

APPEAL REF: APP/W3005/W/21/3274818
LPA REF: V/2020/0184

Appeal by Bellway Homes Ltd



Land off Ashland Road West, Sutton in Ashfield, Nottinghamshire

PROOF OF EVIDENCE

Effects on the Character and Appearance of the area

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1.0 INTRODUCTION AND SCOPE OF EVIDENCE

Introduction

- 1.1 My name is Michael Gary Holliday. I have a degree BA (Hons) and a Master of Philosophy degree (MPhil) in Landscape Design from Newcastle University. I am a Chartered Member of the Landscape Institute and a Director in FPCR Environment and Design Ltd I have been a partner/director of the practice for over 21 years and have over 34 years' experience of landscape and development projects from initial conceptual design through to final completion and long-term aftercare. I am a Professional Practice examiner on behalf of the Landscape Institute. Details on my background and experience are at Appendix 1.
- 1.2 I was not involved in the application but was asked in July 2021 if I could assess the effects of the appeal scheme on the character and appearance of the area for the appeal.
- 1.3 I have reviewed the information available for the application including the submitted LVA produced by Golby and Luck (CD 1.17) and have visited the site and wider area. This proof of evidence sets out my appraisal of the potential effects on the character and appearance of the area. The submitted LVA was produced in early 2020. My proof provides an up-to-date appraisal of the effects on the area and in some instances my assessment of the effects is slightly different to those set out in the submitted LVA.
- 1.4 The evidence which I have prepared and provide for this appeal reference is true and has been prepared and is given in accordance with guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions, irrespective of by whom I am instructed.

Scope of Evidence

- 1.5 The application was refused, against Officer advice, by the notice dated 23 March 2021 for the following reason(s):

"The development would result in a significant adverse impact on the character and appearance of the area and surrounding landscape, particularly through the urbanising affects adjacent to Brierley Forest Park. The loss of greenfield and associated habitats would also result in significant and irreversible harmful impacts to biodiversity. In addition, the density of the development is considered to be too high and out of keeping with the surrounding area. Accordingly, the proposal would be contrary to Policies ST1 (a, b and e), ST2 – ST4 and EV2. There would also be conflict with Part 15 of the National Planning Policy Framework: 'Conserving and enhancing the natural environment'. It is considered that these harms would significantly and demonstrably outweigh the benefits of the development."
- 1.6 My evidence deals with the first part of this refusal notice, dealing with Character and Appearance. The effects on ecology are dealt with by my colleague Kurt Goodman, and Planning policy and planning balance is covered by Jim Lomas.

2.0 LOCAL LANDSCAPE CONTEXT AND CHARACTER

Site Location and Context

- 2.1 The appeal site is located to the north-western settlement edge of Sutton in Ashfield, which is a Nottinghamshire market town lying to the south-west of Mansfield. Other settlements in the area include the villages of Huthwaite to the west, and Stanton Hill and Skegby to the north. The site location is shown on The Site Context Plan GL1130 01 Appendix 2.
- 2.2 The site itself lies north and west of Ashland Road, with North Street to the west, and the Brierley Forest to the north. The Forest Park has been developed on a former colliery site and waste tip, and now contains a mix of woodland, open grassland areas, water paths and features such as play equipment and sculpture.
- 2.3 The residential area of Sutton in Ashfield that wraps around three sides of the site, is modern in character with houses off a series of estate roads.

The Landscape Context.

National Landscape Character

- 2.4 The site lies within but close to the western edge of National Character Area (NCA) 30 Southern Magnesian Limestone. The extract from the NCA profile is at CD 7.5. The description of the area from the National Character Area profile states that;

“The NCA comprises of open, rolling arable farmland enclosed by hedgerows, with plantation woodlands, historic estate properties and parkland. The localised networks of grasslands and semi-natural habitats have become fragmented, and many species face challenges moving through the NCA. In places, rivers and dry valleys dissect the plateau from west to east, creating wetland habitats. Impacts on this agricultural landscape include limestone, coal and some sand and gravel extraction, associated infrastructure and tips; many of which have now been restored. The pace of settlement and industrial development expansion has been greater in the north than in the south, but the landscape still retains its essential rural character.”
- 2.5 The appeal site and its immediate context shares little of these characteristics, apart from the presence of the restored coal tip site.
- 2.6 The NCA profile sets out the Statements of Environmental Opportunity (SEO), and SEO4 states;

“Promote the successful incorporation of any future major land use changes, directing them where they can enhance the existing landscape and seeking optimum design to obtain the greatest net benefits, such as to minimise visual impact on the wider landscape, incorporating green infrastructure and creating new access to enhance recreational opportunity for people to experience wildlife.”
- 2.7 The location of the appeal site, wrapped around by existing housing on the three sides and with the restored coal tip to the north, means that the scheme would be located away from the more rural parts of the NCA, minimising visual impact on the wider landscape. New accesses through the site could enable more direct routes for existing residents to access the Forest Park for recreation.

