

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

St Albans City and District Council

in respect of the development

Outline application (access sought) – Demolition of existing house and stables and the construction of up to 150 dwellings including affordable and custom build dwellings together with all ancillary works

at Tollgate Road, Colney Heath

PINS Ref: APP/B1930/W/23/3323099

LPA Ref: 25/2022/1988

LVIA Ltd Ref: STA1393lpoe

Date: August 2023



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Landscape Proof of Evidence	
Project:	Tollgate Road, Colney Heath
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Author:	JPF
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1.0 Introduction

Witness

- 1.1.1 I am John-Paul Friend. I am the Director of LVIA 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 LVIA Ltd and I have been practising landscape architecture for 16 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 the University of the West of England where I teach Environmental Impact Assessment to the undergraduate and postgraduate courses.
- 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 LVIA 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 July 2023. 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 LVIA Ltd were appointed by St Albans City and District Council in June 2023 to prepare landscape and visual evidence in respect of the proposed development at Tollgate Road.

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 Appellants' Landscape and Visual Impact Assessment dated June 2022 produced by CSA Environmental ("the CLVIA"); and
- the Planning Statement, the Appellants' Statement of Case.

Reasons for Refusal

1.1.14 The Council refused permission for the following reason that refers to landscape and visual matters:

Refusal Reason 1: The site is within the Metropolitan Green Belt and the proposed development represents inappropriate development within the Green Belt, as set out in the National Planning Policy Framework 2021. In addition to the in-principle harm to the Green Belt by reason of inappropriateness, other harm is identified as a result of the proposed development in terms of: its detrimental impact on the openness of the Green Belt, harm to Green Belt purposes and harm to landscape character and appearance. Harm is also identified to the significance of the Grade I listed North Mymms Park house, Grade II listed Colney Heath Farmhouse and adjacent Grade II listed barn and the non-designated heritage assets of North Mymms Park and Tollgate Farm. Harm is also identified as insufficient information has been provided to demonstrate that that the site has suitable access to sustainable transport modes. The benefits of the proposed development comprise the provision of up to 150 dwellings, including 40% affordable housing and up to 9 self-build units at the site which could contribute significantly towards meeting an identified housing need in the District, and the provision of public open space and delivery of 10% biodiversity net gain (through on-site and off-site provision). The potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is not clearly outweighed by other considerations; and as a result the very special circumstances required to allow for approval of inappropriate development in the Green Belt do not exist in this case. The proposal is therefore contrary to Policy 1 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2021.

