

Planning Appeal

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

Appellant: Taylor Wimpey UK Ltd

Planning Inspectorate Reference: APP/A1530/W/22/3305697

CBC Reference: 210965

Landscape

Proof of Evidence

Ms Anne Westover BA Dip LA CMLI

Landscape Architect, Westover Landscape

On behalf of
Colchester City Council

Date: November 2022

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1 Witness Background

1.1 I am Ms Anne Westover, Landscape Architect working as Westover Landscape, a business I established in 2013. I present this Proof of Evidence, in my role supporting Colchester Borough Council, in respect of an appeal made by Taylor Wimpey UK Ltd.

1.2 I am a Chartered Member of the Landscape Institute have worked as a Landscape Architect since 1983. The following list highlights my employment background.

- **Training/work: 1978 – 1983** Leeds Polytechnic School of Architecture and Landscape, Welwyn and Hatfield District Council and the Runcorn Development Corporation.
- **1983 to 1989 Norwich City Council** Planning Department: Landscape design and planning team: planning, housing projects, parks, play.
- **1992 to 2012 Suffolk Coastal District Council** Planning: Tree and Landscape Officer: planning, design, conservation, housing, leisure, energy projects, tree/hedgerow protection.
- **2012 to 2016 P/T Suffolk County Council** Natural Environment Team: supporting two LPAs with Development Management including housing.
- **January 2017 to October 2021 P/T Place Services/Essex County Council:** Working as a consultant to Essex Place Services (District Council appeals work) and Essex County Council Minerals and Waste Planning Team. Dealing primarily with mineral sites across County, site/application assessment, monitoring on-site work and ongoing restoration. Provision of support to District Councils with planning application and appeals.
- **2012 to the current time:** Through my own practice I have delivered landscape assessment, planning advice and appeals work for LPAs. I have and am undertaking design work for projects including green spaces and small scale (up to 37) housing projects.

1.3 My Proof of Evidence has been carried out in compliance with The Landscape Institute's 'Code of Standards of Conduct and Practice for Landscape Professionals' dated May 2012. I confirm that the opinions expressed are my true and professional opinion.

2 Introduction

- 2.1 I have been commissioned by CBC to assist with the Planning Inquiry relating to landscape matters associated with the proposed development. This commission has arisen since the submission of the planning appeal. My evidence provides my professional opinion on the landscape and visual effects likely to result from the proposed development.
- 2.2 I have carried out site visits over three days in September, October, and November 2022. At each visit the weather was fine and allowed clear views. I have some previous knowledge of the area having been part of the planning process, with regular surveys and site visits (Essex CC) for three quarry sites to the east of the appeal site (2017 to 2021). These being the Tarmac site west of Keelars Lane (Tarmac under restoration), east of Keelars Lane (under long term aftercare with landowner) and the consented quarry (Tarmac) to the east of the Sixpenny Brook, Sunnymead, Alresford. The new quarry is to be accessed off B1027 approximately 1km east of the appeal site (Essex CC ESS/17/18/TEN / MLP allocation A20).
- 2.3 I have considered the submitted layout plans, the DAS and other supporting documents. I have referred to the Strategic Landscape Plan (SLP) and Soft Landscape Proposals (Sheet 1-7).
- 2.4 With respect to the ARC Landscape and Visual Impact Appraisal (LVIA) 2021 and the Addendum with 6 Accurate Visual Representations (Feb 2022), I am content with the methodology used to carry out the appraisal. I have drawn my own conclusions in relation to the magnitude of change, and the landscape and visual effects arising from the proposed development.
- 2.5 The Landscape Statement of Common Ground will include a Comparative Schedule of Effects Table making it clear where there are differences between the findings of the landscape witnesses for the two parties.
- 2.6 In this proof I have considered the development, the allocated site for residential and the re-configuration of the sports and open space areas to accommodate an additional residential area in the northern part of the site. I find that the proposals will result in landscape harm, in particular arising from extending built form into the landscape of the

northern part of the site which provides an open setting to the residential area and a buffer to the wider countryside.

- 2.7 The development of the allocated site will result in visual impact and adverse effects in views from local residential receptors, road, sport, natural open space and footpath users. I find that additional visual effects arise from the northern part of the development which will result in extending the visibility of built form into a wider area with resulting adverse effects on receptors.
- 2.8 At **Appendix A** Sheets 1 – 3 I have presented photographs to illustrate some specific points raised, these are from the sports ground, the LoWS east and south Broadfields.

3 Planning Context

Reason for Refusal and Policy

- 3.1 The planning application for housing, Ref 210965 was refused on 14th June 2021. The Reason for Refusal (RfR) 1 included the following extract:

'...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.'

- 3.2 The RfR included reference to the CBC Local Plan Core Strategy ENV1 (superseded). This has been replaced by ENV1 in the CBC Local Plan 2017 – 2033, adopted on the 4th July 2022. CBC Policy ENV1 extracts reads follows:

'The Local Planning Authority will conserve and enhance Colchester's natural and historic environment, countryside and coastline. The Local Planning Authority will safeguard the Borough's biodiversity, geology, history and Archaeology, which help define the landscape character of the Borough, through the protection and enhancement of sites of international, national, regional and local importance. The Local Planning Authority will require development

to be in compliance with, and contribute positively towards, delivering the aims and objectives of the Anglian River Basin Management Plan.

(A to D omitted)

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.