Greater Nottinghamshire Landscape Character Assessment June 2009 (Extracts at CD 7.6)

- 2.8 This assessment identifies a series of Regional Character Areas (RCA) and within those, Draft Policy Zones (DPZ). The site lies within the RCA “*Magnesian Limestone Ridge*”, and the key characteristics of this area are described in the LVA (CD 1.17). At a more detailed level the site lies within DPZ ML021 Brierley Forest Park, as shown on GL1130 05, Appendix 2. This character area covers the Forest Park, but other land around it too. The assessment notes the key characteristics;
- *Prominent man-made landform of a restored former colliery comprising a raised woodland covered mound comprising ‘engineered’ slopes of even gradient*
 - *The landscape is primarily for recreation on the urban fringes of Sutton in Ashfield. Large areas of immature woodland plantation and grassland are prominent although urban elements are generally visible in the many views from the park*
 - *Brierley Waters, a large man-made pool is a localised feature at the base of the southern slopes of the mound*
 - *Land use is a mixture of woodland plantation and grassland*
 - *Woodland comprises predominantly broadleaf species typically arranged in blocks and with trees in grid pattern. Woodland is interspersed with a series of public footpaths and open grassland*
 - *Field pattern is largely absent in this landscape having been removed during its mining past*
 - *Remnant field boundary hedges are occasionally present notably at the northern park perimeters*
 - *Prominent extensive woodland plantation covers the slopes of mounded high ground*
 - *Rides and surfaced paths up to a high point and viewing area at the top of the hill*
 - *Tracks enclosed by woodland*
 - *Woodland cover will increase as it matures and will create a more heavily wood landscape*
 - *Largely enclosed by the urban areas of Sutton in Ashfield, Huthwaite and Stanton Hill*
 - *One distinctive red brick former factory building and the roofline of houses on the edge of Sutton at the southern edge of the character area are prominent on raised ground*
 - *Views enclosed by woodland on low ground with panoramic views from the top of the colliery mound across urban areas to the south and to the north open countryside and high ground at the former*
 - *Silver Hill colliery to the north*
 - *The park contains a visitor centre and car parking. There are several incidental art installations throughout the park together with furniture and interpretation signage*
 - *Other recreational land use includes a golf course north of Brierley Forest Park which is characterised by highly managed linear woodland*

- 2.9 Under the heading “Condition”, the assessment notes;

“This character area is a restored landscape which is heavily influenced by man. It covers the site of the former Sutton colliery and Brierley spoil tip. It is a relatively small area which is associated with recreation. Brierley Hill Park covers approximately 250 acres and forms the majority of this character area.”

And

The historical field pattern has largely been lost due to mining activity although some remnant hedgerows and lanes are evident at Rooley Lane and at the edges of the DPZ. Mostly land is open between woodland blocks. The adjacent land to the northwest is a golf course and laid to greens and fairways which are interspersed with woodland blocks and hedgerows but these do not follow historic field patterns.

The landscape condition is MODERATE. This is a designed landscape which brings disused industrial land back into use for recreation. Hedgerows, grassland and woodland areas are well managed for recreation and nature conservation. This is a relatively modern landscape where no legible field pattern is notable. The prominent landscape features present, are predominantly man-made and recent in origin.

- 2.10 Under the heading “Landscape strength” the report notes;

The former colliery spoil mound is a significant landscape feature visible over long distances particularly from the northwest. Views are typically over long distances from the high ground although more enclosed by woodland on lower ground. Urban elements are frequent in views in other directions as the character area is bounded by built development on three sides by the Sutton in Ashfield, Stanton Hill and Huthwaite. The roofline of housing at the northern fringes of Sutton is on raised ground overlooking Brierley Hill Park and is prominent on the sky line. From the top of the spoil mound panoramic views are possible and overlook the adjacent character areas the north; the lower-lying River Meden valley; and Stanley undulating farmland.

The strength of character of the area is MODERATE. This DPZ is distinctive as a modern designed recreational landscape. The new woodland covered former spoil tip is a prominent feature within the surrounding area forming a backdrop to views. The hills and woodland blocks interspersed with grassland are distinctive and provide a sense of place although around the golf course, this is slightly weaker.

- 2.11 The Nottinghamshire character assessment confirms the site is part of an area of largely modern landscape, dominated by the restored colliery and waste tip. The housing at Sutton is noted as prominent on the skyline, with urban elements prominent in views. The area is heavily influenced by man and is mostly used for recreation.

The site and its Immediate Context

- 2.12 The site itself comprises two fields of grassland, generally enclosed by hedges and some trees, but also with sections of boundary with gaps. Some of the hedges are native species, but there are also some garden boundaries with more ornamental species. The boundary with Brierley Forest Park to the north, is mostly bound by a well established hedge and areas of native trees and shrubs. There is one hedge which runs north south across the site.

