

**PROOF OF EVIDENCE**

OF

**Vanessa Ross**

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Chartered Landscape Architect

**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  
ARC REF - A288-POE.01

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### Appendices

Appendix A – Verified Views – (Update to CD 1.18 to include Summer Views)

## **1. Introduction**

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### Qualifications and Experience

- 1.1 My name is Vanessa Ross. I am a Chartered Landscape Architect and Director at Arc Landscape Design and Planning Ltd. (Arc), a Registered Practice of the Landscape Institute.
- 1.2 I hold a first class, Bachelor of Arts degree, with honours in Landscape Design (1994), a Post Graduate Bachelor of Landscape Architecture (1996), both from the Manchester Metropolitan University and a Master of Arts in Landscape Studies (Archaeology) (2003) from Leicester University. I became a Chartered Member of the Landscape Institute in 1998 and I was elected as a Fellow in 2020. I am a Building with Nature, Approved Assessor and a member of a number of Design Review Panels including the Design South East Review Panel and the Greater Cambridgeshire Design Review Panel.
- 1.3 Prior to forming Arc Landscape Design and Planning Ltd. in 2014, I worked for several private practices. Since 2012 I have taught the landscape planning and professional practice modules on the post graduate Landscape Architecture programmes at Kingston University. I volunteer for the Landscape Institute in a number of roles including sitting on the Advisory Council and the Education and Membership Standing Committee and I have been an examiner Institute's Chartership Exams for over 15 years. I am also public realm champion and joint chair of the board of directors of the Kingston First Business Improvement District.
- 1.4 Throughout my career, I have worked on a wide range of projects across many development sectors including landscape design and masterplanning for residential and mixed-use developments for both public and private sector clients. I have prepared Landscape and Visual Impact Assessments (LVIAs) as part of Environmental Impact Assessments (EIA) and for non-EIA schemes in urban, suburban and rural settings. Many of these projects have been associated with sensitive designated landscapes. and I have acted as an expert witness at appeals covering matters relating to landscape and visual impact for a variety of clients.

### Appointment and Scope of Works

- 1.5 Arc was appointed as landscape consultants by Taylor Wimpey Ltd. (the Appellant) in February 2021 to undertake a Landscape and Visual Impact Appraisal (CD1.17) of the scheme proposals (see below for further detail) which were subsequently submitted to Colchester Borough Council for

approval (Application Ref. 210965). The landscape and open space design for the Appeal Scheme, were prepared by Andrew Hastings Landscape Consultants Ltd.

1.6 Following refusal to grant planning permission I was appointed by the Appellant to act as expert witness on the landscape and visual matters raised in the reason for refusal. Since the initial appointment, I have visited the Appeal Site on several occasions including in both summer and winter months.

1.7 I confirm that the opinions expressed within this Proof of Evidence are my true professional opinion and that this evidence has been prepared in accordance with relevant guidance and the Code of Practice of the Landscape Institute.

### Scope and Structure of this Evidence

1.8 My evidence will focus on matters relating to landscape and visual effects in respect of the reason for refusal to grant planning permission.

1.9 In addition to the figures included within this proof of evidence, I will also be making reference to the plans included in Appendix B to the LVIA (CD1.17) submitted as part of the planning application and to the LVIA Addendum (CD1.18) which includes a number of verified views prepared to illustrate visibility of the Appeal Scheme proposals.

1.10 Following this introductory section, the structure of my evidence is as follows -

- Section 2 – A summary of relevant planning history; Mr Firth addresses planning matters in detail within his evidence.
- Section 3 – Provides a short description of the Appeal Site.
- Section 4 – Describes the Appeal Scheme proposals
- Section 5 – Addresses matters relating to landscape character
- Section 6 – Sets out the anticipated changes to on views and visual amenity resulting from development on the Appeal Site.
- Section 7 – Draws together my conclusions.

## **2. Planning Background**

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- 2.1 In order to provide background to my evidence the following summarises recent planning history; Mr Firth provides further detail of the planning history within his evidence.
- 2.2 The appeal relates to the refusal to grant planning permission for (Ref. 210965: *“Construction of residential development (Use Class C3), access, landscaping, public open space, and associated infrastructure works”* (Referred to as the Appeal Scheme, throughout my evidence).
- 2.3 The Appeal Site lies within the planning jurisdiction of Colchester Borough Council (CBC) and is allocated in Policy WIV 29-Land behind Broadfields, in the Wivenhoe Neighbourhood Plan. I consider the implications of Policy WIV 29 in subsequent sections however in summary it allocates an area of approximately 4 hectares for a minimum of 120 dwellings, subject to meeting eleven listed ‘conditions’, including that access be provided off Richard Avenue and that 2 hectares of land are provided for sports pitches.
- 2.4 The Appeal Site comprises two parcels of land; the larger parcel includes the area proposed for residential development along with playing fields and open space the second parcel of land sits to the east and forms part of the Wivenhoe Cross Local Wildlife Site. (Figure 1 - LVIA-Appendix B – CD1.17) There are no statutory landscape or heritage designations on, or within the immediate vicinity of to the Appeal Site. The Appeal Site is not considered to be a ‘valued landscape’ as set out at paragraph 174(a) within the National Planning Policy Framework 2021 (NPPF), however this matter is discussed in further detail in section 2.
- 2.5 The Appeal Scheme incorporates amendments made in response to comments received from the planning authority about the original application scheme. The Appeal Scheme proposals, submitted in August 2021, were accompanied by an updated LVIA (CD1.17). Following further comments relating to the proposed housing extending further north than the area identified in the Neighbourhood Plan Policy WIV29, an addendum (CD1.18) to the Landscape and Visual Impact Appraisal was submitted that included a number of ‘verified views’ at locations agreed in advance by Colchester Borough Council’s internal Landscape Advisor.
- 2.6 The Appeal Scheme, was recommended for approval by the Case Officer (CD1.1) however permission was refused by the Council’s Planning Committee. The decision notice, dated 14<sup>th</sup> June 2022, gave two reasons for refusal. Reason two concerns arrangements for a S106 Agreement and is not referred to again in my evidence.

- 2.7 Reason one, quoted below, includes reference to landscape and visual matters which I address within my evidence, other matters are dealt with by Mr Firth.

*“Colchester Borough Council’s current statutory development plan consists of the Core Strategy (adopted in 2008 and subject to a Focused Review in 2014), Site Allocations DPD (adopted 2010), Development Policies DPD (adopted 2008 and reviewed 2014), Section 1 of the new Local Plan (adopted 2021) and the Wivenhoe Neighbourhood Plan (2019). The proposal is for new residential development which does not accord with the development plan’s overall spatial strategy and is not allocated through the Site Allocations DPD and is contrary to Colchester Borough Core Strategy Policies SD1 (spatial strategy) and H1 (housing delivery), and Section 1 new Local Plan Policies SP1 (presumption in favour of sustainable development) and SP3 (spatial strategy).*

*The application also proposes development outside the settlement boundary for Wivenhoe as defined in the Core Strategy contrary to Core Strategy Policy ENV1 (unallocated greenfield sites outside settlement boundaries).*

*The adopted Section 1 Local Plan (2021) and emerging Section 2 Local Plan 2017- 2033 are both relevant to the determination of this application. The emerging Section 2 Local Plan is at a very advanced stage, having been found sound following Examination, and therefore considerable weight attaches to Policies SG2 (housing delivery) and SS16 (Wivenhoe). The made Wivenhoe Neighbourhood Plan (WNP) carries full weight. Policy WIV29 of the made WNP allocates the application site for development subject to a number of criteria and in line with a plan ‘Broadfields Residential Allocation’ at Fig 35 that accords with the development boundary that is reflected in Section 2 Policy SS16.*

*The scheme proposes a significant proportion of the residential development north of the settlement boundary and therefore north of the high voltage power lines that dissect the site. Neither the adopted nor emerging Local Plan policies lend support to the proposed development due to the encroachment into land allocated in WIV29 for open space/sports fields. The proposal is outside the settlement boundary as shown on the made WNP. Approval of a planning application contrary to this policy framework would be contrary to the development plan and lacking justification being intrinsically harmful and undermining the recently made WNP.*

*Furthermore, by bringing the residential element of the scheme further north than the allocation allows, the scheme will cause demonstrable landscape harm particularly when the site is viewed from Elmstead Road.”*

- 2.8 Since the decision notice was issued, Section 2 of the Colchester Borough Local Plan 2017-2033 has been adopted. Policy SS16 Wivenhoe and the accompanying Inset Map (CD2.3) identifies the settlement boundary for Wivenhoe. Within reference to the Appeal Site, the settlement boundary follows the area allocated for development on Figure 35 of the Neighbourhood Plan.