2.0 The Proposed Site: Local Context and Character

Site Character and Boundaries

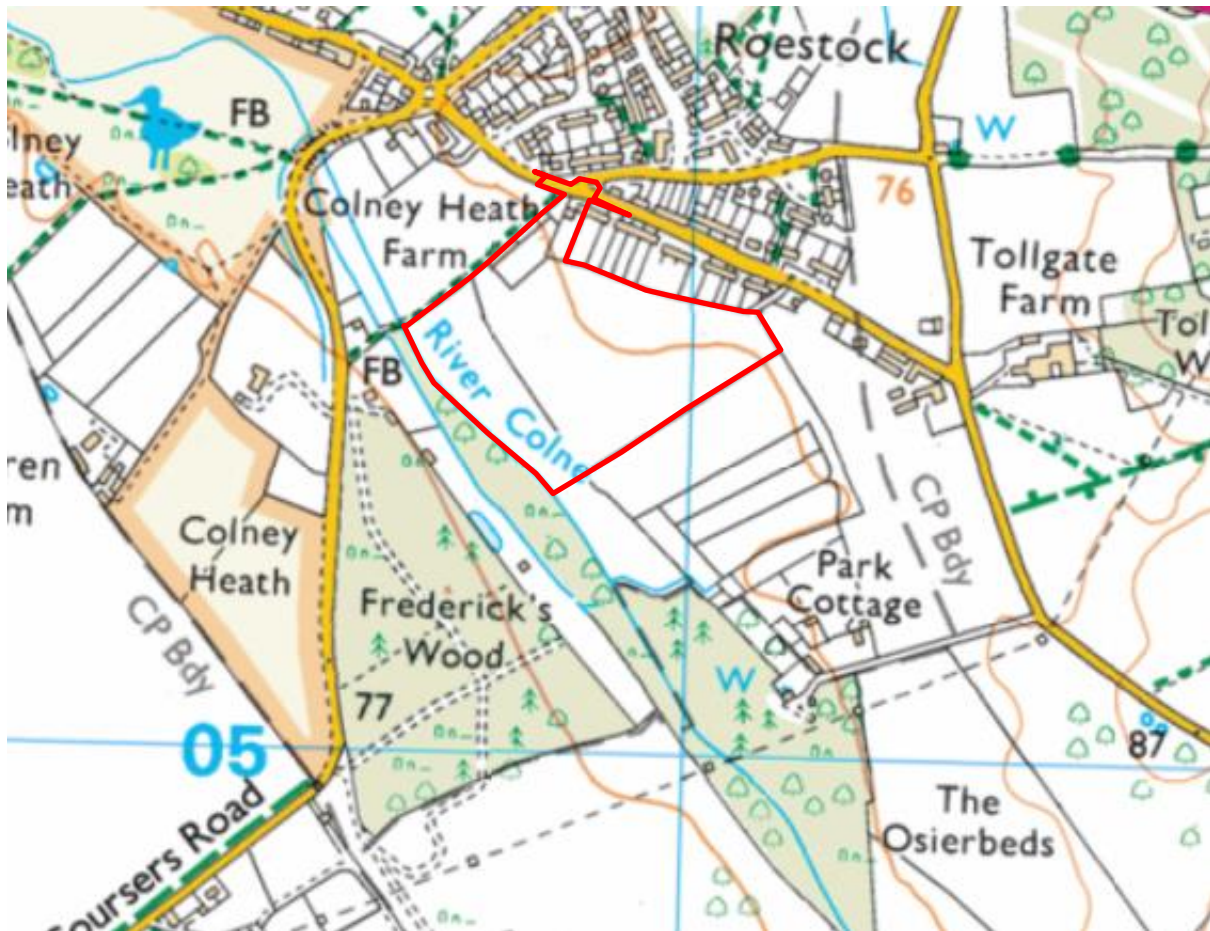


Image 1: Site location shown on 1:25000 OS map base

- 2.1.1 The site is located to the south of the settlement edge of Colney Heath. The total site area is approximately 7.8 hectares and is centred on N51°44'06, W00°15'04. The site is proposed to be accessed from Tollgate Road. The site sits to the south of the settlement edge that is formed by a 'ribbon' of existing dwellings that are situated along Tollgate Road and extends towards the River Colne.
- 2.1.2 The site is currently generally undeveloped and as a field that are laid to equestrian use. The field is defined by a combination of fencing and hedgerows in some locations, with riparian vegetation and woodland along the River Colne that sits adjacent to the redline in the local landscape.
- 2.1.3 To the north west and south east of the field sit further fields of a similar nature that are currently in agricultural use.
- 2.1.4 The site sits within no areas of national designation related to landscape. The entire site area falls within the Metropolitan Green Belt which is not a landscape designation, but the visual aspect of openness is of relevance. Further analysis is provided within the planning evidence. The site sits outside of the defined settlement boundary.

- 2.1.5 Within the site itself, it appears relatively tranquil although visual connectivity exists with dwellings to the north with some detracting elements noticeable in the form of pylons and road noise from transport corridors in the wider area.
- 2.1.6 Views from within the site provide links to the generally agricultural landscape to the east where it rises beyond Tollgate Road.
- 2.1.7 The landscape to the west of the site that is mainly experienced by users of the PRoW represents a landscape that although exhibiting features that relate to the fringe of Colney Heath remains generally tranquil in its nature.
- 2.1.8 The development would form an encroachment into the landscape that sits to the south of the current settlement boundary of Colney Heath in this location.