- 2.13 The highest point of the site is to the south-west, reaching approximately 180m AOD, and from there the land descends in a northerly direction towards Rooley Brook, which lies within Brierley Forest Park and runs in an easterly direction. The lowest part of the site lies on the north-eastern boundary, at approximately 160m AOD. Land rises to the north within Brierley Forest Park, and also rises to the south within the existing built up area of Sutton in Ashfield.
- 2.14 There is no public access to the site. A public footpath extends close to the site's northern boundary within Brierly Forest Park.
- 2.15 The housing to the south, east and west of the site comprises modern houses and bungalows laid out on estate roads and with some incidental green space. The housing is not of a particular local vernacular. There is also a now largely vacant site of a former industrial building on the rising land to the south, off North Street.
- 2.16 The Forest Park, immediately north of the site includes Brierley Pool, a fishing pond, woodland, wildflower meadows and paths. The Forest Park visitor centre and play area lies approximately 250m to the west of the site.

Landscape Value

- 2.17 The submitted LVA addressed landscape value by reference to guidance in GLVIA3, the Landscape Institutes Guidance on assessing landscape and visual impact. Since the time the LVA was produced the Landscape Institute have published Technical Guidance Note (TGN) 02-21, covering landscape value outside national designations. This sets out the factors to consider when assessing value, and essentially updates the guidance in GLVIA3. It should be noted that the council do not allege that the site forms part of "*valued landscape*" as paragraph 170 of the NPPF, nevertheless it is helpful to understand where the site may sit in the hierarchy of landscape value. An appraisal of the factors considered is set out below, based on the guidance in TGN 02-21;

Landscape Designations:

- 2.18 The site and its immediate landscape context are not subject to any national, local or other landscape designations for character or quality.

Natural Heritage:

- 2.19 The site does not contain any features of particular ecological interest, just hedges and trees and some grassland areas. The restored land in the Forest Park, has been developed to encourage nature conservation and is designated a local nature reserve, with some smaller parts of it designated as Sites of Importance for Nature Conservation. These are dealt with in the proof of evidence of Kurt Goodman.

Cultural Heritage:

- 2.20 The site and immediate area do not contain any historic parks or gardens, settings for listed buildings or any features that offer a particular dimension of time depth. The area is a largely modern landscape with most elements established during the 20th and 21st centuries.

Landscape Condition:

- 2.21 Some of the trees within site, appear to be in good condition, but some field boundaries are absent or fragmented

Associations:

- 2.22 There does not appear any associations with artists or literature relating to the site its context.

Distinctiveness:

- 2.23 This element of value, relates to having a strong identity, being particularly characteristic or conferring a strong sense of place. The modern Forest Park is starting to establish an identity and sense of place. This is largely due to the landform, woodland, and meadow areas, with incidental spaces linking to the surrounding residential areas. The appeal site itself is part of this mix of elements but does not in itself make a notable contribution to the character or identity of the settlement.

Recreational Value

- 2.24 The wider Forest Park is a largely recreational landscape, and functions by being close to the existing urban area. The appeal site has no recreational value.

Perceptual (Scenic):

- 2.25 The Forest Park is starting to become an attractive landscape in itself due to the establishing habitats, but the overall area is influenced by the existing settlement edge and is not of particular scenic quality.

Perceptual (Wildness and tranquillity)

- 2.26 The site and immediate area are not wild or tranquil, although the Forest Park is developing its wildlife habitats.

Functional aspects

- 2.27 The site and immediate area do not play a particular functional role in the wider area. It is not a setting to a designated landscape; it is not part of a wider green infrastructure network. It is an area of open farmland between the existing residential area and the Forest Park. As an isolated area of farmland, it does not perform a linking to the wider countryside.
- 2.28 Taking account of all the above factors I conclude that site and its immediate context is of medium landscape value. This is due to the positive new areas of woodland and meadow being established on the Forest Park and the recreational use of the park, balanced with the relatively lower elements of value, including cultural heritage, associations, and scenic value taking into account of the influence of the existing urban area.

3.0 THE APPEAL SCHEME

- 3.1 The application is for up to 300 dwellings and associated works, with all matters reserved except for access. Access would be from Ashland Road South. The overall site is 10.31 Ha. Through the course of the application, in consultation with Officers illustrative plans have been submitted showing how the site could potentially be laid out, and the disposition of the green space and landscape areas. The details of this are set out in the proof of evidence of Jim Lomas.
- 3.2 It can be determined at reserved matters stage exactly how the layout is designed, but the DAS (CD 1.8) indicates one approach. The DAS indicates that the illustrative masterplan could deliver 300 dwellings on a 8.54ha net developable area and this relates to a density of 35 dwellings per hectare (Density is covered in the proof of Jim Lomas). Green spaces are shown to include the existing vegetation at the site perimeters and two green spaces potentially provide links through the site to the Forest Park. A new sustainable drainage feature is shown on the lowest ground in the northeast, and tree planting along the primary route would contribute to a sense of place of place, and a green environment.