- 2.9 Policy SS16 goes on to state:

*“Proposals for development outside of the settlement boundary will not be supported unless the Neighbourhood Plan or other Local Plan policy specifically allows for it.*

*All development proposals in Wivenhoe Neighbourhood Plan Area will be determined against and be required to comply with policies in the Wivenhoe Neighbourhood Plan and any relevant Local Plan policies”.*

## Wivenhoe Neighbourhood Plan 2019

2.10 The Neighbourhood Plan (CD2.4) was 'made' in 2019 and is referred to within Section 2 of the Adopted Local Plan; Started in 2013 the preparation of the Neighbourhood Plan included engagement with the local community which led to ten 'principal objectives' which are set out in Chapter 7, those relevant to my evidence are as follows:

- *Objective 1: Maintain Wivenhoe's rural setting*
- *Objective 2: Protect and foster Wivenhoe's natural environment for the benefit of people, flora and wildlife*
- *Objective 3: Preserve and improve access to green spaces, countryside and the river whilst respecting sensitive environmentally important habitats*
- *Objective 4: Conserve and enhance Wivenhoe's heritage assets, and protect and improve positive features which contribute to the townscape*
- *Objective 6: Encourage the use of sustainable modes of transport and reduce reliance on the private car*
- *Objective 10: Development should seek to improve resilience to climate change and to minimise the potential impact of flooding*

2.11 Wivenhoe Neighbourhood Plan policies: WIV 1/2 and WIV29 are of specific relevance to my evidence.

### Policy WIV 1 / 2 - Wivenhoe Town Settlement Boundary

2.12 Policy WIV 1 refers to the Proposals Map (Figure 1) below and WIV 2 refers to development outside the Settlement Boundary, and states the following:

*Except where supported by other policies in the development plan, development outside the Settlement Boundary, as identified on the Wivenhoe Proposals Map, should:*

- (i) demonstrate that it needs, or is compatible with, a countryside location; and*
- (ii) be appropriate in terms of its scale, siting, and design; and*
- (iii) protect, conserve or enhance landscape and townscape character, including maintaining settlement separation; and*
- (iv) protect, conserve or enhance the interests of natural and historic assets; and*
- (v) apply a sequential approach to land at risk of fluvial or coastal flooding in line with national planning policy and guidance (or any successor document); and*
- (vi) protect habitats and species and conserve or enhance biodiversity; and (vii) provide for any necessary mitigating or compensatory measures; and.*

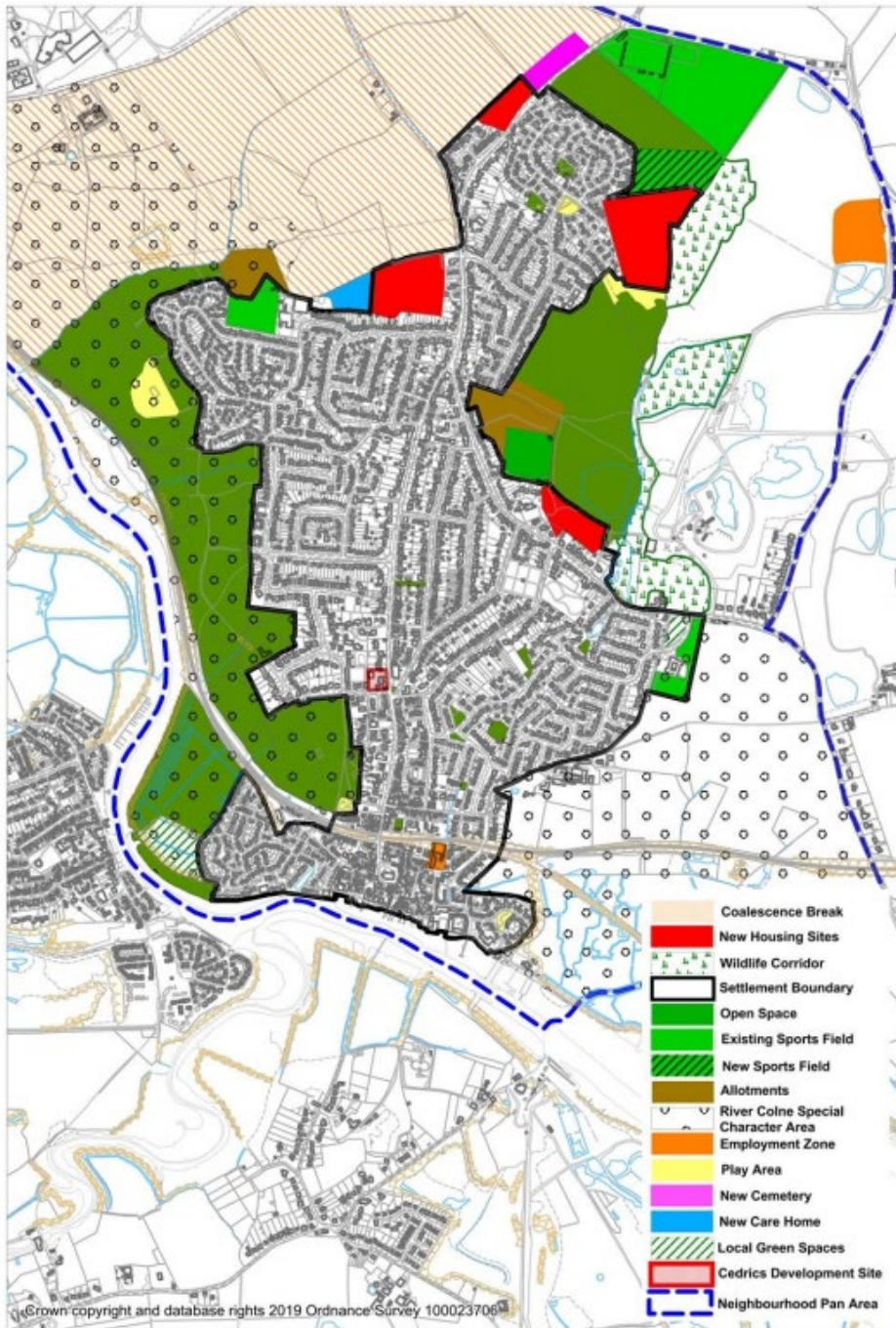


Figure 1 – Wivenhoe Neighbourhood Plan - “Proposals Map 2: Wivenhoe Settlement Area”

WIV 29: Land Behind Broadfields

2.13 This Policy refers to the Appeal Scheme stating that “The land behind Broadfields shown in Figure 35 totalling 4.06 hectares is allocated for a minimum of 120 dwellings” subject to meeting eleven ‘conditions’ which relate to matters such as dwelling size, provision of sports pitches and footpath/cycle ways. The only specific condition in respect of landscape is condition v) which requires that development must not have a detrimental impact on wildlife.



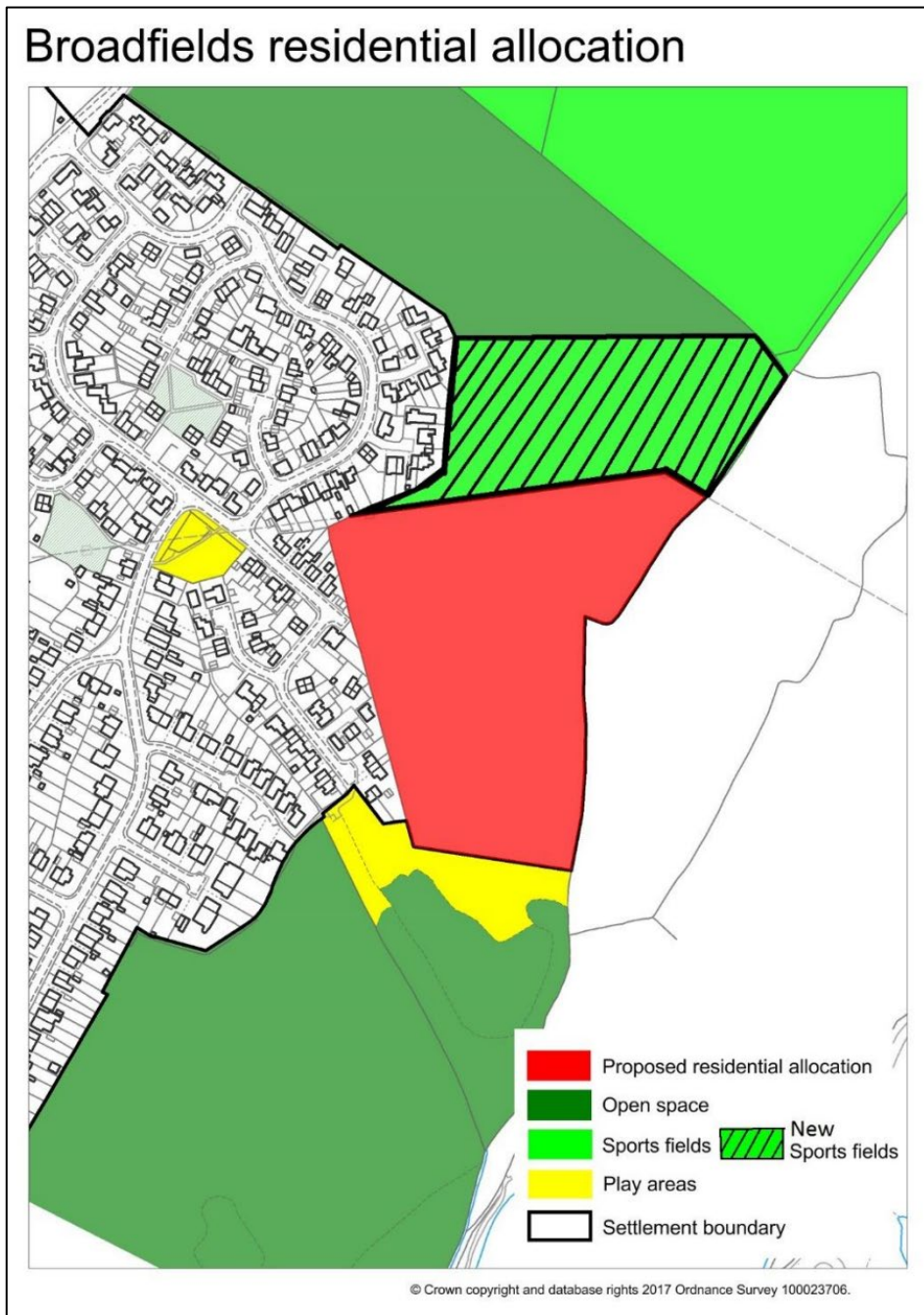


Figure 2 – Extract from page 94 of the Wivenhoe Neighbourhood Plan titled “Figure 35 The area marked in red for potential housing is 4.06 hectares”.

