

Application 19-00334 OUT - Land off at Kidnappers Lane Robert Hitchins 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 Hitchins 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 Hitchins 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 Hitchins 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