4.0 LANDSCAPE AND VISUAL EFFECTS

Effect on the Character of the area

- 4.1 Development on the site would involve the loss of some agricultural land on the northern edge of Sutton in Ashfield, bounded by the Brierley Forest Park to the north. There are some trees and a hedge within the site, but the illustrative plans show how most of this could be retained and incorporated into the design for the scheme. The north south hedge within the site would need to be removed to enable ground modelling, but a new hedge could be provided within a proposed green space. The boundary planting could also be retained and protected where it exists and new a new landscape structure established
- 4.2 At a national level, the site lies within, but on the edge of, the area described as National Character area 30 Southern Magnesian Limestone. The appeal site is a contained area of land between the existing urban area and the Forest Park developed on reclaimed land. The site is effectively cut off from the wider agricultural landscape typical of the overall character area. There would be a negligible overall effect on the Southern Magnesian Limestone NCA.
- 4.3 At a County/ District level, the site forms a compartment of land within the landscape area DPZ ML021 Brierley Forest Park. Whilst development would inevitably change the site itself, the magnitude of change on the wider character area would be no greater than "low". This would be because of the contained nature of the site, and that the essential characteristics of the wider landscape would be unaffected. The rising landform and woodland within the Forest Park, means that the appeal site is only experienced from a limited part of the park. Existing settlement already surrounds much of the character area and influences the character of the land within it. Overall, there would be a minor effect on the character of the wider DPZ ML021 Brierley Forest Park.
- 4.4 Within the site and its immediate context, which extends from the open sections of rising land within the Forest Park to the north, to the residential areas to the east, west and south, there would inevitably be a greater degree of change.
- 4.5 Within the site itself, the existing agricultural land would be replaced with new housing and green infrastructure. Most of the perimeter tree and hedges could be retained, but there would

inevitably be a high degree of change within the site itself. The change when seen in context would be much less marked. The site is within an area heavily influenced by the existing settlement edge. As an isolated area of farmland, it is different in character to the largely recreational landscape of the Forest Park to the north, and the change would extend the settlement boundary adjacent to the Forest Park. The existing settlement is already an established part of the landscape context to the park and bringing housing closer would not fundamentally change the character of this area. Within the existing urban area to the southeast and west, the residential area would simply extend. Overall, within the site and its immediate context there would be a medium/low degree of change and Moderate/Minor landscape effects. This would reduce over time as planting within the appeal site develops and helps to link the appeal site with the Forest Park to the north. Overall long term a Minor landscape effect is predicted.

- 4.6 Density has been noted in the reason for refusal and this is dealt with in the proof of Jim Lomas. In terms of how density could affect the character and appearance of the area, dwellings per hectare are a misleading measure. This was clearly expressed in the appeal decision for Barn Road, Longwick, by Inspector P. W. Clark. (Appeal ref APP/K0425/W/15/3018514), Appendix 3. At paragraph 39 of the decision letter Inspector Clarke noted;

“39. Contrasting comparisons were made between the density of various existing developments within the village and that proposed. But, quite aside from confusions of net and gross density, use of density measurements based on units of a dwelling to judge character can be very misleading because a dwelling is not a uniform unit. A six-bedroomed mansion and a studio flat are each one dwelling but have quite different characters and appearance. Six small flats in an apartment block can have a very similar appearance to a single large house but would be regarded as six times the density when measured as dwellings per hectare.”

- 4.7 I agree with this view and consider that the site provides an appropriate location for housing in landscape terms, and that detailed matters of design including density would best be determined at reserved matters stage. The application is for “up to” 300 dwellings and a range of dwelling sizes would be provided (see the proof of Jim Lomas), so an overall net density of 35 dwellings per hectare, seems a reasonable basis on which to proceed at this stage.
- 4.8 The effect on the character and settlement form of Sutton in Ashfield should also be considered. The site comprises an isolated parcel of land between the existing urban area and the new landscape of the Forest Park. This is shown on my Figure at Appendix 4. The site is cut off from the wider agricultural countryside. Development of the site would not change the perception of the settlement itself and how it sits within the wider countryside. The links between the Urban area and the Forest Park are also shown on Figure 1. This shows that whilst there are links, the appeal site itself forms a barrier to access from the area south of Ashland Road. The opportunity exists to provide new more direct pedestrian and cycle links through the site between the existing urban area and the Forest Park, benefitting existing residents.

Visual Effects

- 4.9 The effect on the appearance of the area has been assessed by site appraisal. The photo viewpoints at Appendix B assist in understanding the likely visual effects. These are the photo viewpoints from the LVA, which are winter views, produced by Golby and Luck. Whilst they are not presented in the same format that FPCR would normally use, I have included these as winter

views present the “worst case” in terms of visibility. The visual effects when trees are in leaf, can be seen on the site visit, with the appeal being heard in September 2021.

