



Proof of Evidence Landscape

**Land off Leconfield Road,
Nanpantan**

PINs Ref: App/X2410/W/22/3304644

**February 2023
INF_N0908_PoE**

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1 Introduction

Qualifications and Experience

- 1.1 My name is Sara Boland. I am a Director of Influence Landscape Planning and Design Limited (Chartered Landscape Architects, Urban Designers and Environmental Planners).
- 1.2 I hold a BA Hons and Postgraduate Diploma in Landscape Architecture from Leeds Metropolitan University and am a Chartered Member of the Landscape Institute. I have worked as a Landscape Architect for over 20 years and have been the Managing Director of Influence Landscape Planning and Design, specialising in landscape planning for the past ten years.
- 1.3 I have significant experience in advising on landscape matters, on a range of projects for both the public and private sectors. These include carrying out Landscape and Visual Impact Assessments, Feasibility Studies, developing Strategic Masterplans and advising on mitigation.
- 1.4 The evidence which I have prepared and provided for this Statement is true to the best of my knowledge. It has been prepared and is given in accordance with the Code of Practice of the Institute of Environmental Management and Assessment and I confirm that the opinions expressed are my true and professional opinions.

Outline

- 1.5 I have been appointed by Bowbridge Homes to represent them on landscape and visual matters in their appeal against the refusal of Outline Planning Permission for a residential development with associated infrastructure for up to 30no. dwellings, including detail of associated point of access. All other matters (landscaping, scale, layout and appearance) reserved.
- 1.6 I was instructed on 21 March 2022¹ and prior to accepting the instruction, I reviewed all the relevant documentation pertinent to the planning application, landscape and visual matters, including the independent studies commissioned as part of the Local plan process, the Golby + Luck LVIA, the CBC Landscape Officer comments, the Golby + Luck rebuttal and the Decision Notice and Officers Report. Having reviewed those documents, I was satisfied that I was able to support the appeal. Subsequently I produced a Landscape Statement of Case and along with the CBC Statement of Case that has informed this Proof of Evidence ('Proof').
- 1.7 PINS ref: APP/X2410/W/22/3304644 LPA ref: P/20/2199/2

¹ Mr Golby, who supported the planning application on landscape and visual matter, was unable to continue with the Appeal due to illness.

1.8 The relevant (1) Reason for Refusal (“RfR”) states that (emphasis added):

- The proposed development would **fail to protect and enhance the unique landscape character of the site and surrounding area**. The development would be contrary to the requirements of Core Strategy Policy CS11 and National Planning Policy Framework paragraph 174 and the identified harm would significantly and demonstrably outweigh the benefits when considered against the Framework as a whole.

1.9 This Proof should be read alongside the information already submitted to the Inspectorate as part of the appeal process to date. In summary that relevant information is:

- a comprehensive LVIA (Landscape and Visual Impact Assessment) by Golby + Luck²
- statutory comments were received from Charnwood Landscape Officer, Nola O’Donnell on 27 April 2021³.
- A rebuttal submitted on 28 July 2021 from Golby + Luck addressing the Landscape Officer’s comments.
- The Officers Report to committee and Extras Report to committee⁴
- The Appellant’s Landscape Statement of Case for the appellant INF_N0908 September 2022⁵; and
- The Statement of Case for the council⁶ (CBC SoC)

Scope of this Report⁷

1.10 This evidence will explain to the Inspector and interested parties why the site is suitable for the proposed development with respect to landscape and visual matters by:

- Describing the Appeal Scheme, with a particular focus on landscape and visual matters
- Reviewing the baseline information, previously set out in the Appellant’s SoC which sets a robust framework against which the development should be tested;
- Reviewing the previous independent landscape sensitivity study base which test the sites sensitivity and capacity for development and reaches the conclusion that the site has an overall low to moderate sensitivity to residential development;
- Reviewing the judgements of the Appellant’s evidence; and

² CD 1.10

³ CD 8.39 & 8.40

⁴ CD 3.1 and 3.2

⁵ CD 4.2.2

⁶ CD 4.3.1

⁷ All of the evidence is with respect to landscape and visual matters only

- Distilling and responding to the commentary within the CBC SoC with reference to the baseline framework, previous studies and the Appellant's own evidence.

1.11 In addition, the Proof will respond to the 3rd party objections and the matters raised by the Nanpantan Ward Residents' Group with the Planning Inspectorate (namely the "open space designation of the site" and the "open space shortage in Nanpantan Ward"). My evidence also considers the implications of a current application (as yet undetermined) for the designation of a public right of way through the site.

2 The Appeal Scheme

- 2.1 The Development Proposals are set out in Section 5 of the Golby + Luck LVIA⁸. It is a landscape led scheme, and as sets out at paragraph 5.2 of the LVIA, the proposals have been designed in response to the identified constraints, which include the setting of Burleigh Wood on the western boundary, the existing vegetation cover, the landform of the site, the residential amenity of the surrounding properties and the visual setting of the surrounding settlement.
- 2.2 The Appeal is for Outline Planning Approval with the relevant plan being the Parameter Plan⁹.
- 2.3 An Illustrative Masterplan supported the application and LVIA and is shown below.



Fig.01 Illustrative Masterplan n1249_007F

- 2.4 Below I discuss the elements of the proposal individually and explain the rationale behind the design and layout.

The Setting of Burleigh Wood

- 2.5 As set out in Mr Ramm's Ecology Proof¹⁰, 'Since the application was submitted and refused, Natural England has released new standing advice in relation to ancient woodlands and veteran trees. In relation to the size of a buffer from the

⁸ CD 1.10 page 27-29

⁹ CD 1.6

¹⁰ Paragraph 1.8

*woodland edge, the standing advice states: "For ancient woodlands, the proposal should have a buffer zone of at least **15 metres** from the boundary of the woodland to avoid root damage¹¹".*

- 2.6 The paragraph goes on to set out that *planting should consist of semi-natural habitats such as woodland; a mix of scrub, grassland, heathland and wetland and that local and appropriate native species should be specified. It further states that public access can be allowed within a buffer zone if habitats are not harmed by trampling.*
- 2.7 The proposals in fact extend the buffer zone to 20-25m at its narrowest point and 45.19m at its widest. The Landscape Masterplan¹² sets out planting proposals for the whole site, including the buffer to Burleigh Wood. The scheme for this buffer comprises species rich meadow closest to the residential edge, transitioning to native tree and hedgerow planting closest to the wood. The meadow will be mown around the natural play space to allow ease of access. This gradation in the planting allows for the provision of spaces which can be accessed by the public and also areas which are 'protected' by virtue of the nature of the planting, to avoid damage.

The Landform of the Site

- 2.8 The rising landform is a feature of the site and the proposals have been designed to accommodate the level change. Two development plateaus are created, extending north from the access point, the upper plateau fronting development onto Burleigh Wood and the public open space and the lower plateau positioned almost level with the adjoining settlement edge. The change in levels will be planted with native trees and hedgerow, filtering views to the upper plateau and also breaking up the built form.
- 2.9 The retention of the level change allows the panoramic view to be experienced from this upper plateau.

The Existing Vegetation Cover

- 2.10 There are very few 'soft' features within the site¹³, however the northern, western and eastern boundaries feature a number of A & B category trees. No trees will be lost as a result of the development proposals. The scheme has been designed to respect the root protection areas (RPAs) and those important boundaries will be enhanced through new hedgerows and native tree planting.

The Residential Amenity of the Surrounding Properties

- 2.11 The residential receptors on the northern and eastern boundaries are considered sensitive to the proposals. The layout considers the relationship between the proposed and existing houses and not only responds to the

¹¹ CD 5.3.1

¹² CD 2.7

¹³ No trees were recorded internally on the Tree Survey CD 2.12

guidelines as set out in the Design Supplementary Planning Document January 2020¹⁴ but provides for extended separation distances particularly on the eastern boundary, enhanced with new planting to create a visually and physically enhanced space.

The Visual Setting of the Surrounding Settlement

- 2.12 With reference to the Verifiable Views¹⁵ these demonstrate that the layout and positioning of the new built form and the planting is sympathetic to the wider setting and considers the views from the adjacent streets. The houses do not tower over the existing properties, they 'slot' between the existing roofscape and appear contiguous with the wider residential area.
- 2.13 Overall, the appeal scheme carefully considers the surrounding character and context and respects and enhances the important features of the site and its immediate environs.

¹⁴ CD 6.6 page 58

¹⁵ Appendix A

3 Landscape and Visual Framework

3.1 In this section, I set out and discuss the relevant policy framework against which the development should be assessed as well as various landscape studies that are relevant to the scope of my evidence.

- Planning Policy
- The National Design Guide
- The local landscape character assessments
- Specific independent studies

National Planning Policy

NPPF

3.2 The RfR alleges conflict with 174 of the NPPF. The policy states that:

- Planning policies and decisions should contribute to and enhance the natural and local environment by:
 - a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

3.3 The appeal site is not a valued landscape within the meaning of paragraph 174 of the NPPF, as agreed at paragraph 7.10 of the Statement of Common Ground, agreed between the Appellant and the Council on 16 November 2022. In my professional judgment, the appeal scheme recognises the intrinsic character and beauty of the countryside, as further discussed below.