3.0 The Submitted Landscape and Visual Appraisal

- 3.1.1 The CLVIA that accompanies the application has been considered as part of this proof of evidence.
- 3.1.2 The methodology provided within Appendix I (Methodology and Summary Landscape and Visual Effects) of the CLVIA 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 CLVIA.
- 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 CLVIA in the following chapters of this document.
- 3.1.4 Where paragraphs are stated, they refer to the CLVIA unless otherwise detailed. Sections of the text stated within the CLVIA will be provided where useful for ease of reference but should be read in conjunction with the submitted LVIA for full detail.
- 3.1.5 The CLVIA provides an assessment of the proposals as described:

“...an outline planning application for up to 150 dwellings and associated open space and infrastructure, with access off Tollgate Road applied for in detail.”

4.0 Landscape Sensitivity and Effects

Published Landscape Character

- 4.1.1 It is agreed that the site falls within published National Character Area (NCA) 111: Northern Thames Basin.
- 4.1.2 At a more local level, the Hertfordshire Landscape Character Assessment is identified. It is noted that the site falls within the Landscape Character Area (LCA) 30: Colney Heath Farmland.
- 4.1.3 It is agreed that the site falls within these published NCA and LCA.

Landscape Receptors Sensitivity

- 4.1.4 The following landscape features have been identified as receptors for the assessment of effects arising from the proposed development in Appendix I Methodology and Summary Landscape and Visual Effects, Landscape/Townscape Effects table of the CLVIA:

Direct effects on landscape features:

- Trees and hedgerows, which are given a quality and sensitivity of medium.
- Public footpaths and public access, which are not given a quality and sensitivity due to their being no public access to the site.
- Land use, which are given a quality and sensitivity of medium to low.

Indirect effects on landscape/townscape character

- Landscape Character of the Site, which is given a quality and sensitivity of medium to low.
- Landscape Character of immediate surroundings, which is given a quality and sensitivity of medium.
- Wider Landscape Character, which is given a quality and sensitivity of medium.
- Heritage Assets e.g. Registered Park and Garden, Conservation Areas, Scheduled Monuments & Listed Buildings which is given a quality and sensitivity of high.

- 4.1.5 The sensitives provided for most of the landscape receptors seem to be at an appropriate level. However, given the right of way that follows the sites northwestern boundary, it is my view that the public footpath should be considered as the experience of users will be directly affected.

Landscape Assessment – Direct Effects on Landscape Features

- 4.1.6 The CLVIA states that there would be a moderate magnitude of change upon trees and hedgerows which when combined with the medium sensitivity would result in a Negligible beneficial effect at year 1. This seems a reasonable assessment.
- 4.1.7 At year 15 with the establishment of a mitigation strategy, it is stated that the change would become a Moderate beneficial effect. Again, I agree with this conclusion.
- 4.1.8 The assessment of the land use is detailed as being subject to a substantial magnitude of change which when combined with a medium to low sensitivity gives a Moderate adverse effect at year

1. It is my view that the effect would be of a Substantial adverse level at year 1 due to the current equestrian land use changing permanently to residential use.

4.1.9 At year 15 with the establishment of a mitigation strategy, it is stated that the change would remain at a Moderate adverse level of effect. My view is that the change to this receptor would remain Substantial adverse as the change is permanent in nature.

Landscape Assessment – Indirect Effects on Landscape/Townscape Character

4.1.10 The landscape character of the site has been given a substantial magnitude of change, which when combined with the medium to low sensitivity would result in a Moderate Adverse effect at year 1. I agree with this level of effect on the receptor.

4.1.11 At year 15 with the establishment of a mitigation strategy, it is stated that the change would reduce to a Slight adverse effect. It is my judgement that the site will continue to be subject to a Moderate adverse effect even once mitigation measures have established as the proposed change will cover almost the entire area of the site with housing and related elements. The change is considered permanent due to its residential nature.

4.1.12 The landscape character of immediate surroundings receptor has been given a slight magnitude of change, which when combined with the medium sensitivity would result in a Moderate Adverse effect at year 1. I agree with this level of effect on the receptor.