Residential Properties and Settlement

- 4.10 The site is visually well contained, so views to it from properties are mainly limited to views from those which border the site. The main residents with direct views to the site will be those along Ashland Road itself, and at the northern end of Norwood Close, Canarvon Grove, George Street and Ashfield Road at the western end of the site. All residents are considered to have a medium/high visual sensitivity using our methodology.
- 4.11 Along Ashland Road approximately 10 properties are located along the road near the site and have views across to it. Views vary from property to property, depending on garden vegetation and boundary treatment, and depending if they are opposite the planting on the appeal site itself, or on a more open section. Some have open views and others have more restricted views. This includes the Ashland Road West Care Home.
- 4.12 The visual change would be medium to high for the residents neighbouring the site, leading to a major/moderate or moderate initial visual effect at completion. This could reduce over time depending on the detailed design and landscape treatment. These are however private views, and no issues of unacceptable residential amenity have been raised. Whilst the outlook would change and this may not be welcomed by existing residents, this is not a valid planning reason to refuse consent. Overall, however the new housing would just seem a logical extension to the existing settlement, where views to other homes would be an expected part of the environment.
- 4.13 A similar level of effect could be experienced by the residents at the end of Norwood Close Canarvon Grove, George Street and Ashfield Road.
- 4.14 Some views would also be possible from properties along the roads that extend south from Ashland Road opposite the site, Evans Avenue, Wordsworth Avenue, Keats Avenue and to a lesser degree Rooley Avenue. Properties along these roads generally do not face the site, but views can be gained from some of the frontages and from gardens when accessing the properties. Views are in the context of the existing streets. There would be a low degree of visual change and overall a minor visual effect.
- 4.15 Properties along North Street, which provides cycle and pedestrian access to the Brierley Forest Park, back onto the western end of the site. These are generally larger properties in substantial gardens. Views vary depending on the garden vegetation, but some clear views to the new housing would be possible through gaps. Visual effects are likely to vary between Moderate and Minor.

Public Rights of Way (PROW) and Other Footpaths etc

- 4.16 The public rights of way in the area are shown on the Golby and Luck site context Plan at Appendix 2. Users of public rights of way are assessed as having a high susceptibility to visual change, and all the views on this scheme are assessed as having a medium visual value. This combines to give an overall visual sensitivity for rights of way users as High/ Medium.
- 4.17 There are relatively few PROW from where views to the site or development on it would be possible. Within the Forest Park, footpath FP39 runs from the west past the visitor centre and the fishing pond onto the higher ground to the north. Viewpoints 11 and 12 from the LVA show that

glimpses between vegetation are possible to the site, with the existing residential area beyond. In summer when the trees are in leaf, these views are effectively screened. The immediate context to the views would not be changed, but there would be marginally more built development visible beyond the Forest Park in winter. There would be a very low magnitude of change and a Minor visual effect at completion. This could be reduced over time if additional planting is provided along the site boundary.

- 4.18 Public Footpath FP 47 extends east from the fishing pond along the northern boundary of the appeal site as far as "The Oval" to the east. LVA viewpoint 9 Appendix 2 shows a view from this path. In this view part of the site can be seen with the existing residential area beyond. Since the time this photograph was taken, the hedge has matured and thickened, and in summer provides effective visual separation between the Forest Park and the site and urban area beyond. The appeal scheme would bring new built development closer to the edge of the park and the footpath but would not introduce any elements that are not already in the view. There would be Low/ Medium degree of change and a Moderate / Minor visual effect at completion, though this would reduce over time, if the boundary planting were reinforced. Housing lies adjacent to paths in the park, such as at the end of North Street, and this does not the character or enjoyment of the paths.
- 4.19 Public Footpath FP144 runs along North Street. There may be some glimpses through to the appeal site between the existing houses, but for users of this PROW, the visual effects would be negligible.
- 4.20 Other routes are shown on The Golby and Luck Site Context Plan. The contained and low-lying nature of the site means that views from other public rights of way are screened or largely hidden due to the effects of topography, woodland planting, or the existing urban area.
- 4.21 There would be views from other paths within Brierley Forest Park, routes that are not formal public footpaths. These are represented by viewpoints 6,7,8 and 10. Viewpoints 6-8 are taken from the area known as Rooley Tops an elevated open area within the park, from where longer views out of the park are possible. The site and housing on it would be obvious from this area, and the site would change from a grassed field to a further part of the surrounding urban area, which is also apparent in the existing view. From this elevated area, the interest comes in being able to see some distance, and from the park in the immediate context. Changing the appeal site to housing and Green Infrastructure would have a minor effect overall on the views from this area.
- 4.22 Viewpoint 10 represents the open part of the park further west in the wildflower meadows. This land is a slightly lower than Rooley Tops, so the site is more screened by existing planting, reducing any visual change.

Road & Transport Users

- 4.23 The only roads that provide views to the appeal site, are the residential streets in the vicinity of the appeal site itself, and the visual effects have been described under the heading residential properties and settlement.
- 4.24 No other views from roads have been identified.

Other Visual Receptors

- 4.25 The only other visual receptors in the area are visitors to the Brierley Forest Park. The effects on users of the park have been described by reference to the different footpaths. The visitor centre and play area lies to the west of the site, and is mostly surrounded by woodland, so there would be no visual change for users of this area. Some limited winter views may be possible from fishermen around the fishing pond. The effects of topography mean that there are no views to the site from large parts of the park, and there would be no visual effects over these areas.

