

APPEAL REFS:

WHBC Appeal Ref: APP/B1930/W/20/3265925
SADC Appeal Ref: APP/C1950/W/20/3265926



Appeal by Canton Ltd

Land off Bullens Green Lane, Colney Heath

LPA Ref No: 5/2020/1992 (St Albans City and District Council)

LPA Ref No: 6/2020/2248/OUTLINE (Welwyn Hatfield Borough Council)

PROOF OF EVIDENCE

**Landscape and Visual matters and to the
openness of the Green Belt**

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March 2021

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1.0 INTRODUCTION

- 1.1 My name is Michael Gary Holliday. I have a degree BA (Hons) and a Master of Philosophy degree (MPhil) in Landscape Design from Newcastle University. I am a Chartered Member of the Landscape Institute and a Director in FPCR Environment and Design Ltd I have been a partner/director of the practice for over 20 years and have over 33 years' experience of landscape and development projects from initial conceptual design through to final completion and long-term aftercare. I am a Registered Assessor with Building with Nature and a Professional Practice examiner on behalf of the Landscape Institute. Details on my background and experience are at appendix 1.
- 1.2 FPCR has been involved with the appeal site since June 2020, when we were asked by Canton Ltd to advise on landscape, ecology, and arboriculture. I input to the design team with their evolving proposals and produced the LVA for the scheme.
- 1.3 The evidence which I have prepared and provide for this appeal reference is true and has been prepared and is given in accordance with guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

2.0 BACKGROUND AND CONTEXT

The Planning Application

- 2.1 The Parameter Plan along with the supporting Illustrative masterplan, Design and Access Statement (DAS) and Green infrastructure Plan have been developed in response to the constraints and opportunities presented by the site. These include its landscape context, and features within the site including trees and the rights of way.
- 2.2 The site crosses two administrative boundaries and so identical outline planning applications were submitted to St Albans City and District Council and to Welwyn Hatfield Borough Council. The outline planning applications were accompanied by a comprehensive suite of supporting information that included a landscape and visual Appraisal produced by FPCR.
- 2.3 The application was appealed following refusal by Welwyn Hatfield Council and appealed due to Non-Determination by St Albans City and District Council. The Welwyn Hatfield Decision notice dated 2 December 2020 included 8 reasons for refusal. Reasons 2 and 4 includes elements of relevance to my evidence. These are repeated below;

2. The proposal would represent inappropriate development in the Green Belt. It would also result in a material loss of Green Belt openness and conflict with two purposes of including land in the Green Belt as it would fail to assist the countryside from encroachment and fail to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. Very special circumstances do not exist to clearly outweigh this harm. Consequently, the proposal would conflict with Policy SADM34 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework.

4. The proposed development would severely detract from the character of the site and its area. It would urbanise the site and the character of the area, be a visually intrusive development within open countryside and fail to converse local landscape character. Consequently, the proposal would conflict with Policies D1, D2, RA10 and RA11 of the Welwyn Hatfield District Plan 2005;

Supplementary Design Guidance 2005; Policy SP9 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

- 2.4 St Albans City and District Council have not determined the application but putative reasons for reason are contained in the officer report. The report noted the following 8 reasons. Reasons 1 and 3 have elements of relevance to the appeal and are repeated below;
- 1. The proposed development represents inappropriate development in the Green Belt. It would result in significant harm to and a material loss of openness in this location and represent significant encroachment into the countryside. Very special circumstances have not been demonstrated to outweigh the in principle harm and other harm identified. The proposal is therefore contrary to Policy 1 of the St Albans Local Plan Review 1994 and the NPPF 2019.*
- 3. It has not been demonstrated that an acceptable form of development could be achieved on the site. The proposed development would severely detract from the character of the site and the local area, and impact negatively on landscape character, contrary to Policies 69, 70 and 74 of the St Albans Local Plan Review 1994 and the NPPF. The development would detract from the character and setting of Colney Heath as a Green Belt Settlement, contrary to Policy 2 of the St Albans Local Plan 1994.*
- 2.5 I have reviewed the submitted application documents including the LVA for the application produced by my practice. As the original LVA was carried out during the summer months, when the leaves were on the trees, I have updated the photo viewpoints to show the winter views. These are included as part of appendix 2.
- 2.6 The methodology adopted in The LVA is tried and tested. The approach has been accepted by Inspectors at numerous contested appeals. The assessment of potential effects on both landscape character and visual resources follows the methodological approach set out in the latest Landscape Institute Guidelines (Edition 3, 2013), known as GLVIA3.
- 2.7 The Green Infrastructure plan is attached at appendix 3. I have also included some sections that show in more detail the potential treatment of the boundaries to the site. These plans and sections are helpful in determining the likely landscape and visual effects.

Scope of evidence

- 2.8 In my evidence, I will focus on the effects on the character and appearance of the area, and on impact on the openness of the Greenbelt as raised in the refusal notice and report to committee for the scheme. In particular, the proof addresses the areas of dispute with the councils;
- Whether the proposed development would severely detract from the character of the site and the wider area, impact negatively on landscape character and would be a visually intrusive development within open countryside.
 - Whether the scheme would result in a material loss of Green Belt visual openness.

Andrew Crutchley gives evidence covering Heritage matters and Russell Gray gives evidence covering planning and Green Belt aspects.

3.0 THE PROPOSED SITE – LOCAL CONTEXT AND CHARACTER

The site and context

- 3.1 The site and its immediate context can be seen on the site location plan, Figure 1, appendix 2. The site is located between Roestock Lane, Fellowes Lane and Bullens Green Lane, Colney Heath. The site is an area of arable farmland, bounded by the lanes, with some hedgerows and trees. Housing at Roestock Gardens and Roestock Lane backs on to part of the site, along with the Affinity Water reservoir, and Roestock Park recreation ground.
- 3.2 The site lies within two local authority area with the eastern part of the site being in St Albans District, and the western part lying within Welwyn Hatfield Borough.