2.14 The WIV 29 (and Figure 35) identifies an area (shown in red ) for housing, all of which lies to the south of the existing overhead power line. The area for new sports fields (green/black hatch) is located on land to the north of the overhead power line; the remaining land that falls within the Appeal Site (in dark green) is shown as Open Space. The Wivenhoe Cross Local Wildlife Site, to the east, is not identified on Figure 35.

- 2.15 The adjacent Football Club is shown as 'sports fields' (bright green) and two areas are identified as 'play areas' (yellow). The play area identified to the south of the residential allocation is an area of open grass with a small 'kick about' area, the remaining land is currently managed to promote butterflies and other wildlife. The second area is the Mede Way Playground, an equipped play area to the east of the Appeal Site.
- 2.16 Figure 2.2 in the SoCG (CD6.1) illustrates the extent of the proposed development including that proposed to the north of the power line. It also identifies the proposed location of the playing fields. Areas of open space include the 'no build zone' associated with the power line, along with other offsets from existing vegetation etc. Details of specific tree root protection areas are set out in the Arboricultural reports (CD1.8) submitted with the application.
- 2.17 Chapter 9 of the Neighbourhood Plan, 'Countryside and Environment' includes a single page (25) on Landscape Character quoting sections of the Colchester Borough Landscape Character Assessment (2005) and the 'Assessment of open countryside between settlements in the Borough of Colchester' (2009). It is my understanding that no local landscape or townscape character assessments were undertaken to inform the preparation of the Neighbourhood Plan.
- 2.18 Figure 15 (page 33) of The Neighbourhood Plan includes 'Key Views' that were identified in the Colchester Townscape Assessment (2006). None of the identified views look towards the Appeal Site. Again, it is my understanding that no further visual assessment, to identify important or noted local views, was undertaken to inform the Neighbourhood Plan.

### **3. Site Description**

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- 3.1 The Appeal Site comprises two parcels of land. As noted, the smaller parcel of land is part of the Wivenhoe Cross Local Wildlife Site and is separated from the main part of the Site by a field boundary of trees and hedgerow. This part of the Wildlife Site comprises areas of trees, scrub and grassland habitats., Details of the habitats and ecology are set out in the reports submitted with the planning application and prepared by Southern Ecology Solutions Ltd. (CD1.9).
- 3.2 The larger land parcel comprises an irregular shaped, fallow field, formerly in agricultural use and bisected by an overhead power line. Consistent with the surrounding landscape, it is broadly flat though drops in level towards the south. The north-western boundary, some 150m in length, is formed by a mix of trees and hedgerows within the verge of Elmstead Road with a gap of some 35m to the west. The north-eastern boundary comprises a native species hedgerow and mature trees, predominantly oak, and includes a drainage ditch which runs alongside the former field. This field boundary separates the Appeal Site from the adjacent Football Club's grounds. The south-eastern boundary is formed by the hedgerow and trees forming the boundary with the Local Wildlife Site.
- 3.3 The southern boundary of the Appeal Site is unmarked but is formed by the Appellants ownership boundary; this area extends some 25-35m south, and a hedgerow forms the field boundary beyond which is an area of public open space (identified as a play area within the Neighbourhood Plan). To the west, the majority of the boundary is formed by the property boundaries of houses in the adjacent Broadlands estate. These are formed by a variety of fences, garden structures and planting. The north-western boundary includes a number of mature trees, the majority of which are within gardens, and which are subject to a group Tree Preservation Order (CBC TPO Ref 10/76).
- 3.4 There are no public rights of way running through or alongside the Appeal Site. There are, however, several public footpaths within the study area, as identified on Figure 2 – LVIA Appendix B (CD1.17).

## **4. Description of the Appeal Scheme Proposals**

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- 4.1 The Design and Access Statement (DAS) (CD1.7) and drawings which accompanied the planning application set out the evolution of the layout and the resultant Appeal Scheme proposals. Prior to the planning application being submitted, local consultation and pre-application consultation occurred, and the Appeal Scheme sought to address urban design and landscape advice provided by CBC's officers. The Appeal Scheme was amended during the pre-determination period to respond to further comments received.
- 4.2 The Appeal Scheme proposals addresses the eleven 'conditions' listed in the Wivenhoe Neighbourhood Plan Policy WIV 29 as well as other local policy such as those relating to parking standards and highways requirements. The DAS also includes a self-assessment of the scheme in respect of the criteria set out in the edition of 'Building for Life' current at the time the application was submitted.
- 4.3 The land to the east, forming part of the Local Wildlife Site will remain in its current form. The Appellant does however propose to make provision for public access (to what is currently privately owned land) and to make provision for the ongoing management.
- 4.4 The Development Layout (Application Masterplan) (CD1.26) illustrates 120 new homes within the southern part of the Appeal Site with vehicular access provided off Richard Avenue to the west. The Strategic Landscape Proposals Plan (CD1.73) illustrates the proposed housing set within the wider Appeal Site identifying 2ha of playing fields alongside the boundary with the adjacent Wivenhoe Football Club along with other areas of public open space.
- 4.5 A new pedestrian/cycle route is proposed connecting Broadfields to the west with the Football Club to the north-east and making provision for future access beyond the Appeal Site to the south. The southern part of the route runs through, or alongside the proposed housing areas. The northern part of this route passes through the open space, parallel to Elmstead Road allowing the retention of the existing boundary hedgerow and separation from vehicles travelling along Elmstead Road.
- 4.6 The areas proposed for new homes sit either side of an area of public open space, which includes the existing overhead power lines and pylon and the associated 'no-build' zone. Thirty five houses are proposed to the north of this open space and are served by a single vehicular access road with pavements that connects with the southern area, where the remaining 85 houses are proposed.

- 4.7 The group of 35 houses to the north are set back from the garden boundaries of the adjacent properties in Broadfields and will overlook an open space comprising a mix of native species trees, grassland and with additional native species shrub planting along the Appeal Site boundary. The existing boundary vegetation to the east and west will be retained within a sward of rough grassland and will be overlooked by properties that face onto this retained area.
- 4.8 The houses to the south, front onto streets and drives which are served by the primary routes through the development and out to Richard Avenue in the west. As part of the drainage strategy, a storm water attenuation basin is proposed in the south-east at the lowest point on the Appeal Site.
- 4.9 The majority of houses will be two storeys with a small number being two and a half storeys which include dormer windows serving accommodation within the roof space. The designs take reference from the surrounding area and will be of a traditional form with materials including a range of red and buff bricks with red, brown or slate pitched roofs. In places, areas of white render and light colour weatherboarding is proposed. Boundaries and incidental spaces will incorporate hedge and shrub planting with occasional street trees where space allows.
- 4.10 To the north of the Site, the large area of public open space (illustrated on the Strategic Landscape Proposals Plan (CD1.73)) includes two hectares dedicated for sports pitches. This is proposed to be located to the west of the Football Club and south of Elmstead Road and accessed by a network of mown paths and the proposed footpath /cycleway described above. Some additional planting is proposed within the open space, including along Elmstead Road, to fill in the gaps that exist in the hedge.
- 4.11 To the south of the proposed sports pitches and north of the new homes, a broadly triangular area of open space will include a dog walking area and an equipped play area. A line of oak trees is proposed, crossing the open space, which will be planted along the route of a former field boundary. This will assist in defining the area of sports pitches to the north as well as reinforcing the 'green infrastructure', connecting to the exiting boundaries around the Site.

## 5. Effects on Landscape and Landscape Character

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### Introduction

- 5.1 In this section of my proof of evidence I will summarise the findings of the LVIA (CD1.17) in respect of the effects on Landscape Character resulting from the Appeal Scheme proposals. I will follow this by setting out what I believe will be the likely anticipated effects when compared with development as anticipated within the Neighbourhood Plan Policy WIV29 and the implications of development in terms of any landscape effects of building beyond the Settlement boundary identified in the local plan. Finally, before summarising my conclusions, I will consider the anticipated effects relating to the Wivenhoe Cross Local Wildlife Site.
- 5.2 It is Common Ground between the Council and Appellant (CD6.2) that the methodology used in the LVIA and LVIA Addendum referred to below, is consistent with the approach set out in *Guidelines for Landscape and Visual Impact Assessment Third Edition. (GLVIA3)* and that the photography and visualisations have similarly applied a best practice methodology based on the relevant Landscape Institute Technical Notes.
- 5.3 Details of the LVIA methodology is found within Appendix A of the LVIA (CD1.17) and the terminology used within it will be applied within the subsequent sections of my proof.

### Landscape Character

- 5.4 The final sentence of the reason for refusal states that “by bringing the residential element of the scheme further north than the allocation allows, the scheme will cause demonstrable landscape harm particularly when the site is viewed from Elmstead Road”.
- 5.5 Guidance in GLVIA3 makes it clear that whilst at times inter-related, the effects on ‘landscape’, (its features and its character), should be assessed separately from the ‘visual’ effects. The wording of the reason for refusal refers to ‘landscape harm’ and the visibility of the alleged harm. I therefore summarise within this section, the effects, as previously assessed, on landscape and townscape character. I consider the effects on views and visual amenity, separately in the section 6 of this proof of evidence and will bring together my conclusions in section 7.
- 5.6 Section 2 of the Adopted Local Plan 2017-2033 (CD2.2) includes Policy ENV1: Environment, which covers five aspects relating to the natural environment of which ‘E. Countryside’ is of specific relevance to my evidence and set out below.