4.1.13 At year 15 with the establishment of a mitigation strategy, it is stated that the change would reduce to a Slight adverse level. In this case it is my view that there would remain a Moderate to Slight adverse effect as the change will continue to form detracting elements in the surrounding landscape baseline. These effects will be felt from the surrounding landscape in the form of additional noise and movement associated with the activity created by a development of this scale and due to the apparent extension of built form to the south of Tollgate Road.

4.1.14 The wider landscape character receptor has been given a negligible magnitude of change, which when combined with the medium sensitivity would result in a Negligible adverse effect at year 1. I consider the level of effect on the receptor to be of a slight magnitude resulting in a Moderate adverse effect, albeit likely to be experienced by a relatively low number of receptors.

4.1.15 At year 15 with the establishment of a mitigation strategy, it is stated that the change would reduce to a Neutral effect. My view is that due to the extension of built form to the south from the existing 'ribbon' of dwellings along Tollgate Road, the change would reduce somewhat once the mitigation measures have established to a Slight adverse effect, but would remain above the negligible level. Again, this is due to the apparent change formed by the extension of built form that will be experienced from the wider area and the activity created by its residential use.

4.1.16 In terms of the heritage asset receptor, I will defer to the heritage expert to give a view on the effects.

Section Conclusions

- 4.1.17 The sensitivities of the landscape character and receptors appear to be reasonable, and I generally agree with the levels put forward.
- 4.1.18 The extension of built form to the south from the existing 'ribbon' of dwellings along Tollgate Road will be clear and this will continue to be a noticeable element in the landscape even once the mitigation measures have established.
- 4.1.19 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. The proposals will harm and not improve or conserve the local landscape character.

5.0 Visual Sensitivity and Effects

5.1.1 This section will present the results of my independent analysis of the assessed visual outcomes of the site based on the methodology used in the CLVIA.

Visual Assessment

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

5.1.3 Appendix I Methodology and Summary Landscape and Visual Effects, Visual Effects table of the CLVIA provides detail on the sensitivity attributed to various visual receptors. I have reproduced the effects for clarity in table 1 below. Where I disagree with the assessment of visual effect, I offer my judgement in the box below in blue coloured text. The visual effects are reproduced below in summary for ease of reference:

Table 1: Summary of CLVIA Visual Effects

Receptor	Sensitivity	Magnitude of change	Visual effect year 1	Visual effect year 15
Near distance views from Tollgate Road (Photographs 1, 13)	Medium	Moderate	Moderate adverse	Slight adverse
		Substantial	Substantial to Moderate Adverse	Moderate Adverse
Middle distance views from Tollgate Road (Photographs 16 & 18)	Medium	Negligible	Negligible adverse	Negligible adverse
		Slight	Moderate adverse	Slight adverse
Fellowes Lane (Photograph 1)	Medium	Negligible	Negligible adverse	Negligible adverse
		Slight	Moderate adverse	Slight adverse
Coursers Road (Photograph 14)	Medium	Negligible	Negligible adverse	Negligible adverse
		Slight	Moderate adverse	Slight Adverse
Footbridge over A1(M) (Photograph 19)	Medium	Negligible	Negligible adverse	Negligible adverse
Colney Heath Common (Photograph 15)	High	Negligible	Negligible adverse	Negligible adverse
Public footpath 33 (Photographs 3, 4, 5, 7)	Medium to High	Moderate	Moderate to Substantial adverse	Moderate adverse
		Substantial	Substantial to Moderate Adverse	Moderate Adverse

5.1.4 It is my judgement that views from Tollgate Road from the north of the site from close by the entrance to Colney Heath Farm will allow views of the site as the observer continues to the east. Views from a section of Fellowes Lane will be similar to those from the site's entrance, where

the change from the current baseline to the proposed site access road with associated engineering considerations will be obvious. Views into the site will be prevented in some places by the existing ribbon of built form, but the built form will be noticeable between the dwellings where gaps exist. Further to the east the views will continue but will be somewhat filtered by the vegetation that follows Tollgate Road.