Local Planning Policy

3.4 The application is within the administrative jurisdiction of Charnwood Borough Council. The development plan comprises the Charnwood Borough Council - Charnwood Local Plan 2011 - 2028 Core Strategy and the saved policies of the Charnwood Borough Local Plan 1999 – 2006. The RfR alleges conflict with policy CS11 of the Core Strategy arising from the landscape impacts of the proposed development.

3.5 The site is wholly within the settlement limits of Loughborough as defined in the Development Plan (as agreed in paragraph 3.5 of the Statement of Common

Ground). It is not subject to any landscape or open space designations, as agreed at paragraph 7.10 of the Statement of Common Ground.

Charnwood Borough Council - Charnwood Local Plan 2011 - 2028 Core Strategy

- 3.6 The only policy, other than the NPPF paragraph 174, referenced in the RfR is **Core Strategy Policy CS11**.
- 3.7 I note that the RfR does not allege conflict with policy CS1 of the Core Strategy, which contains the development strategy for the area. That strategy identifies the Leicester Principal Urban Area as the priority location for growth; with the majority of the remaining growth directed to Loughborough and Shepshed. I understand that the principle of housing development on the appeal site is acceptable to the Council (as agreed at paragraph 7.6 of the Statement of Common Ground, dated 16 November 2022). In those circumstances, the question for the Inspector relevant to my area of expertise is whether there are features of this particular development that render the proposed housing development, which is acceptable in principle, unacceptable on account of its landscape impacts.
- 3.8 Policy CS11 provides as follows:
- “We will support and protect the character of our landscape and countryside by:*
- *requiring new developments to protect landscape character and to reinforce sense of place and local distinctiveness by taking account of relevant local Landscape Character Assessments;*
 - *requiring new development to take into account and mitigate its impact on tranquillity;*
 - *requiring new development to maintain the separate identities of our towns and villages [...].”*
- 3.9 The explanatory text to policy CS11 contains a sub-heading “Countryside and Landscape Character” on page 65, which explains at paragraph 7.7 that *“Countryside is the largely undeveloped area beyond the defined limits of our villages and towns.”* Paragraph 7.12 explains that *“New development in the countryside should be appropriate in terms of its scale, siting and design. Negative impacts on sensitive and historic landscapes, including buildings and settlements, will not generally be acceptable. We want to see development which makes a significant contribution to meeting our community or economic needs.”* I am advised that while the explanatory text cannot change the policy wording itself, it is relevant to its interpretation. It is clear to me that policy CS11 aims to support and protect the landscape within the countryside, namely the areas of undeveloped land beyond the settlement limits. The appeal site lies within the defined settlement limits of Loughborough and does not, therefore, fall within the countryside. Notwithstanding my view that policy CS11

does not strictly apply to the appeal site, I provide an assessment of the appeal scheme's impact against policy CS11 below.

3.10 As set out at 3.8 above, the policy sets out three criteria against which development proposals will be considered. Of those, my view is that only bullet point one '*requiring new developments to protect landscape character and to reinforce sense of place and local distinctiveness by taking account of relevant local Landscape Character Assessments*' is relevant to the appeal site because;

- The site is not tranquil – The LUC Landscape Sensitivity Assessment of SHLAA sites 2019¹⁶ describes the perceptual and experiential qualities of the site *as being influenced by the surrounding residential development and that traffic on Nanpantan Road introduces noise and movement which detract from a sense of tranquillity*¹⁷. I agree. The description of tranquillity relates to a stillness and a calm and quiet setting. The appeal site's relationship with the suburban edge of Loughborough, the local road infrastructure and the surrounding University/employment uses impact upon those perceptual qualities.
- There is no debate about issues pertaining to the separate identity of the town being at risk - CBC themselves claim the site has separation from the settlement¹⁸ Burleigh Wood forms a break between this proposal and the application on Snells Nook Lane.¹⁹ The CBC SoC does not allege that the proposed development would adversely affect the separation of settlements.

3.11 Policy CS12 of the Core Strategy relates to Green Infrastructure. It provides, *inter alia*, that "*We will protect and enhance our green infrastructure assets for their community, economic and environmental values.*" I note that the RfR does not allege conflict with this policy.

The Emerging Local Plan - Charnwood Local Plan 2021 – 2037 Pre-Submission Draft (July 2021)

3.12 The Emerging Local Plan is in examination stage. I am advised that it currently attracts limited weight, as agreed in paragraph 6.14 of the Statement of Common Ground.

3.13 The Emerging Local Plan proposes to amend the settlement limits for Loughborough so as to exclude the appeal site from the settlement. As set out at paragraph 5.13 of the Planning Proof, the appeal site was previously considered for 41 dwellings under assessment reference PSH447 in the

¹⁶ CD 5.2.4 Introduced in full in paragraphs 3.6 provides evidence to inform the Charnwood Local Plan and assesses the landscape sensitivity of sites that have been submitted to the borough council through the Strategic Housing Land Availability Assessment.

¹⁷ LUC LSS page 75

¹⁸ CBC SoC paragraph 7.15

¹⁹ Planning application P/22/1154/2

SHELAA December 2020²⁰ and was only excluded from being a residential allocation in the Pre-Submission version of the Draft Local Plan following a high level assessment of ecological constraints. This matter is discussed further in the Ecology Proof. The SHELAA notes that the Appeal Site is surrounded on three sides by residential development and explains that “*There are no known irresolvable physical/environmental constraints preventing development and the site is in a suitable location for development and suitable access can be achieved*”.

3.14 Draft policy EV1 relates to landscape matters and provides that:

“We will carefully manage development to protect the Borough’s distinctive landscape. We will do this by:

- *requiring new development to protect landscape character and to reinforce sense of place and local distinctiveness; and*
- *requiring new development to maintain the separate identities of our towns and villages.”*

3.15 I note that the RfR does not allege any conflict with policy EV1 of the Emerging Local Plan. However, for completeness, my evidence considers the impacts of the development against policy EV1.

Established Landscape Character

3.16 Defined landscape character assessments are produced for the whole country, following a hierarchy from National Character Areas, Regional and Local Character Areas to site-specific character studies.

3.17 The Charnwood Forest Landscape and Settlement Character Assessment was commissioned by Leicestershire County Council in February 2008 to undertake a landscape character and environmental gathering study to inform the development of future plans and policies for Charnwood Forest. This study divided the wider Charnwood Forest into seven landscape character types, as shown on Fig. 02. The site was located in Bradgate and Beacon (Area1).

3.18 In July 2012, a Landscape Capacity and Sensitivity Appraisal was commissioned to support the preparation of the Local Plan. It reviewed the aforementioned LCA but Part 2 of the document presents a separate, more focussed capacity and sensitivity appraisal for those areas which were considered potentially suitable for major development (at the time of the local plan). The 2012 LCA describes the overall landscape characteristics at 7.1 onwards and acknowledges the previous subdivisions at 7.16²¹. In June 2019, FPCR on behalf of Charnwood Forest produced a Landscape Character

²⁰ CD 5.2.9

²¹ There is an error here as the 2012 report states that there are 5 subareas in the 2008 LCA whereas in fact there are 7 subareas.

Assessment for the Charnwood Forest Regional Park along with a review of the main settlements located within the area. This LCA refined the previous published assessments. The purpose the 2019 LCA was to support the second stage of the Heritage Lottery Funding and to be used as a tool to aid decision making.

- 3.19 The 2019 LCA set out in more detail the characteristics of the seven identified landscape character types.
- 3.20 Following a review of all the layers such as Geology, Topography, Wildlife etc the Charnwood Forest LCA was subdivided into eleven landscape character areas. Relevant to the Appeal Site is that the character areas were updated and seven became eleven with the appeal site falling into Area 7: Loughborough/Shepshed Mixed Farmland. It can sensibly be assumed that it was judged that the new sub Area 7 was distinct from the remaining part of Area 1 which is why the new sub-area was identified.
- 3.21 The plan below sets out the previous and existing LCAs, the Charnwood Forest boundary and the National Forest Boundary²².

