

**PLANNING APPEAL BY**

**Robert Hitchens Limited**

**LAND OFF KIDNAPPERS LANE, LECKHAMPTON, CHELTENHAM**

**PROOF OF EVIDENCE by**

**Cllr Chris Nelson**

**Chairman, Leckhampton with Warden Hill Parish Council**

**Residential development of up to 25 dwellings, associated infrastructure,  
open space and landscaping, with creation of new vehicular access from  
Kidnappers Lane, and demolition of existing buildings**

**Cheltenham Borough Council Reference: 19/00334/OUT**

**Appeal Reference: APP/B1605/W/19/3238462**

## **1. PERSONAL QUALIFICATIONS AND SCOPE OF EVIDENCE**

### **Personal Qualifications**

1.1 My name is Chris Nelson (MDA, FCMI, DipM, C Dip AF, BSc (Hons)). I have recently taken over as Chairman of Leckhampton with Warden Hill Parish Council and have been an active member of the Council for the last 5 years. I was also one of the Borough Councillors for Leckhampton from 2014-2018. Prior to that, I was in the defence business, retiring as a Vice President of a US company, after a full career in the military, reaching the rank of full Colonel.

1.2 Over the last few years I have gained extensive experience of a wide range of local planning matters. I sat on the Borough Planning Committee for 4 years and took an active part in the formulation of the Joint Core Housing Strategy (JCS), participating throughout its many years of development. The JCS, covering 3 local authorities, took several years to finish and spent more time studying the Leckhampton Fields and its associated issues of sustainable development than any other matter under its investigation. I was part of the Rule 6 Parish Council team which defended and won the Bovis/Miller Appeal for its 650-dwelling development on the adjacent Leckhampton Fields (DCLG Reference: APP/B1605/W/14/3001717, CBC Reference: 13/01605/OUT – at Annex 5 of this Proof of Evidence). That application originally included this Appeal Site. The Appeal Site was removed from the scope of the Bovis/Miller appeal at the Inquiry stage but the conclusions of that appeal are as applicable to this Appeal Site as to the adjacent areas that were included in the appeal. I was also part of the Rule 6 Parish Council team which defended and won the previous Hitchens appeal for its earlier application for 45 houses on this same site.

### **Development**

1.3 Residential development of up to 25 dwellings, associated infrastructure, open space and landscaping, with creation of new vehicular access from Kidnappers Lane, demolition of existing buildings at land off Kidnappers Lane, Leckhampton, Cheltenham.

### **Scope of Evidence**

1.4 This Proof of Evidence is provided on behalf of Leckhampton with Warden Hill Parish Council, in support of Cheltenham Borough Council's decision to refuse planning permission and in order to provide the Inspector with historical evidence in support of the Borough's decision.

1.5 This evidence relates to: the Local Green Space (LGS) proposed by the Parish Council and the impact of development on the nearby valued landscape of the Leckhampton Fields.

## 2. REASONS FOR REFUSAL

2.1 The planning application to which my evidence relates was refused permission by Cheltenham Borough Council earlier this year (PINS reference: APP/B1605/W/19/3238462). A copy of the decision notice is contained in the core documents.

2.2 The Parish Council fully supports the refusal of planning permission by the Borough Council. **The Parish Council's statement of objection in March 2019 is attached at Appendix 1.**

2.3 In accordance with the guidance given to Rule 6 parties to avoid repeating the evidence made by other parties, the Parish Council is only providing this Proof of Evidence to support the Borough Council's landscape witness, as we may have a more detailed historical knowledge of the area, namely the evidence identified in paragraph 1.5 above.

## 3. LOCAL GREEN SPACE AND VALUED LANDSCAPE

3.1 In August 2013, the Parish Council together with Shurdington Parish Council submitted a Neighbourhood Plan Concept to Cheltenham and Tewkesbury Borough Councils (Shurdington Parish being within Tewkesbury Borough). The Concept, which is attached at Annex 7, relates primarily to the Leckhampton Fields and to the issues of traffic congestion that affect both parishes. The Leckhampton Fields lie primarily in Leckhampton with Warden Hill Parish but also partly in Shurdington Parish. In the 2013 Neighbourhood Plan Concept the two parish councils proposed that all of the Leckhampton Fields should be made into a Local Green Space (LGS). It is worth noting that, according to statements made by Martin Horwood MP including evidence he gave to the JCS Examination in Public, the Leckhampton Fields were a model used in developing the LGS legislation in Government in which Martin Horwood in his capacity as an MP played a major part.

