

Town & Country Planning Act 1990 S78

PROOF OF EVIDENCE

of

John-Paul Friend

HND (LGD) BA Hons Dip LA CMLI

on

Landscape and Visual Matters

on behalf of

Wychavon District Council

in respect of the development

‘Residential development for up to 130 dwellings (Use Class C3), including vehicular access from Dilmore Lane, pedestrian and cycle links, public open space, car parking, drainage, landscaping and other associated infrastructure. All matters reserved except for access.’

at Dilmore Lane, Fernhill Heath

PINS Ref: APP/H1840/W/24/3346731

LPA Ref: W/23/01323/OUT

LVA Ltd Ref: WYC1524lpoe

Date: September 2024



Contact Details:

LVA Ltd.
Bellamy House
Longney
Gloucester
GL2 3SJ

tel: 07940 749051
email: jp@LVA ltd.com
www: LVA ltd.com

Landscape Proof of Evidence	
Project:	Dilmore Lane, Fernhill Heath
Status:	Final
Date:	September 2024
Author:	JPF
File Reference	WYC1524 poe
Revision	-

Disclaimer:

This report has been produced by LVA Ltd within the terms of the contract with the client and taking account of resources devoted to it by agreement with the client.

We disclaim any responsibility to the client and others in respect of any matters outside the scope of the above.

This report is confidential to the client and we accept no responsibility of any nature to third parties to whom this report, or any part thereof, is made known. Any such party relies on the report at their own risk.

Contents

1.0	Introduction.....	3
2.0	The Proposed Site: Local Context and Character	5
3.0	The Submitted Landscape and Visual Appraisal.....	7
4.0	Landscape Sensitivity and Effects.....	8
5.0	Visual Effects of the Proposed Development	10
6.0	Summary Proof and Conclusion.....	13

1.0 Introduction

Witness

- 1.1.1 I am John-Paul Friend. I am the Director of LVA Ltd and I specialise in landscape and visual planning issues associated with development and change.
- 1.1.2 I have provided evidence for planning appeals by inquiry, written representations and hearing for over seven years.

Qualifications

- 1.1.3 I hold a BA (Hons) degree in Landscape Architecture and Post Graduate Diploma in Landscape Architecture from the University of Gloucestershire. I am a chartered member of the Landscape Institute.

Professional Practice

- 1.1.4 I am the Director of LVA Ltd and I have been practising landscape architecture for 18 years, all in private practice as a Landscape Architect.
- 1.1.5 I have previously been an associate lecturer at the University of Gloucestershire, where I taught undergraduate and postgraduate students on the Landscape Architecture course. I am currently an associate lecturer at both the University of the West of England and the University of Gloucestershire where I teach Planning students and Landscape Architects.
- 1.1.6 I have an active involvement in schemes across the United Kingdom. The range of projects in which I have been involved include residential, agricultural, defence, highways and energy. I am also involved in the production of environmental impact assessment, environmental statements and general landscape design. During my professional career I have carried out a substantial number of Landscape and Visual Impact Assessments, Townscape Assessments, Landscape Appraisals and Character Assessments on a wide variety of sites and areas.
- 1.1.7 LVA Ltd carries out impact assessments, masterplanning, landscape evaluations and detailed landscape proposals for a wide variety of clients. I liaise with local authority officers in many local planning authorities (London boroughs, district and borough Councils) across Britain; and a high proportion of my practice's activity is based on site evaluation and landscape design.
- 1.1.8 I am familiar with the Application Site and its surroundings, having reviewed all relevant background information and undertaken field surveys in September 2024. Before accepting the instruction to act as an expert witness I reviewed all pertinent information and was satisfied that I would be comfortable defending the Council's case on landscape and visual matters.

Declaration of Truth

- 1.1.9 I declare that the evidence which I have prepared and provide for this appeal is true. It has been prepared and is given in accordance with the guidance of the Landscape Institute and I confirm that the opinions expressed are my true and professional opinions.
- 1.1.10 Before I accepted involvement in the project, I familiarised myself with the submitted information and ascertained that I could support the issues identified within the reason for refusal.