Landscape Character

National Character

- 3.3 National Character Area (NCA) profiles have been prepared by Natural England for the 159 NCAs defined across England. These NCA profiles include a description of the natural and cultural features that shape the landscape, how the landscape has changed over time, the current key drivers for ongoing change, and a broad analysis of each area's characteristics. Figure 3 illustrates the NCAs and other defined character areas within the context of the site.
- 3.4 At this very broad landscape scale, the site lies within Natural England's National Character Area (NCA) 111 The North Thames basin. This NCA is a diverse area and extends from Hertfordshire in the west to the Essex coast in the east, and therefore, covers a very extensive landscape area. The profile notes the area is *"rich in geodiversity, archaeology and history and diverse landscapes ranging from the wooded Hertfordshire plateaux and river valleys, to the open landscape and predominantly arable area of the Essex heathlands, with areas of urbanisation mixed in throughout."* The profile also notes "There are a wide variety of semi-natural habitats in the area and these support many important species. However, the habitats have become fragmented over time and a landscape-scale approach is needed to connect them so that they can be sustained and provide beneficial functions".
- 3.5 The profile includes four Statements of Environmental Opportunity (SEO). SEO4 notes;
"SEO 4: Manage and expand the significant areas of broadleaf woodland and wood pasture, and increase tree cover within urban areas, for the green infrastructure links and important habitats that they provide, for the sense of tranquillity they bring, their ability to screen urban influences and their role in reducing heat island effect and sequestering and storing carbon. "

Hertfordshire Landscape Strategy - Welwyn Hatfield Landscape Character Assessment April 2005.

- 3.6 This study includes work done at a County level and at a Borough level, drawing together some earlier work by the County. Whilst primarily covering Welwyn Hatfield Borough, the character areas identified do extend beyond the Borough Boundaries and at Colney Heath, cover the part of the site and land beyond within St Albans District. There is no equivalent study in St Albans District, so this document provides the most relevant landscape character study for the area. The

character areas are shown on Figure 3 appendix 2. The detailed boundaries for the character areas are taken from the Hertfordshire website interactive map.

- 3.7 The site lies south of the area identified as " *Colney Heath*" on the interactive map. All the land south of the urban area lies in the character 29 "*Mimmshall Valley*". The land north of Colney Heath lies in the area described as area 30 "*Colney Heath Farmland*". The urban area of Hatfield lies to the west.
- 3.8 The Mimmshall Valley is described in the assessment with the landscape character summarised;
- 3.9 "*Mimmshall Brook valley slopes and floor have a wooded farmland character, with rectangular field compartments along the valley slopes. It is strongly influenced by the major transport routes and the surrounding settlement, which give it an urban-edge rather than a rural character. The Royal Veterinary College is located centrally and has a local impact. The roads down the slopes coincide with a series of high points and the meandering streams that feed the brook also mark the shallow valleys between.*"
- 3.10 The key characteristics are also summarised;
- organic field pattern of small woodland blocks and fenced pasture
 - mixed farming
 - major transport corridor
 - water related features
 - valley slopes and floor
 - urban influence
- 3.11 The assessment covers a range of factors and notes under the heading "*Visual and Sensory Perception*" that "*In general, dense hedgerows and woodland restrict visibility. Longer views are generally associated with the larger fields on the high ground.*"
- 3.12 In terms of Visual Impact, the assessment notes;
- "The site and sound of the A1(M), railway line and the surrounding settlements of Potters Bar and Hatfield cause a significant impact on the character of the entire area, while the Vet College has a localised impact."*
- 3.13 Under the heading "*Accessibility*" the report notes:
- "Access is good and the landscape is well used by the local residents. Parking access is difficult for most of the footpaths in the area. Motorcycling, walking and riding recreational activities also occur."*
- 3.14 The strategy identified for the landscape is to "*Improve and Conserve*".
- 3.15 In detail a range of guidelines are set out for the character area. Some of these relate to agricultural management, but those relevant to this assessment are repeated below;
- encourage the reversal of habitat fragmentation and the establishment and improvement of habitat links to create eco-corridors
 - promote the expansion of woodland, especially where this will enhance the distinctiveness of the area and help in creating habitat links

- encourage the planting of new woodlands to screen features that detract from the historic landscape character of this area, such as urban edges and roads
 - ensure that only indigenous species of local provenance are used for new woodlands and hedges
 - encourage the retention and replanting of hedges as field boundaries, rather than fences
 - encourage the maintenance and retention of all ponds
 - encourage the provision of small, informal car parks at access points along public footpaths
 - promote woodland management to ensure age diversity and the retention of species-rich ground flora
- 3.16 These guidelines have been used in the development of the scheme.
- 3.17 The Land north of Colney Heath lies in the area "*Colney Heath Farmland*". (Fig 3, appendix 2)
The assessment describes this area as:
- "A medium-scale landscape contained by adjacent urban areas and transport routes. There is a good network of hedges, field trees and tree belts to the urban areas that visually contain the largely arable character. Mineral extraction has created a number of disturbed and new landscapes that are still young. Areas of heath and seminatural grassland are locally important at Colney Heath and Smallford gravel pits."*
- 3.18 It also has a strategy of "*Improve and Conserve*".

Site and Immediate Context

- 3.19 An assessment of landscape character of the site and its immediate context has been carried out, providing a finer level of assessment than the published studies. The site itself is a single arable field, contained by a mix of residential boundaries, and some intermittent hedgerows along the local lanes. Part of the site bounds a public open space, Roestock Park, with play facilities, though separated from it by a mature hedge/ tree line. The wider landscape to the south of Colney Heath is a fairly well wooded landscape, with a large block of woodland to the west adjacent to the A1M.
- 3.20 There are some individual properties scattered along the local lanes including Fellowes Lane and Bullens Green Lane. Within the site a right of way, public footpath 48/67 passes between Bullens Green Lane and Roestock Lane. Whilst the official route cuts diagonally across the northern part of the site, most people use an informal route that meets footpath 44 more directly. Footpath 44 passes through the edge of the site between Admiral Close to the south and Roestock Lane to the north.
- 3.21 South of the site Fellowes Lane becomes Dellsome Lane, which is closed to vehicles and appears to be used as footpath linking to Tollgate Wood. There are a range of informal routes in the wood which also appear to be used by the public.
- 3.22 Overall visibility of the site and the local landscape is quite restricted due to the high proportion of woodland and trees. The A1M is not visible due to the woodland but can be heard. Overall, the local landscape does reflect some of the characteristics described in the Welwyn Landscape assessment.

