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"Outline planning application (with all matters reserved except access) for a residential development of up to 300 dwellings with associated infrastructure and landscaping"

- 6.7. 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.
- 6.8. The outline application was subsequently submitted with a landscape and visual impact assessment (LVIA) addressing the proposed development, prepared by 'Pegasus Group'. I oversaw the preparation of the submitted LVIA, and have contributed directly to it, including undertaking the site survey and field work photography, baseline analysis and subsequent impact assessment. I have revisited the appeal site and all relevant viewpoint locations prior to the exchange of this evidence.
- 6.9. 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.
- 6.10. Pegasus Group have subsequently been commissioned to consider the reasons for refusal set out in the decision notice.

Site Overview

- 6.11. 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.
- 6.12. The appeal site comprises two arable field enclosures; a medium scale enclosure situated between Newark Road, Coxmoor Road and the Round Hill Estate (referred to hereafter as the eastern parcel); and, connected to this, a smaller scale enclosure situated immediately to the south of the Round Hill estate (referred to hereafter as the western parcel). 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.

- 6.13. Both the eastern and western field parcels are located immediately adjacent to the existing settlement edge of Sutton-in-Ashfield and are influenced by the existing residential and nearby commercial and industrial land uses which characterise this edge of the town.
- 6.14. 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.
- 6.15. 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).
- 6.16. 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

- 6.17. The most recent planning application (reference V/2022/O629) was submitted in August 2022 as an 'Outline planning application (with all matters reserved except access) for a residential development of up to 300 dwellings with associated infrastructure and landscaping'.
- 6.18. The layout for the proposed development was set out on the Illustrative Masterplan (**CD-1.9**). During the course of the application, changes were made to the Illustrative Masterplan in respect of the proposed access (**CD-1.10**). These are considered as part of my evidence, however both access proposals result in the loss of vegetation along Newark Road, and the principle issue is considered, per se, in the submitted LVIA.
- 6.19. The submitted LVIA concluded that, the appeal site has capacity to hold a residentially led masterplan, noting landscape and visual constraints to this, but that these can be addressed through an appropriately considered masterplan that responds to such issues (**CD-1.38**, para

8.10). 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.

- 6.20. 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."

- 6.21. 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

- 6.22. 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.
- 6.23. 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).”

- 6.24. 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, stating that:

“EV2 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.” The appeal scheme does not fall into any of the categories of development identified within Policy EV2 as appropriate in the countryside. Furthermore, it would have an adverse impact on the rural character of this area of countryside and fail to preserve its openness.

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

Conclusion

- 6.26. 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.
- 6.27. The proposed development will form a consistent part of the existing settlement pattern, and that the approach to the design evolution of the proposed development has addressed the local landscape context including recognition of the relevant landscape characteristics.
- 6.28. This includes consideration of key views in the local landscape context.
- 6.29. The appeal site is not designated, nor within an area designated in respect of landscape and visual matters.
- 6.30. Together, the Illustrative Masterplan and inherent landscape strategy represent a positive response to the landscape and visual constraints, and I believe this to be a good design solution 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.

6.31. In summary, on review of the detailed impact assessment presented in the submitted LVIA, and in respect of the additional evidence presented in this Proof of Evidence, I consider:

- i. the appeal site represents an appropriate, and good, site 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. that 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 presents 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 Regional Character Area and the ‘Lindhurst Wooded Farmlands’ ‘Sherwood Policy Zone’ (SPZ 11),
- 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 of the appeal site, not extending across the wider landscape, away from the suburban influences

6.32. 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.



Appendices.

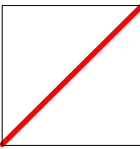
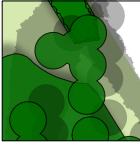
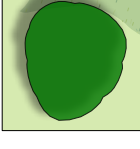
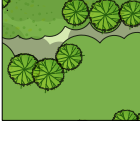
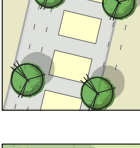
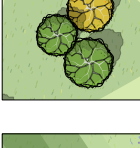
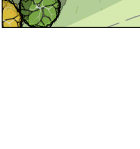


Appendix JWA-01.

