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Summary Proof of Evidence: Landscape and Visual Matters

In respect of off Low Moor Road, Sutton in Ashfield
On behalf of Hallam Land Management

Date: 17/12/2024 | Pegasus Ref: EMS.2254

LPA Ref: V/2022/0629

PINS Ref: APP/W3005/W/24/3350529

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Contents.

1. INTRODUCTION	3
Qualifications and Experience.....	3
Terms of Reference	3
Site Overview	4
Planning Application	5
Putative Reason for Refusal.....	5
Conclusion	6

1. INTRODUCTION

Qualifications and Experience

- 1.1. My name is James Atkin. I hold the position of Senior Director (Landscape) in the Lichfield Office of the Pegasus Group. I am also Deputy Head of the Environment service across the wider business. I have a Bachelor of Science Degree in Landscape Design and Plant Science and a Diploma in Landscape Management, both from the University of Sheffield. I am also a Chartered Member of the Landscape Institute (2005).
- 1.2. The approach and methodology adopted for the process of landscape and visual impact assessment, including that prepared for the planning application for this site, has been tested and accepted by numerous local planning authorities and Planning Inspector's at appeal.

Terms of Reference

- 1.3. This Proof of Evidence is written on behalf of Hallam Land Management (the appellant) and addresses landscape and visual matters in respect of land at Newark Road, Sutton in Ashfield (the appeal site).
- 1.4. It relates to a decision by Ashfield District Council (ADC) to indicate it would have refused permission for an outline planning application for residential development (LPA reference V/2022/O629). The description of development includes for:

"Outline planning application (with all matters reserved except access) for a residential development of up to 300 dwellings with associated infrastructure and landscaping"
- 1.5. I have been involved with this site since 2017, advising from the outset on the constraints and opportunities related to landscape and visual matters, and the consequent strategy for landscape and visual mitigation which has been incorporated into the Illustrative Masterplan.
- 1.6. The outline application was submitted with a landscape and visual impact assessment (LVIA), prepared by 'Pegasus Group'.
- 1.7. As part the outline application the submitted LVIA also included an Illustrative Landscape Masterplan (ILMP). Following minor amendments to the Illustrative Masterplan which have been submitted both during the determination period (i.e. amended access proposal) and as

part of this appeal (minor alternations to the layout), and without prejudice to the acceptability of the original layout, the ILMP has been updated to reflect these changes.

- 1.8. Pegasus Group have subsequently been commissioned to consider the reasons for refusal set out in the decision notice.

Site Overview

- 1.9. The appeal site is located on the south-eastern edge of Sutton-in-Ashfield and extends to some 21.4 hectares (ha) of agricultural land.
- 1.10. The appeal site comprises two arable field enclosures; a medium scale enclosure situated between Newark Road, Coxmoor Road and the Round Hill Estate and, connected to this, a smaller scale enclosure situated immediately to the south of the Round Hill Estate. The Round Hill Estate includes Searby Road and Harby Avenue, amongst other streets, and is characterised by a mix of one and two storey late twentieth century dwellings. The north-western part of the appeal site (just south of Newark Road) is a former quarry that has since been used for landfill and subsequently restored to agriculture. The appeal site is influenced by the existing residential and nearby commercial and industrial land uses which characterise this edge of the town.
- 1.11. Notwithstanding some localised undulations on the appeal site, the topography of the site and the local landscape context form an overall profile which presents west and north-facing slopes which are oriented back toward and across the existing settlement, rather than being more outward facing to the wider countryside.
- 1.12. No formal public rights of way (PROW) cross the appeal site itself, however a public footpath runs parallel to the south-western boundary (of the western parcel).
- 1.13. In respect of green infrastructure, the north-eastern and south-eastern boundaries of the appeal site are defined by mature hedgerow vegetation of varying quality; to the north a mature hedgerow separates the site from the Coxmoor Road; to the south the hedgerow is a well-managed, native field boundary hedgerow. The western boundary is formed by the public footpath and associated hedgerows which extend from Searby Road and provide access to the landscape to the south. Along the rear boundaries of the existing dwellings, vegetation is mixed, with some limited vegetation and boundaries represented more by fencing, but with others more heavily vegetated.