²² Additional Landscape Sensitivity and Capacity Studies were carried out in 2021 but the site is not assessed in those

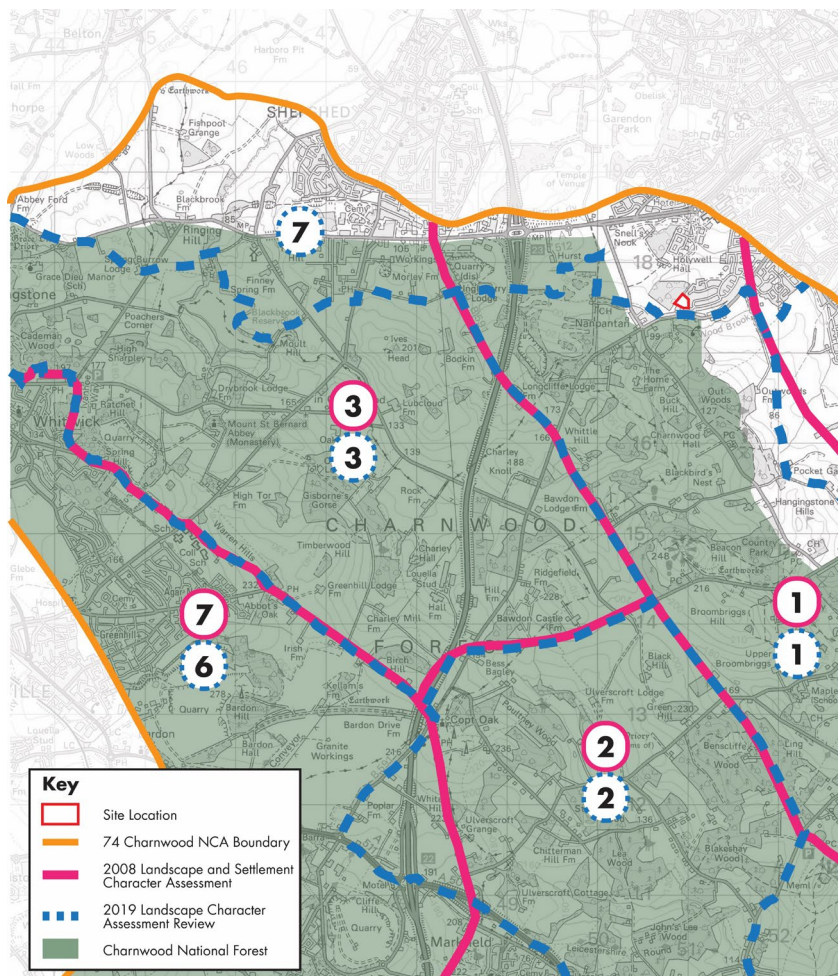


Fig 02 Plan showing the history of the LCA boundaries.

Area 7: Loughborough/Shepshed Mixed Farmland

3.22 The general description of this LCA is:

- A lower lying, predominantly open, arable landscape with some small pockets of pasture and small blocks of ancient woodland. The character area lies between central upland areas to the south and the wider lowland to the north. This area is heavily influenced by settlement from the urban edges of Shepshed and Loughborough²³.

3.23 Key characteristics relevant to the appeal site are described as:

- Gently rolling landform, generally falling to the north.
- Wider extent of arable farmland with some pasture and smaller blocks of woodland.
- An urban fringe landscape which includes the edge of Shepshed and Loughborough and associated influences such as Loughborough University which features within views.

- Lower level than central areas of the forest, but still views to lower extent to the north.
- Not particularly tranquil.

3.24 Specific characteristics which I consider to be relevant to the appeal site include the following:

- The only areas of high ground referenced are Morley Farm in the south and Woodyton Farm on the south west boundary;
- Woodland cover is lower than in other areas but a large proportion of the woodland is ancient woodland;
- Field pattern varies with some smaller, regular fields associated with pastoral land close to the edge of Shepshed and Loughborough;
- The area is of a medium to large scale and is more open, especially to the west, with long views possible away from the settlements;
- Development including the edge of Shepshed and Loughborough University buildings do however feature within many views;
- Longer views are predominantly to the north across the more open, lower levels beyond the Charnwood Forest boundary;
- The area is not particularly tranquil;
- Forces for change are highlighted as *Continual expansion of large settlements, including Shepshed and Loughborough, into open farmland*; and
- Although settlement expansion is noted as a sensitive consideration for the key landscape features, it is recommended that new development is well integrated with adequate planting to soften urban edges and maintain the existing vegetated edged to settlements.

3.25 The view north west from Nanpantan, as shown in the LCA description, is also recorded in montages to support the Appellant's Landscape Statement of Case²⁴.

3.26 The main settlements within the Charnwood Forest area and those on the fringes were assessed and described within the 2008 LCA document. Chapter 6 of the 2019 LCA provides an update, the appeal site is within Loughborough (Charnwood Forest fringes). Reference is made to the housing adjoining the countryside on Nanpantan Road, with views of the settlement available from Woodhouse Road across a rolling landscape. *Blocks of woodland assist in screening and filtering the urban edge reducing the impact at this distance*²⁵.

3.27 Long distance views are mentioned from the A512. Nanpantan Road is described as more rural in character with residential development located to the north and rolling countryside to the south.

²⁴ Page 87

²⁵ Page 124

3.28 Key Views are cited as being:

- *From Nanpantan and Nanpantan Road, views are extensive across the rolling landscape. The land is undulating before it becomes more wooded and begins to rise towards the Outwoods. The elevated wooded ground is prominent in views creating a sense of enclosure to the Loughborough fringe from the south²⁶*

3.29 The settlement edge is described as:

- *From the east there are large blocks of woodland which screen much of the fringe however buildings are visible above the tree line. This has an urbanising effect on this edge. Nanpantan Road forms a strong edge to the south with large residential properties overlooking the rolling landscape visible.²⁷*

3.30 The recommendations are that wooded slopes around the fringes of Loughborough are conserved through good woodland management and new urban development should be sited where visual containment can be achieved.

3.31 In the CBC SoC, the Council draw attention to the Charnwood Forest landscape and allege that the site makes an important contribution to the character of the area²⁸ and is an integral part of the rising landform which yields the rocky outcrops and uplands of Charnwood Forest²⁹ and the wider LCA³⁰.

3.32 This proof will set out the lack of features the site exhibits relative to the LCA, its urban fringe characteristics and the detachment from the wider LCA already in place by virtue of Nanpantan Road, Burleigh Wood and the proposed housing allocation³¹ site to the west.

3.33 The narrative will also demonstrate how the proposal responds to the recommendations for the LCA.

Site Specific Independent Study on Landscape Sensitivity and Capacity

3.34 The LUC Landscape Sensitivity Assessment of SHLAA sites 2019 ('the LUC LSS') provides evidence to inform the Charnwood Local Plan and assesses the landscape sensitivity of sites that have been submitted to the Borough Council through the Strategic Housing Land Availability Assessment.

3.35 This report is based on the 2004 Topic Paper 6: Techniques and Criteria for Judging Capacity and Sensitivity (Scottish Natural Heritage and The Countryside Agency), produced as guidance, this was updated in 2019 with An Approach to Landscape Sensitivity Assessments which provides a consistent

²⁶ Page 126

²⁷ Page 127

²⁸ CBC SoC para 7.12

²⁹ CBC SoC para. 7.13

³⁰ CBC SoC para 7.16

³¹ In the emerging Local Plan

approach for professionals. The definition of landscape sensitivity is described as follows:

- *...is based on the principles set out in Topic Paper 6. It is also compliant with the third edition of the Guidelines for Landscape and Visual Impact Assessment (GLVIA 3, 2013) as well as definitions used in other landscape sensitivity studies of this type 'Landscape sensitivity is the relative extent to which the character and quality of an area (including its visual attributes) is likely to change'³²*

3.36 In the LUC LSS the site is identified as PSH447. The below map extract shows the position of the site and its relationship to PSH133 which was assessed alongside it.

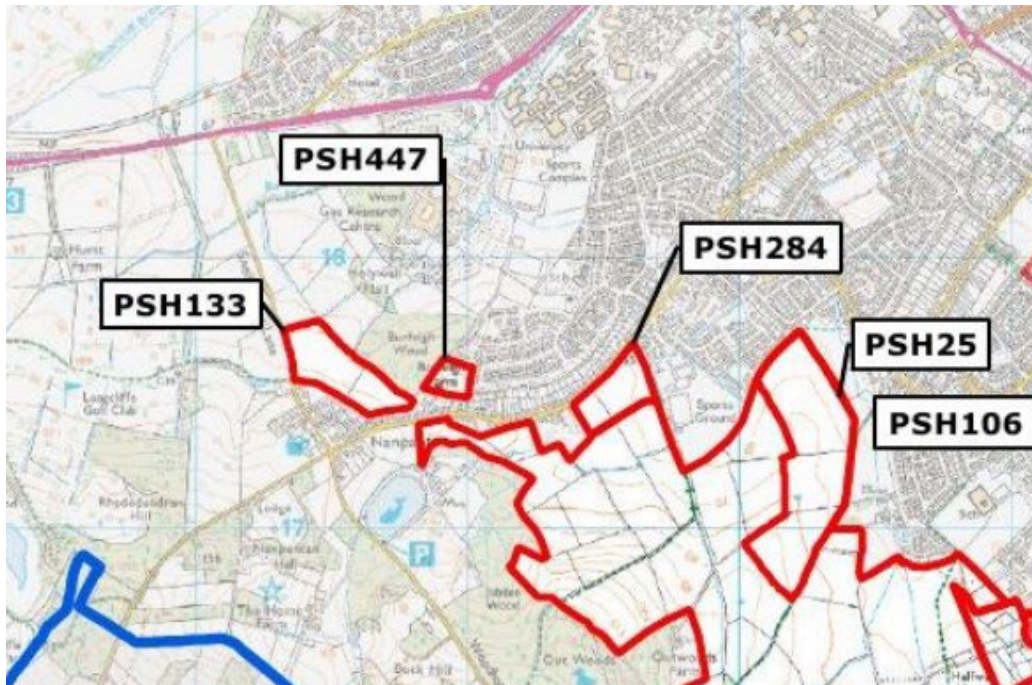


Fig. 03 Location of proposed allocations

3.37 The detailed assessment sheets are appended to this Proof and are summarised below.

- It is a small field rising to 80M oAD, is under rough grassland and is sandwiched between Burleigh Wood and the residential area of Leconfield Road;
- The landform enables elevated views over the settlement;
- Historically the site is identified as Planned Enclosure;
- It forms part of the wider landscape setting to the existing development and is on a slope;