3.2 The 2013 Neighbourhood Plan Concept also included three alternative options for the boundary of the proposed Local Green Space. These excluded from the proposed LGS various parts of the land on the northern area of the Leckhampton Fields adjacent to the A46 highway. The rationale behind these alternative options was that it was not certain whether the entirety of the Leckhampton Fields would be acceptable to the two Borough Councils as a LGS because of its large size. Secondly, the land adjacent to the A46 was judged to be sufficiently distant from Leckhampton Hill and much of it sufficiently well screened that development might be possible without unacceptably harming the view from Leckhampton Hill. **In all three alternative options, the Orchards and Nurseries area (area ON) east of Kidnappers Lane, which includes the Appeal Site, was still included in the proposed LGS. Area ON is identified in the map on page 3 of Annex 1 (the JCS Examination of our LGS).**

3.3 Following an informal recommendation from Cheltenham Borough Council about what LGS proposal it could support, the Leckhampton Fields Neighbourhood Forum (the Neighbourhood Forum), comprising primarily the two parish councils and the Leckhampton Green Land Action Group (LEGLAG), revised the proposed LGS boundary within the scope of the three alternative options. **Area ON was left in the LGS at this stage, but with the**

**proviso that it was conceivable that some small scale development there might be possible if it were sufficiently small and rural in character and sufficiently well screened from view from Leckhampton Hill and from the surrounding area.** Here, the Parish Council had in mind as a model the small development of Leckhampton Farm Court in Farm Lane, which fits in well with the landscape of the Leckhampton Fields.

3.4 Leckhampton Farm Court is a converted old farm including listed buildings and it is partially screened by the orchards to the south (area CF5 on the map on page 3 of Annex 1) and by trees along Hatherley Brook. The Neighbourhood Forum was subsequently advised by Gloucestershire Rural Communities Council, acting on behalf of Cheltenham Borough Council over the various LGS proposals in Cheltenham, **that rather than retaining area ON in the LGS with caveats that some development might be possible it would be better to remove area ON but with very strong planning policies on the sympathetic rural character, small size and good sustainable screening required for any development to be acceptable.**

3.5 The revised LGS with area ON now proposed to be removed was put to public consultation by the Parish Council in January 2015. The report from the consultation is attached at Annex 3. Concerning the proposed removal of area ON from the LGS, the consultation suggested that residents were not strongly opposed to some development in area ON provided it was small, well screened and very sympathetic to the location. **The public were however very concerned about the importance of protecting the landscape and amenities of the Leckhampton Fields and its footpath network and also very concerned about the importance of protecting the rural foreground of the view from Leckhampton Hill and about the danger of the view being damaged by any development on the Leckhampton Fields.**

3.6 In deciding to remove area ON from the proposed LGS, the Parish Council believed at the time that all of area ON was controlled by the consortium of Bovis Homes and Miller Homes since all of area ON had been included in their planning application 13/01605/OUT that they submitted in September 2013. It was only at the stage of the appeal by Bovis Homes and Miller Homes against the Cheltenham Borough Council's rejection of their application that it was revealed that only part of area ON was controlled by the Appellant; that was when this part was withdrawn at the appeal stage. **Had the Parish Council and Neighbourhood Forum known that area ON was controlled by three separate parties it would not have removed area ON from the proposed LGS since it could be much more complex to secure suitable sympathetic development with three parties than with one party.**

3.7 With the agreement of Cheltenham and Tewkesbury Borough Councils, the examination of the revised LGS application was included in the JCS examination by Inspector Ord. **The Inspector examined the LGS proposal and the landscape of the Leckhampton Fields in great detail.** She found in favour of the LGS proposed but left the designation of the precise boundary to the Cheltenham Plan or the Neighbourhood Plan (Annex 2, page 3). The final version of the Cheltenham Plan now proposes our LGS boundary as per the Main Modification site map at Annex 8.

3.8 The possibility that some suitable sympathetic development of a rural character might be possible in area ON was put to Inspector Ord by the Parish Council in written evidence (see for example note 1 on page 6 of Annex 1) and also specifically pointed out to Inspector Ord during her third site visit in July 2016. However, the Inspector in her findings at Annex 2 recommended that development should be confined just to the area of the Northern Fields along the A46, identifying these explicitly by the labels NE, NW1, NW2, NW3 and NN in the map on page 3 of Annex 1, this being the area of lower landscape sensitivity identified by JCS Landscape and Visual Sensitivity and Urban Design Report October 2012. **Implicitly Inspector Ord's finding rejected the suggestion of any development being permissible on area ON and therefore on the Appeal Site.**