Planning Application

- 1.14. The most recent planning application (reference V/2022/O629) was submitted in August 2022.
- 1.15. The submitted LVIA concluded that, the appeal site has capacity to hold a residentially led masterplan, noting landscape and visual constraints to this. The Illustrative Masterplan subject of the planning application (CD-1.10) consequently incorporates a landscape mitigation strategy which will avoid, reduce or remedy adverse impacts overall.
- 1.16. Overall, the conclusions of the submitted LVIA judged the appeal proposals to (CD-1.38, para's 8.15-8.16):

"...result in some limited impact at a localised level. The scale and form of proposed development is likely to result in impacts which are limited to the site area and its immediate context only. Such proposals are seen in the context of the existing settlement edge.

A range of landscape and visual receptors have been tested and impacts have been identified for both landscape character and for visual receptors. This includes an iterative process whereby potential impacts have informed the landscape strategy for the site and mitigation has become ingrained in the proposed development. The residual impacts identified as part of this process highlight that the greater degree of impact relates to the site and to a very localised immediately adjacent to the site; the effect on potential receptor groups in the wider landscape context is generally very limited. Furthermore, the proposals for green infrastructure and landscaping will deliver some enhancements in terms of the physical landscape resources."

- 1.17. On review of the appeal proposals (including the alternative illustrative masterplan) and the previous submitted LVIA, I see nothing that causes me to revisit the case on landscape and visual matters, and that the appeal site remains a good opportunity for the type of development proposed, as considered in the submitted LVIA.

Putative Reason for Refusal

- 1.18. Following the submission of the appeal for non-determination of the application by Ashfield District Council (ADC), on 23rd October 2024, the Council's Planning Committee considered

that, had the appeal not been made, they would have been minded to refuse the planning application for 5 reasons.

- 1.19. Of these Reason 3 is most relevant to landscape and visual matters, stating that:

“The proposed development would have an adverse impact on the character and appearance of the open countryside. The development is therefore contrary to Policy ST1 of the Ashfield Local Plan Review 2002 and objectives of the National Planning Policy Framework (2023).”

- 1.20. Although not expressly referenced in the reason for refusal, the Council’s statement of case also includes reference to Policy EV2 of the ADC Local Plan Review.

- 1.21. This evidence considers this reason for refusal in respect of landscape and visual matters.

Conclusion

- 1.22. Overall, I consider that the appeal site (and proposed development) has a limited visual envelope, which restricts the appreciated local landscape context to the appeal site.
- 1.23. The proposed development will form a consistent part of the existing settlement pattern, and that the approach to the design evolution has addressed the local landscape context including recognition of the relevant landscape characteristics and considers key views in the local landscape context.
- 1.24. The appeal site is not designated, nor within an area designated in respect of landscape and visual matters.
- 1.25. The Illustrative Masterplan and inherent landscape strategy represent a positive response to the landscape and visual constraints, and represent ‘good design’ in terms of how it incorporates mitigation to avoid, and reduce potential impacts, whilst creating a framework of green infrastructure that respects characteristics and sets parameters for a high quality development.
- 1.26. On review of the detailed impact assessment presented in the submitted LVIA, and in respect of the additional evidence submitted to this inquiry, I consider:

- i. the appeal site represents an appropriate, and good, location to accommodate residential development, and that it can do so in a way that accommodates a strong approach to landscape mitigation (including green infrastructure and open space);
- ii. the existing settlement character on this edge of Sutton-in-Ashfield is prominent and an influential part of the local landscape context – this context presents an appropriate baseline with which the proposed development will be consistent;
- iii. that the appeal site (and its local landscape context) sit within a bowl of topography which is oriented toward the settlement edge, meaning that there is no influence from the proposed development on the wider landscape (including the published character area of the Sherwood RCA and the 'Lindhurst Wooded Farmlands' 'Sherwood Policy Zone' (SPZ 11); and
- iv. that landscape and visual impacts at a certain level are inevitable in respect of greenfield development, but that for the appeal site, these are localised and limited to the immediate context, not extending across the wider landscape, away from the suburban influences.

1.27. Consequently, the issues raised in respect of landscape and visual matters are not *per se* sufficient to support the putative reason for refusal. Furthermore, such impacts need to be considered in the tilted planning balance.

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