

# **Proof of Evidence : Character and Appearance**

## **Volume 3: Summary**

**Outline Application for up to 196 dwellings with all matters reserved other than the means of access**

**Land at Sowbrook Lane, Stanton by Dale**

**Appeal Reference: APP/JN1025/W/23/3319160**

**Planning Application Reference: ERE/0722/0038**

On behalf of:  
Wulff Asset Management Limited

Prepared by:  
**Robert Hughes BSc(Hons) PgDipLA CMLI**

## Contents

1	INTRODUCTION .....	1
	SCOPE OF EVIDENCE.....	1
	MAIN ISSUES.....	1
	REASONS FOR REFUSAL .....	1
	COMMON GROUND .....	1
2	EFFECTS ON THE CHARACTER AND APPEARANCE OF THE AREA.....	3
	LANDSCAPE CONTEXT .....	3
	LANDSCAPE EFFECTS .....	4
3	EFFECTS ON VISUAL AMENITY .....	5
	USERS OF ILKESTON ROAD .....	5
	USERS OF SOWBROOK LANE.....	5
	USERS OF THE NUTBROOK CANAL TOWPATH AND NUTBROOK TRAIL .....	6
	USERS OF THE PERMISSIVE PATHS WITHIN AND ADJACENT TO THE SITE.....	6
	ANGLERS FISHING AT ROUGH'S HOLE AND ALONG THE NUTBROOK CANAL .....	6
	RESIDENTS OF PROPERTIES ON SOWBROOK LANE .....	6
4	COMPLIANCE WITH POLICY .....	8
	NUTBROOK STRATEGIC GREEN INFRASTRUCTURE CORRIDOR .....	9

## 1 INTRODUCTION

- 1.1 My name is Robert Hughes, I am a Director at Incola Landscape Planning and specialise in landscape and visual planning issues associated with development and change. I hold a BSc (Hons) degree in Rural Resources Management from the University of Wales Aberystwyth and a Post Graduate diploma in Landscape Architecture from the University of Central England. I am a Chartered Member of the Landscape Institute (LI).

### SCOPE OF EVIDENCE

- 1.2 I have been instructed on behalf of Wulff Asset Management Limited (the Appellant) to provide evidence in respect of a planning appeal, following the refusal of application reference ERE/0722/038 for up to 196 dwellings with all matters reserved other than the means of access on land at Sowbrook Lane, Stanton by Dale by Erewash Borough Council (the Council).

### MAIN ISSUES

- 1.3 My evidence addresses matters relating to the effect of the proposal upon the character, appearance and visual amenity of the local area. These have been identified as a main issue by the Planning Inspector.

### REASONS FOR REFUSAL

- 1.4 Reason for Refusal 5 alleges that the appeal proposals would lead to the loss of the open landscape that is characteristic of the areas and cause significant harm to the visual amenities of the area. The reason for refusal was informed by an assessment contained in the Officer Report, which also considered the proposals to have an urbanising influence in a rural landscape.
- 1.5 The proposals were therefore deemed by the Council to fail to accord with Saved Policy H12- Quality & Design, and Core Strategy Policy 10: Design and Enhancing Local Identity.
- 1.6 My evidence has considered how the appeal proposals have been developed to be sensitive to the local context, incorporating existing landscape features and offering opportunities for the provision of substantial areas of multifunctional green and blue infrastructure that retain and enhance existing landscape features, as well as providing benefits for biodiversity and recreation.

### COMMON GROUND

- 1.7 Matters agreed as common ground relating to character and appearance and visual amenity are set out below and demonstrate the position between the Appellant and the Council in that any effects on the character and appearance and visual amenity are highly localised and limited in scale and extent.

- 1.8 The matters of agreement also clarify that the appeal site is not subject to any designation in the Local Plan and is not a valued landscape under the provisions of the NPPF.
- The appeal site is not subject to any designations in the Local Plan;
  - The appeal site is not situated within a landscape that is subject to either a statutory or local non-statutory landscape designation. It is not considered to be a valued landscape under the provision of paragraph 174(a) of the NPPF;
  - The appeal site does not contain any features that are rare or unusual;
  - The impacts of the proposed development upon the landscape will be localised in scale; and
  - The visual impacts from the proposed development are localised and limited to the views identified in the Landscape Statement of Case.
- 1.9 Notwithstanding the limited weight to be afforded to the emerging local plan and draft policies, it is also common ground that emerging Strategic Policy 5 does not preclude development within proposed Green Infrastructure corridors.