Updated Illustrative Landscape Masterplan (Pegasus Group)



KEY

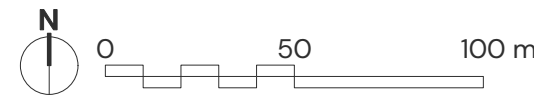
-  Site Boundary
-  Existing Trees/Vegetation to be Retained
-  Existing Mature Tree Retained
-  Proposed Scrub with Tree Planting
-  Proposed Avenue Tree Planting Through Development Cells
-  Proposed Open Space Tree Planting
-  Proposed Attenuation Areas
-  Proposed Land Drain
-  Proposed Wetland Tree and Shrub Planting
-  Proposed Play Area
-  Proposed Formal Footpath and Bike Lane Links
-  Proposed Mown Paths
-  Proposed Meadow Planting

11/12/2024	C	Updated Layout
13/06/2022	B	Change to Sheet Layout
27/09/2017	A	First Issue
DATE	NO	REVISION NOTE

JWA-O1 Updated Illustrative
Landscape Masterplan

Newark Road, Sutton-in-Ashfield

CLIENT
Hallam Land Management



DATE	SCALE	TEAM	APPRVD
27/09/2017	1:2000@A1	LG	JWA

DRAWING NUMBER

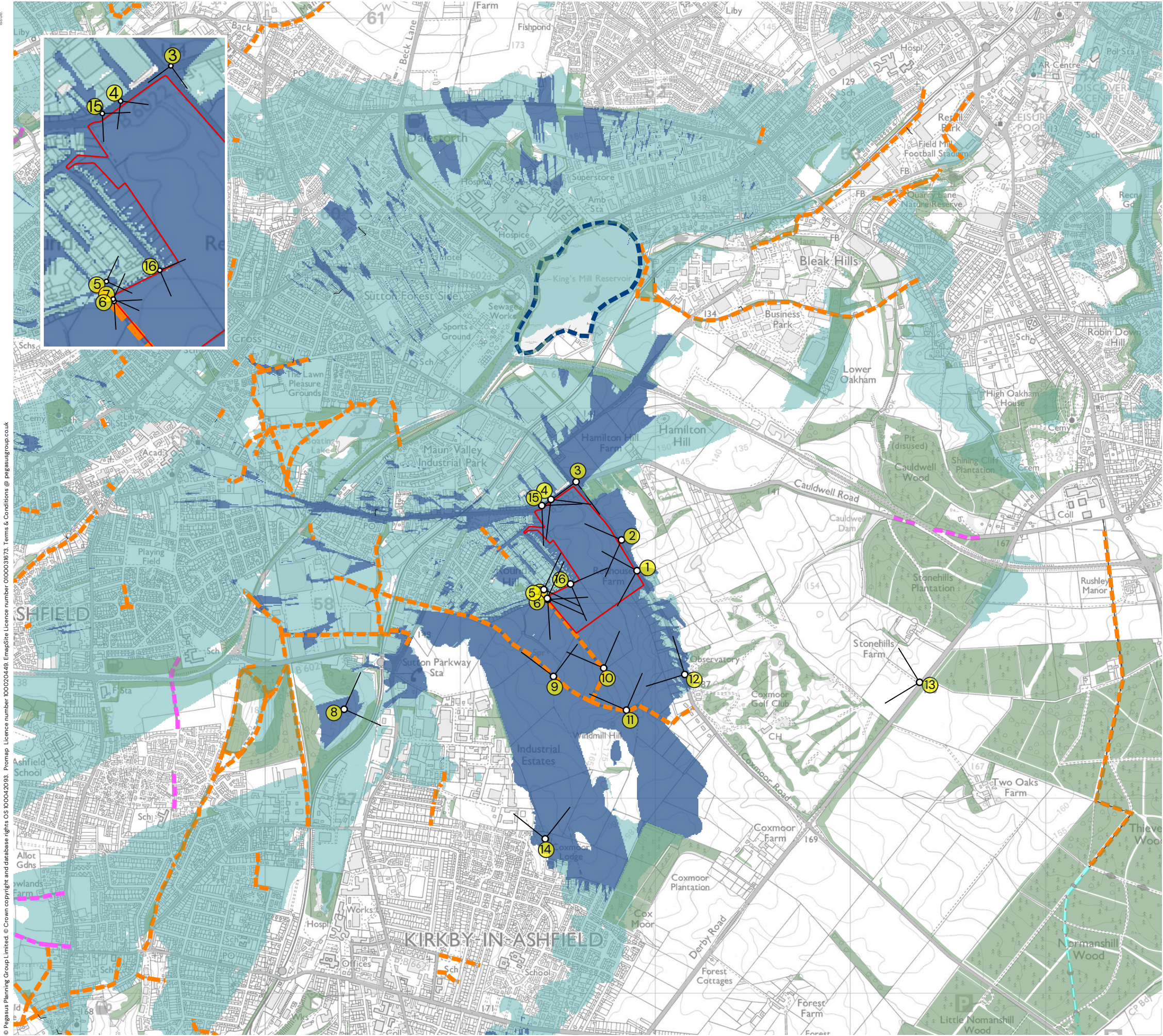
EMS.2254_EN_024_C_001 ILMP





Appendix JWA-02.

ZTV, PROW and Viewpoint Locations



Key

Site Boundary

OS Open Map Local Woodland
- Maximum 15m

Bare Earth Zone of Theoretical Visibility

Screened Zone of Theoretical Visibility

Footpath

Other Public Routes

Bridleway

Viewpoint Location

Screened ZTV Production Information –

- DTM data used in calculations is OS Terrain 5 that has been combined with OS Open Map Local data for woodland and buildings to create a Digital Surface Model (DSM).
- Indicative woodland and building heights are modelled at 15m and 8m respectively.
- Viewer height set at 1.7m (in accordance with para 6.11 of GLVIA Third Edition)