3.9 The Neighbourhood Plan stands under the Cheltenham Local Plan which in turn stands under the JCS. **Therefore, in line with the JCS, the Neighbourhood Plan, which is currently in draft stage and intended to go to public consultation early next year, does not advocate any development in the Appeal Site or elsewhere in area ON.**

3.10 **Regarding the importance of protecting the view from Leckhampton Hill, it is worth noting that Leckhampton Hill is a nationally significant viewpoint.** It is one of only 30 viewpoints in England and 47 viewpoints in the whole of Great Britain identified in the 3 miles to the inch and 4 miles to the inch AA Road Atlas of Great Britain. The AA Road Atlas is probably still the most widely owned and used tourist guide to the whole of Great Britain. The 47 viewpoints are listed in Annex 6 and are the outstanding viewpoints for tourists, accessible by road with a reasonable level of fitness. As such they have an economic importance for tourism as well as, in the case of Leckhampton Hill, having great value for local people. The importance that many local people attach to Leckhampton Hill and its view can be appreciated from Annex 3.

#### **4. SCOPE FOR DEVELOPMENT ON THE APPEAL SITE**

4.1 Prior to the publication by Inspector Ord of her interim findings, the Parish Council agreed with the Appellant at the Appellant's request to engage in 'without prejudice' discussions about what sort of development might be acceptable on the Appeal Site. This request followed discussions between the Parish Council and Pegasus Group acting for the Appellant and followed the letter of 18 November 2015 from the Parish Council to Pegasus Group (Annex 4). Two meetings have so far taken place between the Parish Council and Appellant's staff. As part of these discussions the Appellant submitted several revised development proposals to the Parish Council for comment. However, although these had a lower density of housing, they were all of an urban estate character and unsuitable in this sensitive semi-rural location.

4.2 The southern half of the Appeal Site is screened from view in summer from the two most important viewpoints on Leckhampton Hill (the Observation Table and the Devil's Chimney) by the northern end of the line of tall poplars along Kidnappers Lane. However, the southern half of the Appeal Site is not well screened from the other viewpoints on the Hill and the northern part of the Site is unscreened from all viewpoints. The poplars are also old and could easily be lost because poplars are not long lived, and their height makes them

vulnerable to wind damage. One poplar close by was broken by wind recently and had to be felled and this illustrates that the present screening cannot be relied on in the longer term.

**4.3 The Parish Council therefore advocated in its second meeting with the Appellant that the Appellant needs to plant large tall trees to the south-east and south-west of the Appeal Site, which if they are fast growing and semi-mature could in a reasonable timescale provide sufficient screening from the various viewpoints on Leckhampton Hill.**

The Parish Council also suggested to the Appellant that the Appellant should take a long view, planting the trees now to be in a position possibly to make an application post 2031. The planting might need to be on adjacent land not controlled by the Appellant and this underlines the need for a scheme that includes all of Area ON. At the second meeting, the Appellant undertook to look into this possible scheme. There has been no further discussion since the submission of the first Appeal.

4.4 As well as screening the Appeal Site from view from Leckhampton Hill, it is also important for the Site to be well screened from other parts of the Leckhampton Fields. Currently area ON as a whole is screened from view on the east, south and west side by tall thick boundary hedges. But only a small part of this screening hedge lies within the Appeal Site and to ensure that the hedging is maintained and appropriately enhanced requires an agreed plan for the whole of the ON area, as in the case of the tree planting discussed in the previous paragraph. That needs to involve Miller Homes who control development on the land adjacent to the Appeal Site.

**4.5 A further issue that again requires a plan for the whole ON area is over how to protect the view of Leckhampton Hill from the footpath in Robinswood Field.** This view was specifically identified by Inspector Ord in her spoken findings on 21 July 2016. **The development proposed by the Appellant on the Appeal Site would seriously damage this view because of its proximity and its urban estate character.** Also, the orchards at the north end of area ON, which are not part of the Appeal Site, provide the important foreground to this view and needs safeguarding and enhancing as part of an agreed overall plan for area ON.

## **5. TRAFFIC CONGESTION**

**5.1 Inspector Ord's JCS finding that any development should be limited to the Northern Fields was based on landscape issues alone and was irrespective of the traffic problems.** In rejecting the appeal by Bovis Homes and Miller Homes, **Inspector Clark (subsequently endorsed by the Secretary of State) took into account both the valued landscape (see Annex 5 paras. 156-167) and also the severe cumulative traffic congestion (Annex 5 paras. 30-34 of the covering letter).**

5.2 As Inspector Clark noted in para. 223 of Annex 5, 'NPPF paragraph 32 refers not to the additional impact of a scheme (which by itself can be quite small) but to the "cumulative" effects, implying that it is the cumulative effect of all expected development which must be taken into account, rather than the individual contribution of each development in turn.'