³² LUC LSS para 2.8

- It is noted that development on these slopes may be out of keeping with the existing settlement pattern;
 - The existing edge of Nanpantan is well screened by woodland;
 - There is no public access to the site and despite its rural character it is influenced by surrounding development; and
 - The nearby roads detract from the sense of tranquillity.
- 3.38 PSH447 is assessed as having a **low to moderate landscape sensitivity** based on the site being closely associated with existing development and screened from the wider landscape by existing woodland.
- 3.39 Contrary to the findings of its own assessment in the LUC LSS, the Council's landscape consultant expressed the view that the appeal site has a **high sensitivity** to development by virtue of alleging 'valued landscape'³³. This appears to be predicated in part on the landscape character of the site, the available view from the site and the views to the site and on the singular statement that in the LUC LSS *development on these slopes may be out of keeping with the existing settlement pattern*³⁴ which the council reiterate numerous times throughout the SoC.
- 3.40 This proof will go on to review that commentary and set out what I consider to be the flaws in the Councils' judgements, however, I note at this stage that it is agreed in the Statement of Common Ground that the appeal site is not a valued landscape (see paragraph 7.10 of the SoCG).
- 3.41 My own description of the site is that it is a small grass field located at the end of Leconfield Road, surrounded on three sides by existing residential development. To the west is Burleigh Wood, an ancient woodland, which is of a dense nature and does not have public access. The properties on the northern and eastern boundaries of the site are in the main one and a half to two storey detached properties, with some bungalows. On Nanpantan Road, to the south of the appeal site, are some larger two storey properties and Burleigh Farmhouse.
- 3.42 The topography of the site rises up to a central ridgeline before dropping slightly to Burleigh Wood. There is no public access to the site and the most sensitive visual receptors are the aforementioned residents as well as the users of the PRoW network to the south of Nanpantan Road.
- 3.43 The following section of this Proof reviews the assessments made in the Golby + Luck LVIA and my own assessments comparable to CBC's judgements.

³³ Landscape consultation comments 27 April 2021 – 1st paragraph

³⁴ CBC SoC 7.16

4 Landscape and Visual Assessment

- 4.1 In support of the planning application, an LVIA was produced by Golby + Luck (G+L) Landscape Architects, by Jon Golby a chartered member of the Landscape Institute who has significant experience in landscape and visual assessments.
- 4.2 This section of the Proof reviews the judgements of the Golby + Luck LVIA, I set out my own judgements and contrast them to the judgments of the Council. This is set out in a structured way for clarity.

Landscape Baseline

Landscape Value/Susceptibility

- 4.3 The G+L LVIA sets out a robust landscape and visual baseline in Section 4. The narrative sets out the framework including the adopted landscape character documents at a national, regional and local level, summarising in detail the findings in terms of condition, value, features and sensitivities. At paragraph 4.17 a “box 5.1 assessment” is carried out in order to determine whether the appeal site constitutes a valued landscape³⁵. The LVIA concludes in paragraph 4.26, on value, that:
- The consideration of this site against the factors attributed to valued landscapes set out in the GLVIA also confirms that the site is not a high value landscape, concluding that its features and local setting are of medium to low value.
 - The wider setting is considered to be medium value.
 - To the south the Bradgate Hill, Beacon Hill and Outwood Heathland Forest LCA generally covers a high value landscape.
 - The overall value was judged to be medium based on Table 1 replicated below.

Landscape Character Area/Type	Landscape Value	Landscape Susceptibility
Loughborough/Shepshed Mixed Farmland LCA	Medium	Medium
Bradgate, Beacon Hill and Outwoods Heathland Forest LCA	Medium - High	High
Local setting of the site in the context of the settlement and Burleigh Wood	Medium - Low	Medium - Low

³⁵ Box 5.1 page 84 GLVIA3 lists out those factors which are generally agreed to influence value

- 4.4 The Appellant's Landscape Statement of Case revisits the documented sensitivity judgement of the site and then in paragraphs 4.12 – 4.27 carries out a detailed review of the sensitivity of the site, against the criteria that the Council's landscape officer in her consultation responses suggested contributed to the value of the site. This determined that the site has a low susceptibility to the proposed development with some value which elevates its overall sensitivity slightly above 'low'.
- 4.5 The LUC LSS found that site was a field of rough grassland, which was Planned Enclosure and is located near the Grade II Burleigh Farmhouse. The well screened woodland boundaries are noted but there is no recreational value and the site is influenced by surrounding development and the road infrastructure detracts from a sense of tranquillity. A judgement on value is not set out but against the GLVIA and referencing the table on page 75, I determine a medium to low value.
- 4.6 Considering that judgement against the GLVIA, I am in agreement with the judgements made on the G+L LVIA. The landscape beyond the site is considered to have a medium value, exhibiting some typical landscape character features set within the framework of settlement edge and infrastructure which dilutes them. The landscape to the south, particularly on the ridgeline and associated with the geological outcrops of the Charnwood Forest has a high value. On balance the overall judgement is medium value.
- 4.7 The susceptibility to the landscape lies in its key characteristics such as scale, landform and nature of existing elements. Setting aside the narrative about the opportunity for receptors to view the panorama, which I consider to be relevant to the visual rather than landscape baseline and noting that there is no public access to the site, the rising landform contributes to the visual character of the site. However, the site itself is simple grassland and although it is pleasant, it does not exhibit rare or distinctive features. I judge that the site has a low susceptibility.
- 4.8 The CBC SoC attributes high value to the Charnwood Forest Regional Park³⁶ due to its unique quality and character. The Council's view is that the site imparts a unique sense of place and distinctiveness.³⁷ It is assumed, as it is not set out clearly, that CBC have attributed value to the particular character and features which they considered important, and which they identify as the perceptual qualities, historical interest and scenic quality through their description of the 'unique' and 'unrivalled'³⁸ skylines and the 'intimacy',

³⁶ CBC SoC 7.37

³⁷ CBC landscape comments 25.11.21

³⁸ CBC SoC 7.16

'tranquillity' and 'scenic beauty' they attribute to the site³⁹ and the repeated reference to the sloping nature of the site⁴⁰.

Sensitivity

- 4.9 Combining value and susceptibility, Golby + Luck set out in Table 3 – Assessment of likely Effects⁴¹, the sensitivity of the three landscape receptors⁴² and concluded that there is an overall medium sensitivity to the proposals.
- 4.10 The Appellant's Landscape Statement of Case draws a judgement at paragraph 4.27 that there is a combination of a low susceptibility and a slightly higher value which would reach a low to medium sensitivity.
- 4.11 It appears that CBC is of the view that the appeal site has a high sensitivity to the proposed development. However, aside from not carrying out a detailed and robust appraisal, it appears to me this judgment is based on a high value attributed to the qualities outlined at their paragraph 4.8 however this is not clear. This judgement is at odds with that reached by Golby + Luck, the LUC LSS and myself.

Magnitude of Landscape Impact

- 4.12 The Golby + Luck LVIA sets out the Magnitude of the Effect on the landscape receptors in Table 3, determining that there will be a range of effects varying from high on the site itself in terms of the scale and extent of the changes (the loss of the full extents of a single field), the permanency of the change and the nature of the change through to low/negligible on the wider LCAs. Overall, the Golby + Luck LVIA concludes that there would be a Major- Moderate Adverse impact (restricted to the immediate setting of the site and adjoining the settlement, rapidly decreasing to moderate minor adverse beyond the immediate setting) at Year 1.
- 4.13 In terms of judgements on impacts, the Appellant's Landscape Statement of Case determined that *the proposals will result in a change in some identified characteristics but that there will be some benefits and positive enhancements as a result of the scheme*⁴³ and that on balance, there is a moderate not significant impact on the site which diminishes to minor beyond the site boundaries. This is further explained below.

Magnitude of Impact on Landscape Receptors

- 4.14 Golby + Luck reach a conclusion of a Major-Moderate adverse impact restricted to the immediate setting of the site and adjoining settlement which will likely rapidly decrease to moderate/minor adverse beyond the immediate setting.

³⁹ CBC SoC 7.15

⁴⁰ CBC SoC 7.16

⁴¹ G+L LVIA page 32 & 33

⁴² Loughborough/Shepshed Mixed Farmland LCA, Bradgate, Beacon Hill and Outwood's Heathland Forest LCA and the site

⁴³ Paragraph 5.4 Influence SoC

- 4.15 I set out below an explanation of where the Golby + Luck judgements differ from my own. As part of the Appeal process a forensic assessment of the impacts of a proposed development has been carried out, drawing out the detail of a landscape baseline, the proposals and describing the nuances and balance of effects through a robust narrative without over reliance on a tabulated matrix.
- 4.16 I consider that although there is a fundamental change from an open grassland field to one which has built development in the form of residential dwellings and road infrastructure, a third of the site is retained as open space which is a substantial area and also a clear benefit of the proposals. I do not judge that the change resulting from the proposed development extends to the full extent of the site as a result of these large (proportionality) areas of open space which retain development free areas along the length of Burleigh Wood and to the frontage (eastern edge) of the site. I accept that the introduction of the new houses is a fundamental change, but it is contained to the central and southern (broadly) areas of the site. There is change in the quality and structure of these open spaces, but I would suggest that it is a betterment, through the introduction of new planting and wildlife meadowland.
- 4.17 In addition, these areas become publicly accessible and genuinely provide a benefit to the local community, existing and new residents. There is no physical impact on the surrounding boundaries and although their context and the perceptual qualities of the site are altered, the site is already aligned to the residential edge of Loughborough, the proposals simply increase the settlement edge marginally. The site remains sloping, the housing layout designed to incorporate the level changes.
- 4.18 The visual character of the site is altered but the views from the higher ground are not lost as a result of the development, the context of them is changed but the greatest benefit is that the panoramic view, which is the subject of much discussion, now becomes available to the public. These views which allegedly contribute so significantly to the character of the site will now be able to be experienced.
- 4.19 We (Golby + Luck and I) are in agreement that the proposals do not introduce a discordant or new element and that it is a long term and permanent change but the structural landscape will assimilate the built element and bring genuine benefits in the open space.
- 4.20 Golby + Luck and I are aligned in our judgment that the impacts on the site, whether they are moderate or moderate/major are wholly contained within the boundaries of the site and that beyond the immediate environs of the site, the impacts are moderate, minor and minimal. The Loughborough/Shepshed and the Bradgate, Beacon Hill and Outwoods Heathland LCAs are only impacted to a minor and minimal/negligible degree.