- Calculations include earth curvature and light refraction

N.B. This Zone of Theoretical Visibility (ZTV) image illustrates the theoretical extent of where the proposed development may be visible from, assuming 100% atmospheric visibility, and includes the screening effect from vegetation and buildings, based on the assumptions stated above.

16/12/2024	-	First Issue
DATE	NO	REVISION NOTE

JWA-O2 ZTV, PRoW and Viewpoint Locations

Newark Road, Sutton-in-Ashfield

CLIENT

Hallam Land Managment

DATE

16/12/2024

SCALE

1:20000 @A3

TEAM

RB

APPRVD

JWA

DRAWING NUMBER

EMS-2254_EN_0028_-_0001 APP

PEGASUS GROUP



Appendix JWA-O3.

Updated Viewpoint Photographs (panorama)



Viewpoint 1: View from Coxmoor Road, South of Redhouse Farm, looking west.

Viewpoint details:			
Approx. grid reference:	Distance to site:	Date:	
SK 51936 58108	At south east corner	10.12.2024	
Approx. elevation:	Camera type:	Approx. H FoV:	
+171m AOD	Canon EOS 5D (50mm lens)	60°	



Viewpoint 2: View from Coxmoor Road, looking west.

Viewpoint details:			
Approx. grid reference:	Distance to site:	Date:	
SK 51855 58261	ca. 12m	10.12.2024	
Approx. elevation:	Camera type:	Approx. H FoV:	
+170m AOD	Canon EOS 5D (50mm lens)	60°	



Viewpoint 3: View looking south-west from the junction of Newark Road, Cauldwell Road and Coxmoor Road.

Viewpoint details:			
Approx. grid reference:	Distance to site:	Date:	
SK 51603 58598	ca. 29m	10.12.2024	
Approx. elevation:	Camera type:	Approx. H FoV:	
+154m AOD	Canon EOS 5D (50mm lens)	60°	



Viewpoint 4: View from Newark Road, looking south-east.