## 2 EFFECTS ON THE CHARACTER AND APPEARANCE OF THE AREA

### LANDSCAPE CONTEXT

- 2.1 The appeal site is situated within an urban fringe context, being influenced by the existing residential development that lies adjacent to the Nutbrook Canal and Nutbrook Trail at Kirk Hallam and Hallam Fields to the north, as well as the industrial and commercial development surrounding the site and associated road network.
- 2.2 Once the consented and under-construction employment development on the Stanton Regeneration Site is completed, the context of the site will be further urbanised, with large scale buildings of up to 24m height alongside Ilkeston Road.
- 2.3 The Derbyshire Landscape Character Assessment that supports local policy describes the Coalfields Village Farmlands Landscape Type within which the appeal site is situated as a small-scale, organic landscape with small woodlands, copses, linear tree-belts and hedgerow trees.
- 2.4 The landscape character assessment also identifies the influence of the built environment across the areas which is described as a settled landscape characterised by towns, many villages and a moderate dispersal of farmsteads.
- 2.5 Given the location of the appeal site on the urban fringe of Ilkeston, surrounded by associated extensive industrial, employment and commercial development, many of the key characteristics identified for the Coalfield Village Farmlands are not present, having been lost to the urban and industrial development of the landscape.
- 2.6 Trees and woodland along the course of the Nutbrook Canal and Nut Brook are characteristic of the wider area, providing enclosure within the local landscape, combining with hedgerows and trees to field boundaries that run along the roads on the urban edge.
- 2.7 The appeal site is situated within a well contained landscape that is heavily influenced by development on the edges of Ilkeston that includes employment, industrial and residential development.
- 2.8 This is contrary to the assertion made by Reason for Refusal 5 that the open landscape is characteristic of the area. It is also contrary to the assessment of visual impact in the Officer Report that considers the appeal site to be set within a rural landscape.

## LANDSCAPE EFFECTS

- 2.9 The site has a low sensitivity to the appeal proposals. The site is not situated within a landscape that is subject to either a statutory or local non-statutory landscape designation, and I do not consider it to be a valued landscape under the provisions of paragraph 174(a) of the NPPF.
- 2.10 My assessment has found that the appeal site is not of any particular value above that of an ordinary landscape on the edge of the settlement and which is influenced by urban features and land uses.
- 2.11 With the exception of the boundary hedgerows and three category A field trees, the site does not contain any distinctive features.
- 2.12 Given the contained nature and scale of the appeal site and proposals, impacts upon the landscape and townscape context are limited and localised, resulting in a minor to moderate magnitude of change.
- 2.13 Whilst the proposals will result in the loss of an undeveloped greenfield site and the removal of some lengths of hedgerow required to facilitate access, the remaining boundary hedgerows and adjacent features alongside the canal, including water bodies and vegetation are to be retained, preserving the structure of the field boundaries and containment within the localised context.
- 2.14 The proposals allow sufficient space for the replanting of hedgerows and trees to site boundaries beyond the access road and footways and set within area of substantial accessible greenspace. This will provide enhancements to the site boundaries, providing a soft transition and additional native tree and hedgerow planting.
- 2.15 The nature and scale of the proposed development is in keeping with that in the local area and existing developed, peri urban context. The proposals will not introduce uncharacteristic or prominent development in a rural location.
- 2.16 Development of the appeal site reflects the existing pattern and form of development that extends alongside the canal and watercourse, with both residential and employment development adjoining the canal and providing amenity, biodiversity, landscape and recreational benefits that tie-in with the wider landscape and Nut Brook corridor that penetrates the built edge.
- 2.17 Given the above, factors, I have assessed the appeal proposals as giving rise to **limited and localised adverse effects** upon the character and appearance of the area.