1.1.11 The scope of my Proof of Evidence is to deal with the landscape and visual impact issues associated with the site, and the Appellants' submitted Landscape and Visual Appraisal.

Project Involvement

1.1.12 LVA Ltd were appointed by Wychavon District Council to prepare landscape and visual evidence in respect of the proposed development at Dilmore Lane, Fernhill Heath.

Scope of Evidence

1.1.13 My evidence addresses the landscape and visual effects of the proposed development. In preparing my evidence I have considered (among other things):

- the application plans,
- the Appellant's Landscape and Visual Appraisal dated June 2023 produced by LDA Design ("the LVA"); and
- the Planning Statement, the Appellant's Statement of Case.

Reasons for Refusal

1.1.14 The Council refused permission for the following reason that refers to landscape and visual matters (specific text emboldened for ease of reference):

*Refusal Reason 1: The application site lies outside of a defined development boundary and is therefore classed as being open countryside where development is strictly controlled. The proposal does not meet the criteria for the development to be considered as an exception to Policy SWDP2 of the South Worcestershire Development Plan and **it does not preserve and enhance the open countryside and character of the area**, contrary to Policies SWDP2 and SWDP25 of the South Worcestershire Development Plan.*

The proposed development would lead to a significant loss of Best and Most Versatile agricultural land contrary to Policy SWDP13 of the South Worcestershire Development Plan.

The proposed development would have an adverse impact on the designated heritage asset of Tappenhill Farmhouse, with part of the application site forming a key part of the setting of this Grade II Listed Building, contrary to Policies SWDP6 and SWDP24 of the South Worcestershire Development Plan and Chapter 16 of the National Planning Policy Framework.

The benefits of the proposal are not considered to outweigh the adverse impacts that would arise to the open countryside, the loss of Best and Most Versatile agricultural land, and the setting of Tappenhill Farmhouse and therefore in the application of Paragraph 11(d) of the National Planning Policy Framework the proposal does not represent sustainable development.