### **E. Countryside**

*The local planning authority will carefully balance the requirement for new development within the countryside to meet identified development needs in accordance with Colchester's spatial strategy, and to support the vitality of rural communities, whilst ensuring that development does not have an adverse impact on the different roles, the relationship between and separate identities of settlements, valued landscapes, the intrinsic character and beauty of the countryside and visual amenity.*

*The intrinsic character and beauty of the countryside will be recognised and assessed, and development will only be permitted where it would not adversely affect the intrinsic character and beauty of the countryside and complies with other relevant policies. Within valued landscapes, development will only be permitted where it would not impact upon and would protect and enhance the factors that contribute to valued landscapes.*

- 5.7 Paragraph 4.13 in the pre-ambule to the Local Plan Policy ENV1 makes specific reference to Colchester's Landscape Character Assessment published in 2005, requiring development proposals to 'have regard' to it "*in order to identify and evaluate the effect of a proposed development on the character, value and sensitivity to change of a proposed site and its setting to help conserve the Borough's landscape character*".
- 5.8 The LVIA (CD1.17) considers Colchester's Landscape Character Assessment and, due to the Appeal Site's location at the edge of the borough, the neighbouring Landscape Character Assessment undertaken for Tendering District Council in 2001 (CD4.6). Furthermore, due to the proximity of the Site to the town of Wivenhoe, the LVIA also considered the Colchester Townscape Assessment 2006.(CD4.2).
- 5.9 The LVIA did not consider the effects of the development on the Essex County Council Landscape Character Assessment. The reason for this being that I considered the nature and scale of the proposed development would be most appropriately assessed at the district/borough scale.

### **Colchester Borough Council - Landscape Character Assessment 2005 (CD4.1)**

- 5.10 The Site falls within Landscape Character Area LCA B8 Wivenhoe Farmland Plateau. The boundaries of the character areas are illustrated on Figure 5 – LVIA Appendix B (CD1.17). The 'key characteristics' of LCA B8 Wivenhoe Farmland Plateau are listed as and I have underlined the characteristics which apply to the Appeal Site and study area:
- *Small, irregular patches of woodland;*
  - *Plateau, predominantly arable farmland consisting of medium to large arable irregular fields with gappy field boundaries;*

- Well-connected network of lanes and footpaths traversing the area;
- *Distinctive Wivenhoe Park and Lodge adjacent to the University of Essex site.*

5.11 The 'Overall Character' is described as follows:

*Predominantly arable farmland encircles Wivenhoe Urban Area and is interspersed with features such as Wivenhoe Park (on the Register of Historic Parks and Gardens) and Lodge. Disused workings to the east of Wivenhoe provide a contrast with the surrounding arable landscape. Enclosure pattern consists of medium-sized irregular fields, interspersed in places with small, irregular patches of woodland. Wivenhoe Woods is a distinctive larger linear area of deciduous woodland that separates the western boundary of Wivenhoe settlement from the beginning of the Colne Valley estuary to the east. Field boundaries are gappy, with some single mature trees. The Sixpenny Brook runs north south through the area, feeding the Colne to the south and providing diversify to the farmland landscape. A network of well-connected lanes and footpaths cross the plateau and link with Wivenhoe settlement edge in the north.*

5.12 The description of visual characteristics within the study focuses on views of the Colne Estuary and as such are not relevant to the Appeal Site. Similarly, under the references to both Historic and Ecological Features, those referred to do not relate to the Appeal Site.

5.13 'Key Planning and Land Management Issues' are listed for the LCA as follows with bullet point one being of direct relevance to the Appeal Site albeit that the WIV29 Neighbourhood Plan Policy, has since been adopted.

- ***Pressure from expansion of Colchester settlement along the urban fringe (at Greenstead) and also from the northern edge of Wivenhoe;***
- *Pressure from expansion of the University of Essex Campus;*
- *Potential changes in farmland management and expansion of horse paddocks, impacting upon landscape character;*
- *Visual intrusion from the railway corridor and pylons running through the adjacent Colne Valley corridor;*
- *Visual intrusion from the tall tower blocks associated with the University of Essex campus.*

5.14 The 'Landscape Planning Guidelines' includes three bullet points:

- *Conserve the landscape setting of Wivenhoe and southern Colchester (Greenstead);*
- *Ensure that any appropriate new development responds to historic settlement pattern and uses materials, which are appropriate to local landscape character (refer to the Essex Design Guide for Residential and Mixed Use Areas, Essex Planning Officers Association, 1997, for further information);*
- *Conserve open views along the Colne Valley and towards Wivenhoe.*

5.15 The 'Land Management Guidelines' are as follows:



- *Conserve and enhance existing hedgerow network by planting hawthorn and strengthening elm;*
- *Establish arable field margins as an important nature conservation habitat;*
- *Seek ways to mitigate the visual impact of the railway corridor, for example introducing shelter belt planting;*
- *Seek ways to reduce the visual impact of tall tower block buildings within the campus, through structure planting;*
- *Ensure that disused mineral workings are restored to benefit wildlife and enhance local amenity.*

### Assessment of Effects

5.16 Table 5.1 summarises the findings of the LVIA which I go on to describe further below.

Character Area	Value	Susceptibility to change	Sensitivity	Magnitude of Change	Effect and nature of effect	
CBC - LCA B8 - Wivenhoe Farmland Plateau	Medium	Medium	Medium	Medium	Moderate	
					Yr1	Adverse
					Yr15	Adverse/Neutral
Tendering DC - LCA-7A - Bromley Heaths	Medium	Medium /High	Medium /High	Low	Moderate	
					Yr1	Neutral
					Yr15	Neutral
CBC - Townscape Character - Type H1 Vine Drive Post 1960's Suburbs	Medium	Medium	Medium	Low	Moderate/Minor	
					Yr1	Adverse
					Yr15	Neutral

**Table 5.1 – Summary of effects on Landscape and Townscape Character**

5.17 The baseline value of LCA B8, within the study area was found to be ‘medium’ (as defined in the LVIA methodology). The Sensitivity of the LCA was assessed as ‘medium’ which combined with a medium change to the LCA resulted in a ‘Moderate’ effect. In considering the nature of the effect, it is noted that the site itself will undergo a physical change as a result of both the introduction of houses and the change in use of the remainder of the Appeal Site from agricultural land to sports pitches and open space, which will also result in the reduction of the size of the LCA. This was assessed as an adverse effect at year one however the wider LCA remains largely unaffected and overtime, as a result of the benefits of the recreational uses of the new public open space and proposed planting that once planting is established, the adverse nature of effects on the landscape character area will reduce to neutral/adverse.

### **Effects of the proposed development on Townscape Character**

- 5.18 The LVIA assessed the impact on the adjacent townscape character area (TCA) which is identified in the 2006 report (CD4.2) as Type H1 Vine Drive Post 1960's Suburbs and is characterised by 'curvilinear' street pattern, "with two storey semi-detached and detached properties around a series of closes and avenues". The area is described as "overlooking open countryside to the north and east". The 'Threats to Townscape Character' include "New development along the northern edge, which may be visible from surrounding landscape setting" and in conclusion the report states that "Overall this Character Area has moderate sensitivity to change or new development. Overall visual sensitivity is moderate, with views gained to and from adjacent countryside to the north of the area".
- 5.19 The LVIA concluded that the baseline value was medium and that in assessing the effects of the proposed development on the TCA, whilst the sensitivity was assessed as medium, the magnitude of change was low and the effects were assessed as moderate/minor. It concluded that due to the location of the proposed housing, on undeveloped land, which as noted in the TCA report includes views out across adjacent countryside, the effects in the short term would be adverse but that over time, the benefits of the landscape improvements would reduce the nature of the effects to neutral.

### **Effects of the proposed development Tendring District Council Landscape Character Assessment 2001 (CD4.6)**

- 5.20 The LVIA assessed the effects of the proposed development on the adjacent district LCA namely LCA-7A-Bromley Heaths. The LCA was found to have a medium/high sensitivity, and the magnitude of change on it, as a result of the Appeal Scheme was assessed as low. The resultant effects were assessed as moderate and due in part to the fact the proposed development would be some distance away, the nature of the effects was found to be neutral.

### **Effects of the proposed development on the Site**

- 5.21 The LVIA (CD1.17) also considered the Appeal Site itself including features such as the boundary vegetation, which makes a positive contribution to the Site as well as the overhead power cables and pylons which are a prominent feature within both the Site and the surrounding landscape. The assessment noted that whilst the Appeal Site formed part of the surrounding rural landscape, it was influenced by the adjacent land uses of the Football Club which includes flood lighting,

stands some buildings, carparking and training grounds; the former sand and gravel workings as well as the neighbouring settlement of Broadfields. In its baseline form it was assessed as having medium value.

5.22 The LVIA (CD1.17) did not undertake a specific assessment of the effects of the proposed development on the Site itself however there would inevitably be a change of use resulting from the Scheme Proposals which would result in the loss of the agricultural character. With the exception of one tree located on the western boundary, the features that positively enhance the Site, such as the boundary vegetation will be retained and enhanced which contribute to meeting the objectives of Colchester's 'Landscape Management Guidelines' for the LCA within which the Appeal Site is located.

5.23 As a result of the Appeal Site being, in part, separated from the agricultural land that characterises the wider area, by the flood lit football ground to the east and residential development to the west, as well as the mixed characteristics of the sand and gravel workings in surrounding area, the Appeal Site retains a character more associated with 'urban fringe', albeit one with a 'former' agricultural land use. Whilst it is usually the case that the introduction of housing on a 'green field' is considered harmful to the landscape, in this instance the majority of the Appeal Site would become public open space, with enhancement to both amenity value and to tree cover and planting that would result in an overall beneficial increase to the local green infrastructure.