Landscape Value

- 3.23 In terms of "landscape value" it is appropriate to examine the role of the site and its immediate context in terms of the range of local factors set out in the GLVIA3 (Box 5.1, page 84), and summarised in the LVA methodology.
- 3.24 Having appraised the factors set out in the LVA from section 4.23, it is judged that the existing site and the immediate landscape is of medium landscape value. The councils have confirmed at in the Statement of Common Ground that the site is not part of a "valued landscape" as Paragraph 170 of the NPPF and no other landscape designations relate to the appeal site.

Visual Baseline

- 3.25 A visual appraisal has been undertaken for the application site which explored the nature of the existing visual amenity of the area and sought to establish the approximate visibility of the application site from surrounding locations and receptors. A series of photo viewpoints have been selected which support this analysis, these have been updated to winter views and included at Figures 6 to 12 at appendix 2. No comments or suggestion from the councils have been received suggesting that alternative or additional viewpoints should have been selected.
- 3.26 The visual baseline analysis in The LVA from paragraph 4.37 onwards results in a number of conclusions which are summarised below:
- The visibility of the site is very limited. Views are mainly restricted to those from the rights of way across the site, the two lanes that border it to the east and south, and limited views from the houses that back onto the site. Whilst several viewpoints are included, the majority of these are from the site or very close to it, as overall there are very few public locations further away that any view is possible

4.0 SCHEME DESIGN

- 4.1 The scheme has been designed following collaboration between landscape, urban design, ecological and other professionals. The landscape components of the scheme are an important integral part of the proposals. I advised on landscape matters through the design stage of the scheme. The Landscape Strategy for the site is shown on the Plan at appendix 3. I have also included a couple of section drawings to show how the site boundaries can be treated. Sections AA and BB show different parts of the site boundary to Bullen's Green Lane and Fellowes Lane. Both are included to show sections where there is existing boundary planting, and where there is not. In the sections with existing trees and hedges, the planting can be reinforced with new native trees and shrubs to thicken the boundary. In the open sections, such as close to the junction of Bullen's Green Lane and Fellowes Lane a new boundary hedge can be planted and there is space for a small area of new woodland type planting, with some forest scale trees and woodland edge understory. This will provide a visually strong boundary and an ecological corridor.
- 4.2 The parameters Plan (CD2.02) shows the development principles. These show that development on the perimeters of the site is limited to 2 stories in height, with some 2.5 storey houses towards the centre of the scheme. Development following this plan would ensure an appropriate scale of buildings, particularly as the site meets the farmed landscape to the east and south. The visual scale of the properties would tie in with the character of the wider settlement. Some 2.5 storey

buildings within the core of the scheme can provide a diversity of design and would not be harmful to wider character.

4.3 The key objectives of the landscape and GI proposals for the scheme are to:

- Protect and enhance the existing trees and hedges on the site boundaries, with additional planting.
- Provide a variety of green spaces within the site for recreational use and to complement the facilities in the adjacent recreation and play space.
- To provide an open area south of the listed building on Roestock Lane.
- To provide attractive open spaces leading into the development from Bullens Green Lane and Fellowes Lane.

4.4 The strategy builds upon the recommendations in the landscape assessment by;

- Establishing and improving habitat links to create eco-corridors.
- Using indigenous species of local provenance for new copses and hedges
- encouraging the retention and replanting of hedges as field boundaries, rather than fences

4.5 The landscape and GI proposals include:

- An area of informal green space to the north of the site, including some sustainable drainage features. These will be designed with shallow banks and will allow for different levels to enable a range of habitats to develop. This could include areas of reed. Other parts of the space will include small areas of copse planting, and open grassland.
- Within the residential area there would be a series of smaller green spaces, mainly simple in design, with regularly mown grass and individual trees. These would be overlooked by the adjacent housing and would form softer entrance spaces to the scheme from Bullen's Green Lane.
- Retained footpath routes. These routes would be in areas of new greenspace, with additional planting and overlooked by the new housing areas, providing attractive and safe routes.
- New pedestrian routes. A new traffic free link would be established through the green spaces within the site, from Roestock Lane, through to Fellowes Lane/Bullens Green Lane in the south east.

5.0 LANDSCAPE EFFECTS

5.1 The completed scheme is likely to result in a range of landscape effects at different scales. The site lies within National Character Area 111 The North Thames Basin. This is a very extensive area and at this scale the modest addition of a new area of housing largely wrapped around by existing settlement would result in a negligible magnitude of change and a negligible overall landscape effect on this area as a whole.

5.2 The site lies within, and on the edge of the area described as Mimmshall Valley in the Welwyn Hatfield Landscape Character assessment. This is part of a larger tract of land that extends to the south. The site lies in the northern part of this character area bounded by the existing settlement to the north and west. Woodland at Tollgate Wood lies to the east, with the A1 running through or alongside it. The key characteristics for this area include; "*organic field pattern of small woodland*

blocks and fenced pasture". The site is arable land and the field pattern is not organic, so the site does not represent this element of character. Other characteristics identified for the area include, mixed farming, major transport corridor and urban influence, which are all apparent in the area. The addition of some additional built development in this context, is consistent with the wider mixed character. The nature of the immediate landscape, with a high degree of enclosure by existing built development and woodland, limits the effect on character and reduces the extent of change on the wider landscape character area. There would be a low level of change on the Mimms Hall Valley character area as whole, and overall a minor landscape effect.