5.3 Since Inspector Clark's findings, 377 dwellings have been approved on the Leckhampton Fields on a site west of Farm Lane in addition to 1500 at North Brockworth. However, the removal by Inspector Ord of south Cheltenham as a strategic allocation means that the JCS projected total level of development on the Leckhampton Fields has been reduced from 1124 to around 600. Whether this reduction removes the severe cumulative traffic congestion is unclear. The recently published 2013 Saturn modelling that informed the JCS is too macro-scale to resolve this issue. More detailed modelling is currently being done in which the Parish Council is involved (particularly for the new secondary school proposed on fields CF1 and CF2, Annex 1, pg 3) but this has yet to be fully evaluated by the County Council.

5.4 The traffic surveys and modelling that the Parish Council did in 2012 and 2013, which was included in the 2013 Neighbourhood Planning Concept (Annex 7) and which was submitted as evidence to the Bovis-Miller appeal shows how the traffic queue on the A46 in the peak morning traffic period would lengthen very rapidly as the number of new dwellings is increased, leading potentially to journey times of over an hour from the A417 into Cheltenham. This modelling does not take into account traffic finding other routes to use rather than the A46 but there are very few alternative routes, and all of these are congested. The extensive consideration of these traffic issues in the Bovis-Miller appeal provided no indication of how the congestion could be successfully resolved.

5.5 The worst traffic congestion occurs during the workday morning peak traffic period, from about 07:40 to 09:10. There are two critical bottlenecks: a long traffic queue builds up south-west on the A46 from the intersection of the A46 with Moorend Park Road; secondly, there is traffic congestion in Church Road, which is a narrow winding former country lane that is the pinch point on several routes round the south side of Cheltenham. The traffic in Church Road can gridlock and an example of this happening is shown in the traffic survey data for Church Road in table A.2.1 on page 53 of Annex 7. Fortunately, full gridlock does not occur frequently but when it does it also locks Leckhampton Road. So, the route into and out of Cheltenham to the south and the routes round Cheltenham are then blocked.

5.6 The key question is how far the traffic through Church Road can be allowed to increase before the congestion and the frequency of gridlocking becomes unacceptably high. The developments now in train will increase the Church Road traffic not only by increasing the local traffic but also by increasing the length of the A46 traffic queue, thereby causing vehicles travelling into Cheltenham on the A46 to divert onto Leckhampton Lane at Shurdington in order to by-pass the A46 queue by using the route through Church Road and Leckhampton Road. Currently this by-pass route tends to take slightly longer than staying on the A46. But this would change quickly as the A46 queue lengthened.

5.7 If Church Road starts to experience gridlock frequently the traffic round the south side of Cheltenham will be forced onto routes that pass through the Moorend Park Road / A46 junction and this will make the queue on the A46 even worse. This positive feedback loop means that the traffic network in the peak morning period could collapse quite quickly as traffic levels rise. The traffic congestion could then spread not only as a lengthening queue

down the A46 but also backing from the Moorend Park / A46 junction into Cheltenham and on routes through central Cheltenham.

5.8 Various mitigation measures have been proposed over the past 5 years to reduce the traffic problem. However, as noted in Annex 5 paras. 235-236, these have been abandoned as unworkable. The only remaining mitigation proposed is to modify the Moorend Park Road / A46 junction to allow the traffic streams to divide a little earlier. This would increase the throughput of the junction, but only a little because the road is confined so that only a short length of additional traffic stream is possible. The limitation of this mitigation was examined by Inspector Clark in his site visit.

5.9 The 2013 Saturn model of the area indicates that whilst there may be some scope to mitigate traffic problems during off peak periods, the congestion in the workday peak morning period remains a serious problem. It is not substantially different from the situation examined by Inspector Clark. As the Inspector noted in Annex 5 paragraph 231, 'notwithstanding the County highway authority's blithe assertion that congestion would be short-lived, of short duration and confined to the peak hours, those are the hours when the greatest number of people would be affected. It would cause not just displacement onto other roads but also to other times, to less preferred destinations, or to a decision not to travel and so it would affect all three dimensions of sustainable development. '

**5.10 The Parish Council is not advancing severe cumulative traffic congestion as an additional ground for rejection of the present Appeal but rather as evidence for the need for a masterplan for the area and of the danger of allowing piecemeal development.** It would be wrong to think that the additional peak time traffic from the proposed 25 dwellings would be insignificant. In a non-linear situation where the local network is close to a tipping point, the traffic from the 25 homes proposed, which would be located close to Church Road, could have a quite disproportionate impact on the cumulative traffic congestion.