Viewpoint details:			
Approx. grid reference:	Distance to site:	Date:	
SK 51490 58545	ca. 17m	10.12.2024	
Approx. elevation:	Camera type:	Approx. H FoV:	
+152m AOD	Canon EOS 5D (50mm lens)	60°	

JWA-03 Updated Viewpoint Photographs (Panorama)

Newark Road, Sutton in Ashfield

Client | Hallam Land Management LTD

Drawing number | EMS.2254_EN_0025_S1_REV

Date 11/12/2024

Team RB

App JWA



Viewpoint 5: View from Searby Road, looking north-east.

Viewpoint details:			
<i>Approx. grid reference:</i>	<i>Distance to site:</i>	<i>Date:</i>	
SK 51436 58066	ca. 43m	10.12.2024	
<i>Approx. elevation:</i>	<i>Camera type:</i>	<i>Approx. H FoV:</i>	
+150m AOD	Canon EOS 5D (50mm lens)	60°	



Viewpoint 6: View from public footpath, looking east.

Viewpoint details:			
<i>Approx. grid reference:</i>	<i>Distance to site:</i>	<i>Date:</i>	
SK 51441 58019	At western corner of site	10.12.2024	
<i>Approx. elevation:</i>	<i>Camera type:</i>	<i>Approx. H FoV:</i>	
+151m AOD	Canon EOS 5D (50mm lens)	60°	

JWA-03 Updated Viewpoint Photographs (Panorama)
Newark Road, Sutton in Ashfield
Client | Hallam Land Management LTD
Drawing number | EMS.2254_EN_0025_S1_REV

Date 11/12/2024
Team RB
App JWA



Viewpoint 7: View looking south-east from the public footpath, on the residential edge of Round Hill at Searby Road.

Viewpoint details:		
<i>Approx. grid reference:</i>	<i>Distance to site:</i>	<i>Date:</i>
SK 51443 58022	On site boundary	10.12.2024
<i>Approx. elevation:</i>	<i>Camera type:</i>	<i>Approx. H FoV:</i>
+151m AOD	Canon EOS 5D (50mm lens)	60°



Viewpoint 8: View looking north-east from an area of informal open space to the west of Low Moor Road.

Viewpoint details:		
<i>Approx. grid reference:</i>	<i>Distance to site:</i>	<i>Date:</i>
SK 50449 57469	ca. 1.46km	10.12.2024
<i>Approx. elevation:</i>	<i>Camera type:</i>	<i>Approx. H FoV:</i>
+162m AOD	Canon EOS 5D (50mm lens)	60°



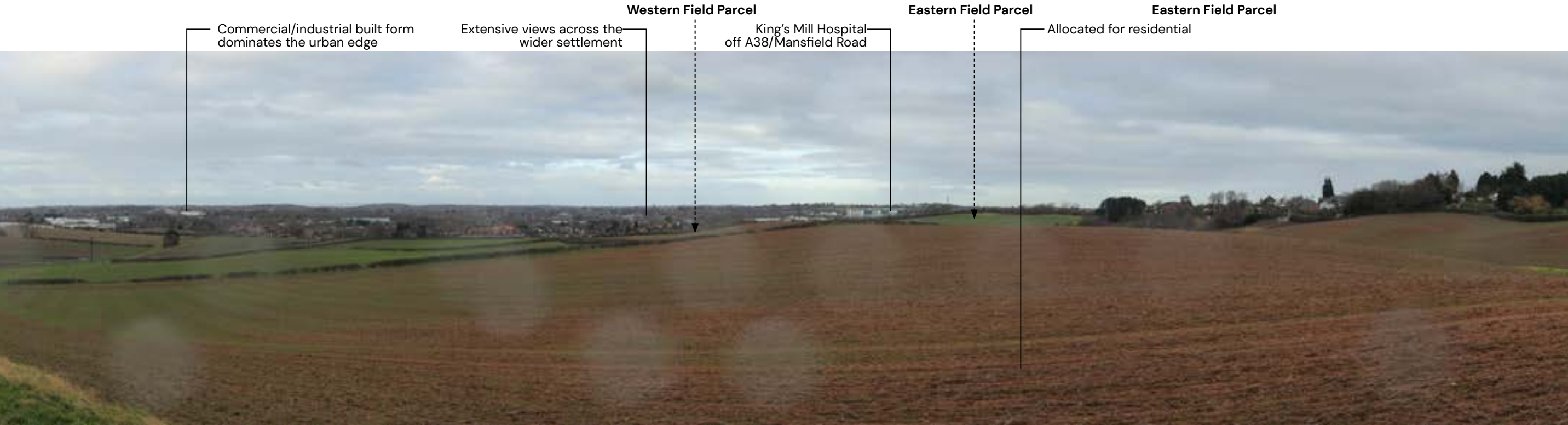
Viewpoint 9: View looking north-west, from the public footpath toward the residential edge at Round Hill.