- 5.3 The effect on the site and its immediate context would inevitably be more marked. The single arable field would be developed as housing and green infrastructure, within the framework of the existing boundaries, hedges and tree lines. The northern part of the site would remain open in green space uses and would link through to the recreation ground off Admiral Close. The development would be set back from Fellowes Lane and Bullen's Green Lane and these boundaries would be reinforced with new tree and hedgerow planting. This treatment is shown on the sections at appendix 3. The existing rights of way on site would be maintained on their current alignment, and a new path alongside Bullen's Green Lane would be provided, establishing a green route through the site from Roestock Lane, down towards Fellowes Lane. This would allow pedestrians to have a largely traffic free route alongside Bullen's Green Lane. The impact on the character of the immediately surrounding area would be limited as the existing settlement and tree lines contain the site to a high degree and minimise the effect on the wider area. The site and its immediate context has been assessed as having a medium sensitivity to change, and the scheme would result in a medium magnitude of landscape change on the area. Overall, this would lead to a Moderate landscape effect at the year of completion. Over time the green infrastructure would establish, including strengthening the tree belts along Bullens Green Lane and Fellowes Lane, and this would further reduce the landscape effects, leading to a Moderate/ Minor landscape effect on the site and its immediate context.
- 5.4 In the Statement of Case the councils allege at paragraph 5.16 that the site forms part of a wider open "countryside gap" and that the diminution of this should be given significant weight. I do not agree. Land within the site is wrapped around by the existing settlement to the north west and partly to the south. The Bullen's Green and Roestock Gardens areas may form different parts of the same settlement, but I do not perceive the site as a "gap". Apart from some small green areas within the grounds of the Affinity Water site along Roestock Lane, development is continuous, and a visitor does not have a sense of leaving one settlement and entering another. Indeed, when on the appeal site, especially in winter the development that wraps around the site can be perceived, and again it does not appear that these properties are part of separate settlements. This also appears to be the view of the authors of the Hertfordshire Landscape character assessment, when they produced the online map, that accompanies the assessment. The character areas are shown on my LVA figure x, but for completeness I attach a screen shot at appendix 4 to show an extract of the original online map. This shows the area wrapping around the site to the west and north as "*Colney Heath*" and does not identify any gaps between different parts of the settlement. Being wrapped around by the settlement also means that the site does not play a role in wider issues of separation between larger settlements.
- 5.5 The council also allege that the scheme would involve substantial change in the character of Bullen's Green Lane changing it from a rural lane to a suburban access road. The site access would join Bullen's Green Lane towards its northern end near the existing properties on the east

of the road. Vehicles are frequently seen parked along the side of the road south of these properties. At this point the lane has a distinctly settlement edge character, and this would be the character after development. The southern section of the road is more removed from existing settlement influences, but the settlement is still perceivable. With the retained and proposed boundary site planting, whilst travellers would be conscious of the proposed housing, the character of the lane would remain, as one passing the edge of the settlement.

6.0 VISUAL EFFECTS

- 6.1 The Statement of Common Ground confirms that the viewpoint locations and listing of receptors are agreed to be a fair representation. The Visual Envelope (VE) (Figure 5 appendix 2) of the proposed development identifies the surrounding land from within which views towards any part of the proposed development are likely to be possible. The VE is not however, an indicator of the effect of the proposed development on the view but simply, its visible extent in the surrounding landscape.
- 6.2 The Visual envelope shown on Figure 5 is based on site survey and takes account of the visual 'screening' provided by buildings, trees and other features.
- 6.3 The VE of the proposed development is limited by the existing settlement to the north and west and by woodland to the east. The overlapping effects of hedgerows and the occasional building to the south also restrict views. Overall, the plan shows a very restricted area.
- 6.4 There could be some limited locations (beyond the extent of the VE shown) that could have a potential distant or very limited view to a part of the development. Equally, there could be some locations shown within the VE that would not experience any views to the resultant development.
- 6.5 The original LVA was completed during the summer of 2020, when the trees and hedges were in leaf. As part of this proof of evidence the viewpoints have been updated to show winter views, for completeness. These are included in appendix 2.
- 6.6 The following provides a summary of the visual effects.

Residential Properties and Settlement

- 6.7 The site is bounded to the north and west by the existing settlement at Colney Heath. Properties at Roestock Gardens Roestock Lane border the site to the north. These properties mostly have relatively long gardens and a tall boundary hedgerow to the south which restricts visibility. A large area of green space is being provided in the north west part of the site, including meadow planting, sustainable drainage features and tree planting. A smaller area of green space is being provided immediately south of Roestock Gardens along the route of the public footpath. These measures mean that the magnitude of visual change would be low, leading to a minor visual effect overall for residents.
- 6.8 A similar level of effect would be experienced by the residents of Roestock Lane, where again boundary vegetation restricts views and overall, there would be a minor visual effect.
- 6.9 At Fellowes Lane there are a small number of properties that back onto the site with relatively shorter gardens and less boundary planting. A more open view into the site is possible. Detailed landscape treatment and the provision of green space near the properties, would mitigate changes to the views. Overall a moderate visual effect is predicted at completion.

- 6.10 At the southern end of Bullens Green Lane in Colney Heath, a small group of houses on the eastern side of the lane have frontage views across the lane and into the site. The Framework plan shows an area of green space at this location, at the end of the path, with the new houses set back beyond it. For residents of these properties there would be a medium magnitude of visual change, leading to a moderate visual effect at completion. As the green infrastructure establishes this would reduce to a minor overall visual effect.
- 6.11 Further south on Bullens Green Lane there is a small row of properties at the junction with Dellsome Lane. Most of these have a north south aspect with no windows directed towards the site, apart from the house nearest the junction, which does have some windows on the side of the property. From these side windows the site can be seen but filtered by the boundary hedgerow. Overall visual effects for most of the residents of these houses would be minor at completion, but minor / moderate from the property on the junction.
- 6.12 There are few other views from residential properties towards the site and any visual effects are likely to be minor or negligible.