#### **Assessment of Effects compared with WIV29 Policy / New Settlement Boundary**

5.24 The LVIA did not include an assessment of the effects of including housing development only within the Neighbourhood Plan WIV29 policy area (PoE Section 2 Fig 2). Whilst no scheme proposals exist to enable a detailed assessment to be undertaken it is my opinion that any such scheme would either be non-compliant with Policy WIV 29 insofar of not being able to meet the minimum of 120 homes or that buildings would be taller than those currently proposed and found in the surrounding area. Whilst WIV29 Policy does not directly preclude taller buildings, it is my opinion that the introduction of buildings of 3+ storeys along with associated parking areas, would not be in keeping with the townscape character of Wivenhoe or of Broadfields and furthermore would have much greater impacts on views from the surrounding area.

5.25 I have had sight of the layouts prepared by the Town Council and included within their representations (titled Appeal Statement, dated October 2022). Two sketch options were included

albeit with no detail on matters such as building size, parking, road widths, garden sizes etc and it is therefore not possible to assess in any detail whether or not this would meet local plan policy requirements. In considering matters relating to landscape effects, however, I consider that both sketch layouts, are unacceptable insofar as they result in the transfer of the boundary hedgerow vegetation to individual properties. This presents a significant risk of damage to or removal of vegetation and the resultant harm this would have on wildlife, visual amenity which would result from any loss of fragmentation of these important features the Appeal Site. Furthermore, many of the gardens to the east, would back directly on to the Wildlife Site, presenting risk of harm to it as a result not only of tree and hedgerow removal but also potential harm from garden structures such as fences or sheds or as is not uncommon from people choosing to 'fly tip' their garden waste beyond their gardens.

- 5.26 In the absence of a directly comparable scheme proposal but in order to gain some understanding of the effects of developing on the area of land to the north of the power line compared with development as anticipated in WIV 29 and the Local Plan Settlement Boundary, I have set out below my opinion on what the effects would be on landscape character of introducing housing to the north of the power line as an 'addition' to development anticipated by the Neighbourhood Plan which I describe below as a 'future baseline'. Notwithstanding the comments above regarding numbers of dwellings and building heights I have based my considerations on the assumption that the houses would be no taller than 2.5 storeys in height and that the remainder of the land to the north would be a combination of public open space and sports pitches.
- 5.27 In considering the impact of proposed development of 35 houses to the north of the Settlement Boundary on the LCA B8 Wivenhoe Farmland Plateau, (CD4.1) it is my opinion that this would result in a negligible change to the LCA compared with what is anticipated by the Neighbourhood Plan. I do not believe the change in configuration of development as proposed in the Appeal Scheme, would result in any material additional landscape impact compared to only building on land to the south of the power lines.
- 5.28 As with the LCA, the assessment of effects on the Townscape Area - Type H1 Vine Drive Post 1960's Suburbs (CD4.2) did not consider the 'future baseline' resulting from Policy WIV 29. Proposed development of 120 new homes would, in effect, result in the creation of a new townscape character area. The visual sensitivities described for Type H1 would, theoretically, still apply to the new TCA, albeit with views out across amenity open space and sports pitches as opposed to agricultural land. I consider that as a result of the 'future baseline' conditions, that the introduction

of 35 houses to the north of the line of pylons would have a negligible impact on the existing TCA H1 and a minor effect on any new TCA resulting from development within the Policy WIV 29 settlement boundary. The context of the new development set within and adjacent to open space would remain.

- 5.29 In taking a similar approach to considering the effects of the proposed housing beyond the Settlement Boundary compared with the anticipated development associated with WIV29, it is considered that any effects on the adjacent LCA-7A-Bromley Heaths would be negligible.
- 5.30 Finally, in applying the 'future baseline' approach taken above to Site itself, the impact of the reconfiguration of the 120 houses as proposed would have a limited effect. The reduction in the open space to the north, is offset by the reduction in development area to the south and so the effects are considered neutral. As noted above, I discuss the visual consequences of the Appeal Scheme in Section 6 below.

#### **Assessment of Effects on the Wivenhoe Cross Local Wildlife Site**

- 5.31 As an area of former agricultural land, the larger western parcel of the Appeal Site does not constitute a 'valued landscape' as set out in paragraph 76 (a) of the NPPF. I note that the Councils Statement of Case, however, claims that the Wivenhoe Cross Local Wildlife Site, whilst not covered by a statutory designation, should be considered as a 'Valued Landscape'; I disagree.
- 5.32 The Local Wildlife Site is recognised in the Appeal Scheme as having value to bio-diversity and as an informal local amenity and as such it will be retained as an area managed for wildlife benefit as well as becoming a publicly accessible area for local residents to enjoy. The recognition of the sensitivities associated with the Wildlife Site are further demonstrated in the layout of the Appeal Scheme proposals which seek to retain and enhance the existing boundary vegetation of native trees and shrubs. In these locations, the proposed houses and streets are off set from the existing vegetation, avoiding 'root protection areas' and allowing for new and existing undergrowth to develop as part of the wider green infrastructure. This area will fall within land that will be maintained through a management company.
- 5.33 The location of the 35 houses to the north of the settlement boundary, as shown within the Appeal Scheme will not result in any additional impact on the Local Wildlife Site compared to not building on this part of the Appeal Site. In contrast, however, and as highlighted above, were a scheme to come forward that increased the density of development within the area identified in WIV29,

resulting in a layout as suggested by the Town Council, this would, in my opinion result in a high probability of direct harmful landscape effects on the Local Wildlife Site.

### **Conclusion**

- 5.34 In conclusion I have described the effects as assessed in the LVIA of the proposed development on the published landscape and townscape character areas and on the Site itself. The LVIA used the existing baseline as a starting point for the assessment and it was found that there would be a moderate effect on LCA B8, within which the Appeal Site falls, and very limited effects on the wider area. The Appeal Scheme proposals include landscape proposals which would result in the introduction of public open spaces and increased tree planting which whilst changing the character of the Site, have the potential to be positive aspects of the local landscape and therefore will contribute to mitigating any initial harm, in the longer term.
- 5.35 The Neighbourhood Plan Policy WIV 29 (CD2.4) is reflected in the Local Plan and has results in an amendment to the settlement boundary of Wivenhoe. In factoring the development, anticipated by this, allows for a review of the 'future baseline' and any effects resulting from developing beyond this boundary. In taking this approach the reconfiguration of the 120 homes (required by policy), within the Appeal Site and including 35 homes to the north the settlement boundary, it is found that this would result in a very limited effect on the landscape character of the area and a negligible effect on the adjacent landscape character area in Tendring and neighbouring townscape character.
- 5.36 I do not find there to be any additional effects on the Local Wildlife Site as a result of introducing development to the north of the pylon, in the configuration proposed in the Appeal Scheme.

## 6. Effects on Visual Amenity

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### Introduction

- 6.1 The LVIA (CD1.17) considered the visibility of the Appeal Site and assessed the likely effects on views and visual amenity from a range of receptors (ie those who would see the proposed development). The LVIA Addendum, prepared in response to specific comments relating to the effects of development north power lines, included an assessment of views from a number of locations with 'verified views' being undertaken by a specialist visualisation consultant to show winter views. These are discussed in further detail below and in addition, to assist in illustrating the visibility of the Appeal Scheme in summer months, have been supplemented by additional photography from the six locations which were originally agreed in advance with the local authority. (CD1.18) and are illustrated in Figure 6. below.
- 6.2 The two views from the eastern edge of the Local Wildlife Site are not currently public viewpoints but do represent locations that are currently informally accessed and would have public access if the appeal is allowed. The two viewpoint locations adjacent to Elmstead Road are described in detail below, but again are from locations within the area of open spaces. The other two viewpoint locations are from public rights of way.
- 6.3 Following a description of the existing visibility, I summarise the change in view and effects from the visual receptors as set out in the LVIA (CD1.17). This is followed by a description of the viewpoints and accompanying verified views, as described in the LVIA Addendum (CD1.18).

### Existing Site Visibility

- 6.4 The visibility of the Appeal Site was established through an initial desk based review followed by site visits where I walked the footpaths and visited the surrounding area, residential properties were not visited and therefore the assessments were based on professional judgements regarding likely visibility. As a result of a combination of flat topography and mature boundary vegetation around fields and within roadside verges visibility of the Appeal Site is limited to views from locations in close proximity to it. Figure 6 in the LVIA Appendix B (CD1.17) illustrates the visibility of the Appeal Site from publicly accessible areas.
- 6.5 Visual receptors include public rights of way within the study area, however roads beyond the residential area of Broadfields do not include pavements and are not generally suitable for

pedestrians and any views therefore are likely to be experienced by those travelling in vehicles, and potentially at speed when outside the residential areas.

6.6 Residents, whose properties back onto the Appeal Site have differing views of across it which are dependent on the nature of their own boundary treatment. In some instances, properties have low rear garden fences which have views across the Appeal Site; elsewhere views out are blocked by planting, fencing, sheds and mature trees. Views of the existing Appeal Site from streets within Broadfields are limited by and seen in the context of the existing properties. The only open views from publicly accessible locations are those from the end of Richard Avenue, where it abuts the Site and for a short length of Elmstead Road, the latter will be discussed in more detail below.

6.7 Views from the public right of way to the south of the Appeal Site are restricted by intervening vegetation. Where the path heads in an east-west direction passing through the former sand and gravel pits, views are filtered by vegetation and trees, meaning the Appeal Site is largely indiscernible.