- 4.21 The CBC SoC alleges that the harm to the site is substantial *'as the proposed development fails to protect this natural sloping landscape, which provides a transition from urban character to intermediate rising landform toward the ancient wood'*⁴⁴.
- 4.22 CBC allege that this harm is not limited only to the site but is at *both site level and local level having a major moderate landscape effect which cannot be adequately mitigated. In turn this is detrimental to the intrinsic and integral character and beauty of the Charnwood Forest and in particular the ancient woodland (NPPF para. 174b) and its relationship to the settlement of Loughborough*⁴⁵.
- 4.23 Harm is also attributed to the loss of the skyline views which are described as *'an intrinsic character attribute. The panoramic view will not be seen over a sloping gradient of grassland but over a roofscape and housing in the place of roofscape with roofscape framing'*⁴⁶.
- 4.24 I note that the Planning Officer's report to committee⁴⁷ notes on page A15 that *"The [landscape] officer considers that the cumulative harm to the landscape would be 'considerable' based in the detail available with the application. Further to the consideration of the proposals as submitted, the landscape officer proceeds to provide advice as to potential conditions that could moderate harm in the event that members were minded to approve. Based on the stated conditions being applied, the assessment of harm could be expected to be reduced to 'less than considerable'. The Officer's report also notes that "no issues are raised with regards to impact on the wider setting of Loughborough or views from the surrounding public rights of way". On page A16, the officer's report notes that the emerging Local Plan proposes the allocation of two sites immediately adjacent to Burleigh Wood, indicating that proximity to the Wood is not a reason to restrict development on the appeal site. It explains that the overall landscape harm "is not considered to be significant or demonstrable in its own right so as to justify refusal in relation to CS11 and the NPPF".*
- 4.25 A detailed response to the CBC SoC is set out in Section 5 of this Proof.

⁴⁴ CBC SoC paragraph 7.16

⁴⁵ CBC SoC paragraph 7.16

⁴⁶ CBC SoC paragraph 7.22

⁴⁷ CD 3.2

Visual Baseline

Sensitivity of Visual Receptors

- 4.26 The Golby + Luck LVIA sets out the scope for the visual assessment at paragraphs 4.28 and includes visual receptors at private properties, views from the adjoining streets including Leconfield Road, Montague Drive, Compton Close and Tynedale Drive, views from within Burleigh Wood⁴⁸, PRowS to the south and the west. These representative views are not disputed by CBC.
- 4.27 In summary, the visual receptors in the surrounding residential streets were judged to have a Medium to Low value, with generally a medium susceptibility resulting in a Medium to Low sensitivity (VP 02-05). Those residents on Leconfield Road who look directly west where there is a view through the existing site access have a High sensitivity, as although this is a contained view, it is in close proximity (VP01).
- 4.28 Aside from the two PRowS through open fields to the south, the public routes are largely Medium to Low value, with a high susceptibility and a Medium to High sensitivity (VP09,10 & 11). Those receptors on K58 (VP11 & 12).
- 4.29 The Appellant's Landscape Statement of Case does not revisit the viewpoints and I am in agreement with the sensitivities set out by Golby + Luck.
- 4.30 CBC do not make any reference to the sensitivity of visual receptors in their consultation comments, Committee Report or SoC.

Magnitude of Impact on Visual Receptors

- 4.31 Visual effects are set out in Table 4 of the G+L LVIA. In summary, they attribute Major Moderate Adverse impacts to the residents directly overlooking the site, due to the character of their view being materially altered. New housing will be visible on the lower and upper plateaus which will result in a high magnitude of change.
- 4.32 For the remaining residential receptors, the magnitude of effect is medium to low as the site is not a prominent or particularly notable part of the view but the proposal will alter some of the components, resulting in a Moderate – Minor Adverse effect.
- 4.33 The views from the PRowS do not materially change and the magnitude is judged to be negligible at worst resulting in a Minor Adverse effect on these potentially sensitive receptors.
- 4.34 The Committee Report and the CBC Landscape Comments reference three visual receptors – the expansive views that can be gained whilst looking out

⁴⁸ It has subsequently been confirmed by LCC that Burleigh Wood has no public access and therefore this proof does not address the representative views from within it (VP06-08) as set out in 2.14 of Mr Stotts Planning Proof.

from the site⁴⁹, the views from the surrounding streets and the views from the surrounding PRowS⁵⁰.

- 4.35 The question over the views from within the site was initially addressed in the Golby + Luck Rebuttal⁵¹, following the consultation comments from the CBC Landscape Officer which suggested that there was a *demonstrable loss of a visual panoramic view*⁵². There is no public access to the site and therefore no view to be experienced or visual receptors to experience it. Therefore, in terms of visual amenity, the views from within the site is not a consideration as there are no legitimate receptors to experience those views.
- 4.36 In response to the comments regarding the views from the adjacent streets and the surrounding footpaths to the south, Verifiable Views⁵³ were commissioned to support the Appellant's Landscape Statement of Case, from locations agreed with Mr Mark Pickrell, the council's planning officer⁵⁴.
- 4.37 In summary these Verifiable Views showed that:
- From Leconfield Road and Montegue Drive there was a change but to a small extent which does not alter the overall composition of the view. The proposal appears consistent with the overall view. The open skyline and the views of Burleigh Wood remain.
 - From PRow K58 to the south west, there is no view or very limited views, with the proposals barely perceptible, reading as a very small and insignificant continuation of the settlement⁵⁵.
- 4.38 The CBC SoC continues to pursue the position that the site provides a unique vantage for skyline panoramic views⁵⁶, that the development proposals are likely to be visible from several vantages and that, with reference to VP02 Verifiable View, *'that the propose(d) housing prevents direct visual corridor through the site to the adjacent ancient wood. This verdant view corridor is curtailed by the housing'* and sets out that the LVIA (Golby + Luck) and the Appellant's Landscape Statement of Case have not taken into account the effects on residents adjacent to the site sufficient, with reference to the GLVIA⁵⁷ and that the proposal would be detrimental to the visual amenity of the area⁵⁸.
- 4.39 In summary the main difference between the Appellant's and CBC judgements as to visual impacts is that:
- The Appellant judges that there are only Major visual effects on those residential receptors directly adjoining the site, especially with views

⁴⁹ Committee Report page A15, 3rd paragraph.

⁵⁰ Committee Report page A15, 4th paragraph.

⁵¹ Letter dated 28th July 2021 from Jon Golby

⁵² CBC landscape comments 25 November 2021

⁵³ CD 8.36 & 8.37

⁵⁴ INF SoC paragraph 6.1

⁵⁵ INF CoC paragraph 6.8-10

⁵⁶ CBC SoC paragraph 7.16

⁵⁷ CBC SoC paragraph 7.31

⁵⁸ CBC SoC paragraph 7.30

through the existing open access. CBC judge that the assessment has not taken account of the residential receptors appropriately and that the proposals are detrimental to the wider visual amenity. This allegation from CBC is addressed below.

5 CBC Statement of Case – Landscape

- 5.1 CBC SoC discusses landscape issues in paragraphs 7.8 -7.38. It is difficult to distil the comments as it is not easy to discern a logical structure to the discussion and the narrative appears to jump between documents. The topic matters are not dealt with individually but on a rotating basis which results in some difficulty in teasing out the relevant points.
- 5.2 Doing the best I can, I have sought to identify the main points from the CBC SoC and respond to them with reference to the baseline framework, previous studies and the Appellant's own evidence. Those points are considered to be:
- The landscape character of the site – particularly its relationship with the Charnwood Forest LCA
 - The appeal site's relationship with Burleigh Wood
 - The provision of open space
 - The visual amenity of sensitive receptors
 - The open space provision

The Landscape Character of the Site

Landscape Character Assessment

- 5.3 The CBC SoC sets out the qualities of the landscape character, starting with the overarching Charnwood Forest LCA. This LCA stretches from the southern edge of Loughborough in the north to south of Ratby to the south, following the line of the M1 motorway as shown below.