Viewpoint details:		
Approx. grid reference:	Distance to site:	Date:
SK 51476 57619	ca. 270m	10.12.2024
Approx. elevation:	Camera type:	Approx. H FoV:
+156m AOD	Canon EOS 5D (50mm lens)	60°



Viewpoint 10: View looking north-west, from the public footpath back toward the settlement of Sutton-in-Ashfield.

Viewpoint details:		
Approx. grid reference:	Distance to site:	Date:
SK 51902 57706	Adjacent to site	10.12.2024
Approx. elevation:	Camera type:	Approx. H FoV:
+165m AOD	Canon EOS 5D (50mm lens)	60°



Viewpoint 11: View looking north-west, from the public footpath close to the high point of Windmill Hill looking across the wider settlement area of Sutton-in-Ashfield.

Viewpoint details:			
Approx. grid reference:	Distance to site:	Date:	
SK 51867 57440	ca. 600m	10.12.2024	
Approx. elevation:	Camera type:	Approx. H FoV:	
+177m AOD	Canon EOS 5D (50mm lens)	60°	



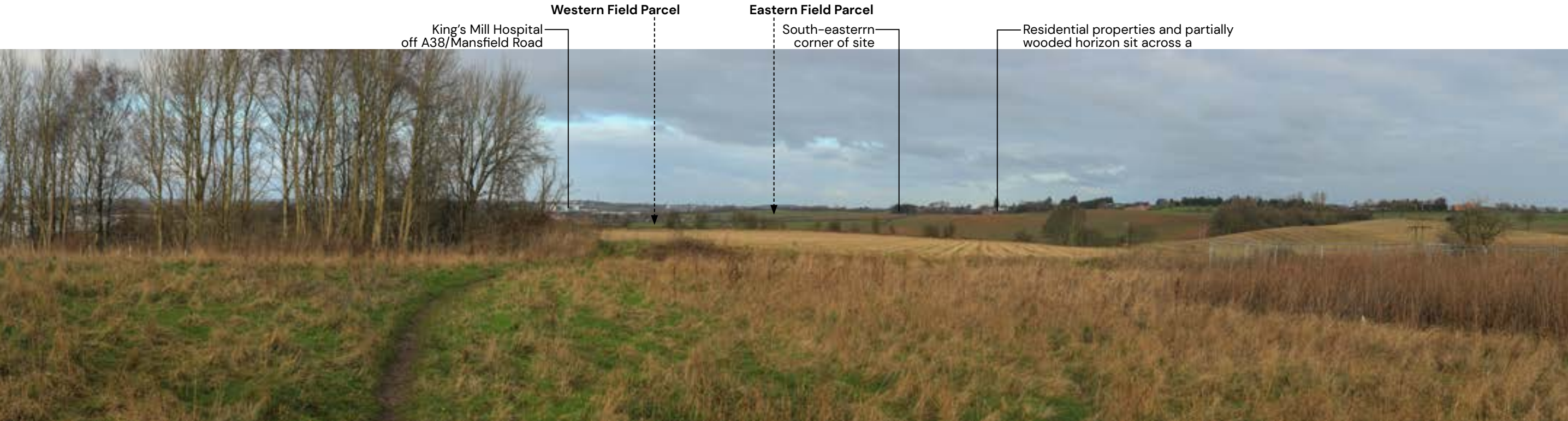
Viewpoint 12: View looking west from Coxmoor Road across the wider settlement of Sutton-in-Ashfield.