2.0 The Proposed Site: Local Context and Character

Site Character and Boundaries

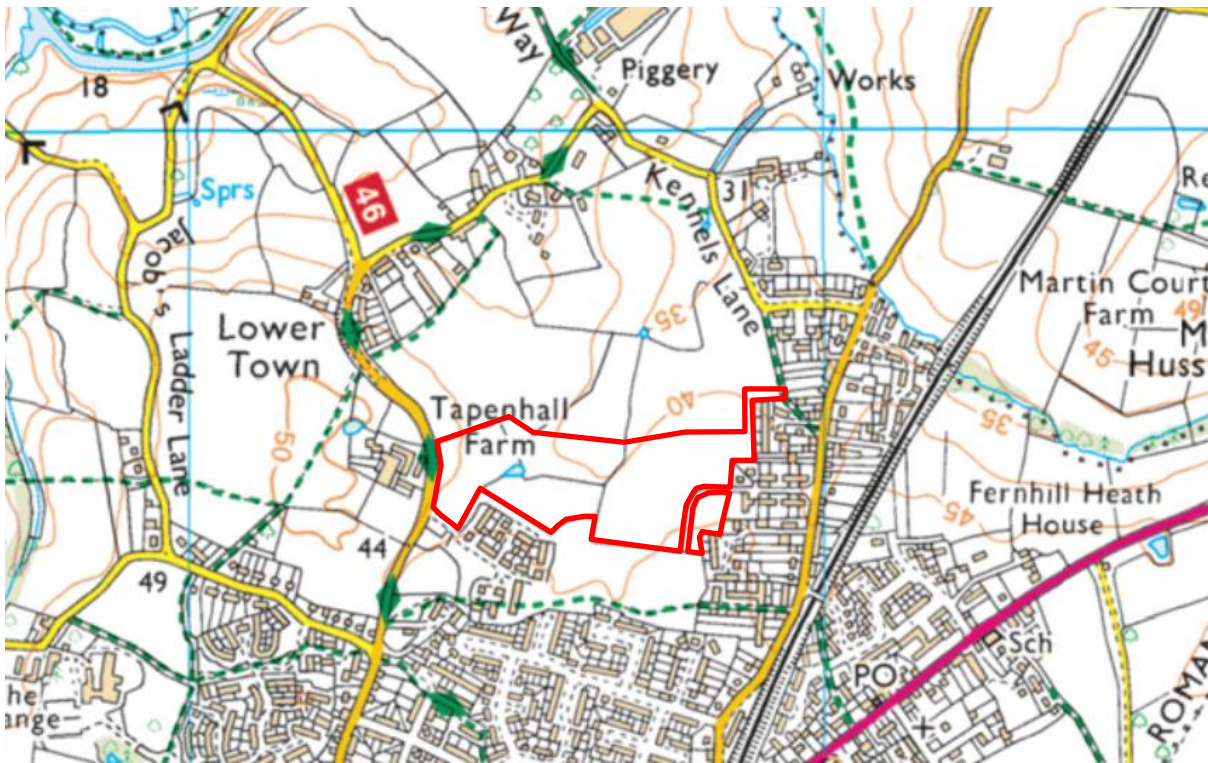


Image 1: Site location shown on 1:25000 OS map base

- 2.1.1 The site is located to the north of the settlement edge of Fernhill Heath. The total site area is approximately 7.5 hectares. The site is proposed to be accessed from Dilmore Lane. The site sits to the north of the settlement edge that is formed by existing dwellings that are laid out in a number of cul de sacs accessed from Suffolk Way. The site's boundary does not follow the field pattern and crosses centrally through fields in some locations to the northern boundary.
- 2.1.2 The site is currently undeveloped and in use as part of a larger field network that is in agricultural use. The fields are defined by a combination of hedgerows and open boundaries with some pockets of riparian vegetation situated near ponds. The countryside to the north is more agricultural in nature. The landform across the site is undulating.
- 2.1.3 To the north of the site sit fields of a similar nature that are currently in agricultural use and crossed by a number of well used public rights of way. The site sits within no areas of national designation related to landscape. The site's northern boundary crosses field in a seemingly arbitrary fashion, rather than following the established field boundary pattern.
- 2.1.4 When travelling along Dilmore Lane from the north, the landscape appears more rural and tranquil. Where Dilmore Lane meets Suffolk Way, the recently completed residential development is clearer in views and provides a more developed or urban experience.
- 2.1.5 Within the site itself, it appears relatively rural although a level of visual connectivity exists with dwellings to the south when viewed from the north.
- 2.1.6 Views from within the site provide links to the generally agricultural landscape to the north and also to the south where the dwellings form the current settlement edge.

- 2.1.7 The landscape to the north of the site that is mainly experienced by users of the PRow and represents a landscape that although exhibiting features that relate to the fringe of Fernhill Heath remains more rural in its nature.
- 2.1.8 The development would form an encroachment into the landscape that sits to the north of the current settlement boundary of Fernhill Heath in this location. This would be apparent from the footpath network to the north where development would appear to extend closer to the viewer into the field network.

