

# LANDSCAPE AND VISUAL TECHNICAL NOTE

Refusal of Planning permission: Application reference 20/00683/OUT  
Cheltenham Borough Council (Decision Dated: 17.09.2020)

Land Adjacent to Oakhurst Rise Cheltenham. Outline  
application for 43 dwellings including access, layout  
and scale, with all other matters  
reserved for future consideration

PINS ref: APP/B1065/B1605/W/20/3261154

## **1 QUALIFICATIONS AND STATEMENT OF TRUTH**

### Qualifications and Experience

- 1.1.1 My name is Ben Davies, and I am an Associate Director of MHP Design Ltd, a Chartered practice of the Landscape Institute. I hold a bachelor's degree with Honours in Geography (BA) and a post graduate diploma in Landscape Architecture (PGDip). I have been a member of the Landscape Institute since 2010.
- 1.1.2 I have worked in the field of Landscape and Visual Impact Assessment (LVIA) since 2012 and have a wide range of experience relating to private sector development planning, including residential and commercial development.
- 1.1.3 I have visited the appeal site and am familiar with the local landscape.

### Statement of Truth

- 1.1.4 I confirm that the statement I have prepared and provide for this appeal (reference APP/B1065/B1605/W/20/3261154) is true and that the opinions expressed are my true and professional opinions irrespective of by whom I am instructed.

## **2 BACKGROUND AND SCOPE OF TECHNICAL NOTE**

- 2.1.1 This technical note provides a summary of Landscape and Visual matters pertinent to the development of 43 dwellings (reference: 20/00683/OUT) on the land off Oakhurst Rise, Cheltenham. The note makes reference to statutory consultee comments and comments made by interested third parties to the application in relation to landscape and visual matters.
- 2.1.2 MHP Design (Chartered Landscape Architects) provided a Landscape and Visual Statement (CD A13) supported by a Landscape Strategy Drawing ref: MHP 19216.101 (CD A34) for the planning application.

### **3 LANDSCAPE AND MITIGATION SUMMARY**

3.1.1 The Landscape strategy drawing provides an overview of the approach to landscape design and site layout and comprises the following.

- Residential development is situated towards the centre and north western portions of the sloping site with areas of open space to the south west and northern boundaries. The land to the east beyond the proposed belt of trees is to be retained for the use of the school.
- The scheme incorporates existing boundary vegetation, trees and existing individual trees, protected within areas of open space. Areas of open space are situated to the north west and south west and along the southern boundary with the school. A substantial landscape buffer of native tree belt planting is situated within the eastern portion of the site running north to south. At its widest point the proposed tree belt is approximately 30m in width which will create an effective and dense buffer to the new site proposals to the west and form a soft edge to the new development.

### **4 LANDSCAPE AND VISUAL IMPACT**

4.1.1 Proposals for development have been assessed in accordance with a professional methodology undertaken by a Chartered Landscape Architect which confirms that no significant landscape and visual harm will occur through development of the site including the Cotswolds AONB which is within proximity. The site is not located within a designated landscape and the Landscape Statement did not identify the site to be a valued landscape.

4.1.2 The previous appeal decision on the site for a larger 68 dwelling scheme makes reference to potential visual impacts on the Cotswolds AONB and states,

*... "The elevated site is widely visible in distant views within the attractive, undulating landscape and its development would have significant visual impact on its immediate surroundings, close to the listed buildings and residential properties, considered above. However, any built development on the site would be relatively well vegetated and enclosed from the wider area. I do not therefore consider that it would cause harm to the appearance and character of the nearby Cotswolds AONB."*<sup>1</sup>.

- 4.1.3 The Cheltenham Borough Council Officer Report for Committee makes reference to landscape of the site in the context of valued landscapes with reference to paragraph 170 of NPPF and states,

*... "In this instance, officers do not consider that the site should be considered 'valued landscape' for the purposes of paragraph 170. Whilst the landscape clearly has a value attached to it, particularly by local residents, it is not considered to have any intrinsic features that specifically set it aside from other areas of non-designated landscape"*<sup>2</sup>.

- 4.1.4 The officer report concludes that,

*"The current proposal results in the retention of a large area of open grassland, additional landscaping and increased landscaping. A such officers are confident that the proposal has an acceptable visual impact within the landscape"*<sup>3</sup>.

## **5 THIRD PARTY COMMENTS AND RESPONSES**

- 5.1.1 A small number of third party public comments pertaining to landscape and visual harm have been received as part of the application process, including harm to the nearby Cotswolds AONB. These have been reviewed against the baseline landscape assessment work undertaken by the appellants and the Council's own landscape evidence base.