5.0 THE SHLAA (CD 7.2)

- 5.1 The SHLAA produced by Officers as part of the evidence base to the local plan provides a helpful evidence of the Officers professional opinion on the site. The appeal site is referenced in the SHLAA as site S55. The appeal site boundary is the same as the SHLAA boundary. Within the SHLAA (CD 7.2)) the location is described as “*In urban fringe*”, with the character “*countryside and residential*”.
- 5.2 The additional comments noted “*Effect on the landscape would be Low - Minor alteration to key elements, features or characteristics of the local or wider landscape resource such that post development the baseline situation will be largely unchanged, despite discernible differences.*”
- 5.3 The conclusion for the site noted “*The site is currently designated Countryside. It is adjacent to a residential area and is well contained, being bound by the urban area on three sides and Brierley Forest Park to the north.*” The final conclusion was “*Proposed Local Plan Housing Allocation*”.
- 5.4 This shows that in the professional view of officers at the time, the site had an urban edge character, and that development would have a minimal effect on wider character, and that it would make a suitable site for housing development, all of which I agree with.

6.0 THE LANDSCAPE CONSULTATION RESPONSE

- 6.1 The Consultation Response set out the professional views of the Landscape Officer Paul Crawford CMLI, Chattered Landscape Architect for the Council (CD 3.13).
- 6.2 The consultation response noted;
- “The developer has provided a landscape visual impact assessment which has been set out in accordance with the GLVIA 2017 document. The assessment generally provides a balanced approach of the development impact. A focus should be put on the visual impacts from the south along Ashland Road through appropriate landscape design of the site boundary. The visual impact from the north (Brierley Forest park) can be reduced by maintaining an open aspect and development frontage facing the park complemented by landscape boundary improvements. These points should be considered during the development of the detailed landscape plan.”*
- 6.3 Suggestions were also included for detailed landscape treatments at reserved matters stage.
- 6.4 The response also noted the need for S106 contributions for offsite Public Open Space, at three locations including Brierley Forest Park. The consultation response was considered in the overall report to Committee.

7.0 THE REPORT TO COMMITTEE

- 7.1 The officers report to Committee (17 March 2021) (CD 4.1) set out the professional views of the Officers. Under the heading “*Landscape and Visual Impact Appraisal*” the report noted;

“The LCA identifies the site as part of Character Area ML021 which comprises the man-made landform of a restored former colliery with a raised woodland covered mound comprising ‘engineered’ slopes of even gradient. Views are enclosed by woodland on low ground with panoramic views from the top of the colliery mound across urban areas to the south, and open countryside and high ground at the former Silver Hill colliery to the north.

*The application site is located at the southern part of this area and is situated lower than its surroundings. More importantly, the application site is enclosed by existing residential development on 3 sides. The overall landscape condition and strength is ‘Moderate’, with an overall strategy to ‘enhance’. The site is **heavily influenced by the urban fringe** and for this reason **the site is considered not to be a valued landscape for the purposes of the NPPF.**” (my emboldening)*

- 7.2 This section of the report concludes.

*“There would be some harmful effects on the character and appearance of the area through the loss of the greenfield and replacement with built form. To this extent there would be some conflict with the NPPF, which recognises the intrinsic character and beauty of the countryside and to ensure decisions contribution to and enhance the natural environment. There would also be conflict with Policy EV2 and its protection of the character of the countryside. However, on the basis of the evidence submitted and advice received from the Councils landscaping officer, **a refusal on the grounds of landscape impact would be difficult to substantiate.**” (my emboldening).*

- 7.3 I agree there would be some be some adverse landscape and visual effects, but following the approach and guidance in GLVIA3, the assumption of change from a green field agricultural site to built development is always seen to be adverse. The officers note the urban fringe character and consider it difficult substantiate refusal on landscape grounds. I take this to mean that they consider the landscape effects to be at the lower end of the scale, and the site a generally appropriate one for development. The officers went on to conclude that the harm to landscape would carry “**limited weight**” against the proposal in the planning balance, and the officers recommended “**Approval**” of the planning application.

8.0 POLICY

- 8.1 The reason for refusal cites conflict with Policies ST1 (a, b and e), ST2 – ST4 and EV2 of the Ashfield Local Plan and Part 15 of the National Planning Policy Framework.

The National Planning Policy Framework July 2021

- 8.2 The NPPF sets out the Government's commitment to delivering sustainable development. Throughout the document the aspirations are generally positive. A holistic approach is encouraged, balancing benefits with impacts across all aspects of the development process. The NPPF is dealt with in the overarching planning policy proof of Jim Lomas, so my proof only draws attention to the specific sections on character and landscape.