3.0 The Submitted Landscape and Visual Appraisal

- 3.1.1 The Landscape and Visual Appraisal (LVA) that accompanies the application has been considered as part of this proof of evidence.
- 3.1.2 The process that has been undertaken to produce the LVA generally complies with the approach set out in Guidelines for Landscape and Visual Impact Assessment (Third Edition), published by the Landscape Institute and the IEMA (2013) (GLVIA). However, that does not necessarily mean that I agree with every judgment within the LVA.
- 3.1.3 With this in mind, I will provide my views on the outcomes and identify where my judgement varies from the outcomes of the submitted LVA in the following chapters of this document.
- 3.1.4 Where paragraphs are stated, they refer to the LVA unless otherwise detailed. Sections of the text stated within the LVA will be provided where useful for ease of reference but should be read in conjunction with the submitted LVA for full detail.
- 3.1.5 The LVA provides an assessment of the proposals as described:
- “up to 130 new residential dwellings (Use Class C3), including vehicular access from Dilmore Lane, pedestrian and cycle links, public open space, car parking, drainage, landscaping and other associated infrastructure. All matters are reserved except for access.”*
- 3.1.6 I have used the LVA approach for ease of reference but have also used commonly accepted terminology such as ‘major’ or ‘moderate’ as effects for clarity. This is because tables that combine sensitivity with magnitude of change in landscape or visual terms to provide a defined outcomes have not been provided. This is not technically outside of the guidance provided within GLVIA for an LVA, but does make the process less transparent to the reader and also makes comparisons of assessed effect more difficult.
- 3.1.7 The LVA does not provide a detailed explanation of the criteria used for assessing the significance of effects. GLVIA emphasises the importance of transparency in methodology to allow for independent verification. More explicit descriptions of how sensitivity, magnitude of change, and significance of effects are determined would improve the robustness of the assessment and ease of reference to a reader.

4.0 Landscape Sensitivity and Effects

4.1.1 The site is situated within the "Settled Farmlands with Pastoral Land Use" Landscape Type (LT) as defined by the Worcestershire Landscape Character Assessment (WLCA).

4.1.2 The 'Settled Farmlands with Pastoral Land Use' LT is described as:

A rolling, lowland, settled agricultural landscape with a dominant pastoral land use and small scale, defined by its hedged fields. Hedgerow and streamside trees, together with those associated with settlement, provide tree cover in a landscape with a notable network of winding lanes, scattered farms and clusters of wayside settlements.

4.1.3 The following landscape receptors will be most affected by the development:

4.1.4 Pastoral land use: The development would replace the current fields with urban land use. This is one of the primary key characteristics of the LT.

4.1.5 Hedged fields: The scale of the proposals will permanently change the landscape's hedgerow field enclosures, fragmenting the remaining pastoral character. This will be even more apparent given that site's proposed northern boundary that does not follow the existing field boundary and crosses seemingly randomly across the fields. The LVA suggests that new planting will mitigate the impact, but the loss of mature tree and hedgerow patterns, which contribute significantly to the character, cannot be replicated in the short to medium term. Additionally, a relatively long section of hedgerow that follows Dilmore Lane will have to be removed to allow a visibility splay for the site access route.

4.1.6 The development would result in a significant erosion of the current pastoral character and introduce urban development which will appear to extend the current urban fringe further to the north within the fields.

4.1.7 This will not form a substantial change to the current site character given its context to the south and east but will make clear encroachment into the fields that form the site and extend development to the site's unconstrained northern boundary towards Lower Town.

4.1.8 The Landscape Guidelines for the LT of relevance to the Site include:

- Conserve and enhance the pattern of hedgerows.
- Maintain overall pastoral land use.
- Seek opportunities to conserve all remaining areas of permanent pasture.
- Conserve and enhance tree cover along watercourses.
- Conserve hedgerow tree populations and promote new hedgerow tree planting.
- Retain the integrity of the dispersed pattern of settlement

4.1.9 The proposals would create adverse harm to five of the six landscape guidelines, with only the watercourse tree cover being unaffected.

Impact on the landscape character of the site and its immediate context

4.1.10 The landscape character of the site and its immediate context would be adversely affected by the development. The pastoral fields will be permanently removed as a result of the

development of the site. The effect would be adverse at a site level and would not be reduced as a result of mitigation measures. These effects would include the addition of built form on the currently open fields, which would include the influence of noise and movement associated with the residents and site users and by the lighting that would be required. These will clearly adversely affect the current baseline of the site.

4.1.11 Additionally, a number of hedgerows will be broken or removed as a result of the proposals which will undermine the field pattern. Removal of a section of the hedgerow that follows Dilmore Lane to facilitate access to the site will open up views of the landscape to the east and north east.