3.3 The supporting text relating to Policy ENV1 paragraph 4.13 states that:

'...CBC Policy ENV1 aims to control development outside of settlements to protect open stretches of countryside around and between existing settlements, to protect landscape character, to prevent coalescence and retain settlement identity. Any development in the countryside, i.e. land outside of settlement boundaries, must be compatible with local landscape character and setting. Development will be supported provided it does not adversely impact on the intrinsic character and beauty of the countryside, the relationship between and the separate identities of settlements, visual amenity, or the factors that contribute to valued landscapes, whilst also complying with other relevant policies of the Local Plan. Proposals are required to have regard to Colchester's Landscape Character Assessment and the Council's adopted Landscape Guidance for Developers alongside any other relevant or updated evidence, 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.

3.4 I have referred to the NNPF in relation to local character, landscape setting, use of trees and valued landscapes. The following paragraphs 130, 131 and 174 apply:

'Para 130 'Planning policies and decisions should ensure that developments:

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); ...'

'Para 131 'Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, ...'

'Para 174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); ...'

Wivenhoe Neighbourhood Plan

3.5 The Wivenhoe Neighbourhood Plan Policy WIV29 allocates part of the application site as land for residential use, sports fields and open space. The Local wildlife Site (LoWS) was not included within the allocated site.

3.6 The Wivenhoe NP allocates land to the northwest side of the Elmstead Road for housing and a cemetery under Policy WIV30.

3.7 The WIV29 policy sets out a map at Figure 35 and conditions as follows:

“(i) a minimum of 45 dwellings shall be provided with one or two bedrooms which should be designed as homes suitable for older people, single people, or for young couples. They could be bungalows, terraced properties or apartments; and

(ii) the number of dwellings with four bedrooms or more shall not exceed 25 (these could include an office for home-working and / or an annexe to accommodate a relative); and

(iii) dwellings, of whatever size, designed for older residents or active retirees should preferably be built to the Lifetime Homes standard; and

(iv) 20% of all properties should be affordable housing or that percentage relevant under national or Borough policies at the time the planning application is submitted subject to viability considerations; and

(v) it can be demonstrated that the development will not have a detrimental impact on wildlife, as evidenced through an appropriate wildlife survey; and

(vi) vehicle access into the residential part of the site shall be provided from Richard Avenue; and

(vii) 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; and

(viii) a dedicated footpath / cycleway along Elmstead Road to link up Broad Lane Sports

Ground with the built-up part of Wivenhoe shall be provided; and

(ix) a shared-use footpath and cycle track shall be provided directly linking the development to the facilities at Broad Lane Sports Ground and linking with the public footpath to the south of the site; and

(x) a contribution shall be paid towards the creation of a combined footpath/cycle track linking the new development to the public footpath (FP No. 14) from The Cross; and

(xi) contributions towards open spaces, sports, recreational facilities and community facilities shall be required in line with Borough Policies current at the time any application for planning permission is made.”

3.8 In order to establish the likely elements which might comprise a development complying with the allocation I have included a set of parameters and consider these in my assessment of the allocated site. These have been devised with Alison Hutchison and help to assist with establishing the baseline landscape character which might arise if the allocated site were development.

These are 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.

3.9 With respect to a ‘WIV29 Development’ I have considered a development that would accord with the conditions and parameters and the resulting effects that the elements of this development might create. I set these out in Section 5 and 6 of my proof alongside the assessment of the application itself.

4 Landscape Context

Application site and Areas

- 4.1 The application site occupies former farmed land to the north and east of the existing residential area. This includes most of the allocated site except for an area, at the southern end, approx. 0.3 hectares, adjacent to the managed open space which is part of the LoWS. This is addressed further in Alison Hutchisons proof. The application site includes part of the LoWS on its eastern boundary.
- 4.2 The site has a road frontage and field opening to Elmstead Road, it is bordered on its northern side by the Broad Lanes Sports Ground. The site is bordered by ditches, gappy hedgerows and mature trees, mostly oak along much of its west, north and east boundary. The boundaries to the residential areas comprise a mix of fences, some planting and mature trees.
- 4.3 The application proposal includes houses in the southern area (85) and an additional parcel of houses in the northern area (35). The sports pitches have been placed in the northern part of the site adjacent to Elmstead Road. The proposed open space area has been located to the north of the northern residential area. This represents a smaller area than indicated in the allocation. The applicant has included other peripheral areas of open space into their overall calculation including the area located under overhead power lines.
- 4.4 The following is a list of the areas relating to the application site and the allocated site agreed with the applicant.

Application Site Areas

| | |
|--|-----------------------|
| Total Red line of application inc LoWS: | <u>15.02 hectares</u> |
| Local Wildlife Site with application red line: | 4.32 hectares |
| Residential development north: | 1.08 hectares |
| Residential development south: | 2.66 hectares |
| Open spaces (various): | 4.96 hectares |
| Sports pitches: | 2.00 hectares |

WIV29 Site Allocation Areas

| | |
|--|-----------------------|
| Total allocated site: | <u>10.88 hectares</u> |
| Allocated site Housing: | 4.08 hectares |
| Allocated site Sports: | 2 hectares |
| Allocated site Open Space (northern area): | 4.8 hectares |

Wivenhoe Cross Local Wildlife Site (LoWS)

- 4.5 Part of the application site is a non-statutory designated Local Wildlife Site (LoWS), this also extends to the south and west of the application site. The total area of LoWS amounts to approx. 29 ha of ecologically valuable land. The site selection took place in 2008 and was reviewed and extending to the south in 2015. The eastern section of the application site includes 4.32ha, the northern narrow part of the LoWS.
- 4.6 The citation describes the LoWS as ‘This site is a complex mosaic of scrub, woodland and grassland habitat on land mostly affected by aggregate extraction, centres on a stream valley’. The Biodiversity Action Plan priority habitat is ‘Open Mosaic Habitat Previously Developed Land’. This description applies more readily to land to the south and west of the application site where there is evidence of former mineral workings.