- 8.3 Section 11 of the NPPF covers “*Making effective use of land*” and states at para 119 that decisions should promote an effective use of land meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 120 states that decisions should encourage multiple benefits, including improving public access to the countryside.
- 8.4 The appeal scheme would provide effective use of land for housing, adjacent to a large Forest Park which is a facility enabling a range of outdoor recreation and exercise for healthy living. By providing access through the site, improved access for existing residents could also be provided.
- 8.5 Section 11 also covers “Achieving appropriate densities”. Paragraph 125 has been updated from the previous version of the NPPF and states.
- “Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.”*
- 8.6 Density is mentioned in the reason for refusal and is covered in the proof of evidence of Jim Lomas. The application is for up to 300 dwellings and if developed as the illustrative masterplan would result in a net density of 35 dpa. Saved Local Plan Policy HG3 identifies the minimum net density requirement of 30 dwellings per hectare. The surrounding residential area has a variety of densities, A net density of 35 dph is not high for a site on the edge of a larger settlement and would allow for efficient use of land and for a high quality of design.

Achieving well - designed places

- 8.7 Section 12 of the Framework notes that the creation of high-quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 notes that decisions should ensure that developments add to the overall quality of the area. They should also function well, be visually attractive, sympathetic to local character and the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change (such as increased densities). This shows that the government encourages higher densities, where appropriate design is possible. Density is covered in the proof of evidence of Jim Lomas.
- 8.8 Paragraph 131 of the July 2021 NPPF notes that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. It notes that decisions should ensure that new streets are tree-lined and, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards). The illustrative masterplan shows tree planting along the main route through the scheme. Whilst the application is in outline, it can be determined at detailed design stage, how trees can best be incorporated.
- 8.9 Paragraph 134 of the NPPF July 2021 notes that development that is not well designed should be refused. This application is made in outline, so detailed design is for reserved matters stage. There is nothing in terms of the location and context of the site, that means a high quality design could not be achieved.

Conserving and Enhancing the Natural Environment.

- 8.10 Paragraph 174a identifies how the planning system should contribute to and enhance the natural environment by (amongst others), protecting and enhancing valued landscapes, (in a manner commensurate with their statutory status, or identified quality in the development plan). The land around Sutton in Ashfield is not protected for its landscape value or has any identified quality in the development plan.
- 8.11 Paragraph 174b notes that decisions and policies should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. The appeal scheme would contain new areas of greenspace and landscape features that could make a positive contribution to the environment in the longer term. Developing land in a location, that is effectively contained by existing development or by the modern recreational landscape of the Forest Park, means that the wider more rural landscape is unaffected.

Ashfield Local Plan 2002

- 8.12 The reason for refusal cites Policies ST1 (a, b and e), ST2 – ST4 and EV2 of the Ashfield Local Plan.
- 8.13 Policy ST 1 is a strategic policy on Development and states it will be permitted where
- a) IT WILL NOT CONFLICT WITH OTHER POLICIES IN THIS LOCAL PLAN,*
- b) IT WILL NOT ADVERSELY AFFECT THE CHARACTER, QUALITY, AMENITY OR SAFETY OF THE ENVIRONMENT,*
- e) IT WILL NOT CONFLICT WITH AN ADJOINING OR NEARBY LAND USE.*
- 8.14 Policy ST 2 is a policy that directs development to the main urban areas including Sutton in Ashfield. Policy ST3 is a policy that allows for limited development in certain named settlements, which does not include Sutton in Ashfield. Policy ST 4 covers development outside the main urban areas and named settlements. These policies are dealt with by Jim Lomas.
- 8.15 Policy EV2 covers “The Countryside”. The Policy states that;
- “IN THE COUNTRYSIDE PERMISSION WILL ONLY BE GIVEN FOR APPROPRIATE DEVELOPMENT. DEVELOPMENT MUST BE LOCATED AND DESIGNED SO AS NOT TO ADVERSELY AFFECT THE CHARACTER OF THE COUNTRYSIDE, IN PARTICULAR ITS OPENNESS.”*
- 8.16 The policy also includes a list of appropriate development, but market and affordable housing is not on the list. This is an old policy that was formulated well before the NPPF was published, at a time when the emphasis was on “*protection*” of the countryside for its own sake. The requirement to “*not adversely affect the character of the countryside*” is inconsistent with allowing any greenfield development. Policy EV2 has some consistency with the NPPF’s requirement to recognise the intrinsic beauty and character of the countryside, but as it is highly restrictive it lacks the balance inherent in the current NPPF. The current national planning policy takes a more holistic view, and the emphasis is now on “*recognising*” the intrinsic character and beauty of the countryside, apart from within “*valued landscapes*” (NPPF para 174), which continue to benefit from “*protection*”. The officers Report to Committee note that they the Officers did not consider the site is not part of a “*valued landscape*” NPPF para 174. I understand that technically in planning terms the site is “*Countryside*”. However, in character terms the site comprises two

isolated field parcels, bounded by the existing urban area and the man-made recreational landscape of the Forest Park. In terms of the policy thrust to protect “Countryside” and in particular “openness”, i.e. the lack of built development, this site must be at the lowest end of sensitivity, being effectively contained and separate to the wider rural open farmed countryside, and it is in a location where built development strongly influences character.