5.11 The Parish Council believes not only that a careful masterplan approach is essential backed with more detailed traffic modelling but also that potential development within the masterplan needs to be phased over a lengthy period so that the cumulative effect on the traffic network can be assessed progressively and the risks can be properly managed. Traffic congestion in the area is a very serious constraint on development and will continue to be so for the next 25 years until ubiquitous use of driverless cars allows much higher traffic throughputs.

## **6 CONCLUSION**

The Parish Council fully endorses the refusal reasons given by Cheltenham Borough Council. In particular:

1. The proposed development would fundamentally change the character of the former nursery to a residential area of semi-urban character.
2. It would be out of keeping within the surrounding landscape setting that is predominantly open and semi-rural.

3. It would degrade the visual amenity and harm the character and appearance of the sensitive valued landscape in this area.
4. It would reduce the quality of views to Leckhampton Hill and the Cotswold Areas of Outstanding Natural Beauty from the public footpath in Robinswood Field to the north of the Appeal Site.
5. It would seriously harm the view from Leckhampton Hill, which the Parish Council has argued in its evidence to both Inspector Clark and Inspector Ord is a nationally significant view as well as being a view of great importance to local people.
6. Any development on the Leckhampton Fields needs to be part of a masterplan approach supported by detailed traffic modelling of the cumulative severity.
7. A masterplan might facilitate eventual development of the appeal site but probably not before 2040, to allow sufficient time for the creation of suitable screening, using tall trees and hedges. Any development needs to be of a community farmstead character, in keeping with the valued landscape in which it sits.

The Parish Council respectfully requests that this Appeal should be dismissed.

**Annexes:**

1. JCS Examination document EXAM 121A 'Community Local Green Space Common Ground Review'
2. JCS Examination document EXAM 259 – Inspector's Note of Recommendations made at the hearing session on 21 July 2016
3. Analysis Report of the Public Consultation on the Protection of Local Green Space in South Cheltenham January 2015.
4. Letter dated 18 Nov 2015 from LWWH Parish Council to Pegasus Group (acting for Robert Hitchins Ltd).
5. Appeal APP/B1605/W/3001717 decision by the Secretary of State 5 May 2016.
6. Viewpoints identified in tourist information on AA 4-miles-to-the-inch Road Atlas of Great Britain (also as identified on AA 3-miles-to-the-inch Road Atlas)
7. Leckhampton with Warden Hill Parish Council Neighbourhood Planning NPPF Concept Plan & Local Green Space Application July 2013.
8. Leckhampton Local Green Space Site Map in the Cheltenham Plan Proposed Main Modifications.

## Appendix 1

19/00334/OUT | Residential development of up to 25 dwellings, associated infrastructure, open space and landscaping, with creation of new vehicular access from Kidnappers Lane, Demolition of existing buildings | Land Off Kidnappers Lane Cheltenham Gloucestershire

### Parish Council

**Comment Date: Wed 27 Mar 2019**

THIS IS AN UPDATED SUBMISSION FROM THE PARISH COUNCIL OF LECKHAMPTON WITH WARDEN HILL AND SUPERCEDES THE PREVIOUS SUBMISSION YESTERDAY.

Application 19-00334 OUT - Land off at Kidnappers Lane Robert Hitchens Ltd

Comments by Leckhampton with Warden Hill Parish Council

### **The Council strongly objects to the application on the following grounds:**

This application is a revised version of the application 16/00202/OUT that was submitted by the Robert Hitchens in 2016. That application was refused by Cheltenham Borough Council and the subsequent appeal (reference APP/B1605/W/17/3178952) was also dismissed on 4 April 2018. **The revised application has sought to address some of the reasons that the first application was rejected but it provides little improvement over its predecessor.**

**The site is surrounded by valued landscape and the impact of any development on the valued landscape is one key issue.** The site is also close to Leckhampton Hill and very visible from the Hill. **Its impact on this view is a second key issue. Thirdly, the site is in the middle of a semi-rural area that is proposed for designation as a Local Green Space in the emerging Cheltenham Plan.** The site is part of the 3.2 hectare Orchards and Nurseries area (Area ON) that the Parish Council excluded from the proposed Local Green Space in the belief that it had potential for some limited development, but only provided this was of a rural character and suitably sympathetic and well screened. How to achieve this and indeed whether it is possible at all on the site is a third key issue.