6.8 Views from within the adjacent Football Club were not considered as part of the LVIA or addendum. Whilst there is some intervisibility between the Appeal Site and the pitches to the east, the Football Club is surrounded by vegetation on all sides including the line of mature trees which would filter any change in the views. Furthermore, the Football Club as a leisure venue focussed on football is not publicly accessible beyond match days and the Appeal Site does not form the focus of views of those visiting it.

#### **Summary of Assessment of Effects Visual Receptors**

6.9 The assessment of visual receptors, summarised in table 6.1, categorises the types of viewers as residential receptors, those using public rights of way, those using road and those using the public open space to the south.

6.10 Those within residential properties will experience the Appeal Scheme in a variety of ways, including from within their properties, and from within gardens. Views will vary depending on a number of factors such as proximity, angle of view and intervening features such as garden boundaries, structures and vegetation. Those in closest proximity with low garden boundaries will experience the greatest change in view and on balance the effects on views and visual amenity resulting from the change from agricultural field to housing and open space, is considered to be adverse. These effects are however mitigated in part by the proposed layout which includes an



offset between the existing and proposed housing which will allow for the addition of new planting and open spaces which over time will contribute to creating a pleasant outlook. There will also be views from the streets where residents and visitors will see parts of the proposed housing through gaps between existing buildings.

- 6.11 Properties further afield, such as those on Brightlingsea Road, are likely to experience a negligible change in their views in winter months, where due to lack of leaf cover on trees and hedges, some of the new houses in the distance may be glimpsed through the vegetation, this however, is not considered to result in any harm to visual amenity.
- 6.12 The effects on views from public rights of way are similarly limited, which is again due to the distance away from the Appeal Site and the intervening hedgerows and trees that screen or partially filter views. Whilst it is possible that some glimpses of new houses will be possible from some points along some of the paths, the Appeal Site in its current form is usually seen in the context of the existing houses on the edge of Wivenhoe and of other urbanising features such as the pylons and floodlighting at the Football Club, and therefore any change in views are not considered to be such that they will harm the visual amenity of those using the paths. Furthermore, whilst the Appeal Site currently forms part of the wider landscape, it does not contain any specific, notable features or qualities that result in it being part of any particular focus of views from the public rights of ways in the area.
- 6.13 Views from roads, as noted are not considered to be specifically sensitive and as with the public rights of way, the views of the Appeal Site are incidental to the experience of driving in the area as opposed to contributing to any specific scenic quality. I will describe the views from Elmstead Road with reference to the verified views, in the following sections, and with regards to any change in views from other roads such as Brightlingsea Road, and approaches to the Appeal Site, new houses if visible will be screened and filtered through vegetation and therefore will not result in any harm to visual amenity to drivers in the area. As described above the roads beyond the residential areas are not generally used by pedestrians for walking.
- 6.14 With regards to the views from the areas of public open space to the south of the Appeal Site, viewers will see a change as a result of introducing houses onto the Appeal Site, however views will be in part reduced by the set back of housing from the southern boundary hedge (ie the boundary of the land outside the Appellants ownership). Whilst the LVIA (CD1.17) concluded that, on balance, the change in visual amenity would be adverse, it is my opinion that the overall

experience of those using the space will not be diminished, houses, already form a feature of the view and the areas to the east and south will remain as undeveloped landscape and continue to contribute to the setting of the open space. The effects on views from the Local Wildlife Site are discussed in further detail in the section below on viewpoints which considers two views from locations around its perimeter.

Visual Receptor	Value	Susceptibility to change	Sensitivity	Magnitude of Change	Effect and nature of effect	
RE1 - Properties off Alexandra Drive	Low/medium	High	Medium/high	Medium / Low	Moderate	
					Yr1	Adverse
					Yr15	Neutral/beneficial
RE2 – Properties on Richard Avenue	Low/medium	High	Medium/high	Medium / Low	Moderate	
					Yr1	Adverse
					Yr15	Neutral
RE3 - Properties off Henrietta Close, James Cl. Charles Ct.	Low/medium	High	Medium/high	Medium / Low	Moderate	
					Yr1	Adverse
					Yr15	Neutral/beneficial
RE4 - Properties at the junction of Broad Lanes / Brightlingsea Rd	Medium	High	Medium/high	Negligible	Minor	
					Yr1	Neutral
					Yr15	Neutral
PR1 - PROW - FP14-A (east)	Medium	High	Medium/high	Low / Negligible	Minor	
					Yr1	Neutral
					Yr15	Neutral
PR2 -PROW FP14-B (Central)	Medium	High	Medium/high	Low	Moderate	
					Yr1	Neutral
					Yr15	Neutral
PR3 -PROW FP14-C (West)	Medium	High	Medium/high	Negligible	Minor	
					Yr1	Neutral
					Yr15	Neutral
PR4 -PROW FP14-D (South )	Medium	High	Medium/high	Negligible	Minor	
					Yr1	Neutral
					Yr15	Neutral
RD1 - Brightlingsea Road	Medium	Medium	Medium	Low / Negligible	Minor	
					Yr1	Yr1
					Yr15	Yr15
RD3 – Elmstead Road	Medium	Medium	Medium/	Medium	Moderate	
					Yr1	Neutral
					Yr15	Beneficial
POS1 – Land to the east of the site	Medium / High	Medium/ High	Medium/ high	Medium / High	Moderate/ Major	
					Yr1	Adverse
					Yr15	Adverse
POS2 – Land to the south of the site	Medium / High	Medium/ High	Medium/ Low	Medium / High	Moderate	
					Yr1	Adverse
					Yr15	Neutral

**Table 6.1 – Summary of Assessment of Effects on Visual Receptors**

NOTE – RD2 is omitted due to the imperceptible change in views which were therefore not considered beyond the baseline assessment within the LVIA.

### Summary of Assessment of Effects on Viewpoints

6.15 The following summarises the existing views and visibility of the proposed development for the six viewpoints, starting with the two from the vicinity of Elmstead Road, which is referenced in the reason for refusal. As with the assessment of effects on landscape and landscape character, the LVIA and LVIA Addendum, did not seek to compare the Appeal Scheme proposals with the visual effects resulting development wholly within the Local Plan settlement boundary and Neighbourhood Plan Policy WIV 29 (CD2.4). I have therefore set out my observations as to the anticipated differences in each view. A summary of the assessment is set out in Table 6.2 below.

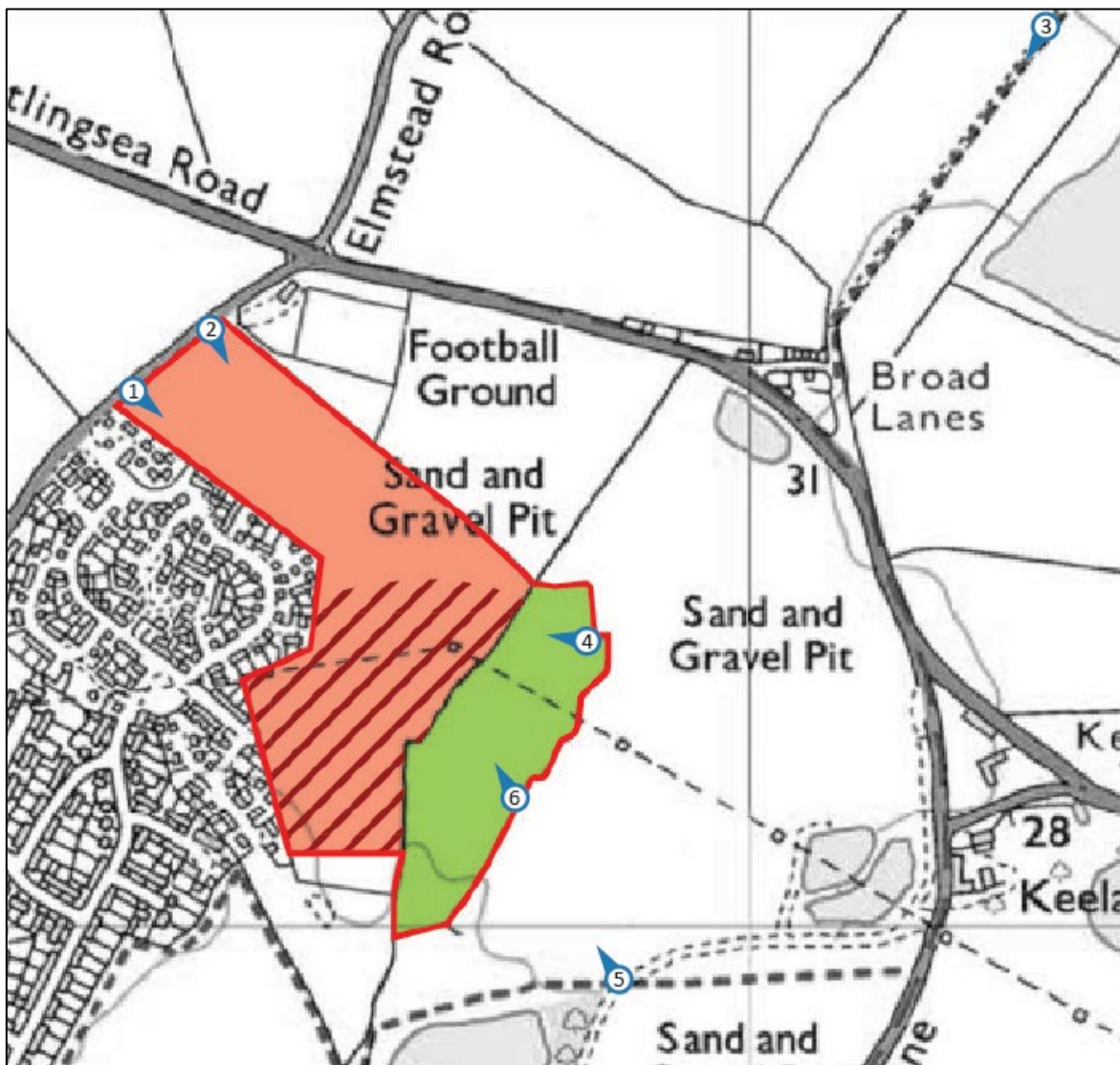


Figure 3 – Viewpoint locations for verified views (CD1.18 and CD1.9)