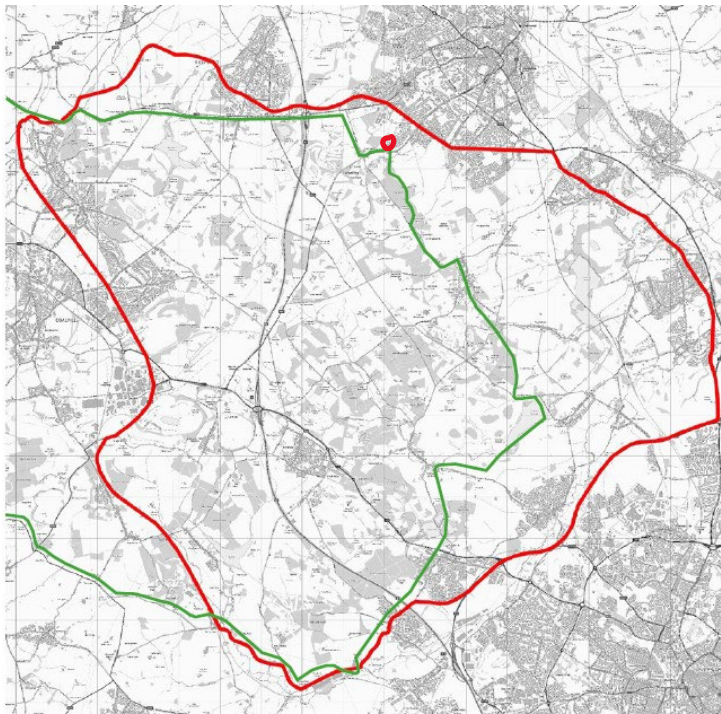


Fig. 04 Boundary of the National Forest (green) and Charnwood Forest LCA (red)

- 5.4 Built form sweeps almost continuously around the eastern boundary of the LCA, and to the north western edges with some more rural locations to the southwest. A swathe of rural open landscape sitting on a ridgeline runs almost through the centre of the LCA, including Outwoods, Beacon Hill (248m aOD) and Bradgate Country Park,(Old John Tower 212m. aOD). These are the unique and important upland qualities that the LCA description refers to.
- 5.5 However, the CBC SoC states that the Appeal and the adjacent Burleigh Wood fall within Charnwood Core of Bradgate, Beacon, Ulverscroft and Charley⁵⁹. This was true at the time of the 2008 LCA, however during the 2019 LCA, the character areas were updated and seven became eleven with the appeal site falling into Area 7: Loughborough/Shepshed Mixed Farmland. It can sensibly be assumed that it was judged that the new sub Area 7 was distinct from the remaining part of Area 1 which was why it was included in a separate sub area.
- 5.6 The Council allege that the site makes an important contribution to the landscape character of the area⁶⁰ however in the description of the Area 7 LCT, there is no specific reference to the site. I think the issue here is that perhaps the Council have not fully recognised the further sub division of the landscape character areas in the 2019 LCA and believe that the site remains a part of the Bradgate/Beacon Hill LCA of the Charnwood Forest. No reference is made in the council's landscape documents or representations to date to the correct

⁵⁹ CBC SoC paragraph 7.8

⁶⁰ CBC SoC 7.12

- LCA⁶¹. I note that paragraph 7.8 of the CBC SoC refers in that paragraph to the 2008 and 2012 LCAs but not the 2019 LCA. The site is actually severed from the Bradgate/Beacon Hill LCA by the Nanpantan Road.
- 5.7 This is important because the 2019 LCA created 4 additional sub areas to the Charnwood Forest LCA, of which one was Area 7 on the basis that the site aligned with those characteristics rather than Area 1.
- 5.8 Area 1 is described as a wooded upland landscape...*following a ridge of elevated landform. Heathland, ancient woodland, rocky outcrops and stone walls define this area. There are also extensive areas of woodland and pasture.*⁶² Area 1 is described as *not settled; limited to scattered farmstead with the only large village at Woodhouse Eaves and the edge of Newton Linford*⁶³.
- 5.9 In contrast, Area 7 is described as lower lying, predominantly open landscape with some small pockets of ancient woodland and the area is heavily influenced by settlement from the urban edges of Shepshed and Loughborough, Area 7 is described as settled and covers the southern extent of Shepshed and the southwestern extent of Loughborough.
- 5.10 Area 1 is described as distinctive with strong character features which define the overall Charnwood Forest character⁶⁴ whereas Area 7 is described simply as Good⁶⁵.
- 5.11 In my opinion CBC have not fully recognised the subdivision of the landscape character in this are or appreciated that the character of the site and its surroundings do not align with the distinctive elements of the Charnwood Forest LCA.

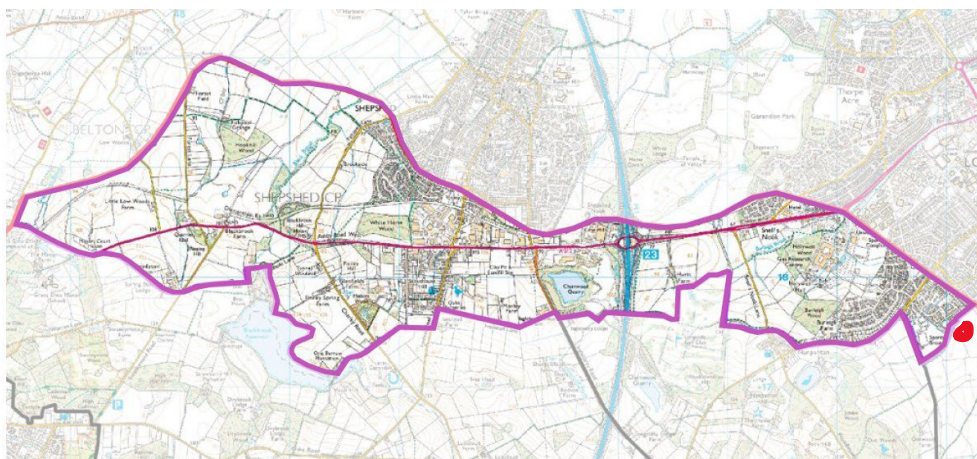


Fig 05. Map of Area 7 from the 2019 LCA page 84 – site highlight in red

⁶¹ The Committee Report does recognise it at the top of page A15.

⁶² CD 5.2.8 page 61

⁶³ 2019 LCA page 62 'Settlement Pattern, Roads and PRoW

⁶⁴ 2019 LCA page 62 'Summary of Landscape Condition'

⁶⁵ 2019 LCA page 86 'Summary of Landscape Condition'

- 5.12 The Council place significant emphasis on the site's relationship with Burleigh Wood to the west which is ancient woodland, claiming that the site has a strong character association to the ancient woodland⁶⁶. However, on Figure 13 of the 2019 LCA, Landcover and Vegetation the site is left white and no description of the landcover is given. It also appears that the ancient woodland to the south is bound by varying landcover but mostly grassland. There is no evidence to support the claim that the site is more naturally associated with Burleigh Wood. The 2019 LCA describes Area 7 as '*heavily influenced by settlement from the urban edges of Shepshed and Loughborough*'⁶⁷ and further '*as an urban fringe landscape*' there is no reference to the ancient woodlands and their surrounding landscapes.
- 5.13 Furthermore, the Emerging Local Plan proposes two allocations adjacent to Burleigh Wood – HA18 residential allocation and LSEP Employment Allocation. Those allocations have come forward notwithstanding their proximity to Burleigh Wood. There is currently a live planning application submitted in HA18 (P/22/1154/2) and no objections have been registered by statutory consultees. Natural England simply refer to their statutory advice regarding ancient woodlands in their comments dated 17 August 2022, with which the appeal scheme complied.
- 5.14 There is no evidence to suggest that the relationship to Burleigh Wood should be a reason for refusal in the present case given that its proximity to the allocated sites has not been treated as a constraint on development.
- 5.15 The description of Area 7 makes no reference to the site or any of the features that the council allege are intrinsic or fundamental to the wider Charnwood Forest LCA. Under the title 'Landform and Hydrology' there is no mention of the topography of the site or its skyline presence, the area is described as not particularly tranquil, the views are described as '*away from settlements*' and '*longer views are predominantly north across the more open, lower levels beyond the Charnwood Forest boundary*'⁶⁸.

Landscape Character of the Site

- 5.1 The sloping nature of the site and the single comment made in the LUC LSS is repeated several times by the Council in its SoC, however it should be noted that the sentence so heavily relied on by the council simply says that '*development on the slopes **may be** out of keeping with the existing settlement pattern*' (*emphasis applied*). In fact, the existing residential area to the east of the appeal site is on slightly rising ground as shown in the context photos appended to the Appellant's Landscape Statement of Case. That said, I interpret this as an observation, what it does not say is that the site 'cannot be developed due to the slope' and it is for the appellant to bring forward a design

⁶⁶ CBC SoC 7.14

⁶⁷ 2019 LCA page 84

⁶⁸ 2019 LCA page 85

which responds to the topography of the site. As explained above, the Illustrative Masterplan responds to the landform of the site, creating two development plateaus and locating the new residential units in such a way as they will appear cohesive with the surrounding streets and glimpsed between existing roofscapes.

- 5.2 The landform is one of the features of the site, but it does not make it unique and distinctive and it does not preclude development coming forward which is compatible with the existing settlement pattern. The appeal proposal connects into the existing settlement and although is slightly different in configuration to respond to the slope, is of a similar scale and massing and is not a new or incongruous feature.

