTING THE AONB

The supporting text to policy CO 2 provides further detail regarding impacts of developments outside but affecting the Cotswolds AONB:

"7.20 The Council confirms its support for these objectives. It considers it particularly important to protect the scarp as the dominant feature of Cheltenham's setting and is concerned at the cumulative effect of even small-scale development and of development in new locations within the AONB. The Public Local Inquiry Inspector took the view that the attractiveness of the scarp and its location on the urban fringe justify a restrictive policy. The Council, therefore, will not permit development which would harm the natural beauty of the landscape.

7.21 Development on sites outside but close to the AONB can also have an impact on its character. Such development should be designed and landscaped to avoid harming the natural beauty of the AONB. Special consideration should be given to the impact of proposals on the setting of the AONB and on views into or out of the area. See also policies CP 3 (sustainable environment) and CO 1 (landscape character)."

15. The Applicants LVIA shows the view currently available from Shurdington Road (viewpoint 5) with the Cotswolds AONB clearly forming an important landscape feature as a backdrop to the site. These views would immediately be blocked by the proposed "Local Centre" of up to 3 storeys in height, and the further areas of residential developments shown on the indicative masterplan both within and outside the application site itself would further interrupt these views.

16. Cotswold Way National Trail

As identified by Natural England the application site is clearly visible from the Cotswold Way National Trail "from locations such as the Devil's Chimney on Leckhampton Hill. The purpose of National Trails is to "offer some of the best walking, riding and cycling experiences in the country, officially designated by Natural England and the Countryside Council for Wales. The 15 Trails are based on the nation's favourite rambles and rides and provide more than

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Proposal: Mixed development

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4,000kms (2,500 miles) of well-managed routes across some of our finest countryside.³

Summary

The Board supports the contention of Natural England that the proposed development, together with those shown on the indicative masterplan, are likely to have significant adverse effects on the special qualities of the Cotswolds AONB and users of the Cotswold Way National Trail.

³ http://www.nationaltrail.co.uk/uploads/NE_National%20Trails%20tagged.pdf