Viewpoint Location	Value	Susceptibility to change	Sensitivity	Magnitude of Change	Effect and nature of effect	
<b>Viewpoint 1</b> – From within the site, adjacent to the pavement on Elmstead Road,	Medium /Low	Medium	Medium	Medium	Moderate	
					Yr1	Neutral
					Yr15	Beneficial
<b>Viewpoint 2</b> - View from within the site, adjacent to Elmstead Road	Medium /Low	Medium	Medium	Medium	Moderate	
					Yr1	Neutral
					Yr15	Beneficial
<b>Viewpoint 3</b> – View from the public right of way (ref 162-22)	-	-		NONE	-	
					-	-
					-	-
<b>Viewpoint 4</b> – View from the informal path within the Local Wildlife Site	Medium / High	Medium / High	Medium / High	Medium / Low	Moderate	
					Yr1	Adverse
					Yr15	Neutral
<b>Viewpoint 5</b> – view from the public right of way (ref 155-14)	Medium	High	High	Low	Minor	
					Yr1	Neutral
					Yr15	Neutral
<b>Viewpoint 6</b> – View from the informal path within the Local Wildlife Site	Medium / High	High	Medium/ high	Medium / Low	Moderate	
					Yr1	Adverse/Neutral
					Yr15	Neutral

**Table 6.2 – Summary of Assessment of Effects on Viewpoints (With reference to verified views included within CD18-CD19)**

**Viewpoint 1 - Elmstead Road** – (CD1.19)

6.16 The photography was taken from just within the site boundary so as to avoid interference of the temporary site fencing. The view however closely reflects that which would be experienced by pedestrians using the short length of pavement alongside Elmstead Road. It is also broadly representative of the view that might be experienced by drivers looking into the Appeal Site at this point along the road. The location of the viewpoint, set within the Appeal Site, is closer to the view that would be experienced from the proposed footpath/cycleway that runs around the perimeter of the proposed open space.

6.17 The existing winter view takes in the open field, with the view terminated in the middle distance by existing vegetation. The line of pylons can be seen both within the Appeal Site and beyond it to the south east. To the left of the view, some buildings and the line of floodlights associated with the adjacent Football Club are clearly visible, and would, no doubt, be highly visible, when used, after dark. To the right of the photograph, the line of mature trees is prominent with the roof tops and upper floors of houses on Kings Mews, visible between. The summer view from

- the same location limits the views of built form, though the pylons, flood lights and some roof-tops and perceptible from this location.
- 6.18 The assessment found the baseline value to be medium-low. This was largely due to the context of the view of the featureless field, albeit one with mature vegetation to the perimeters which do contribute to the visual amenity but also restrict views out to the landscape beyond. The sensitivity was assessed as medium.
- 6.19 From this location, the proposed footpath / cycleway, open space including grassland with new tree planting, and the sports pitches would replace the existing field in the foreground and middle distance of the view. The proposed houses to the north of the development will be visible in the middle distance. Views to existing built form, described above would remain largely unchanged.
- 6.20 The vegetated boundaries of much of the site will continue to frame the views however the proposed houses, where visible, will frame a short part of the view with glimpses of some taller trees appearing above the roof line. Over time and once the tree planting introduced within the open space establishes, views of the houses will be reduced and filtered through the vegetation. Due to the changes in the foreground and middle distance of the view and the proximity to the changes the magnitude of change in the view is assessed as medium.
- 6.21 A moderate effect will result at this location and in respect of the nature of the effect, it is considered that the proposed design and associated planting within the open space will add visual interest and tree planting will assist in assimilating the proposed new houses into the view. In weighing up the change which includes the introduction of built form into part of the view, along with the aspects which will enhance visual amenity the nature of effects from this viewpoint was assessed as neutral at year one, and beneficial at year 15.
- 6.22 The summary of the LVIA Addendum set out above considered the effects those from the viewpoint which falls within the Appeal Site. The change to the view experienced by those travelling along Elmstead Road, was not specifically addressed, however had the viewpoint been taken from the road, or indeed from the short stretch of pavement which falls within land outside the Appellant's ownership and therefore outside the Appeal Site boundary, the views into the Appeal Scheme would be curtailed, in the longer term (eg by year 15) by hedge planting

which is proposed (see Strategic Landscape Plan CDX) along the northern boundary which would complete the hedgerow along this former field boundary.

- 6.23 As a result of the Appeal Scheme Proposals, those using the road, will in the future have very limited views towards the Scheme Proposals. Those driving past or indeed walking along the short stretch of pavement currently experience the view for a very short (35m) stretch. Those travelling north-east pass the Football Club before heading into the open countryside beyond. Those travelling south-west experience the view in the context of the edge of Wivenhoe which increases in prominence at the approach to Broadfields.
- 6.24 In considering the view were the proposed housing only to be built up to the northern settlement boundary, as anticipated by WIV 29, it is acknowledged that from this location, within the Appeal Site, that proposed housing would remain largely out of site. Where buildings to be taller than three storeys as may be necessary to achieve the number of homes, visibility may increase. From Elmstead Road, on the assumption that landscape proposals to complete the hedge were implemented, any view into the open space and housing beyond, would, once planting has established, be restricted by the hedge.
- 6.25 In conclusion, it is my opinion that the introduction of new houses, visible in the middle distance and experienced over such a short distance would not result in any material harm to the visual amenity of those passing by or indeed results in any harm to the enjoyment of approaching the wider countryside.

**Viewpoint 2 - Elmstead Road -** (CD1.19)

- 6.26 This viewpoint is again taken from within the Appeal Site, broadly in the location of the proposed footpath / cycleway and in a location of an informal route currently used by pedestrians to avoid walking along the road, it is not therefore representative of the view from Elmstead Road. The view into the Appeal Site from the road, is blocked by the mature hedgerow growing in the verge alongside this stretch of road.
- 6.27 The assessment of the viewpoint confirms that the existing view takes in the fallow field in the foreground and middle distance, which with the exception of the pylons is largely featureless. The left of the view takes in the mature tree line which forms the boundary with the Football Club, this continues round the Appeal Site, with trees and hedgerows forming the horizon and curtailing the views beyond the Appeal Site.

- 6.28 The middle distance view is framed by mature trees and rear garden fences, beyond which the two storey houses in Kings Mews, Broadfields and Alexandra Drive are visible. The views towards these buildings are reduced in summer months when trees are in leaf. As a result of the varied nature of the view, which includes pylons, garden fences and buildings, as well as the former agricultural field, the baseline value was assessed as medium-low.
- 6.29 The overall sensitivity of the view from this location (ie not from Elmstead Road) was assessed as medium. The change to the view will include the introduction of playing fields and open space including tree planting, which will replace the agricultural uses in the foreground and middle distance. The proposed houses will be visible in the middle distance; however these will be of a scale and form similar to those that already feature as part of the view. Both existing and new housing will be seen beyond proposed planting which will filter views once established. The LVIA assessed the magnitude of change to be medium and the overall effects to be moderate.
- 6.30 In assessing the nature of the effects, as discussed for viewpoint 1, the landscape and open space proposals will add beneficial visual interest from this location and the houses, whilst visible, will be in keeping with the surrounding area and it is not considered that they will adversely affect the view, however on balance, the effects at year one was assessed as being neutral, increasing to beneficial at year 15 when vegetation has established.
- 6.31 On completion of the development, views experienced by those travelling along Elmstead Road, will remain largely unchanged as the existing hedgerow will continue to restrict views into the Site.
- 6.32 In considering the nature of the effects were proposed housing to extend only as far as the overhead power line, the amount of open space visible would increase and the number of new houses visible would decrease accordingly. It is not my professional opinion, however that this would make any notable change to the visual amenity from the footpath/ cycleway as houses would still be present in the middle distance along with the landscape proposals within the open space benefitting the view.

**Viewpoint 3 - (CD1.19)**

- 6.33 The view from this location was taken following comments raised by the Landscape Officer at CBC, regarding the lack of initial baseline photography from this area, in the original LVIA. The view takes in the intervening and vegetation and as illustrated the proposed development, will not be

perceptible in winter months or summer months, accordingly no detailed assessment of effects was required.

**Viewpoint 5 - (CD1.9)**

6.34 This viewpoint is located approximately 280m from the site boundary, looking northwest from the public right of way (ref 155-14) which crosses through the area of sand and gravel workings. The foreground and middle distance view takes in an arable field. Views beyond the field are filtered by the existing mature trees forming the boundary of the Wivenhoe Cross Local Wildlife Site. The existing houses within the Broadfields housing estate can be seen in the distance, though filtered by the vegetation including that along the western boundary of the Appeal Site. The pylons and power line is visible in the distance from this location. The visual amenity from this location is assessed as good and the baseline value was assessed as medium. Being located on a public right of way within an area of countryside (albeit, comprising former workings) the sensitivity was assessed as high.

6.35 The change in the view, however, will be limited, largely due to the distance away and whilst some housing within the Appeal Scheme may be visible, the magnitude of change was assessed as low, which when combined with a high sensitivity, results in a moderate effect. The LVIA, however noted that due to the limited change and distance away that the effects be reduced to minor and in summer months, visibility would reduce further and that the nature of the effects on the view and visual amenity would be neutral.