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<sup>1</sup> Appeal Ref: APP/B1605/W/19/3227293 (20/9/2020) Para 114

<sup>2</sup> CBC Officer Report for Committee dated para 6.7.3

<sup>3</sup> CBC Officer Report for Committee dated para 6.7.6

5.1.2 I am confident that the Landscape Statement and Landscape Strategy drawing ref: MHP 19216.101 (CD A34) sufficiently addresses and answers the issues raised by the public comments. It is important to note that the issue here is not whether development is 'seen' from the AONB but is whether the development would cause 'harm' to the landscape and scenic beauty of the AONB. These public concerns are unfounded and unsubstantiated when considered against professional assessment provided by both the Appellants' and within the Council's own landscape evidence base.

5.1.3 The consultation response received from Charlton Kings Friends dated 3rd June 2020 includes detailed commentary relating to landscape and visual harm. As part of the application process MHP Design have provided a concise written rebuttal response which is not repeated here and is appended to this Technical note (Refer to Appendix A).

## **6 SUMMARY**

6.1.1 In the context of landscape impact, including any impact upon the Cotswold AONB, the Appellants' and the Council's own landscape assessment have identified 'no harm'.

## APPENDIX A

Our ref: 19216

15<sup>th</sup> June 2020

Peter Frampton  
Frampton Town Planning  
Oriol House  
42 North Bar  
Banbury  
Oxfordshire  
OX16 0TH

**REF: VISUAL IMPACT: LAND OFF OAKHURST RISE, CHELTENHAM PLANNING APPLICATION**  
**REFERENCE: 20/00683/OUT**

Dear Peter,

Thank you for forwarding the consultation response received from Friends of Charlton Kings (FoCK) dated 3rd June 2020 regarding outline planning application 20/00683/OUT. I note that the comments include references relating to visual impact and that photographs have been provided which I have reviewed and consider in my response.

The comments in the FoCK response relate to potentially longer distance views of the site from both within the Cotswolds AONB and Charlton Kings Conservation Area situated to the south, these are discussed below.

**Views and visual assessment methodology**

The importance of correctly representing views in landscape impact assessment in order that photographs are not misleading to both the reader and decision makers has culminated in the recently published guidance provided by the Landscape Institutes Technical Guidance Note TGN 06/19<sup>1</sup> Visual Representation of Development. The guidance states that, 'photography should provide a fair representation of what would likely to be seen [by the human eye] if the proposed development is implemented and should portray the proposal in scale with its surroundings'.

The application for residential development of the Oakhurst Rise site has been assessed in accordance with a professional landscape and visual methodology, please refer to Landscape and Visual Statement Final V4 24<sup>th</sup> April 2020. Where views of the site have been identified photographs from these locations have been reproduced within the report in accordance with the guidance contained in TGN 06/19.

In all instances where potential views and accompanying photographs are identified in the FoCK consultation response these are not presented in such a way, or in accordance with a stated methodology or professional guidance, where an objective assessment of visual harm can be reached.

**Views from the Cotswolds AONB**

Reference is made in the FoCK response to the site being visible from within the Cotswolds AONB. Photographs of views are provided from within the AONB at Charlton Kings Common.

The landscape assessment work undertaken in March 2020 considers views from these locations which are numerous, given Cheltenham's proximity to the western edge of the Cotswolds AONB. It is important to note that the issue here is not whether development is 'seen' from the AONB but is whether the development would cause 'harm' to the landscape and scenic beauty of the AONB. The concerns raised in

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<sup>1</sup> [https://landscapewpstorage01.blob.core.windows.net/www-landscapeinstitute-org/2019/09/LI\\_TGN-06-19\\_Visual\\_Representation.pdf](https://landscapewpstorage01.blob.core.windows.net/www-landscapeinstitute-org/2019/09/LI_TGN-06-19_Visual_Representation.pdf)

the FoCK response are therefore unsubstantiated when considered against professional landscape and visual assessment that accompanies the application.

### **Views from the Charlton Kings Conservation Area**

Reference is made in the FoCK response to the site being above the build line of Cheltenham and visible from a range of entry points in Charlton Kings. Photographs are presented from the A435, Old Bath Road and adjacent to St Marys Church within the Conservation Area. The FoCK response makes reference to a framed view from the Charlton Kings Conservation Area and that the view would be dominated by the high rooflines of new development above the existing tree line and proposed screening.

In response to these comments I would note that the elevated nature of the site makes it potentially visible from a number of locations within the town, its context is predominantly residential, with existing dwellings immediately to the north, west and east of the site. Proposed built form is not raised above that of the adjoining land to the north which comprises existing residential dwellings and is on elevated land above that of the site. Due to the settled nature of both the immediate context of the site and the viewpoint locations within the town, the potential visual impact and resulting harm to views will be substantially lessened. Whilst residential development of the site would result in a degree of change to the existing glimpsed views from within the town and the Conservation Area, due to the location and context of the site this change is assessed to not cause significant harm to existing views from these locations.

I trust the response provided is clear in assuring Cheltenham Borough Council that the potential visual impacts resulting from the proposed development of the site has been fully considered and assessed, in accordance with professional guidance and relevant provisions of national and local planning policy.

Yours Sincerely,



Ben Davies  
CMLI

Associate Director