Visual Character

- 5.3 The CBC SoC claims that the views from the site are '*extensive and unrivalled*'⁶⁹ however as shown below these panoramic views are available extensively through the landscape to the south offering wider views containing a variety of features, both scenic and urban experienced from within publicly accessible locations which are genuinely representative of the uplands geology and landform so revered by the Council.

Fig. 06 below shows the locations of the panoramic views from within the site and from the PRow/edge of Outwoods



Panoramic view from east of Outwoods



Panoramic view from the site

⁶⁹ CBC SoC 7.32



Burleigh Wood

- 5.4 The Council consider that the G+L LVIA *'downplays the impact of constructed development on this elevated landform as part of the setting for the ancient wood'* and *'that there would be adverse impacts on the setting of the ancient Burleigh Wood'*⁷⁰. Burleigh Wood is an ancient woodland that forms the western boundary of the site. The development of the illustrative masterplan and the provision of open space is predicated on the statutory protection required for the ancient woodland. In response to Natural England⁷¹ and in line with their guidance, a minimum 20m deep buffer will be retained against Burleigh Wood. Existing mature landscape features will be retained, and the new housing will be set back from the Wood.

⁷⁰ Paragraph 7.30 of the CBC SoC

⁷¹ CD 5.3.1

Open Space Requirements

- 5.1 The Council set out two issues with the open space provision on site in their SoC. At paragraphs 7.26, they challenge the compatibility of children's play equipment in the buffer zone to Burleigh Wood and at 7.19 they question the physical amount of open space to be provided. The location is dealt with by Mr Oliver Ramm in his Proof, relative to ecology, in section 1.7.
- 5.2 The Council agree that the open space proposal is for just over a third of the site but contest the description that this is a large area and set out that because the site is small (1.69 Has), the open space is smaller (0.66Ha). Secondly, they set out that the houses would over dominate the spaces and be visually prominent in the landscape.
- 5.3 The appeal scheme proposed an overprovision of open space against policy requirements of 0.53ha in total. The provision cannot be discounted by the council based on the 'actual' size of the open space. The appropriate extent of open space is intrinsically connected to the size of the site and the number of units and there can be no disputing that proportionately, the appeal scheme would deliver a large provision of open space.
- 5.4 With regard to the type of provision appropriate to this site, it should be noted that the design of play provision is evolving, in part to respond to a cultural change post COVID. The Green Infrastructure Framework⁷² was launched by Natural England on 2 February 2023 and although it broadly focuses on the greening of our towns and cities and connections with the surrounding landscape, it also offers useful commentary on play. In particular it explains that *'The emphasis in conventional playground design is to provide places for physical activity, with the play space being an enclosed location for manufactured play equipment. As a result of this play tends to be devoid of vegetation and natural features and unvegetated surfaces often dominate. That means plays space does not usually provide the full range of benefits associated with green infrastructure'*⁷³.
- 5.5 Play space should be seen as an opportunity to provide SUDS and biodiverse planting, with the NE guidance explaining that *'Many spaces are not inclusive and it is important that more spaces are provided that are interesting and more inclusive'*⁷⁴.
- 5.6 It is my opinion that play should not be limited to the formal and structured play areas procured from manufacturers and installed largely without consideration for the character of an area. What is important is that proposals offer a range of open space and play areas which are inclusive, diverse and stimulating. The

⁷² CD 5.2.11

⁷³ The Green Infrastructure Framework paragraph 4.20

⁷⁴ The Green Infrastructure Framework paragraph 4.20

appeal proposals have the opportunity to do this through the areas of open space provided.

- 5.7 Typically, open space and play areas are provided within residential development, in close proximity to the housing. This supports security by design guidance which asks for overlooking and also provides ease of access. The proposed houses are no more than two stories in height and will not dominate the spaces.

Visual Amenity

- 5.8 The Council raise a number of matters with regard to the visual sensitivity and amenity of the site in their SoC. These are:

- The status of views from within the site
- The submitted verifiable views

The Status of the View from Within the Site

- 5.9 The question over the views from within the site was initially addressed in the Golby + Luck Rebuttal⁷⁵, following the consultation comments from the CBC Landscape Officer where it was set out that there was a *demonstrable loss of a visual panoramic view*⁷⁶. There is no public access to the site and therefore no view to be experienced or visual receptors to experience it. Therefore, there is no view to be lost.
- 5.10 There remains some confusion and lack of clarity in the Council's position as to the status of the panoramic views from within the site. The Council now claim that their comments regarding the availability of the panoramic view⁷⁷ from within the site are with respect to the visual character of the site and not the availability of visual receptors. However, persistently in mine (and Mr Golby's) opinion, the Council reference the experience of the views from the site.
- 5.11 In the landscape consultation response dated 27 April 2021, the landscape officer states that '*visually the sites upper gradients are prominent affording extensive views across Lough borough and the Wolds*'. Similarly, in the landscape consultation responses dated 25 November 2021, the loss of the unique elevated view is attributed to the landscape character and the demonstrable loss of the skyline and visual panoramic view is aligned with the visual character. These statements clearly make reference to the loss of a panoramic view enjoyed by a receptor.
- 5.12 The CBC SoC continues to refer to the experience of the views from the site, at paragraph 7.12 stating that the site's upper gradients '*afford extensive views across Loughborough to the Wolds*' at 7.15 referring to '*providing elevated views*' and most explicitly at 7.16 stating that the site offers a '*unique vantage*

⁷⁵ Letter dated 28th July 2021 from Jon Golby.

⁷⁶ CBC landscape comments 25 November 2021

⁷⁷ CBC SoC 7.22

for skyline panoramic views'. In my view, the factors referred to by the Council relate to visual receptors (i.e. people) within the site. Given that there is no public access to the site, there are no legitimate receptors experiencing the views that the Council relies on and no views to be 'lost' as a result of the development.

Verifiable Views (Appendix A)

- 5.13 Following discussions with the planning officer⁷⁸ representative verifiable views were recorded from two locations south of the site, on PRoWs in the wider countryside, one view from the adjacent residential street to the north, Montegue Drive and one view from Leconfield Road. With reference to the views in the G+L LVIA these are:
- 02 – Leconfield Road
 - 06 – Montegue Drive
 - 11 & 12 – PRoW K58 to the south west
- 5.14 In summary the conclusions drawn, with the benefit of verifiable montages, were that from the adjacent residential streets, there is a change in the view, but to a small extent which does not alter the overall composition of the views. The proposals appear consistent with the visual setting, being viewed over the roofscape or between the existing houses. Burleigh Wood still forms the extent of the view in both montages and the new houses do not appear taller or out of context with the surrounding built form.
- 5.15 From the south, in the views from the PRoW, when visible⁷⁹ the proposals are barely distinguishable from the existing built form. They are read as a very small and insignificant continuation of the settlement.
- 5.16 For completeness, the verifiable views have been updated with a baseline winter view⁸⁰. These views are dated November 2022. The changes in the views are barely perceptible.

Winter Verifiable View 02 – Leconfield Road

- 5.17 There is no intervening vegetation on Leconfield Road which affects the overall view of the proposals. The views show that new landscaping, implemented as part of the landscape strategy will be more effective in summer, screening some of lower levels and elevations of the new properties. The effect is assessed as moderate – minor adverse, reducing to minor when the landscaping matures.

Winter Verifiable View 06 – Montegue Drive

- 5.18 From Montegue Drive, views of the site are glimpsed between the existing properties, and over the roofs of their garages and properties on the adjacent

⁷⁸ CD 8.36 & 8.37

⁷⁹ From VP11 the proposals are not visible

⁸⁰ Appendix A

street. There is no existing vegetation in this 'gap' and as a result no material difference in the visibility of the proposals in winter or summer.

- 5.19 As on Leconfield Road, the vegetation which forms part of the landscape strategy will be less effective in winter and more built form is visible. However, this is in the context of built development and from limited locations. The magnitude of change is medium – low and as in the Landscape Statement, the effect is moderate adverse reducing to minor moderate when the landscaping has matured.
- 5.20 There is no material change in the views recorded to the south (VP11 &12).
- 5.21 The Council claim in paragraph 7.31 of their SoC that the Appellant has not taken into account the effects on the residents adjacent to the site sufficiently. This is disputed and evidenced by the inclusion of representative views in the G+L LVIA and verifiable views from the residential locations forming part of the appellants SoC and this Proof.

Planning Policy

- 5.22 With regard to landscape and visual, CBC's SoC (paragraphs 7.17; 7.29; 7.34 and 7.38) allege conflict with NPPF Paragraph 174(b), Policies CS11 and CS12 of the adopted Local Plan and draft policy EV/1 of the emerging Local Plan.

NPPF 174 (b)

- 5.23 The council allege that the scheme does not recognise the intrinsic character and beauty of the countryside⁸¹ however as set out clearly in this Proof, the appeal scheme responds to the landscape setting of the site and its integral features. It seeks to enhance and promote them through the layout.
- 5.24 This site is not located in the wider countryside and does not represent the characteristics particularly of Bradgate, Beacon Hill and Outwoods LCA. The site is influenced by the adjacent suburban edge and does not possess scenic beauty, rurality or tranquillity. The site is a pleasant open space on the settlement edge. The proposals will provide public access to the site and improve the quality of the open spaces within it. Therefore, I do not consider that the proposals are contrary to NPPF 174 (b)

Policy CS11 and CS12 adopted Local Plan

- 5.25 CBC make reference to the Charnwood Local Plan and to overarching statements made about the landscape of the Borough. We do not disagree that '*landscapes within the Borough have their own distinctive character and are valued highly by the community*' but this statement has been taken out of context by CBC. This is a sentence that could be applied to any number of locations across the country.