NPPF Valued Landscape (LoWS)

- 4.7 With respect to the NPPF Para 174 a) I consider that the LoWS can be described as a ‘Valued Landscape’. The 2021 guidance from The Landscape Institute document TGN 02/21 is a CD. This value feeds into the assessment process in respect to the effects of the development on landscape character. I have considered the LoWS as a separate landscape receptor falling within LCA Wivenhoe Farmland Plateau but having its own unique character.

Published Landscape Character Assessments and Character Areas

- 4.8 The following District level landscape character assessment (LCA) and townscape character assessments (TCA) relate to the area. These are mapped in the LVIA at Figure 5. The national and county wide LCA descriptions have been discounted for the purposes of the assessment.
- 4.9 **CBC District Level (CBA 2005): LCA B8 Wivenhoe Farmland Plateau** The site lies within this landscape type which extends to the north west and south east fringing

Wivenhoe and the south east edge of Colchester. The LCA is bordered by the B1027, which defines the district boundary in this location.

The published characteristics and guidelines for **B8** which have particular relevance are summarised below in italics:

Character and characteristics:

1. *Small irregular patches of woodland*
2. *Medium to large irregular arable fields and gappy boundaries with some mature trees.*
3. *Predominantly arable farmland encircles Wivenhoe urban area.*
4. *Disused mineral workings east of Wivenhoe provide a contrast to the arable landscape.*
5. *Three 'sites of importance for nature conservation'.*

(Note: was this written prior to the designation of the Wivenhoe Cross LoWS).

Key planning and land management issues are cited as:

1. *Pressure from expansion from the northern edge of Wivenhoe.*
2. *Visual intrusion from the tower blocks at University of Essex.*

Landscape Strategy Objective:

1. *Restore and enhance* (Note: not specific to any specific landscape element)

Landscape Planning Guidelines:

1. *Conserve the landscape setting of Wivenhoe*

Landscape Management Guidelines:

1. *Conserve and enhance hedgerow network*
2. *Ensure that mineral workings are restored to benefit wildlife and enhance local amenity.*

4.10 **CBC Townscape Character Assessment (CBA 2006) TCA HI 'Vine Drive Post 1960s suburbs'** The site lies adjacent to this TCA, the main description is set out on page 381 of the TCA (Vol 2), also in the LVIA at page 14, paragraph 4.22.

The published TCA contains points which have particular relevance are summarised below in italics:

At page 381 *Viewing Experience* (from area H1)

- *Open views to countryside to the north and east.*
- *Short-distance views to adjacent Character Areas.*

And... *Threats to Townscape Character which include:*

- *New development along the northern edge, which may be visible from surrounding landscape setting.*

And page 382 ... Evaluation of Sensitivity to New Development

- *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.*

The TCA Figures include:

Figure 5.2 Landscape setting analysis, which includes maps 'Visually significant trees and woodland' including those on the application site boundaries.

Figure 5.6 Townscape Character areas

Figure 5.7 Sensitivity of TCA areas

- 4.11 **Tendring District Level (LUC 2001): LCA 7A Bromley Heaths** includes land to the north and east of the B1027 and Keelars Lane. To the east of Keelars Lane the Sixpenny Brook lies within the narrow river valley of LCA Alresford Valley System 6C. For the purposes of this assessment, it is agreed that LCA 6C need not be considered.

The published characteristics and guidelines for **7A** which have particular relevance to the immediate part of the LCA are summarised below in italics:

Characteristics:

Low density rural settlement pattern (some expansion of Elmstead Market)

Network of narrow lanes

Strong field patterns and distinctive settlement character

Change

Pressure for expansion of built development on the edge of Colchester and suburbanisation of the landscape. (Note: the proposed garden community includes strategic green gaps within the LCA north of the B1027)

Impact of light pollution

Visually sensitive plateau landscape as a result of its open and rural character and long views.

Receptor Locations and Viewpoints

- 4.12 LVIA Figure 6 maps the receptors locations for the assessment. Twelve panoramic field photographs were presented at Figure 8, the location of these views is plotted on Figure

7. The LVIA addendum included six Accurate Visual Representations (AVRs 1- 6) and a map showing their locations.

4.13 **Public rights of way** (PRoW) are indicated on the LVIA at Figure 2. At Figure 6 they are indicated as visual receptors **PR 01–06**. There is one PRoW close to the site which is well used by walkers and from which development views will be available.

- **PRoW 14/155** Wivenhoe (ARC ref PR01-04). This travels between Wivenhoe Cross, past the allotment land, linking up with Henrietta Close through parts of the LoWS and on to Keelars Lane. There is a network of informal paths through the LoWS.

The remaining rights of way in the vicinity do not link directly with the site but were identified as visual receptors with partial and possible glimpsed views:

- **PRoW 22/162** Elmstead (ARC ref PR05) north of Brightlingsea Road to Fen Farm & Elmstead
- **PRoW 2/155** Wivenhoe (ARC ref PR06) between Colchester Road and Brightlingsea Road. This footpath has been assessed as having partial/glimpsed/no views and can be discounted for the purposes of the assessment.
- **PRoW 26/162** Elmstead between Brightlingsea Road and Elmstead Road. This footpath has been assessed as having no view and can be discounted for the purposes of the assessment.

4.14 **Road receptor** locations **RD01 – 05** are indicated at Figure 6. The following are those roads from which views of the site/development be available.

- Brightlingsea Road B1027 (RD01)
- Keelars Lane (RD02)
- Elmstead Road (RD03)

4.15 **Residential receptor** locations **RE01 – 04** are indicated at Figure 6. Three locations are located within the Broadfields estate and one at Broad Lanes off B1027.

4.16 **Public open space receptor** locations are indicated by **POS 1** LoWS to east of site and **POS 2** LoWS to south of the site and mapped at Figure 6. The addendum also included an assessment and visual representations **AVR 4 and 6** from within the LoWS east of the site.