4.1.12 It is my view that the site has a medium to low sensitivity to this form of development given the receiving context. However, the change formed as a result for the proposals would be of a large magnitude on the site and its immediate context due to the permanent change of use from the current baseline to urban form. Further from the site, the change would reduce to a medium or moderate level as the development would be less clearly intrusive, but the use of the site would be noticeable in the wider area. Further afield the change would be less noticeable and would fall to a low level, with an awareness of the additional development perceptible, but becoming less evident as the proximity reduces. These effects would be adverse in nature.

Section Conclusions

4.1.13 As set out above, there are three main harms to landscape and character:

- Pastoral Land Use
- Hedged Fields and Field Pattern
- The landscape character of the site and its immediate context

4.1.14 It is my judgement that there will be an adverse effect on the characteristics of the landscape which will be clearly affected so resulting in a mid-level or moderate adverse change.

4.1.15 The extension of built form to the north from the existing urban form along Suffolk Way will be clear and this will continue to be a noticeable element in the landscape even once any mitigation measures have established due to the extension of built form into the pastoral landscape.

4.1.16 The field that forms the site itself will be permanently removed as a result of the development of the site and the landscape character of the site and its context will be adversely affected.

4.1.17 It has been accepted and is common ground that there will be a level of harm to the site and its immediate surroundings at a residual level. Overall, the proposals will harm and not improve or conserve the local landscape character.

5.0 Visual Effects of the Proposed Development

5.1.1 This section will present my independent analysis of the potential visual effects of the site.

5.1.2 As before, all following chapters, page numbers and paragraphs in this section refer to the submitted LVA unless otherwise stated.