The Parish Council had discussions with Robert Hitchens in 2015 and 2016 on what sort of development might be feasible on this site. The discussion included both the 2016 application for 45 dwellings and also a less dense development of around 25 dwellings, much as proposed in the current application. In both cases the Parish Council made clear that neither development was feasible because the estate character conflicted with the semi-rural surroundings. The Council advised Robert Hitchens that in its view the only development that could possibly be supportable would be some form of community farmstead, similar to Leckhampton Farm Court on Farm Lane. The key features that make Leckhampton Farm Court fit successfully into the landscape are that it is a converted farm

and farm yard and that it is moderately well screened by high trees along Hatherley Brook and on its south side facing Leckhampton Hill.

### **Impact on the view from Leckhampton Hill**

**Leckhampton Hill is a nationally important viewpoint**, one of only 30 viewpoints in England identified in the AA 3 miles to the inch and 4 miles to the inch road atlas of Great Britain and one of only 47 such viewpoints in the whole of Great Britain (Table 2). These are viewpoints with outstanding views that are also within reasonably easy reach of a road. **In the case of Leckhampton Hill, the beauty of the view derives partly from its breadth, landscape diversity and the very long distance that can be seen in many directions, and also from the attractiveness and interest of Cheltenham in the mid-foreground and of the semi-rural landscape of the Leckhampton Fields in the immediate foreground.** There are many other excellent viewpoints along the Cotswold Scarp, but what so distinguishes the view from Leckhampton Hill is the rich combination of beautiful features and interest and the absence of ugly features that undermine some other viewpoints. **Conserving the beauty of the foreground is very important to the view; it is not just the distant hills and mountains that matter, beautiful though they are.**

**In paragraph 24 of the 2018 Appeal Decision, Inspector Bridgwater says:**

'With regard to landscape character, I have carefully considered the detailed submissions of the appellant. However, I consider that the proposed development (up to 45 dwellings) would appear as an island of dense development, visually divorced from the urban edge of Cheltenham. This would be in stark contrast to the dispersed semi-rural settlement pattern of the locality. Furthermore, the likely introduction of an engineered vehicular access and footways would increase the presence of an incongruous suburban type development in a semi-rural area. Moreover, this effect would be particularly prominent when viewed from Leckhampton Hill where the semi-rural landscape can be fully appreciated. As such, the proposal would result in material harm to the landscape character of the area.'

**The reduction from 45 dwellings to 25 dwellings would still leave this as an island of fairly dense development in the context of the semi-rural area and the slight curving of the road through the development does not alter the fact that viewed from Leckhampton Hill the development would still look like a suburban estate. It would not have the appearance of a rural hamlet.**

### **Impact on the valued landscape**

The adverse impact of development on the valued landscape is well covered by Inspector Bridgwater in the Appeal Decision. In paragraph 23 he says: 'the cumulative visual effects of the proposal would result in an incongruous and permanently harmful visual effect, which would materially harm the character and appearance of the area.'

In paragraph 18 he says: 'Kidnappers Lane and the area in the vicinity of the (appeal) site are semi-rural in character. As such, the site is a component part of a mosaic of rural and settled features at the edge of the main settlement area of Cheltenham that includes old orchards, nurseries and small holdings. Consequently, the built form in the area is low density and dispersed in nature, having its own distinct landscape character and is a valued landscape. Like large parts of Cheltenham, the site and its surroundings are experienced in the context of the rising Cotswold escarpment. Therefore, despite its semi-derelict condition, the site due to its openness does have a local aesthetic value, and this has been evidenced by the representations both in writing and during the Inquiry from local residents.' **The implication of this is that just because the site is semi-derelict does not make it a brown field site.** As a nursery it has been in agricultural use and remains agricultural land. It can continue to be used for agriculture or as open uncultivated land, and as such it is in keeping with and contributes to the quality of the semi-rural landscape.

Inspector Bridgwater in paragraphs 19 of the Appeal Decision notes that: 'The site is generally contained by existing screening boundary vegetation/hedgerows and trees within and around the site. The key exception to this is from the public footpath to the north of the site which allows extensive views into and across the site, which is not significantly reduced by the layering effect of the intervening landscape and vegetation'. In paragraph 20, he notes that 'whilst views from Lotts Meadow into the site would be filtered by a combination of increased boundary planting and layers of established vegetation, the upper storeys and roofscapes of the development would be highly visible due the cumulative effect of the height and overall scale of the proposal.'