- 8.17 The more general issue of how up to date the Local Plan policies is dealt with in the proof of evidence of Jim Lomas. However, as Mr Lomas identifies, in terms of the settlement boundary and housing need the Local Plan is clearly out of date because it is time expired and settlement boundaries were drawn to reflect a housing need for the period up to 2011. Policies ST2 - ST4 are restrictive of development outside the main urban areas and named settlements, lacking the balancing exercise required by the NPPF. Jim Lomas identifies that these policies are therefore considered to be inconsistent with the NPPF.

9.0 THIRD PARTY REPRESENTATIONS

- 9.1 I have reviewed the third-party representations for the application and the appeal. I note that many of the representations cover matters other than landscape and these will be dealt with by Jim Lomas and Kurt Goodman.
- 9.2 Two main matters are raised by local residents, relevant to my Proof of evidence. The first is loss of views, particularly towards Brierley Country Park. These are covered in section 4 of this proof. I understand that some residents will not welcome the replacement of a view over the site to the Forest Park, to one containing new homes, but the loss of a private view is not a planning matter. The residential amenity could be protected at detailed design stage, and the view from one home to another is a normal part of living in a settlement.
- 9.3 Secondly some residents have raised the adverse effects of views from the Forest Park and the change to its character. This is also addressed in section 4 of the proof. I agree with residents that the Forest Park is a valuable resource and provides an attractive environment in which to enjoy the outdoors. The main interest comes in terms of the environment within the park, the new woodlands and meadows. There are views out to the south, but these are largely to the existing urban area, and the development of the appeal site would have little overall effect on the context of these views. This is all noted in the Nottinghamshire Character assessment for the area. The urban area already comes up to the boundary of the park at several locations, and in my view, this does not harm the character within the park.
- 9.4 Some views were also expressed that the scheme would involve the loss of Part of the Forest Park itself. The appeal site boundary is entirely outside the boundary of the Forest Park, and no part would be lost to construction. There is the opportunity to provide new pedestrian and cycle links to it through the appeal site. This could provide benefits for better access to local residents but would only happen in a way that is acceptable to the District Council as owner of the Forest Park.

10.0 SUMMARY AND CONCLUSION

- 10.1 This proof of evidence has been prepared to address the effects of the appeal scheme on the character and appearance of the area.
- 10.2 The site comprises two parcels of grass land, surrounded by housing on the three sides on the northern urban edge of Sutton in Ashfield and with the Brierley Forest Park forming the northern boundary. The Forest Park has been developed on a former colliery and waste tip, and now largely comprises woodland and grassland with a variety of recreational routes there is also a visitor centre and play area. The Forest Park is mostly less than 30 years old and is starting to establish and provide a valuable local recreational resource and opportunity for people to get close to nature.
- 10.3 The enclosing nature of the urban area and the Forest Park, effectively isolates the site from the wider agricultural landscape north of Sutton in Ashfield, and means the site has an urban edge, rather than rural character. The rising land with the town to the south, and the rising land on the former waste tip in the Forest Park, also physically contain the site and limit the visual effects of any change.
- 10.4 Inevitably the character of the site itself would change completely, with the development of new homes and green infrastructure on what is currently grassed farmland. This is the case with any new housing development. The new housing can be designed to a high quality and will include trees and other planting to establish an attractive residential environment. All details would be controlled through the reserved matters applications. In terms of landscape and visual effects, it is the effect on the context that is of greater relevance. In this case the site is contained on three sides by the existing urban area and on the fourth northern side by the developing Forest Park, a man-made recreational landscape. It is an area isolated from the wider agricultural countryside. In this respect the change in rural character is minimal, and this makes it a more appropriate location for residential development, to minimise wider landscape impact.
- 10.5 The new housing would be seen from parts of the Forest Park, but from these locations the existing urban area already provides a backdrop. The urban context is part of its existing character. I agree with the local residents that the Forest Park is a valuable and attractive facility, enabling access to the outdoor environment. In my view the interest comes from the elements within the park itself, the new woodlands, meadows and waterbody, along with the footpaths and facilities for children. It is not a site where the main interest lies in attractive views out. There are interesting views out from the higher parts of the site, but the interest lies in the distance that can be seen and the different elements within the view, of which settlement is a major part. Development of the Appeal site would not materially adversely affect the enjoyment of the park by visitors.
- 10.6 There will inevitably be views to the new homes, from the neighbouring properties within along the existing settlement edge. I understand that some residents will not welcome the replacement of a view over the site to the Forest Park, to one containing new homes, but the loss of a private view is not a planning matter. The residential amenity could be protected at detailed design stage, and the view from one home to another is a normal part of living in a settlement. With appropriate design and landscape treatment within the site, views from neighbouring properties will be different but can still be attractive.

- 10.7 Overall, the site comprises parcel of land at the lower end of the landscape sensitivity scale to new development. This has been recognised by professionals over the years in its former draft allocation, the LVA that accompanied the application, and in the professional consultation responses and the report to committee for this application. I agree with the professional conclusions. In landscape and visual terms, the site is a more appropriate one for residential development and could be developed to a high standard with landscape treatment within the scheme. The site could form an attractive addition to the settlement with additional links to the Forest Park for new and existing residents.