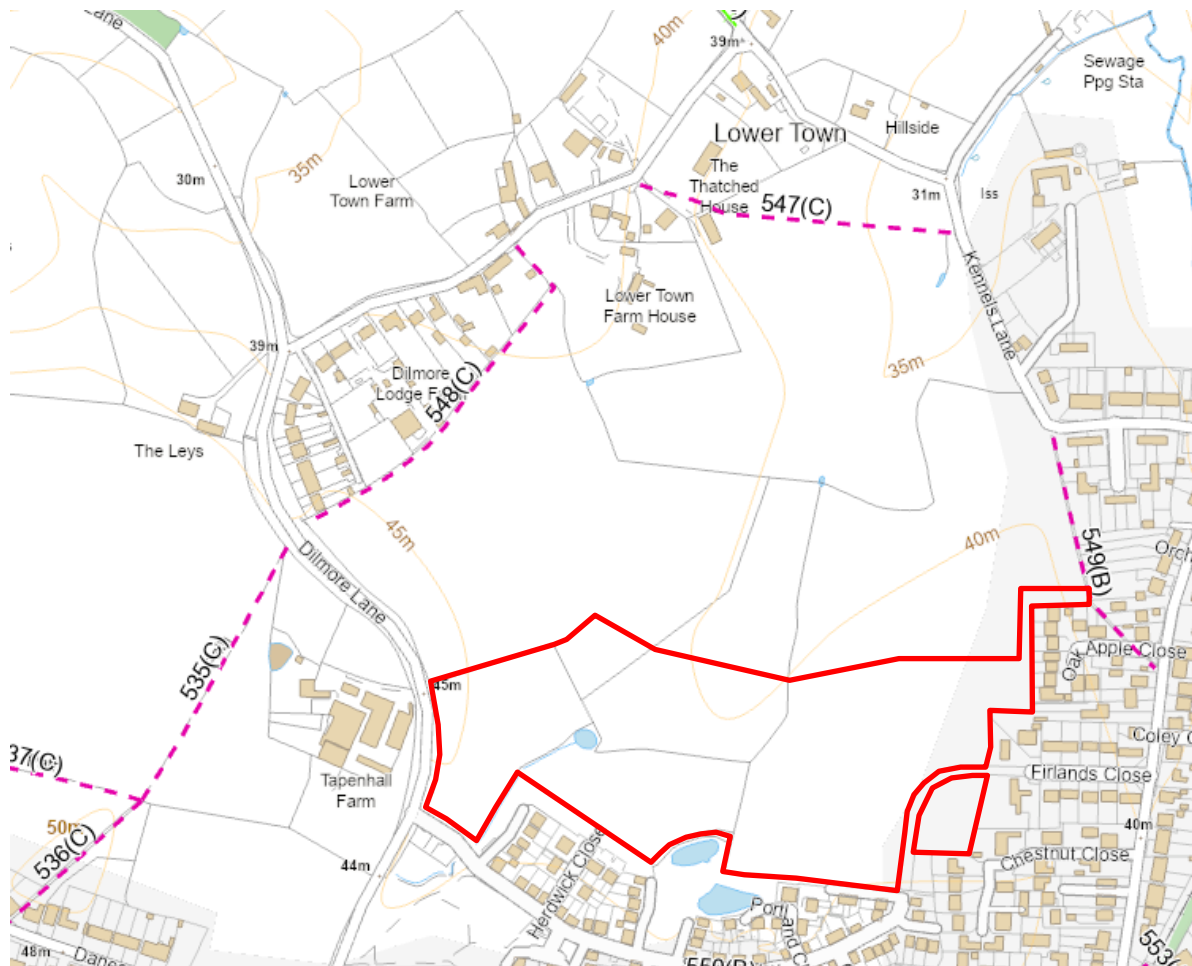


Image 1: Routes of Rights of Way

5.1.3 Image 1 illustrates the routes of rights of way that sit in the landscape around the site.

5.1.4 The viewpoint locations chosen within the LVA for photographic analysis seem reasonable for the proposals.

5.1.5 It is my judgment that views from footpaths 548(C), 547(C) and 549 (B) the proposals will be prominent in views. This is due to the relatively close proximity of the site to the rights of way and the lack of visual barriers that exist in the intervening landscape. This visual change will be worsened due to its apparently unconstrained northern boundary that seemingly follows no rational route of existing field boundaries or features and crosses open sections of the existing agricultural fields.

5.1.6 The change will be experienced in the context of the existing dwellings that sit to the south and east of the site, but there will be a clear encroachment of the agricultural fields.

5.1.7 Footpath 535(C) will experience an obvious change from a section of its route as it crosses to the north near Tapenhall Farm.

- 5.1.8 It is important to note that the local right of way network is very well used and during my site visits I saw many people using them.
- 5.1.9 Views from a section of Kennels Lane to the north east will be substantially changed as a result of the development and there will be an appearance of development extending closer to the viewer than present and the proposed 2.5 storey buildings will dominate the view.
- 5.1.10 There will similarly be a substantial change from Dilmore Lane to the west where the removal of a section of the field boundary hedgerow to allow a vision splay to be achieved for the site access will reduce the current rural experience of its users.
- 5.1.11 From the north east, some longer range views of the site are available from sections of Station Road and Ladywood Road and from the landscape that sits around Salwarpe. The change will be perceptible but will reduce in severity as the distance increases as can be expected.
- 5.1.12 There would of course also be a substantial effect on the residents that sit near to the site that should be acknowledged.
- 5.1.13 Once the proposed mitigation measures have established, there will be a reduction in effects from some locations. However, the footpaths to the north, (548(C), 547(C) and 549(B)) will remain clearly affected as the development will sit closer to the routes and the encroachment will be obvious.
- 5.1.14 It is stated within the second paragraph of 4.5 *Views and Visual Amenity* of the LVA:

As set out above, by focussing development within the south eastern sections of the Site, the Proposed Development relates well to the existing settlement edges. Also by retaining the western and northern sections for open space and landscape fabric improvements the Proposed Development will only form a modest change to the extent of built elements on the edge of Fernhill Heath.

- 5.1.15 As can be seen by the provided layouts, this approach to the layout has not been achieved with development situated along the northern boundary and more generally across the site. As the development has been situated within the northern extents of the site, the mitigation measures proposed such as the orchard planting to the west, near to Dilmore Lane, will not have the effect of reducing visual effects from the footpath network to the north.
- 5.1.16 During dark hours, the street lighting, light produced by vehicular movements, the dwellings and their use will be clear from the identified viewpoints. In winter months dark hours are longer than during summer months and any change will be more noticeable.