6.36 From this location, it is unlikely that that there would be a perceptible difference between the visibility of the Appeal Scheme and a housing development that followed the WIV 29 Policy boundary, however it is possible that if houses were built in the southern area, beyond the Appeal Scheme boundary, or where taller than 2.5storeys, that some additional built form may appear in the view, this would not, in my opinion, result in any notable or harmful change.

**Viewpoint 4 and 6 -Wivenhoe Cross Local Wildlife Site-** (CD1.19)

6.37 Two viewpoint locations were reviewed from the edge of the Local Wildlife Site. Whilst these are not currently publicly accessible, it is intended, as part of the Appeal Scheme proposals, that the area will be managed to allow public access.



- 6.38 From both viewpoint locations, scrub and tall grass dominate the foreground of the view with the larger mature trees which surround the site and the adjacent sports ground, visible on the horizon. The power line and pylon that falls within the site is clearly visible. Occasional roof tops of the houses in Alexandra Drive can be glimpsed through the vegetation in the distance. In summer months views are restricted by vegetation and leaves on trees. The baseline value was assessed as medium/high for both viewpoints and similarly the sensitivity was also assessed as medium-high.
- 6.39 In respect of the changes in views from these locations, the scrubby vegetation within the foreground and middle distance will remain and the new houses will appear in the middle distance beyond some of the existing mature trees. From viewpoint 4 some of the new houses in the northern part of the Appeal Scheme will be seen above the vegetation and beyond the linear park. In summer months the visibility reduces due to leaf cover on trees.
- 6.40 From viewpoint 6, further south, the proposed houses to the southern and central parts of the Appeal Site appear more prominent in the view with those to the north being largely out of sight as they are screened by intervening vegetation; again, the visibility reduces with increased leaf cover in summer.
- 6.41 From both locations the effects were assessed as having a medium/low magnitude of change resulting in a moderate effect and that the overall visual amenity experienced from within this part of the local wildlife site will remain largely as currently experienced. The nature of effects was also assessed as being the same for both locations, with the LVIA noting that the proposed houses, visible in winter months, will introduce additional built form closer to the viewer in these locations. It is considered that on balance this would have an adverse effect on the winter view but a negligible effect on the view in summer months and the nature of the effects on the view are assessed as adverse/neutral. Over time, as vegetation both within the wildlife site and planted within the site matures, this will further reduce views of the houses at which point the effects will reduce to neutral.
- 6.42 In comparing the Appeal Scheme proposals with the likely effects of development only within the WIV 29 Policy area, viewpoint 6 will remain largely unchanged however viewpoint 4 would see a reduction in the visibility of proposed houses.

- 6.43 Notwithstanding the change noted above, it is my opinion, that the visual amenity of those walking the outer route perimeter path of the Local Wildlife Site would be same regardless of whether the Appeal Scheme or a scheme of similar house types that followed the WIV 29 boundary were to be built. If development were to follow the WIV 29 settlement boundary and additional housing were introduced to the southern area beyond the Appeal Site boundary, this would bring development closer to the existing open space (play area) to the south and have additional visual impact on it.
- 6.44 Furthermore, as discussed in section 5, having reviewed the illustrative layouts set out in the prepared by Wivenhoe Town Council, the two options both include garden boundaries up to the perimeter of the existing boundary with the Local Wildlife Site. This would remove the ability for the boundary to be maintained in perpetuity, placing the trees and hedgerow at risk of being removed or damaged by future residents, which, combined with the introduction of boundary fences, sheds etc would impact adversely on the visual amenity of the area.
- 6.45 In conclusion, the LVIA acknowledged the limited visibility of both the existing Appeal Site and Scheme Proposals with views available only at close proximity to the Site.

## 7. Conclusion

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- 7.1 I have visited the Appeal Site and its environs on a number of occasions and undertaken an assessment of both the landscape and visual amenity in respect of the Appeal Site and its surrounding context at the north-eastern edge of Wivenhoe. The Landscape and Visual Impact Appraisal and subsequent Addendum, which included an assessment of effects based on 6 verified views (CD1.19), were both undertaken using a methodology that conforms with best practice guidelines set out in GLVIA3.
- 7.2 Notwithstanding its current 'greenfield' use, I find that the Appeal Scheme, comprising 120 new homes and public open space, would result in a very limited change to the views of those using nearby footpaths, and that the actual change to the landscape of the Appeal Site would also only be experienced in its immediate context and have a very limited effect on the wider landscape.
- 7.3 My assessment of the effects on landscape character as set out in Section 5, concludes that developing the Appeal Site would result in some localised adverse effects on landscape character and the change would, inevitably permanently affect the Site itself. With the exception of the Local Wildlife Site, part of the Appeal Site is allocated within both the recently adopted Local Plan and the Wivenhoe Neighbourhood Plan Policy WIV 29, for 120 new homes along with open space and sports fields. That is development of a nature similar to that proposed by the Appeal Scheme and is, subject to meeting design and policy criteria, considered acceptable in this area. It is fair to note that a degree of landscape harm must have been deemed acceptable at the time the settlement boundary was amended.
- 7.4 The reconfiguration of proposed housing within the Appeal Site is a result of design development that sought to address a number of factors and constraints including the 'no build zone' associated with the power line as well as tree root protection areas and other such factors. I do not consider the introduction of housing north of the boundary identified in WIV 29 and defined by the power line, to result in any additional landscape harm to that anticipated within the Neighbourhood Plan.
- 7.5 In assessing the effects on visual amenity, as I set out in Section 6, the local landscape context is generally flat arable land with mature trees and hedgerows forming field boundaries. Areas of former sand and gravel workings are located nearby the site. Land to the west comprises a residential estate of predominantly two storey houses. The nature of the surrounding area

contributes to limiting views towards the Appeal Site from the wider landscape, it being visible from only a limited number of public viewpoints in close proximity.

- 7.6 The Appeal Scheme would result in a very limited degree of change in the view from most locations and the visual amenity of those using footpaths in the area near the Appeal Site would remain largely unchanged. Views from the Local Wildlife Site and open space to the south would undergo some change with residential properties appearing closer in some views. New houses would be seen in the context of the existing houses that already feature in views looking back towards Broadfields. Notwithstanding any adverse effects identified in the LVIA as a result of proposed houses on the Appeal Site, I conclude that the overall enjoyment of those visiting, what will become a publicly accessible area, will not be affected to any further degree compared with the housing development envisaged within the Neighbourhood Plan.
- 7.7 The change in views from residential properties, again was foreseen by the change to the settlement boundary promoted by the Neighbourhood Plan and I do not consider the reconfiguration of the proposed houses taking in land to the north, to result in any additional harm to views out from residential properties.
- 7.8 The change in views from Elmstead Road are alleged by the Council to result in “demonstrable harm” to the landscape resulting from the Appeal Scheme extending beyond the route of overhead power lines. It would appear the power line was used within the Neighbourhood Plan to demarcate the boundary without any specific landscape or visual analysis. Furthermore, there is no indication within the Neighbourhood Plan of any specific views or visual sensitivities within the surrounding landscape or from Elmstead Road.
- 7.9 Views into the Appeal Site from Elmstead Road occur only for a short, 35m, stretch at the western end where there is a gap in the field boundary and where some paving exists. There is no pavement along either side of the road beyond this. The existing view, as seen by pedestrians and drivers, at this gap, takes in the fallow agricultural field and is, in my opinion an unremarkable view which also takes in the adjacent Football Club, its floodlight, the road, pylons and housing in Broadfields.
- 7.10 The boundary of mature trees does contribute to visual amenity however Elmstead Road is not a sensitive receptor, this is not a location that people visit to experience the view, or where pedestrians pass by in order to connect to the local footpath network.

- 7.11 The Appeal Scheme landscape proposals (CD1.73) include provision for the 35m gap in the hedgerow to be re-instated alongside the road verge and this will, over time, limit views from the road into the open space and across to the houses beyond. A new footpath/cycleway is proposed within the open space, parallel to the boundary hedge, and two verified views were prepared to show the visibility of the Scheme Proposals from these locations. It is my opinion that when looked at holistically, whilst views would change as a result of the Appeal Scheme, that the proposed open space, planting and houses would not result in any significant harm to views of those using this new route. On the contrary, the proposals for the open space have the potential to add visual interest in respect of new planting and landscape management and as such, would not normally be considered harmful to visual amenity, simply because it is different to an agricultural field.
- 7.12 As I have set out, the Wivenhoe Neighbourhood Plan envisages housing, sports pitches and open space within land to the east of Broadfields. In comparing the anticipated effects of introducing housing development within the area identified in Policy WIV 29 and what is proposed within the Appeal Scheme, I have concluded that there would be a limited and localised change which would not result in any unacceptable harm to either the landscape or townscape character of the surrounding area.
- 7.13 In respect of visual changes, the addition of development to the north of the power lines will, as noted, be seen from within the open space proposed however views from the existing gap in the hedge along Elmstead Road, would over time be screened by the additional hedge planting. In the interim whilst the hedge is establishing, I do not consider that views of new houses in the middle distance, seen beyond the proposed open space will cause any material harm to the experience of those travelling along the road in either direction.
- 7.14 In final conclusion, having considered the anticipated effects of the Appeal Scheme along with the likely effects of development as anticipated by the Neighbourhood Plan, on both landscape and visual amenity I find that the difference in any effects to be very limited. Elmstead Road, is not in my opinion a sensitive receptor and neither the landscape or the views towards it from Elmstead Road, will be harmed by the Appeal Scheme, as alleged within the reason for refusal.



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