Public Rights of Way (PROW) and Other Footpaths

- 6.13 Public Footpaths cross the site, including FP67 which becomes FP48 and passes between Bullen's Green Lane and Roestock Lane. With development inevitably the context of this path will change. It seems a more direct route across the site is used most often, rather than the official diagonal alignment. The framework plan shows this route extending through green space and being overlooked by the proposed housing. A different but pleasant route could be established. Travelling along this route at present, you are aware of the existing housing nearby. Development of the appeal scheme would inevitably bring more housing closer to the routes, but they would still pass through green space. There would be a medium/ high magnitude of visual change initially, reducing to medium as the green infrastructure establishes. This would lead to a major / moderate initial effect, reducing to moderate over time as the green spaces establish.
- 6.14 Footpath 44 extends between Roestock Lane and the recreation ground off Admirals Close. Views are currently possible across part of the site. With development, most of the land adjacent to the path would become green space, though views south would become more restricted. There would be an initial Moderate visual effect.
- 6.15 Views from rights of way beyond the site are limited. Dellsome Lane extends east from Bullen's Green Lane. This is not identified as a public footpath but is used by people to access the paths in Tollgate Wood. From some locations along this route there are views to the site, where it is not screened by roadside hedges and trees. Glimpses of the new houses would be possible in the short term, leading to a minor overall visual effect. As the boundary planting establishes and fills any gaps, the visual effects would reduce. Similar views are possible from parts of the edge of Tollgate Wood.
- 6.16 There are a range of public footpaths north of Roestock Lane. Views from these are represented by viewpoint 9. The existing development and trees mean that no views to the proposed development are possible.

Roads & Transport Users

- 6.17 The Statement of Common Ground notes that whilst the Councils agree that the viewpoint location and listing of receptors are a fair representation, the Councils consider that views into the site from Bullens Green Lane and Fellows Lane are more frequent and open than suggested in the LVA.
- 6.18 Bullen's Green Lane and Fellowes Lane border the site and views to the development would be possible from these routes. Visibility varies depending on the boundary vegetation, with hedges and trees in part providing a high level of screening, but with some other sections more open allowing views in. In part some existing housing can be seen across the site. Views are mainly possible over relatively short sections. Where there are open sections, new planting can be provided to gap up the hedges and new tree planting provided. As the planting is relatively close to where anyone would experience a view from the roads, it would be visually effective at an early stage.
- 6.19 Overall road users have a lower sensitivity to visual change than residents or footpath users. Users of these lanes are already aware of settlement close by. The scheme would increase the amount of and proximity to new housing. Overall, the magnitude of visual change at completion is likely to be medium, leading to a moderate visual effect. As the new planting along the boundary establishes this is likely to reduce to a moderate/ minor effect. There are no other views from roads that would have a material effect.

Other Visual Receptors

- 6.20 The recreation ground off Admiral Close contains an open grass area, a range of play equipment and a ball court. The boundary with the site is a tall and well-established hedge. Whilst it would be possible, especially in winter to have some glimpses to the new homes, there would be a very low level of change. Overall, there would be a minor/ negligible visual effect. Occasional views towards the scheme would also be possible from the open edge of Tollgate Wood to the east.

Overall Visual effects

- 6.21 The visual analysis of the proposals shows that in the majority of views from outside the appeal site from close by, these include from Fellowes Lane and Bullen's Green Lane which are adjacent to the site.
- 6.22 The parameters for the proposed scheme (CD 2.09) show different parts of the site providing for up to 2, or 2.5 storey housing. The enclosed nature of the site means that it has very limited visibility beyond being within the site itself, or on the sections of lane immediately adjacent to it.

7.0 GREEN BELT

Green Belt studies

- 7.1 Both council reports to committee make reference to the "*Green Belt Review Purposes Assessment November 2013*", which covered both authority areas, Welwyn Hatfield also commissioned a Green Belt study from LUC, which was completed in 2019. The latter study is not mentioned in the Councils Statement of Case. Both studies are considered below, in respect of openness. The role the site plays in the purposes of Green Belt is covered in the proof of evidence of Russell Gray.

Green Belt Review Purposes Assessment - Final Report November 2013

- 7.2 This was prepared for Dacorum Borough Council, St Albans City and District Council and Welwyn Hatfield Borough Council, by Sinclair Knight Merz. The report was commissioned to inform the local plan process. It was intended to identify the primary functions of Green Belt which deliver the national purposes and to identify those areas of land which contribute least to the purposes. I understand that the methodology adopted in the study has been criticised by the Inspectors examining the Local Plan. This is addressed in Russell Gray's proof of evidence. For completeness I have included commentary on it in my proof, relating to character and openness.
- 7.3 The study divided the three authorities onto 66 assessment parcels. The site and most of Colney Heath is located within area assessed as parcel 34. The extract from the study for parcel 34 is at CD 7.04.
- 7.4 Parcel GB34 is described as Land between Hatfield and London Colney. The parcel of land is bounded to the north by the north Orbital A414 and to the south follows Coursers Road. The parcel is 419ha in size, so considerably larger than the application site itself.
- 7.5 Green Belt Purpose 3 is "*To assist in safeguarding the countryside from encroachment*". The study concludes a "*Significant*" contribution to this purpose, and notes "*typical rural and countryside characteristics, especially to the south, in medium sized arable fields with hedgerow boundaries, sheep pasture and substantial riverine wetland habitats along the Colne, and areas of heath and semi natural grassland which are locally important at Colney Heath*". It goes on to note the A1 and "*evidence of linear built development in the north part of the parcel which contains Colney Heath and Bullens Green*". This may be true of the wider land parcel, but the application site is a small parcel of land contained already to a high degree by built development. This includes modern development including some terraced and 3 storey properties at Admiral Close and Hall Gardens close to the site, which does not have a rural character. Planting along

the roadside adds to the sense of containment of the site itself, and this can be reinforced through new green infrastructure planting.

- 7.6 The study also notes visual openness, stating "*The parcel is generally open to the north and more enclosed to the south where it is more wooded although there are some extensive panoramas over arable fields towards the Shenley ridge to the south.*" The application site is visually well enclosed and plays a minimal role in openness beyond the site itself.