These issues still apply to the current application. **It is virtually impossible to hide the upper storeys and roofs and this is why the Parish Council suggested that the only type of development that could be acceptable in the location is one where any upper storeys and roofs look like part of a farmstead and in keeping with the semi-rural character.** As was briefly discussed between the Parish Council and Inspector Bridgwater at the Appeal hearing, the Parish Council has used Google Maps to investigate various layouts and sizes of farms around England that might serve as a feasible model for a community farmstead type of development. Whether, however, Inspector Bridgwater agreed that such a development might be acceptable on the site is not clear. The Parish Council also presented this concept briefly to Inspector Ord in its written submissions and verbally during her site visits. Again, whether she felt that such a development might be acceptable on the site she did not say, but she ruled out any development on the site in her findings in July 2016.

In paragraph 21 of the Appeal Decision, Inspector Bridgwater says that: 'With regard to views from Kidnappers Lane, based on the evidence before me and my on-site observations, I consider that the upper floors and roofscape of the proposal would not be adequately contained visually. This is due to a combination of the proposed height and density of the development and the lack of screening around the entrance to the adjoining site that lies between the appeal site and Kidnappers Lane. The visual effects of the proposal would be

particularly stark when travelling south towards the site entrance along Kidnappers Lane, meaning that built form along the western boundary of the appeal site would appear dominant, with screening difficult to achieve due to the intervening land being outside the appellant's control. This harmful visual effect is further accentuated by views into the site opening up due to the bend in Kidnappers Lane close to the site entrance. Moreover, the existing coniferous hedge which provides the most effective visual containment when travelling north along Kidnappers Lane is not in the appellant's control. Therefore, its continued retention for screening/containment purposes could not be guaranteed by the appellant should the development proceed. In reaching this conclusion I accept the appellant's argument that the proposed dwellings around the site entrance could be architecturally designed to reflect the appeal site's semi-rural setting. However, this would not mitigate the overall visual harm that I have found when viewing the site from Kidnappers Lane.'

In the current application, there are still houses close to the entrance from Kidnappers Lane that would be visible. Although the application proposes planting trees along the western boundary of the site these would need substantial time to grow to a size and density to provide sufficient screening. To fully hide the roofs the trees would need to have a height of the order of 10 to 12 metres. Also, in the landscape plan there are gaps between the trees through which roofs and upper storeys would be visible. The difficulty here is that the site is narrow and if enough space were provided within the site to accommodate full screening on the west side with large enough trees, it would not leave sufficient space for houses on both sides of the road. The key problem remains that the land to the west of the site and its screening hedges are outside the applicants' control. A further problem is that the screening hedges are old and deteriorating quite badly along Kidnappers Lane.

In paragraph 22 of the Appeal Decision, Inspector Bridgwater says: 'With regard to the northern site boundary, I have carefully considered the appellant's proposed structural planting/landscaping within the appeal site boundary. However, it is highly likely given the constraints of the site that the proposed planting would be in close proximity to the proposed built form. This would be likely to diminish the effectiveness of the screen planting when viewed from the public footpath to the north. Furthermore, the paddocks/fields that separate the appeal site from the public footpath to the north are not in the appellant's control and therefore the limited layered screening function that they currently provide cannot be relied upon to supplement the on-site boundary planting. Therefore, I am not persuaded that the proposed structural planting/landscaping would adequately mitigate the urbanising visual effects of the proposal. Consequently, the proposal would have its most significant and harmful effect when viewed from the public footpath to the north of the appeal site.'

The current application proposes planting trees along the north boundary of the site. However, these are right up against the proposed housing and they would need to be large and have had time to reach sufficient height to provide screening. However, screening trees would still not provide a solution to the problem of the damage to the view from the

footpath. Table 1 below shows that even if the houses proposed at the north of the site were 1.5 storey with a maximum roof height of only 7 metres, they would still block 57% to 60% of the height of the scarp of the Hill. A 7-metre-high roof in the middle of the site would still block 42% of the height of the Hill including blocking the view of Leckhampton Manor. The situation for 2 storey houses would obviously be still worse because of their higher roofs and upper storeys.

Altitude above footpath eye-level (metres) Distance from footpath (metres) Gradient of elevation Projected height up Leckhampton Hill as viewed

North boundary of site ground level	0	95	0.000	0%
7m high roof 5m from north boundary	7	100	0.070	60%
7m high roof 11m from boundary	7	106	0.066	57%
7m high roof in the middle of the site	9	185	0.049	42%
7m high roof at south end of the site	11	275	0.040	34%
Leckhampton Manor ground level	35	925	0.038	33%
Top of Leckhampton Hill	212	1825	0.116	100%

Table 1: Extent to which 1.5 storey houses with the floor plan and location shown in the application would block the view of Leckhampton Hill and of Leckhampton Manor from the public footpath north of the site. For example: a 7 metre high roof at the north of the site would obscure the lower 57% to 60% of the Hill; a 7 metre high roof in the middle of the site would obscure the lower 42% of the Hill including most of Leckhampton Manor. There would of course be gaps between houses and between trees through which lower land could be glimpsed, but nevertheless the existing open view would be greatly impaired.