### 3 EFFECTS ON VISUAL AMENITY

- 3.1 The appeal site and proposed development will be well contained within the landscape, with views limited to those obtained from adjacent roads, public footpaths along the canal towpath and permissive paths that run along the northern and north-western site boundaries.
- 3.2 Outward views from the Nutbrook Trail are filtered by trees and hedgerows, with there being glimpsed views across the floodplain from the trail towards the northern edge of the site beyond trees and hedgerows alongside the canal.
- 3.3 For users of the recreational leisure routes along the towpath and Nutbrook Trail, the appeal site is experienced as part of sequential views on the edge of Ilkeston where residential development on the edges of the floodplain forms a backdrop, set beyond areas of open space and recreation facilities including play areas and sports pitches.
- 3.4 When the consented and under-construction employment development on the Stanton Regeneration Works is completed, the site will be set against a backdrop of warehouse style buildings on the skyline, set beyond the trees along Ilkeston Road.
- 3.5 I have identified the following groups of people who may experience views of the site and whose views and visual amenity may be affected by the proposals and undertaken an assessment of the likely effects. I summarise these below:

#### *USERS OF ILKESTON ROAD*

- 3.6 Given the mature hedgerows and trees alongside Ilkeston Road, there are limited views into the site.
- 3.7 The proposals allow for the planting of additional trees and hedgerows within substantial buffers to the site boundaries. This will effectively soften the development as experienced from the roadside. The main access off Ilkeston Road will not appear out of context in the urban fringe location, seen in context with the existing road junctions and infrastructure.
- 3.8 Given the above, there would be a minor magnitude of change and resulting **minor adverse effect** on the views and visual amenity for users of Ilkeston Road arising from the proposed development.

#### *USERS OF SOWBROOK LANE*

- 3.9 Whilst the proposed development will replace the existing views across the site with houses, they will be set beyond and fronting a substantial landscape buffer and area of green infrastructure, including new tree and hedgerow planting that will reinforce the hedgerows to the roadside and provide a soft edge and transition.

- 3.10 The localised changes to views when travelling along Sowbrook Lane will give rise to a minor to moderate magnitude of change and corresponding **minor to moderate adverse effect** on the views and amenity of users of Sowbrook Lane.

#### *USERS OF THE NUTBROOK CANAL TOWPATH AND NUTBROOK TRAIL*

- 3.11 Users of the canal towpath and Nutbrook Trail have a low to medium sensitivity to the proposed development. This reflects the limited views into the site as part of wider recreational routes set within the urban edge and developed context.
- 3.12 The location of recreational facilities alongside the canal and the setting back of the residential frontage beyond is characteristic of the area and residential development at Kirk Hallam and Hallam Fields that adjoin the Nut Brook floodplain. The proposals would therefore not appear out of character or incongruous.
- 3.13 Given the limited extent of views and characteristic transitional edge to the north of the site, fronting the canal the proposals will give rise to a minor magnitude of change to views when travelling along the paths, and resulting **minor adverse visual effects** for users of the Canal towpath and Nutbrook Trail.

#### *USERS OF THE PERMISSIVE PATHS WITHIN AND ADJACENT TO THE SITE*

- 3.14 The proposals will give rise to **minor to moderate adverse effects** on the visual amenity of user so the permissive paths. Whilst there will be a change to the views from the undeveloped field to the housing development, the paths will be set within areas of multifunctional accessible greenspace that reflects the character of the local area and similar paths within areas of open space on the edge of the canal and Nutbrook trail.

#### *ANGLERS FISHING AT ROUGH'S HOLE AND ALONG THE NUTBROOK CANAL*

- 3.15 The introduction of residential development into the local context is not uncharacteristic of the visual experience. The proposals will give rise to **minor to moderate adverse** effects on the views and visual amenity of anglers using Rough's Hole pond and the towpath north of the site for fishing.

#### *RESIDENTS OF PROPERTIES ON SOWBROOK LANE*

- 3.16 The proposed development is set back from the boundary with Sowbrook Lane beyond the retained hedgerows and trees and a green corridor and landscape buffer that offers opportunities for new tree planting to further filter and soften views across the site. The development will give rise to a minor to moderate magnitude of change to the views and visual amenity of the residents and **minor to moderate adverse effects**.
- 3.17 In summary, none of the groups of visual receptors identified have been assessed as being likely to experience greater than minor to moderate adverse effects on their views or visual amenity, and will



be limited to those views experienced within a localised area within the urban fringe where residential development is present within the landscape.

