



CD 7.16

LANDSCAPE REBUTTAL

Prepared by

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Appeal by Taylor Wimpey Ltd.

Land at Broadfields, Elmstead Road,
Wivenhoe, Colchester, CO7 9SF

LPA Reference – 210965
PINS Reference – APP/A1530/W/22/3305697

Date – November 2022
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1. Introduction

- 1.1 This report comprises a rebuttal to the Proof of Evidence prepared by Ms Anne Westover, the landscape witness appointed on behalf of Colchester Borough Council (CBC), in regard to the Appeal by Taylor Wimpey Ltd. (the Appellant) against the refusal of Planning Permission for development on Land to the east of Broadfields in Wivenhoe (Ref. APP/A1530/W/22/3305697). This rebuttal has been prepared by Vanessa Ross FLI, landscape witness appointed by the Appellant.
- 1.2 The rebuttal addresses a number of matters relating to Ms Westover's Proof of Evidence (November 2022). I do not address every point raised in Ms Westover's proof as these will be subject to further consideration by the Inspector at the Public Inquiry to be held in December 2022.
- 1.3 In addition, section 3 includes a point of clarification intended to assist in interpretation of my evidence prior to the inquiry.

2. Rebuttal of Ms Westover's Proof of Evidence

Item 1 – Development 'complying with the allocation'

2.1 At para 3.8, Ms Westover sets out a series of 'parameters' that she and Ms Hutchinson (CBC's planning witness) have '*devised to help to assist with establishing the baseline landscape character which might arise if the allocated site were developed*'. These are listed as follows:

1. *Higher density – with more smaller dwellings.*
2. *Greater mix of smaller dwellings – more 1 & 2 beds – use of bungalows, terraces, apartments.*
3. *Variety of heights of buildings – one, two and two and a half; three might be appropriate subject to location and visual impact.*
4. *Reduced parking provision with smaller dwellings*
5. *Pedestrian/cycle routes linking housing to open spaces and to the sports ground*
6. *Connections to the open space land to the south and existing Public Footpath 14.*
7. *SUDs have to be provided with a preference for open and vegetated systems*
8. *Landscape buffer spaces on site boundaries*
9. *Easement for Electricity Line and Pylons to be accommodated as part of open land, new planting to help assimilate pylons.*

2.2 At para 3.9, it is stated that development within the allocation would also "*accord with the conditions and parameters*" of the Neighbourhood Plan Policy WIV 29.

2.3 With regards to Item 1, this requires an 'increased density' it is not clear what this equates to; the Neighbourhood Plan requires an overall average of 30 dwellings per hectare.

2.4 With regards to item 3, the approach being relied upon by Ms Westover and Ms Hutchinson is to have a greater variety of building heights including up to 3 storey. Notwithstanding the fact that no layout has been prepared to demonstrate the location and number of 3 storey buildings or indeed bungalows, the Appeal Scheme proposals are all 2 storey as a result of concerns raised by CBC Officers. I expand on the background to this this in section 3 below, however in summary CBC requested, for design reasons, that a single bungalow and four, two and a half storey buildings should be replaced with two storey houses.

2.5 No plan has been provided by the Councils' witnesses to demonstrate how the 120 homes required by WIV 29 would be accommodated within the allocation nor how any of the parameters listed above would be achieved. In the absence of any such plan, it not possible to rely on the parameters listed above being feasible.

Item 2 – Local Wildlife Site (LoWS)

2.6 At para 4.7 Ms Westover claims that the Local Wildlife Site should be considered a Valued Landscape as referred to in para 174 a of the NPPF. In her assessment of effects at paras 5.40-5.42, Ms Westover notes that the ‘allocation scheme’ and the Appeal Scheme would both result in a Major/Moderate adverse effect of the LoWS, reducing to Moderate, adverse at year 15. Whilst reference is made to the allocation scheme extending further south, Ms Westover does not identify any additional harm resulting from this and furthermore, no recognition is given to the fact that the Appeal Scheme results in a reducing in development along the LoWS boundary. The approach taken is contrary to the approach Ms Westover uses elsewhere in her evidence where development of land to the north of the pylons is said to result in increased impacts.