5.1.5 In views from footpath 33 that sits to the west of the site and follows the sites north western boundary, views into the site will be clear where gaps in the hedgerow that forms the site boundary allows. Similar views are also available from a short section of Coursers Road through the vegetation that sits to the east of the road to the west of the At Last Care Home and to the east of the River Colne. These locations allow views of the extent of the development extending to the south beyond the existing built form on Tollgate Road.

5.1.6 I have considered the residential receptors separately for ease of reference. Again, where my judgement varies from that of the CLVIA, they will be produced in blue coloured text.

Table 2: Summary of CLVIA Residential Visual Effects

Receptor	Sensitivity	Magnitude of change	Visual effect year 1	Visual effect year 15
Park Cottages (Photograph 17)	Medium	Negligible	Negligible adverse	Negligible adverse
	High	Moderate to Slight	Moderate adverse	Slight adverse
Houses on Tollgate Road adjacent to the Site (Photographs 7, 8, 9)	High	Moderate	Moderate adverse	Moderate adverse
Houses along the northern side of Tollgate Road, north of the Site, and along the south of Coursers Road, north of the Site (as seen in photographs 6, 12, 13)	Medium to High	Slight	Moderate adverse	Slight adverse
	High	Moderate to Slight	Moderate adverse	Slight adverse

5.1.7 Within GLVIA at paragraph 6.33 it states:

The visual receptors who are most susceptible to change are generally likely to include:

- *residents at home;*
- *people, whether residents or visitors, who are engaged in outdoor recreation, including use of public rights of way, whose attention or interest is likely to be focused on the landscape and on particular views;*
- *visitors to heritage assets, or to other attractions, where views of the surroundings are an important contributor to the experience;*
- *communities where views contribute to the landscape setting enjoyed by residents in the area.*

Travellers on road, rail or other transport routes tend to fall into an intermediate category of moderate susceptibility to change. Where travel involves recognised scenic routes awareness of views is likely or be particularly high.

5.1.8 I would contend that views from a residential dwelling do not fall within the medium category as they represent in this case the permanent change to the visual baseline from living spaces. A dwelling represents the place a person will go for shelter and therefore I believe the susceptibility to change of these receptors should be considered to be high.

Overall Section Conclusions

5.1.9 The process undertaken to assess the visual receptors appears reasonable and is in line with guidance.

5.1.10 It is my judgment that some of the receptors would be of a higher sensitivity to change as described due to the guidance provided within GLVIA. I consider residents within the area as having a high overall sensitivity as they have a high susceptibility to change and views from dwellings are highly valued, albeit only by the residents within.

5.1.11 I have identified some locations where I judge that there will be greater visual effects as a result of the scheme. It is agreed that the mitigation measures that are outlined on the Illustrative Masterplan will have the effect of reducing some visual effects from the wider landscape but will not remove them totally.

5.1.12 The proposal will introduce an awareness of built form of a residential nature that will appear to extend the existing settlement edge to the south to viewers from the local area.

6.0 Summary Proof and Conclusion

6.1.1 I am John-Paul Friend, I am the Director of LVIA 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 (LVIA) and take the view that the LVA process was undertaken in accordance with GLVIA.

Landscape Section Conclusions

6.1.3 The sensitivities of the landscape character and receptors appear to be reasonable, and I generally agree with the levels put forward.

6.1.4 The levels of change appear generally reasonable, and I only disagree with some of the effects, where there is a variation in judgement I have identified my analysis.

6.1.5 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. The proposals will harm and not improve or conserve the local landscape character.

Visual Section Conclusions

6.1.6 The process undertaken to assess the visual receptors appears reasonable and is in line with guidance.

6.1.7 I believe some of the receptors would be of a higher sensitivity to change as described due to the guidance within GLVIA.

6.1.8 I have identified some locations where I judge that there will be higher visual effects as a result of the scheme. It is agreed that the mitigation measures that are outlined on the Illustrative Masterplan will have the effect of reducing some visual effects from the wider landscape but not remove them totally.

6.1.9 The proposal will introduce an awareness of built form of a residential nature that will appear to extend the existing settlement edge to the south to viewers.

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August 2023



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