## 4 COMPLIANCE WITH POLICY

- 4.1 Reason for Refusal 5 cites the appeal proposals as failing to accord with Core Strategy Policy H 10: 'Design and Enhancing Local Identity' and Saved Policy H12: 'Quality and Design'.
- 4.2 Part 3 of Policy H10 states that outside settlements, new development should conserve or, where appropriate enhance landscape character. The policy goes on to state that proposals will be assessed with regard to the Derbyshire Landscape Character Assessment.
- 4.3 Saved Policy 12 reflects the requirements of Policy H10, requiring proposals to have regard to distinctive landscape features and to provide supplementary landscaping where appropriate, particularly where situated on the established urban fringe.
- 4.4 The Derbyshire Landscape Character Assessment provides details of the specific features, characteristics and qualities of distinctive areas and which informs decision makes when considering development proposals.
- 4.5 As I have demonstrated within my assessment, the appeal site is situated within an area that is heavily influenced by the urban context including both residential and industrial development. Whilst the area shares some of the features of the Coalfield Village Farmlands Landscape Type identified by the published landscape character assessment, these are predominantly trees along watercourses and hedgerows and trees to field boundaries.
- 4.6 The site is separated from the floodplain and distinctive field pattern and character of the Nutbrook Corridor that lies between the canal and Nutbrook Trail and extending into the urban area Ilkeston by the trees and vegetation alongside the canal.
- 4.7 The Derbyshire Landscape Character Assessment also recognises that the area is heavily influenced by urban development, including both industrial and residential areas. The appeal site is situated within the urban fringe and a landscape that is dominated by development. The context is not a rural one, and those key characteristics and features that are identified for the landscape type are limited to those alongside the canal and Nut Brook, where there are distinctive lines of trees along the watercourses, set within the urban edge context alongside residential and commercial development.
- 4.8 The guidelines for management of the landscape within the Coalfields Village Farmlands include for the preservation and enhancement of woodland, trees and hedgerows to field boundaries and trees to watercourses.
- 4.9 The proposed development will not introduce uncharacteristic elements into the local landscape and includes measures for the retention of boundary features, along with providing substantial areas of green infrastructure to site boundaries, including at the frontage with the Nutbrook Canal, where there will be provisions for biodiversity and recreation benefits. This reflects the character of the

urban edge alongside the canal in this location. The proposals retain and enhance existing hedgerows and trees that define the site and provide a structure within the local area.

- 4.10 Whilst the proposals will result in the change of the site from a single field to a residential development, any adverse effects will be limited and localised.
- 4.11 The development proposals are set within a framework of green infrastructure to the site boundaries that allow for the retention and enhancement of the distinctive characteristics in the area.
- 4.12 Given the above, I consider the appeal proposals to accord with the requirements of Core Strategy Policy H10 and Saved Policy H12.
- 4.13 Residential development of the scale proposed, set back from the canal frontage beyond areas of green infrastructure managed for wildlife and recreational benefits and contained by development along Ilkeston Road and Sowbrook Lane is in keeping with the settlement pattern and character of the area.
- 4.14 The proposals conserve and enhance distinctive landscape features including trees and hedgerows that provide containment and structure alongside the Nutbrook Canal.

#### *NUTBROOK STRATEGIC GREEN INFRASTRUCTURE CORRIDOR*

- 4.15 Reason for Refusal 10 cites that the proposals would be contrary to Policy 5 of the emerging Core Strategy. As I have set out within my evidence, the proposals meet the objectives for the Nutbrook Strategic Green Infrastructure Corridor through the following: :
  - Natural flood management - Provision of SuDS set within areas of green infrastructure and open space, including attenuation basins managed for wildlife and biodiversity;
  - Biodiversity improvement – Through managing of existing habitats and creation of new areas for wildlife and biodiversity improvements;
  - New recreational facilities – Including formal and informal recreation provided by play areas, trim trail and areas of accessible greenspace around the perimeter of the site and running through the development; and
  - Extended recreational route ways – Upgrading the existing permissive paths to enhance connectivity in perpetuity and connect with the existing foot and cycle network including the recreational routes along the canal towpath and Nutbrook Trail to the north and wider rights of way within the countryside to the south.
- 4.16 The proposals on the appeal site plug into the existing green infrastructure corridor alongside the canal, offering a range of landscape and biodiversity enhancements that link with existing features, including attenuation features and recreation leisure routes , as well as offering new recreational and amenity facilities comprising both formal play and informal areas of accessible greenspace.