Section Conclusions

- 5.1.17 As detailed above, the main visual change will occur to users of footpaths 548(C), 547(C) and 549(B) and sections of Kennels Lane and Dilmore Lane. Users of footpath 535(C) will experience a perceptible change from a section near to Tappenhall Farm where it meets Dilmore Lane.
- 5.1.18 The visual change will be worsened due to its unconstrained northern boundary that follows no rational route of existing field boundaries or features and crosses open sections of the existing agricultural fields.
- 5.1.19 The visual affects will be reduced as a result of mitigation measures at a residual stage, but the change will remain clear to users of the local footpath network.

- 5.1.20 I have identified locations where I judge that there will be greater visual effects as a result of the scheme than those described within the LVA. It is agreed that the mitigation measures that are outlined will have the effect of reducing some visual effects from the wider landscape, but the change will remain clear to users of the local footpath network.
- 5.1.21 The proposal will introduce an awareness of built form of a residential nature that will appear to extend the existing settlement edge to the north to viewers from the footpath network in particular.

6.0 Summary Proof and Conclusion

6.1.1 I am John-Paul Friend, I am the Director of LVA Ltd and I specialise in landscape and visual planning issues associated with development and change. I am a Chartered member of the Landscape Institute.

6.1.2 I have considered the submitted Landscape and Visual Impact Assessment (TLVA) and take the view that the appraisal process was undertaken in accordance with GLVA.

Landscape Section Conclusions

6.1.3 It is my judgement that there will be an adverse effect on the characteristics of the landscape which will be clearly affected so resulting in a mid-level or moderate adverse change.

6.1.4 The extension of built form to the north from the existing urban form along Suffolk Way will be clear and this will continue to be a noticeable element in the landscape even once any mitigation measures have established due to the extension of built form into the pastoral landscape.

6.1.5 The field that forms the site itself will be permanently removed as a result of the development of the site and the landscape character of the site and its context will be adversely affected.

6.1.6 It has been accepted and is common ground that there will be a level of harm to the site and its immediate surroundings at a residual level. Overall, the proposals will harm and not improve or conserve the local landscape character.

Visual Section Conclusions

6.1.7 The main visual change will occur to users of footpaths 548(C), 547(C) and 549(B) and sections of Kennels Lane and Dilmore Lane. Users of footpath 535(C) will experience a perceptible change from a section near to Tappenhall Farm where it meets Dilmore Lane.

6.1.8 The visual change will be worsened due to its unconstrained northern boundary that follows no rational route of existing field boundaries or features and crosses open sections of the existing agricultural fields.

6.1.9 The visual effects will be reduced as a result of mitigation measures at a residual stage, but the change will remain clear to users of the local footpath network.

6.1.10 I have identified locations where I judge that there will be greater visual effects as a result of the scheme than those described within the LVA. It is agreed that the mitigation measures that are outlined will have the effect of reducing some visual effects from the wider landscape, but the change will remain clear to users of the local footpath network.

6.1.11 The proposal will introduce an awareness of built form of a residential nature that will appear to extend the existing settlement edge to the north to viewers from the footpath network in particular.

6.1.12 In conclusion, the proposed development at Fernhill Heath will result in substantial harm to the landscape character and visual amenity of the area. The LVA underestimates both the landscape and visual impacts of the development and fails to demonstrate compliance with key local planning policies. The mitigation measures proposed are inadequate to address the scale of change that the development would introduce. Based on the above points, I recommend that

the planning authority rejects the proposal to preserve the rural integrity and landscape character of Fernhill Heath and its environs.

John-Paul Friend CMLI

September 2024



Head Office
Bellamy House
Longney
Gloucester
GL2 3SJ
Tel: 07940 749051

Email: jp@LVAltd.com
Website: www.LVAltd.com

LANDSCAPE / TOWNSCAPE & VISUAL IMPACT ASSESSMENT | GREEN BELT ANALYSIS
PROJECT MANAGEMENT | EXPERT WITNESS | LANDSCAPE DESIGN & PLANNING
LANDSCAPE MANAGEMENT