5 Landscape Baseline, Development Proposals and Landscape effects

- 5.1 In this section I have considered the landscape character baseline, impacts and effects arising from the proposed development, including where they differ from the LVIA and the effects arising out of the site allocation a 'WIV29 development'. With respect to Wivenhoe Farmland Plateau B8 I have described the LCA and development impacts in four parts, the northern and the southern fields, the sports ground, and the LoWS. I have assessed the LoWS as a separate receptor.

Wivenhoe Farmland Plateau B8

Description: Northern part of the site

- 5.2 The northern part of the site, to the north of the overhead power lines is a grass field. There is a field access onto the Elmstead Road approximately 30 metres wide, at this point the footway on the east side of the road, coming from the south/Broadfields Road, terminates. The remaining field edge to the road is bordered by a narrow verge, shallow bank, hedge growth and closely spaced mature oak trees.
- 5.3 The field is bordered on its northern side to the sports ground by a ditch, intermittent hedges and closely spaced oak trees. This historic feature forms the boundary to the access and parking area serving the sports ground. The western 130m length of the boundary feature alongside the access drive to the sports ground appears to fall within the control of the applicant. The remaining length of northern boundary borders the sports field. Here the vegetation and oak trees become sparse and the boundary to the sports field is more open. Note **Appendix A Sheet 1** photographs from the sports ground.
- 5.4 The ditch is in places eroded by informal desire lines made by walkers linking to the sports field. The oak trees grow on a hedge bank which has been built up by spoil being deposited around the trunks and causing some issues for the integrity of the landscape feature. Positive management, formalising appropriate link/s and new hedge/tree planting would be beneficial and could be dealt with by detailed design required by a planning condition.
- 5.5 The northern field is bordered on its southern side by fences, intermittent trees and hedges along the boundaries to the gardens at Kings Mews and Alexandra Drive. Most

of the trees are mature oaks and are protected by CBC Tree Preservation Order TPO 10/76 Areas 1 and 2.

- 5.6 On its east boundary the LoWS with its '*visually significant trees*' (Ref Figure 5.2 TCA Wivenhoe) forms a backdrop, the oak trees are visible in views across the field from the Elmstead Road.

Development Proposals for the northern part of the site

- 5.7 The northern field, at its west end is proposed to be used for two sports pitches, end to end and measuring in total approx. 220 x 64m. The illustrated position shows the pitches to be positioned adjacent to the treed boundaries. The detailed Development Layout plan indicates a 10-metre buffer zone to the pitch, with a 5-metre run off strip. A wider buffer zone/safety margin to the boundaries and oak would be beneficial for both the safety of pitch users and tree health.
- 5.8 A footpath/cycle link is indicated to coincide with the sports ground access road. Although this is currently an informal link for walkers there will be a conflict with trees and a safety issue with the location for a formal link in this position. More appropriate positions are available to achieve the necessary connection. There will be a similar conflict between the footpath/cycle link and existing oaks where the link is proposed to join the pavement in Broadfields Road. There is a narrow cut through in this location but a formalised route here is likely to be problematical in terms of the integrity landscape feature. Note **Appendix A Sheet 1** photographs 3 and 4 and **Sheet 3** photograph 6.
- 5.9 Access for operational, emergency and management purposes is likely to be needed to service the sports pitches, but no location is indicated. The only vehicular link shown is to the open space from the northern residential area. There may be a desire for equipment such as shelters and pitch lighting. These elements may be necessary but will further impinge on the open character of the field allocated as open space within Policy WIV29.
- 5.10 The allocated site for 2ha of sports pitches enabled them to be placed away from the Elmstead Road boundary, setting them against the east boundary with a closer association to the current sports pitches. This would have enabled a greater area of land

to be managed as natural and open green space, for significant new planting, provision for play and better opportunities for walking around the space and linking into the sports ground.

- 5.11 The northern residential development is proposed to be introduced into the more open and visible part of the field, this provides an open buffer zone to the wider countryside, existing sports ground and an open setting to the northern section of the LoWS.

Sports Ground; Description

- 5.12 The sports ground comprises the Town Football Club pitch with floodlights, associated buildings, access and parking areas; and tennis and sports pitches. These are also accompanied by lighting columns. The sports field is bordered on all sides to varying degrees by fragmented mature hedges and mature trees (mainly oak). Those alongside the Elmstead Road and B1027 Brightlingsea Road lend a rural character to the sports ground offering only partial screening.
- 5.13 Whilst there are some, albeit necessary, detracting elements such as buildings, parking, signage and floodlights the sports ground is a largely open element in the landscape.
- 5.14 At para 5.3 above I refer to the sports ground boundary with the site. At its eastern end the vegetation and oak trees become sparse and the boundary is more open. Whilst the SLP advises that this boundary will be subject to 'Hedgerow strengthening' it is noted that the Soft Landscape Proposals at Sheet 4 do not indicate any such proposals. Note **Appendix A Sheet 1 Photographs 1 and 2** showing the intervisibility between pitches and site.