Welwyn Hatfield Green Belt study 2018

- 7.7 The eastern part of the site lies within Welwyn Hatfield council area as was considered as part of the Green Belt Study, which was prepared as part of the evidence base for the Draft Local Plan. The part of the site, forms part of Land Parcel P54. This includes additional land to the east and south to Tollgate Wood. The appendices from the study covering the area is included at CD 6.14.
- 7.8 In terms of Purpose 3 "*Safeguarding the countryside from encroachment*", the study concludes a "*significant*" contribution, noting the characteristics of open countryside, but also recognising that "*Residential development within the adjacent settlement is visible across much of the parcel.*" The adjacent settlement is evident from the appeal site, and some of this has a rather suburban character. Whilst development would inevitably lead to countryside being changed to settlement, the effect on the wider area would be limited.
- 7.9 The overall assessment of harm is judged to be "*Moderate High*" and the text states;
- "The parcel is largely open and rural, therefore the release of it would lead to encroachment on the countryside. However, the parcel is contained to the east and southeast by thick woodland, some of which is protected and by the existing settlement of Bullen's Green to the west (which lies partly within the neighbouring authority of St Albans). The impact upon the **integrity of the wider Green Belt would therefore be limited.** In isolation, the parcel would be weak as an inset area, and any revised Green Belt boundary would need to include the inseting of Bullens Green P53."* (my emboldening).
- 7.10 This is describing a larger land parcel than the appeal site. Within this parcel, the appeal site forms part of a quadrant bounded by built development. The appeal site itself is largely contained and so development on it would have a limited effect on the wider countryside and openness.

Effects on the Green Belt visual openness

- 7.11 The NPPF sets out National policy for Green Belts. Section 13 of the NPPF covers Protecting Green Belt land. The site lies within the Metropolitan Green Belt. Paragraph 133 notes that the Government attaches great importance to Green Belts. The NPPF notes that "*The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*"
- 7.12 Paragraph 134 sets out the 5 purposes of the Green Belt;
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and

- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.13 Russell Gray deals with Green Belt in the planning proof and covers the spatial aspects of Green Belt openness and Green Belt purposes. My proof covers the specific issue, the visual effect on openness.
- 7.14 The factors to be taken into account when considering the potential impact of development on the openness of the Green Belt are set out in the National Planning Practice Guidance (Paragraph 001 Reference ID; 64-001-20190722) from 22 July 2019.
- 7.15 The guidance notes that this requires a judgment based on the circumstances of the case. The PPG identifies that by way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. The first example provided, notes that *“openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant, as could its volume.”*
- 7.16 Other examples of factors are given in the guidance such as the duration of development and activity generated such as traffic, but for the purpose of my proof, I explore the visual aspects of openness.
- 7.17 In order to understand the effect that the development of the land would have on Green Belt aims and purposes it is necessary to understand how the land relates to the existing settlement and countryside. The site is contained by the existing settlement to the north, west and part to the south, with some houses to the east. Part of the western boundary is open recreational space, but beyond this space, it is contained by a water treatment works and housing. Tollgate Wood lies to the east and forms a strong boundary and feature in the landscape containing the A1 and separating Colney Heath from Hatfield. The land is slightly more open to the south, but roadside hedges, trees and subtle changes in topography tend to limit open views of the site from this direction. Overall, the site is wrapped around by existing settlement to a high degree and has a very limited role as part of the wider open countryside.
- 7.18 The landscape and visual appraisal has been a useful tool to assist in making judgements on the impact of the scheme on visual openness of the Green Belt.
- 7.19 Within the site itself, inevitably there would be a loss of countryside, and a loss of openness, as farmland is replaced by housing and new greenspace. There would be visual loss of openness. The Illustrative plan and the Landscape Strategy Plan show the retained footpaths across the site, would be set within new greenspace, free from built development. Within the site itself there would inevitably be some harm to the visual aspects of openness of the Green Belt.
- 7.20 The effects on the wider area are however much more limited. The visual aspects of openness are most helpfully assessed by reference to the photo viewpoints that accompanied the LVA and the updated photographs in this proof.
- 7.21 The photo viewpoints are particularly helpful at assessing the visual effects on openness of the Green Belt beyond the site. The Councils agree that the photo viewpoint locations are a fair representation (SOCG para 10.17), and the viewpoint locations are shown on Figure 6 appendix 2. These show how close the viewpoints are to the site. The Councils have not raised any issues with visibility being wider than suggested in the LVA.

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- 7.22 The contained location of the site and the enclosure in the wider landscape formed by Tollgate Wood and roadside hedges and trees, means the effects on the wider landscape would be very limited.
- 7.23 In terms of visual openness, there would also be a limited effect, beyond the boundaries of the site itself.
- 7.24 In summary from my analysis, I conclude that the appeal scheme would result in a degree of encroachment to the countryside, through the change to the site itself from farmland to housing and green infrastructure on the site itself. There would also be a loss of openness within the site itself. Beyond the site the effect on visual openness would be limited, due to the enclosed nature of the site and its relationship with the existing settlement.

8.0 APPEAL DECISION ROESTOCK DEPOT (APPEAL REF APP/B1930/W/15/3137409, APP REF 5/2015/0784)

- 8.1 The reports to committee make reference to this appeal decision, for potential development of the Roestock Depot north of the appeal site. The decision was from 2016. Despite the site being previously developed land, the inspector concluded that the scheme would constitute inappropriate development and would harm openness of the Greenbelt, and the appeal was dismissed. The decision made reference to the site being “*in a gap between to (sic) distinctly separate built-up areas (Bullens Green and Roestock)* “. I do not consider this to be the case as set out in section 5 of my proof. When travelling along Roestock Lane, whilst there is some green space around the depot, I consider that there is no sense of a gap. Roestock and Bullen’s Green are two parts of the same settlement, Colney Heath and this is how the area is experienced. The current appeal site is also an area of land, largely wrapped around by the settlement of Colney Heath.

9.0 POLICY

- 9.1 Russell Gray specifically deals with policies, and I look at them in terms of landscape and visual effects.

The National Planning Policy Framework 2019

- 9.2 The NPPF sets out the Government’s commitment to delivering sustainable development. Throughout the document the aspirations are generally positive - there is a marked absence of specific restrictive policies. A holistic approach is encouraged, balancing benefits with impacts across all aspects of the development process. The NPPF is dealt with in Russell Gray’s proof, so I only draw attention to the specific section on Green Belt.