Viewpoint details:			
Approx. grid reference:	Distance to site:	Date:	
SK 52125 57672	ca. 84m	10.12.2024	
Approx. elevation:	Camera type:	Approx. H FoV:	
+182m AOD	Canon EOS 5D (50mm lens)	60°	



Viewpoint 13: View from Derby Road, looking north-east.

Viewpoint details:		
Approx. grid reference:	Distance to site:	Date:
SK 53345 57572	ca. 1.5km	10.12.2024
Approx. elevation:	Camera type:	Approx. H FoV:
+164m AOD	Canon EOS 5D (50mm lens)	60°



Viewpoint 14: View looking north, from an area of informal open space off Coniston Road.

Viewpoint details:		
Approx. grid reference:	Distance to site:	Date:
SK 51427 56831	ca. 1.1km	10.12.2024
Approx. elevation:	Camera type:	Approx. H FoV:
+180m AOD	Canon EOS 5D (50mm lens)	60°





Viewpoint 15: View looking south-west from Newark Road.

Viewpoint details:		
<i>Approx. grid reference:</i>	<i>Distance to site:</i>	<i>Date:</i>
SK 51406 58485	Adjacent to site boundary	10.12.2024
<i>Approx. elevation:</i>	<i>Camera type:</i>	<i>Approx. H FoV:</i>
+150m AOD	Canon EOS 5D (50mm lens)	60°



Viewpoint 16: View looking south-west from Searby Road, adjacent to No.79.

Viewpoint details:		
<i>Approx. grid reference:</i>	<i>Distance to site:</i>	<i>Date:</i>
SK 51567 58098	Adjacent to site boundary	10.12.2024
<i>Approx. elevation:</i>	<i>Camera type:</i>	<i>Approx. H FoV:</i>
+153m AOD	Canon EOS 5D (50mm lens)	60°



Appendix JWA-O4.

Updated Viewpoint Photographs (TGN single frame)



Viewpoint 1: View from Coxmoor Road, South of Redhouse Farm, looking west.

JWA-04 Updated Viewpoint Photographs (TGN single frame)



Viewpoint 2: View from Coxmoor Road, looking west.

JWA-04 Updated Viewpoint Photographs (TGN single frame)



Viewpoint 3: View looking south-west from the junction of Newark Road, Cauldwell Road and Coxmoor Road.

JWA-04 Updated Viewpoint Photographs (TGN single frame)



Viewpoint 4: View from Newark Road, looking south-east.

JWA-04 Updated Viewpoint Photographs (TGN single frame)



Viewpoint 5: View from Searby Road, looking north-east.

JWA-04 Updated Viewpoint Photographs (TGN single frame)



Viewpoint 6: View from public footpath, looking east.



Viewpoint 7: View looking south-east from the public footpath, on the residential edge of Round Hill at Searby Road.

JWA-04 Updated Viewpoint Photographs (TGN single frame)



Viewpoint 8: View looking north-east from an area of informal open space to the west of Low Moor Road.

JWA-04 Updated Viewpoint Photographs (TGN single frame)



Viewpoint 9: View looking north-west, from the public footpath toward the residential edge at Round Hill.

JWA-04 Updated Viewpoint Photographs (TGN single frame)



Viewpoint 10: View looking north-west, from the public footpath back toward the settlement of Sutton-in-Ashfield.

JWA-04 Updated Viewpoint Photographs (TGN single frame)