Description: Southern part of the site

- 5.15 The southern part of the site, the field south of the overhead power lines is the allocated site for housing. The field is bordered on its west side by the Broadfields residential area with fences and vegetation forming the boundaries. The field is open, the overhead power lines cross the site with the two pylons close to the west and east site boundaries. The lines continue across the residential area (west) and LoWS. farmland and Keelars Lane (east). **Note Appendix A Sheet 3 Photographs 4 and 5.**

- 5.16 The land to the east is part of the LoWS with its boundary of ditch, bank and ancient closely spaced oak trees. This forms a highly attractive natural backdrop to the field and identified as '*visually significant trees*' (Ref Figure 5.2 TCA Wivenhoe). **Note Appendix A Sheet 2** Photographs 1, 4 and 5.
- 5.17 The southern boundary of the allocated site (but not the application site) is marked by a mature tall hedgerow of hawthorn and field maple. It is likely that this hedge was planted on the boundary of the former mineral workings. Suitable management, such as hedge laying with the retention of tree specimens would ensure its longevity and greater screening value. There are several informal links through the hedge to the open space and LoWS. **Note Appendix A Sheet 3** Photographs 1, 2 and 3.
- 5.18 The southern part of the field is falls almost imperceptibly to the south and by virtue of the enclosing elements on its west and east boundaries it is a reasonably discrete area of land. Unlike the northern part of the site the field southern of the overhead line is a less visible component of the wider landscape.

Development proposals for the southern part of the site

- 5.19 The southern part of the site is proposed to accommodate 85 residential units with perimeter boundary buffer zones and links. The southern part of the development includes a SuDS space with some fringing native shrub and tree planting.
- 5.20 There is a buffer zone on the west boundary for an easement. There is a buffer zone on the east boundary of 10 metres which gives an offset to the mature oak trees on the LoWS boundary. The proposed foot/cycleway shown to be adjacent to the buffer located travels for approx. 130 metres of the southern extent of residential units. This terminates at the edge of the application site.
- 5.21 The proposal does not provide a footway/cycle link to PRow 14 as required by policy. There is scope to do this within the allocated site and to provide a link through the hedge to Henrietta Close. A route could be designed to ensure that the length crossing the green space is minimised, thereby limiting visual intrusion.
- 5.22 Due to layout of the residential (included the northern development) space for trees is likely to be limited to private gardens and the SuDS area. Limited street frontage spaces

and a lack of verges are likely to preclude street tree planting. Whilst this would not fully accord with the NPPF at Para 131 (where decisions should ensure that new streets are tree lined) this may not be achievable within the allocated site either.

Assessment of Landscape Effects arising from the development on the site.

Part of LCA B8 Wivenhoe Farmland Plateau

- 5.23 My assessment of landscape effects from the proposed development is as follows and includes where I agree/disagree with the Arc assessment:

Landscape Value: Medium (agree)

Susceptibility: Medium (agree)

Sensitivity: Medium (agree)

Magnitude of change: High (disagree medium)

Assessment of effects: Year 1 Major/Moderate adverse (disagree Moderate)

Year 15 Moderate adverse (disagree neutral)

Mitigation: Some but limited scope for strategic planting without impinging on the open space.

- 5.24 Effects resulting from a 'WIV29 development' for the residential area

Magnitude of Change: Medium

Assessment of effects: Year 1 Moderate adverse

Year 15 Moderate/Minor adverse

Mitigation: The arrangement of housing, sports and open space allows for strategic planting allowing for adverse urbanising effects to be absorbed more effectively.

Effects resulting from a 'WIV29 development' for the sports provision

Magnitude of change: Low/Medium

Assessment of Effects: Minor/neutral (the open buffer space and setting for part of the LoWS will be retained).

Effects resulting from a 'WIV29 development' for the open space provision

Magnitude of change: Low

Assessment of Effects: Neutral with the open space buffer retained and connected to all residential areas, to the sports ground and new pitches.

Reasoning: Assessment of Effects from the application site

- 5.25 I consider that the effects arising from the northern part of the development with both residential and sports pitches in a more prominent location will Major and will remain Moderate adverse in the long term. This is of particular concern where the character of the northern field relates to the Elmstead Road and the B1027.
- 5.26 The proposal to introduce built form into the northern part of the site will not '*Conserve the landscape setting of Wivenhoe*' as advised by the LCA B8 Landscape Planning Guidelines.
- 5.27 Whilst landscape mitigation may assist with absorbing some of the identified effects there will be a change from a rural character to a more urbanised landscape resulting from the sports pitches and the northern residential area occupying a more prominent part of the landscape.
- 5.28 The landscape effect is recognised within the Arc LVIA at Para 5.17 where the assessment relies on new planting to make a beneficial contribution to landscape character. However, whilst proposed new tree planting may assist with absorbing some effects the proposals are sparse, will take decades to mature, and if designed more effectively planting will further reduce the amount of usable open space proposed by the application.

Description: Local Wildlife Site, part of Wivenhoe Farmland Plateau B8

- 5.29 The northern part of the LoWS has reverted from farmland to grassland and naturally regenerating deciduous shrub/scrub and woodland trees. Hawthorn, dogwood, broom, wild rose, bramble, blackthorn, field maple and oak are prevalent. Closely spaced, often multi stemmed oak trees form a distinctive landscape feature within the partially hedged and sinuous historic field boundaries. The overhead power lines cross the northern LoWS but do not detract from its attractive character. The presence of the pylon close to west edge of the LoWS (part of the application site) is a little intrusive in some views.
- 5.30 There is no evidence of mineral extraction having taken place in this northern of the LoWS. Aerial photography (2000) indicates that the field was cultivated at least until the early C21st. There is a field access on the west boundary, close to the pylon. By 2018

was the field was no longer cultivated and natural regeneration had begun. Note **Appendix A Sheet 2** Photographs 1 – 6 give an indication of character.