Green Belt

- 9.3 Section 13 of the NPPF covers Protecting Green Belt land. The appeal site lies within the Metropolitan Green Belt. Paragraph 133 notes that the Government attaches great importance to Green Belts. The NPPF notes that “*The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*”
- 9.4 Paragraph 134 sets out the 5 purposes of the Green Belt;
- a) to check the unrestricted sprawl of large built-up areas;*
 - b) to prevent neighbouring towns merging into one another;*
 - c) to assist in safeguarding the countryside from encroachment;*
 - d) to preserve the setting and special character of historic towns; and*
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*
- 9.5 Paragraph 141 states that once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

- 9.6 Paragraph 145 notes that new buildings should be regarded as inappropriate in the Green Belt.
- 9.7 From my analysis I conclude that the appeal scheme would inevitably have an effect on the site itself. There would be a loss of openness, as an inevitable consequence of building houses on an arable field.
- 9.8 The site is however wrapped around by the existing settlement to a high degree and is contained by woodland to the east. There would be some effect on visual openness for users of the Bullen's Green Lane and Fellowes Lane as they pass the site, but along these roads the existing settlement is also apparent. The existing and proposed planting would wrap around the site, create a strong boundary and enclosure. Awareness of the site, or development on it would soon disappear as anyone travels south from the site on Bullen's Green Lane. The effect on visual openness overall would be limited in extent.

Welwyn Hatfield Borough Council

Welwyn Hatfield District Plan 2005;

- 9.9 The reason for refusal references policies D1, D2, RA10, and RA11 of the plan.
- 9.10 Policy D1, covers Quality of Design. There is no reason why the reserved matters details cannot comply with this policy.
- 9.11 Policy D2 covers Character and Context. This policy requires all new development to respect and relate to the character and context of the area in which it is proposed. Development proposals should as a minimum maintain, and where possible, should enhance or improve the character of the existing area. The site is mostly bounded by relatively modern development of a variety of character. The scheme can respond at detailed design stage, to the local character. The protection and enhancement of the boundaries will reinforce the wooded character of the local area and there is no reason why the scheme cannot comply with this policy.
- 9.12 Policy RA10 relates to "*Landscape Regions and Character Areas*". Proposals for development in the rural areas will be expected to contribute, as appropriate, to the conservation, maintenance and enhancement of the local landscape character of the area in which they are located, as defined in the Welwyn Hatfield Landscape Character Assessment. The scheme includes new planting that would reinforce the boundary hedges along with new planting within the site. The development would sit within a parcel of land surrounded in part by the existing settlement. Whilst the arable land would change to development, the use of native species would also reinforce local character. The scheme can accord with this policy.
- 9.13 Policy RA11 covers Watling Chase Community Forest. The policy states that the Council will seek to achieve the objectives of the Forest Plan in terms of planting, leisure and landscape improvement, where this accords with Green Belt policies. Proposals for the provision of improved access to the forest and appropriate outdoor leisure and small-scale recreational facilities will be permitted and will be required to be accompanied by substantial landscaping, including, where appropriate, woodland planting. The appeal scheme is for residential development and green space. The aims of the Forest include increasing tree cover and to create attractive sites for people to enjoy. The Green spaces will increase tree cover across the site, as most of it is currently arable land. The new green space within the site will become accessible and will include for example establishing footpath routes alongside Bullen's Green Lane and Fellowes Lane.

Welwyn Hatfield Draft Local Plan 2016

- 9.14 The reason for refusal references Policy SADM 34 Development within the Green Belt. The policy references the types of development that would be permitted in the Green Belt, and this does not include new housing development.
- 9.15 Policy SP9 is also referenced which requires schemes to deliver “*a high quality design that fosters a positive sense of place by responding to the following principles in an integrated and coherent way.*” Schemes should respond to their context and character, be legible, permeable and well connected and include appropriate open space that is well sited. I consider that the scheme fits well with the urban form of Colney Heath, being wrapped around by the existing settlement in part. There are good opportunities for pedestrian connections and green space can be provided that would serve the new and existing community.

St Albans City and District**St Albans Local Plan Review 1994**

- 9.16 The St Albans putative reasons for refusal make reference to Policies 1, 2, 69, 70 and 74.
- 9.17 Policy 1 covers Green Belt and Policy 2 covers settlement strategy. In terms of policy 2, it identifies Colney Heath as a Green Belt settlement (3 parts) and states that development must not detract from the character and setting of these settlements within the Green Belt.
- 9.18 Policy 69 covers General Design and Layout. This requires an “*adequately high standard of design*” taking into account factors such as context, including the scale and character of the surroundings. There is no reason why the scheme cannot comply with this policy
- 9.19 Policy 70 covers the Design and layout of New Housing. This again refers to the need to have regard to the setting and character of the surroundings, which the appeal scheme does. The policy contains a number of other requirements such as distance between properties for privacy, and the distance between windows of habitable rooms and public access, which are not normal practice in modern development.
- 9.20 Policy 74 covers “*Landscaping and Tree Preservation*” This policy states that significant healthy trees and other important features such as hedges should normally be retained, and that detailed landscape schemes are normally required as part of full planning applications. The scheme includes the retention of the majority of boundary vegetation and would have areas for new planting. There is no reason why this policy cannot be complied with.