**The view from the footpath is one of the finest views of the Hill, particularly because of the foreground and the features on the scarp including Leckhampton Manor.** So development on the northern and central parts of the site, even if the houses were limited to 1.5 storeys, would cause unacceptable damage to the view from the footpath and to the valued landscape. However, development just in the north-east corner of the site would be acceptable because it is not in line with the view of the Hill and could be fully screened. The same would probably also apply to land north and south of the north-east corner. This land is not part of the application site but is part of the 3.2 hectare ON area that the Parish Council excluded from the proposed Local Green Space.

Development of a suitably rural character in the southern part of the site might also be acceptable provided the roof heights were kept sufficiently low. However, at the south end of the site there would be the issue of the impact on the view from Kidnappers Lane, as noted by Inspector Bridgwater.

**In conclusion**, the Parish Council believes that:

1. Because of the vital need for effective screening by hedges and tall trees including thickening up of the existing hedges on all sides, no development on the site is feasible before 2040, even assuming that agreement could be reached with Miller Homes to plant the necessary screening straight away.

2. The whole of area ON that includes this site and the other adjacent orchards and nurseries to the east, west and north needs to be covered by a masterplan that provides the necessary quality of screening and also ensures that it is maintained and preserved in perpetuity.

3. Whether or not any development is feasible on this site even post 2040 is unclear but certainly any development must be of a community farmstead character that looks rural as viewed from Leckhampton Hill and from the valued landscape surrounding the site and is sufficiently softened by tree screening.

4. How to avoid unacceptable damage to the view towards Leckhampton Hill is a major constraint on development on the site. Screening with trees on the northern boundary of the site is not sufficient because of the extent to which trees and roofs would block the view of the Hill from the footpath. Development would be acceptable in the north-east corner of the site if well screened because it would not be in line with the view of Leckhampton Hill. Development might possibly be acceptable near the south end of the site. But development elsewhere on the site would cause unacceptable damage to the valued landscape.

Table 2: The 47 viewpoints identified in the tourist information in the AA 4 miles:inch and 3 miles:inch Road Atlases of Great Britain. 30 in England, 6 in Wales and 11 in Scotland

Dunkery Beacon  
Exmoor, Somerset  
Wellington Monument Blackdown Hills, Somerset  
Bulbarrow Hill Dorset  
Pepperbox Hill Hants  
Bernbridge Down Isle of Wight  
Dunction Hill, South Downs W Sussex  
Epsom Down, North Downs Surrey  
Foel Eryr Pembrokeshire  
Sugar Loaf Black Mts., Monmouthshire  
Portishead Severn Estuary, N. Somerset  
Symonds Yat Rock Gloucestershire  
Robinswood Hill Gloucestershire  
Barrow Wake Gloucestershire  
**Leckhampton Hill Gloucestershire**

Barbary Castle Marlborough Downs, Wiltshire  
Magpie Hill Warwickshire  
Wittenham Clumps Oxfordshire  
One Tree Hill Essex  
Town Hill Powys  
Clee Hill Shropshire  
Central Forest Park C. Stoke  
Clent Hills Worcestershire  
Windmill Hill Worcestershire  
Barr Beacon Birmingham  
Beacon Hill Leicestershire  
South Stack Anglesey  
Great Orme Head Conwy  
Waun-y-Llyn Flintshire  
Mersey View Cheshire  
Werneth Low Derbyshire  
Holme Moss Peak District, Derbyshire  
Hathersage Booths Peak District, Derbyshire  
Highoredishy Derbyshire  
Sutton Bank Yorkshire Moors, N Yorkshire  
Hole of Horcam Yorkshire Moors, N Yorkshire  
Queen's View E. Dunbartonshire  
Cockleroy W. Lothian  
Scott's View Eildon Hills, Border  
Carter Bar Cheviot Hills, Border  
Ros Castle Northumberland  
Queen Elizabeth Forest Park Stirling  
Queen's View, Loch Tummel Perth and Kinross  
Blackford Hill Edinburgh  
Bealach-Na-Ba Highlands  
Glen Garry Highlands  
Struie Hill Highlands  
Knockon Cliff Highlands