- 5.31 The northern part of the LoWS benefits from its open field setting to the west with the effect that the perimeter landscape feature has survived largely intact whilst the land was under cultivation. This boundary is identified as in the TCA Figure 5.2 as 'Visually significant trees and woodland'.
- 5.32 The whole area is popular with walkers. The northern area shows a well-established perimeter route, narrow paths crossing the site and well-trodden links to the sports ground, the adjacent fields and the open space to the south. The wider LoWS is populated with a complex network of informal paths including those that link into PRow14.
- 5.33 Whilst much of the LoWS including the site area, does not appear to be in active management (there may be some localised activities) its natural condition appears to be in accordance with its designation as a local wildlife area. The LoWS has an attractive scenic quality resulting from its many varied and attractive landscape types, creating mosaic habitats of meadow, scrub, open water, waterlogged carr, woodland and the emerging woodland on the site area.
- 5.34 The LoWS to the south of the allocated site (and its boundary hedgerow) creates an attractive natural grassed space with benches and a small goal post, accessed from Henrietta Close, owned and managed by CBC. This space provides a 'gateway' to paths leading off in all directions including PRow 14 which travels south from the end of Henrietta Close and south east across the LoWS.

Development Proposals which will create impact on the LoWS

- 5.35 The northern residential development will extend development alongside the western edge by an additional 100 metres (approx.) beyond the allocated site. Development with its associated infrastructure placed adjacent to the LoWS will result in additional incongruous and harmful effects on landscape character. This location is illustrated at **Appendix A Sheet 2** Photograph 1.
- 5.36 The appearance of development is usefully illustrated by the Sketch View provided on page 20 of the DAS. This is a view (of the allocated site area) looking north along the

edge of the LoWS from the perimeter pathway and adjacent to the proposed foot/cycleway, see Para 5.21. The suggested link into the LoWS lies within this view and will involve fragmentation of the boundary feature. Links into the LoWS should utilise existing openings taking care not to further fragment the boundary features. Similarly, the positioning of car park spaces within the buffer zone risks creating harm. It is possible that there may be a desire for the foot/cycleway to be a lit route, however this could further undermine the character of the LoWS.

- 5.37 Development will also result in effects on the sense of relative tranquillity and remoteness from the residential area. This impact on character can only be increased and exacerbated by the additional northern residential area.
- 5.38 The proposal to allow walkers to use the northern LoWS on a more formal basis will be welcomed. The proposed signage and dog bins may be beneficial. A combination or matrix of grassland glades, areas of scrub, woodland and retained boundary features might be a suitable approach to management of the LoWS. However no specific management proposals have been proffered by the applicant.

Assessment of Landscape Effects arising from the development on the LoWS (LCA B8)

- 5.39 With respect to the assessment against Valued Landscape criteria the LoWS has ecological and natural heritage interest as evidenced by its designation and the presence of priority habitats; 'wet woodland' and 'open mosaic habitats on previously developed land'. It has a distinctive and scenic value and is in good condition, few detractors (the presence of housing and pylons in occasional views) and with varied and intact landscape elements. Finally, the LoWS area offers significant and local recreational value in respect of walking through nature.
- 5.40 This receptor was not assessed separately in the Arc LVIA. My assessment of landscape effects from the proposed development:
- Landscape Value:** Medium/High
- Susceptibility:** Medium/High
- Sensitivity:** Medium/High
- Magnitude of change:** High
- Assessment of effects:** Year 1 Major/Moderate adverse

Year 15 Moderate adverse, dependant on stringent buffer zones and LoWS management.

- 5.41 The landscape arising effects resulting from a 'WIV29 development' will be equivalent in respect to the harm in the southern area, noting too that development might extend further south within the allocated site.
- 5.42 However, the allocated sports field provision abutting part of the LoWS in WIV29 would be more compatible with the landscape character of the site somewhat reducing the harmful effects along the LoWS western boundary.

For this component I conclude that a 'WIV29 development' would result in:

Assessment of effects: Moderate adverse harm diminishing to Minor

This will be subject to careful siting of pitches and the placing of any ancillary equipment including lighting.

Colchester Vine Drive Post 1960s suburbs H1 TCA

- 5.43 The residential area lies to the west of the site with boundaries comprising a mix of fences, some vegetation and some trees. There is a particularly notable clump of boundary vegetation including trees to the rear of Alexandra Drive and Richard Avenue some of which has grown up around the pylon close to the boundary.
- 5.44 The residential development south (85 units) proposes a buffer zone of 6 metres (DAS page 6) to accommodate a surface water drainage easement. In places the SLP plan shows a little more width, the Soft Landscape Proposals (Sheet 1 and 2) indicate a small amount of tree planting within the buffer.
- 5.45 The northern residential area introduces development into the field beyond the allocated site, this increases the harm arising from the loss of 'farmland' (and replaces the allocated open space) 'encircling' the Wivenhoe area (ref CBC LCA B8). The TCA also recognises this as a 'Threat to townscape character' on page 381 '*New development along the northern edge, which may be visible from surrounding landscape setting*'.

Assessment of Landscape Effects on TCA H1

5.46 My assessment is as follows and includes where I agree/disagree with the Arc assessment:

Landscape Value: Medium (agree)

Susceptibility: Medium (agree)

Sensitivity: Medium (agree)

Magnitude of change: Medium (disagree low)

Assessment of effects: Year 1 Moderate Adverse (disagree Mod/Low)

Year 15 Moderate/Minor Adverse (disagree neutral)

5.47 Effects arising from a 'WIV29 development' for the residential area (as above):

Assessment of effects: Moderate / Minor adverse effects

Effects arising from a 'WIV29 development' for the sports provision:

Magnitude of change: Low/Medium

Assessment of effects: Minor/neutral with the open space setting preserved.

Effects arising from a 'WIV29 development' for the open space provision:

Magnitude of change: Low

Assessment of effect: Neutral; with the open space buffer retained and connected to all residential areas, to the sports ground and new pitches.