Item 3 – Landscape Management and Proposed Sports Pitches

2.7 At para 5.9 Ms Westover states that the location for maintenance access to the pitches is not identified within the Appeal Scheme, though goes on to reference a vehicular link being shown from the northern residential area.

2.8 This access point will, in my opinion, be sufficient to allow for access for maintenance of the whole open space including the sports pitches. The pitches are to be managed and maintained by the local authority and no concern was raised by CBC regarding either the proposed location of the pitches or access to them prior to the appeal. Landscape Management and Maintenance is, in any case, typically addressed through appropriately worded planning conditions.

2.9 Ms Westover goes on in para 5.9 to state *“There may be a desire for equipment such as shelters and pitch lighting”* which *“will further impinge on the open character of the field allocated as open space within Policy WIV29”*. Such elements did not form part of the planning application, were not requested by CBC and are not referred to in WIV29, as such, I do not believe, this to be a matter for any further consideration.

2.10 At 5.10 states that *“the allocated site for sports pitches”* would have had a *“closer association”* with the current sports pitches. This is not the case. Fig 35 of the Neighbourhood Plan shows ‘new sports fields’ immediately adjacent to the ‘proposed residential allocation’ and this does not share boundaries with the existing pitches. Notwithstanding the location on Fig 35, item viii of WIV 29 states *“2 hectares of land to the northern part of the site adjacent to Broad Lane Sports Ground as indicated on Figure 35 shall be provided for additional sports pitches”*.

- 2.11 The Appeal Scheme meets the policy requirement of 2ha, and the pitches are proposed 'adjacent to Broad Lane Sports Ground' and as noted above, no concern was raised by CBC, prior to the Appeal regarding the location of the proposed pitches.

Item 4 – Footpath/Cycle link to the south

- 2.12 At para 5.21. Ms Westover notes that "*the proposal does not provide a footway/cycle link to PRow 14 as required by policy*". It is my understanding that there is now provision to facilitate this path to be provided as set out in Mr Firth's Planning Rebuttal .

Item 5 – View from Brightlingsea Road

- 2.13 Para 6.17 describes both the appeal site and allocation site as being 'clearly visible' from Brightlingsea Road, when passing the sports grounds. This is strongly disputed, there are two lines of mature vegetation separating the road from the appeal site and drivers would not typically be notice any that gaps exist in the hedge.

3. Point of Clarification

Point 1 – Building Heights

- 3.1 Within my Proof of Evidence, I incorrectly refer to the appeal scheme including some 2.5 storey houses whereas it only includes 2 storey houses and soe single storey garage / parking structures.
- 3.2 The original planning application included four houses which were 2.5storeys in height (with accommodation in the roof space) that were proposed in land to the south of the pylons. One bungalow as also included in that scheme.
- 3.3 Following submission and on receipt of further comments from officers at CBC, the scheme was amended to reflect concerns raised about these properties and a revised proposal was submitted for only two storey dwellings.
- 3.4 The Landscape and Visual Impact Assessment (CD1.17) was also updated following the scheme change proposals however the description of the proposed development in respect of the building heights was not updated to reflect the amended scheme.
- 3.5 The LVIA Addendum (CD 1.18) was prepared following receipt of further comments received from CBC. The six verified views, however, were prepared using a 3D digital model provided by the project architect and therefore the images included in the Addendum (and subsequently in the 'summer views' reflect the correct building heights and locations i.e two storey buildings.
- 3.6 I have reviewed the LVIA and I am satisfied, that notwithstanding the reduction in height of four buildings and increase in one, that there would be no change to the commentary and conclusions reached in either the LVIA or within my Proof of Evidence.



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