10.0 SUMMARY AND CONCLUSION

- 10.1 This proof of evidence focuses on the effects on the character and appearance of the area, and on impact on the visual openness of the Greenbelt as raised in the refusal notice and report to committee for the scheme. In particular, the proof addresses the areas of dispute with the councils;
- Whether the proposed development would severely detract from the character of the site and the wider area, impact negatively on landscape character and would be a visually intrusive development within open countryside.
- 10.2 The site is an area of arable farmland, bounded by Bullens Green Lane and Fellowes Lane, with some boundary hedgerows and trees. Housing at Roestock Gardens and Roestock Lane backs on to part of the site, along with the Affinity Water reservoir, and Roestock Park recreation ground.
- 10.3 The site lies within two local authority area with the eastern part of the site being in St Albans District, and the western part lying within Welwyn Hatfield Borough.
- 10.4 The scheme has been designed following collaboration between landscape, urban design, ecological and other professionals. The landscape components of the scheme are an important integral part of the proposals.
- 10.5 The landscape and GI proposals include:
- An area of informal green space to the north of the site, including some sustainable drainage features. Other parts of the space will include small areas of copse planting, and open grassland.
 - Within the residential area there would be a series of smaller green spaces, mainly simple in design, with regularly mown grass and individual trees. These would be overlooked by the adjacent housing and would form softer entrance spaces to the scheme from Bullen's Green Lane.
 - Retained footpath routes. These routes would be in areas of new greenspace, with additional planting and overlooked by the new housing areas, providing attractive and safe routes.
 - New pedestrian routes. A new traffic free link would be established through the green spaces within the site, from Roestock Lane, through to Fellowes Lane/Bullens Green Lane in the south east.
- 10.6 The completed scheme is likely to result in a range of landscape effects at different scales. The site lies within National Character Area 111 The North Thames Basin. This is a very extensive area and at this scale the modest addition of a new area of housing largely wrapped around by existing settlement would result in a negligible magnitude of change and a negligible overall landscape effect on this area as a whole.
- 10.7 The site lies within, and on the edge of the area described as Mimmshall Valley in the Welwyn Hatfield Landscape Character assessment. This is part of a larger tract of land that extends to the south. The site lies in the northern part of this character area bounded by the existing settlement to the north and west. Woodland at Tollgate Wood lies to the east, with the A1 running through or alongside it. The key characteristics for this area include; "*organic field pattern of small woodland blocks and fenced pasture*". The site is arable land and the field pattern is not organic, so the site

does not represent this element of character. Other characteristics identified for the area include, mixed farming, major transport corridor and urban influence, which are all apparent in the area. The addition of some additional built development in this context, is consistent with the wider mixed character. The nature of the immediate landscape, with a high degree of enclosure by existing built development and woodland, limits the effect on character and reduces the extent of change on the wider landscape character area. There would be a low level of change on the Mimmshall Valley character area as whole, and overall a minor landscape effect.

- 10.8 The effect on the site and its immediate context would inevitably be more marked. The single arable field would be developed as housing and green infrastructure, within the framework of the existing boundaries, hedges and tree lines. The impact on the character of the immediately surrounding area would be limited as the existing settlement and tree lines contain the site to a high degree and minimise the effect on the wider area. The site and its immediate context has been assessed as having a medium sensitivity to change, and the scheme would result in a medium magnitude of landscape change on the area. Overall, this would lead to a Moderate landscape effect at the year of completion. Over time the green infrastructure would establish, including strengthening the tree belts along Bullens Green Lane and Fellowes Lane, and this would further reduce the landscape effects, leading to a Moderate/ Minor landscape effect on the site and its immediate context.
- 10.9 In the Statement of Case the councils allege at paragraph 5.16 that the site forms part of a wider open "countryside gap" and that the diminution of this should be given significant weight. I do not agree. Land within the site is wrapped around by the existing settlement to the north west and partly to the south. The Bullen's Green and Roestock Gardens areas may form different parts of the same settlement, but I do not perceive the site as a "gap". Apart from some small green areas within the grounds of the Affinity Water site along Roestock Lane, development is continuous, and a visitor does not have a sense of leaving one settlement and entering another. Indeed, when on the appeal site, especially in winter the development that wraps around the site can be perceived, and again it does not appear that these properties are part of separate settlements. Being wrapped around by the settlement also means that the site does not play a role in wider issues of separation between larger settlements.
- 10.10 The council also allege that the scheme would involve substantial change in the character of Bullen's Green Lane changing it from a rural lane to a suburban access road. The site access would join Bullen's Green Lane towards its northern end near the existing properties on the east of the road. Vehicles are frequently seen parked along the side of the road south of these properties. At this point the lane has a distinctly settlement edge character, and this would be the character after development. The southern section of the road is more removed from existing settlement influences, but the settlement is still perceivable. With the retained and proposed boundary site planting, whilst travellers would be conscious of the proposed housing, the character of the lane would remain, as one passing the edge of the settlement.
- 10.11 The Statement of Common Ground confirms that the viewpoint locations and listing of receptors are agreed to be a fair representation. The visual envelope of the proposed development is limited by the existing settlement to the north and west and by woodland to the east. The overlapping effects of hedgerows and the occasional building to the south also restrict views. Overall, this is a very restricted area. The visual analysis of the proposals shows that in the majority of views from outside the appeal site from close by, these include from Fellowes Lane and Bullen's Green Lane which are adjacent to the site.

- 10.12 In order to understand the effect that the development of the land would have on Green Belt it is necessary to understand how the land relates to the existing settlement and countryside. The landscape and visual appraisal has been a useful tool to assist in making judgements on the impact of the scheme on the visual openness of the Green Belt.
- 10.13 Within the site itself, inevitably there would be a loss of countryside, and a loss of openness, as farmland is replaced by housing and new greenspace. The Illustrative plan and the Landscape Strategy Plan show the retained footpaths across the site, would be set within new greenspace, free from built development. Within the site itself there would inevitably be some harm to the visual aspects of openness of the Green Belt.
- 10.14 The effects on the wider area are however much more limited. The visual aspects of openness are most helpfully assessed by reference to the photo viewpoints that accompanied the LVA and the updated photographs in this proof.
- 10.15 The photo viewpoints are particularly helpful at assessing the visual effects on openness of the Green Belt beyond the site. In terms of visual openness, there would be a limited effect, beyond the boundaries of the site itself.
- 10.16 In summary from my analysis, I conclude that the appeal scheme would result in a loss of openness within the site itself. Beyond the site the effect on visual openness would be limited, due to the enclosed nature of the site and its relationship with the existing settlement. The effects on the character and appearance of the countryside would be very localised, and any adverse effects could be appropriately mitigated.