Bromley Heaths 7A LCA (Tendring DC)

5.48 The landscape type provides the wider character setting to the north and east of the B1027 and Keelars Lane.

5.49 I have noted that there is some visual intrusion from the football ground floodlights and that these introduce an incongruous element into parts of the LCA, most noticeable from the PRoW 2 Broad Lanes to Fen Farm. I have not looked at these when in use but no doubt the light source is also apparent to varying degrees. The proposal to add residential development into the northern area is likely to result in further awareness of built form from within the Bromley Heaths LCA. Whilst there is scope to improve planting along the site boundary this is unlikely to completely absorb development into this

plateau landscape and would in any event take decades to give a mature screen. I consider it likely that the northern development will result in urban intrusion.

- 5.50 The sports pitches, as part of the allocated site, would not result in the same effect, this due to them being open in nature. Likewise, the southern development, as part of the allocated site, lying beyond the overhead power line and further from the LCA boundary would result in less intrusion and offer scope for a buffer of new planting.
- 5.51 The LVIA at Para suggests detracting features of overhead pylons and mineral workings within the landscape type. The power lines crossing the landscape type east of Keelars Lane are not overly intrusive and the minerals working in this area has been restored back to arable, pasture and copses with the scheme in long term aftercare.

Assessment of Landscape Effects on the Bromley Heaths LCA 7A

- 5.52 My assessment is as follows and includes where I agree/disagree with the Arc assessment:

Landscape Value: Medium (agree)

Susceptibility: Med/High (agree)

Sensitivity: Med/High (agree)

Magnitude of change: Low/Medium (disagree with Low)

Assessment of effects: Year 1 Moderate adverse (disagree with neutral)

Year 15 Moderate/Minor adverse (disagree with neutral)

I consider that the landscape effects arising from the northern part of the development will remain **Moderate/minor adverse** (*not Neutral*), this as a result of additional (to the visible elements of the existing sports ground) uncharacteristic built form eroding the rural character of the LCA.

- 5.53 With respect to a WIV29 development with housing set back behind open space, sports fields, and the overhead line, I consider that this would have a **Minor/neutral** effect on the LCA 7A in the longer term. Mitigation by use of strategic landscape planting alongside the allocated residential area (allowing for the overhead line route offsets) would assist with absorbing harmful effects.

6 Visual Effects arising from the development

- 6.1 In addition to considering the effects on the LVIA receptors I have also considered recreational receptors using the sports ground.
- 6.2 The additional Accurate Visual Representations 1 - 6 (February 2022) identified six specific Viewpoints with AVR images.

Residential Receptors

- 6.3 The TCA for HI describes the viewing experience from this residential area at page 381 as: *'open views to countryside to the north and east.* It therefore seems appropriate to consider that all residential receptors who have a view over the development area will experience some adverse visual effects from the development as their outlook changes from open/rural to urban landscape.
- 6.4 For residents at RE1, properties off Alexandra Drive some residents will have a view towards the northern residential site (as opposed to the sports field in WIV29). I consider the visual effects to be **Moderate** (agree) reducing to **Neutral** (agree).
- 6.5 For residents at RE1 experiencing views towards to the northern field and sports pitches the visual effects are likely to be **Moderate** reducing to **Neutral effects**. A view toward open space as in WIV29 would result in more positive visual landscape benefits.
- 6.6 For residents at RE2 Richard Avenue and RE3 Henrietta Close I consider the visual effects to be **Moderate** reducing to **Neutral** (agree).
- 6.7 For residents at the Broad Lanes and B1027 junction I am satisfied with the assessment of **Minor adverse** reducing to **Neutral effects**. However, I have noted that the receptor at No 18 B1027 has clear views (from upper floor) across to the site area by virtue of its location on the main road. Residents will have a view of the northern residential area, I consider that the visual effects will be **Moderate adverse** at Year 1 reducing to **Minor adverse** at Year 15, this subject to landscape mitigation on the northern boundary with the sports ground. The property is visible in the LVIA AVR 3 to the right side of the frame and development outline.

Recreational receptors; sport

- 6.8 For recreational receptors using the existing sports facilities they will experience clear views of the northern residential area. Views towards the allocated site would have revealed a more distant development (south of the pylon) with scope for landscape mitigation as previously described. Note **Appendix A Sheet 1** Photographs 1 and 2 highlighting this view.
- 6.9 The receptors are considered to **Medium/Low sensitivity** with the magnitude of change being **Medium / High**. I consider that the visual effects on these recreational receptors, will be **Moderate adverse** at Year 1, reducing to **Moderate/Minor adverse**. This is subject to a comprehensive scheme of well managed planting on the northern boundary to the appeal site.
- 6.10 With respect to a 'WIV29 development' the proposed location for open space and sports pitches in the northern part of the site would have created a beneficial outlook for recreational users.

Public Rights of Way and POS Receptors

- 6.11 Recreational and footpath receptors using PRoW 14 as it passes through the open space/LoWS to the southern of the site will experience some views of development. The representative locations are PR03 and 04. The extent to which the site is visible from footpath depends on the receptor location, views from the footpath change continuously along its route due to changes in ground levels and screening vegetation. There are locations where the site will not be visible such as Arc Viewpoint 6 from the footpath, due to landform.
- 6.12 As the footpath route travels east and at PR02 and PR01 the allocated and northern development become visible as a backdrop behind the landscape of the LoWS. This is indicated at AVR 5 located at Viewpoint 9 and between PR02 and PR01. I consider that these three locations will experience a **Medium/Low magnitude of change** (disagree Low/negligible) with the development appearing in the backdrop to the LoWS. The AVR 5 image clearly indicates the additional extent of development, north of the power lines, which will be apparent/glimpsed in summer in the view. Effects likely to **Moderate/Minor adverse**. The long-term effect may reduce depending on the extent to which vegetation

thickens and gains height. I consider that the effect will remain as **Moderate/Minor adverse** with the views of development appearing as a discordant element in the landscape. Walking east towards Keelars Lane (on the quarry track where there is a temporary footpath diversion) similar but more distant views are obtained from Viewpoints 10 and 11 with the additional development area extending the view of development to the north.

- 6.13 Views of the allocated site are mostly available from the footpaths (both designated and informal through the open space between the end of Henrietta Close and the southern tip of the appeal site. The Arc Viewpoint 5 shows a typical view of the southern part of the allocation site and the hedged boundary, the appeal site boundary lies approx. 30 metres to the north of this. This is the approx. location for the POS 2 receptor. I agree with the Arc assessment for POS 2 which concludes that the magnitude of change will be **Medium/High** (although this needs to be clarified as a possible text error) with visual effects **Moderate Adverse**. I consider that the effect will remain as **Minor adverse** (not Neutral) considering the limited space available for mitigating planting for either the appeal scheme or a 'WIV29 development'.
- 6.14 Views from the informal paths extending through the LoWS are indicated and assessed by Views at AVR 4 and 6 and at POS 1. The walker will experience views of the development through the trees and across the site with the prominence of development varying through the seasons. The most prominent views will be from the informal path close to the west boundary. I agree with the assessment for POS 1 and apply this to AVR 4 and 6 (where Arc differ in their assessment) where I consider that there will be a **Medium/High** magnitude of change **and a Moderate adverse** effect on the views.

Road Receptors (LVIA Figure 6 RD 01-05)

- 6.15 Road receptors using Brightlingsea Road B1027, Keelars Lane and Elmstead Road will experience views of the northern part of the development.
- 6.16 From **Keelars Lane** in the vicinity of RD02 there are views across the landscape (restored mineral workings) to the northern LoWS and the trees forming the boundary of the sports ground. Arc Viewpoint 11 gives a good representation of the view from this location. The pylon positions are a useful guide denoting the divide between the residential development south and north. There are glimpses of the University of Essex

tower blocks through the trees where they thin out and reduce in height at the northern tip of the LoWS and the hedgerow beyond. It is possible that the northern residential area may also be glimpsed in these views. I consider that the magnitude of change will be **Low/Medium**. With the sensitivity of the road users as **Medium** I assess the effects to be **minor adverse**.

- 6.17 **From Brightlingsea Road** driving west along the B1027 towards the sports ground, both the sports ground, and the site come into view. The roadside boundary is such that the site is intermittently but clearly from the road as it passes the sports ground. The allocation site is also visible but set back in the view. The appeal site northern development introduces additional effects resulting from its closer proximity to the receptor. I consider that the magnitude of change will be **Moderate** (not low/negligible) with the effects being **Moderate adverse** at Year 15. The development will introduce an urbanising element into the view from the road.
- 6.18 **From Elmstead Road** driving into Wivenhoe from the B1027 the road is narrow with trees and hedges on both sides. At the road junction views into the sports ground and the site are obscured by an array of signs highlighting the sports facility set between the trees on the site boundary. As one passes the narrow access drive to the sports ground views through the trees into the northern field are apparent with these becoming open at the field access. The view from this point is included in the LVIA as Viewpoint 1 with a further Viewpoint 2 taken on the field side of the hedge. The AVRs 1 and 2 indicate how prominent the development will appear in the views. From the road (and proposed open space) the northern residential area will be prominent and will extend into the backdrop of the views, reducing the landscape setting to the settlement.
- 6.19 I consider that the magnitude of change will be **Medium/High** (disagree Medium) with the effects being **Moderate adverse** at Year 15 (disagree beneficial). The development will introduce an urbanising element into the view from the road which is unlikely to be effectively concealed.

7 Conclusions

- 7.1 In allocating part of this agricultural landscape for residential development it was accepted that the site allocation would have created a range of landscape impacts and visual effects, some of which would be harmful and adverse. However, the proposed northern residential area will extend housing significantly further north placing it into a more prominent position in the landscape.
- 7.2 I consider that the northern residential development, extending beyond the power lines and into the area allocated for open space and sports fields will result in an urbanising effect on the landscape setting of the northern part of Wivenhoe. The landscape setting is provided by the Wivenhoe Farmland Plateau and Bromley Heaths landscape character areas which encircle the settlement to the area north and east. The development will result in cumulative adverse harm to this setting when considered against the effects arising from development of the allocated site.
- 7.3 The northern development area will result in built form being visible from both the Brightlingsea Road and Elmstead Road and this replaces the views of open countryside which would be largely retained by the open space and sports pitches proposed by the development of the allocation site. The appeal proposal places the sports pitches closer to the Elmstead Road with the area of open space reduced by the additional area of housing.
- 7.4 Rights of way receptors and users of the open space to the south and east of the site, including the LoWS will experience views of the proposal with the northern development adding an additional element of urbanisation and exacerbating the magnitude of change for those views, either as a distant backdrop or as closer views from the informal pathways within the LoWS.
- 7.5 The development will give rise to some adverse visual effects experienced by residential receptors with the northern development resulting in properties in Alexandra Drive and Brightlingsea Road experiencing a change to their outlook over an open landscape.
- 7.6 The proposed development is not compatible with local landscape character and setting as required by policy ENV1. The appeal site will result in a fragmentation of the

landscape setting and will result in adverse impacts on the intrinsic character and factors which contribute to the value of the LoWS on its eastern boundary.

- 7.7 I also consider that the effects resulting from the development are such that it will not be sympathetic to landscape character and landscape setting as required by NPPF Para 130 nor will it protect and enhance a valued landscape as required by NPPF Para 174 (a) and also reflected in CBC Local Plan Policy ENV1.
- 7.8 The proposed development does not include any landscape benefits which persuade me to consider that the landscape and visual harm arising from development of the application site as proposed development should be set aside.

Anne Westover CMLI
Landscape Architect
Wivenhoe Landscape Proof of evidence

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