⁸¹ CBC SoC 7.35

- 5.26 CBC consider the proposals are contrary to CS11 due to the significant harm to the setting of the ancient woodland and the wider Charnwood Forest as a result. As set out in this Proof, myself and Golby + Luck reach the conclusion that the proposals have a minor and minimal/negligible impact on the wider LCA and that the site is heavily influenced by the settlement edge.
- 5.27 CS12 is a Green Infrastructure policy and specifically requires development to define, protect and enhance the Charnwood Forest Regional Park⁸².
- 5.28 Bullet point 1 is not applicable as this is not an employment site. Bullet point 2 ask for planting that meets the National Forest Planting Guidelines, which the scheme does and bullet 3 requests that it secures green links which are achieved through the open space within the development proposals.

Policy EV1 emerging Local Plan

- 5.29 The emphasis of emerging policy EV1, is that new development will be *'carefully managed' to protect the Boroughs distinctive landscape requiring new development to protect landscape character and to reinforce sense of place and local distinctiveness* by requiring enhance.
- 5.30 The proposals recognise the landscape character of the site and the surrounding landscape. The proposed development is landscape-led and will result in a scheme of high quality design with open spaces within a development appropriate to its location.

⁸² The site is not within the National Forest refer to plan on page 28 of this Proof

6 Third Party and Resident Group

Local Green Space (LGS)

- 6.1 As part of the Local Plan Examination hearing sessions the Nanpantan Ward Residents' Group have submitted a Supplementary Written Statement questioning the decision not to allocate the site as LGS based on the active planning application (the subject of this appeal) and that alone, pursuing the sites designation as LGS. As referenced in the Planning Proof of Mr Stott⁸³ the site was considered for Local Green Space designation in the Council's Local Green Space Assessment of May 2021 as part of the evidence base for the Draft Local Plan. Following that assessment, the appeal site is not proposed for designation as Local Green Space in the Emerging Local Plan.
- 6.2 I set out below a summary of the findings of the 2021 assessment and my own judgements on the matter set out in a table for comparison. The methodology for the 2021 assessment is set out below.

CBC Local Green Space Assessment of May 2021(CBCLGSA)-methodology

- 6.3 This methodology is set out in paragraphs 5-12of the LCBC LGS Assessment 2021.
- 6.4 The methodology criteria is:
- Close Proximity – No specific distance is set out and instead consideration is given to proximity to community, physical connections such as footpaths and roads and the nature of the site.
 - Demonstrably Special – the table below sets out how each factor in the NPPF will be objectively assessed⁸⁴.

Criteria	Sensitivity
Beauty	Is the site recognised by existing policy designations, or within the Councils evidence base, for factors relating to its beauty/aesthetic (i.e., landscape sensitivity)
Historical Significance	Does the site form part of a heritage asset or its setting?
Recreational Value	Is the site recognised by existing policy designations, or with the Council's evidence base for factors relating to its

⁸³ Paragraph 5.17 Planning Proof

⁸⁴ If land is already designated consideration is given to whether any additional local benefit would be gained from designation as an LGC

	recreational value (i.e. open space, sports provision/public rights of way)
Tranquillity	Is the site in proximity to uses that would hinder opportunities for quiet reflection, for example main roads or industrial uses
Richness of Wildlife	Is the site recognised for existing designations or within the Council's evidence base for factors relating to its ecological value
Other Indicator of Significance	Have any other indicators of significance been proposed by the local community and if so is this demonstrable by objective evidence

- Extensive tract of land – no threshold applied but compared to the size of the community it serves.
- Sustainable development – the planning history of the site is reviewed, sites that are allocated or have extant permission are discounted. Emerging Local Plan policies are considered.

6.5 The site is referred to as 'Site A' in the CBC LGSA. I have tabulated all the criteria for clarity.

Criteria	CBC LGSA	My own assessment
Close Proximity	Is in close proximity to Leconfield Road	Direct connection into Leconfield Road but no PRow's in close proximity. Holywell Primary School is within 600m however the site is located on the periphery of the community and in the opposite direction to the main facilities.
Demonstrably Special		The below assessment leads me to reach the conclusion that the site is not demonstrably special. It is a simple and pleasant grassland site, affected by its proximity to the settlement, is not designated ecologically or for landscape purposes. Although it has some limited value it is not tranquil or scenic and has

		no recreational access. There are some historical affiliations, but they have been lost through previous developments.
Beauty	<p>Not designated and is comprised of rough grassland</p> <p>Low moderate sensitivity ⁸⁵</p> <p>Previously designated as 'open space of special character' under policy EV/18 of the 2004 local plan ⁸⁶</p> <p>These designations were noted as making a vital contribution to a settlements character</p> <p>The site contributes to the characters of the immediate surroundings</p> <p>Potentially demonstrable</p>	<p>Not designated and is rough grassland.</p> <p>Low moderate sensitivity</p> <p>The site has some pleasant qualities but is not scenic.</p> <p>The surrounding residential area is typical of suburban edge of a settlement residential street and those not adjacent to the site all have a similar character therefore the site does not contribute to the character of the area.</p> <p>Not demonstrable</p>
Historical Significance	<p>Part of the original grounds of Burleigh Farmhouse (Grade II)</p> <p>Although proximal to the site there is very little visual relationship between the site and the building</p>	<p>Part of the original grounds of Burleigh Farmhouse (Grade II)</p> <p>The relationship was lost between the farmhouse and its original agricultural landscape following the redevelopment of Loughborough College of Technology and the demolition of the Hall.</p> <p>It is concluded by CBC Senior Conservation Officer that there</p>

⁸⁵ Referencing the LUC LSA 2019

⁸⁶ Unsaved policy

	Potentially demonstrable	is no longer a meaningful relationship with the farmhouse and evidence of past use has almost entirely been severed ⁸⁷ . Not demonstrable
Recreational Value	Not identified as public open space Site is in private ownership Used for informal recreation and access to Burleigh Wood Not demonstrable	Not identified as public open space Private and no public access Not demonstrable
Tranquillity	Overlooked by development and proximal to a main road Not demonstrable	Overlooked by development and proximal to a main road Not demonstrable
Richness of Wildlife	Not designated for its own ecological credentials The site is grade D (Site contains either a high proportion of priority habitat or botanically diverse habitat; or, contains potential for/evidence of protected species) in the Ecological Assessment Report (2019). Demonstrable	Not designated for its own ecological credentials Further set out in section 1.7, vi and vii of Mr Ramms Ecology Proof. Not Demonstrable

⁸⁷ CBC Conservation Office comments to the planning application 19 April 2021

Other Indicator of Significance	Geological matters raised by third parties An independent report concluded that there will be no impact from housing on the geology of the site.	N/A
Extensive Tract of Land	Not an extensive tract of land	Not an extensive tract of land
Sustainable Development	Proposed for allocation in draft 2019 local plan but not taken forward Locals seeking LGS status An application for 30 dwellings is currently being considered by the Council ⁸⁸	N/A to landscape and visual

- 6.6 The Council's assessment concluded that the site met the criteria in paragraphs 100a and 100c of the NPPF, namely that it was potentially demonstrably special considering its beauty, historic value and richness in wildlife. However due to the application for 30 housing being considered by the Council, the assessment concluded that if the application were to be granted, the LGS could not endure beyond the local plan period and therefore was not recommended for designation.
- 6.7 My assessment is that the site does not warrant LGS status.
- 6.8 The site is not 'special' in terms of its character, it is simply a pleasant piece of land adjacent to quite a substantial tract of existing residential development. Its character does not contribute particularly to the adjacent settlement edge and as set out by the Conservation Officer, although Burleigh Farmhouse is acknowledged as a heritage asset, links to its former agricultural setting, of which this site was a part of, have long been severed.
- 6.9 The wildlife of the site is considered in detail in Mr Ramm's Ecology Proof

⁸⁸ The planning application which is the subject of this Appeal

- 6.10 The site is not an extensive tract. However, it is in private ownership and currently not accessible to the public, is not designated and although proximate to the local school, it is on the periphery of the settlement, away from the central community facilities.
- 6.11 It is my judgement that the site does not meet the thresholds required to be designated as LGS. Furthermore, my understanding is that this appeal must be determined taking account of the current status, in which the appeal site is not designated as a LGS or even proposed for designation in the Emerging Local Plan.

7 Designation of a Public Right of Way through the Site

- 7.1 An application has been made for a Public Right of Way to be designated within the site⁸⁹ via a Definitive Map Modification (DMMO) application that was submitted to LCC by third parties in March 2021. The route of the PRow is shown below and would allow public access to the site in a circular route around the perimeter and across the ridge before returning to the existing access gate.
- 7.2 Should the application for a new PRow be successful, then a route can be accommodated within the appeal scheme (which is outline only), without preventing the delivery of the 30 units. This is set out in detail in 2.26 & 2.27 of Mr Stotts Planning Proof.

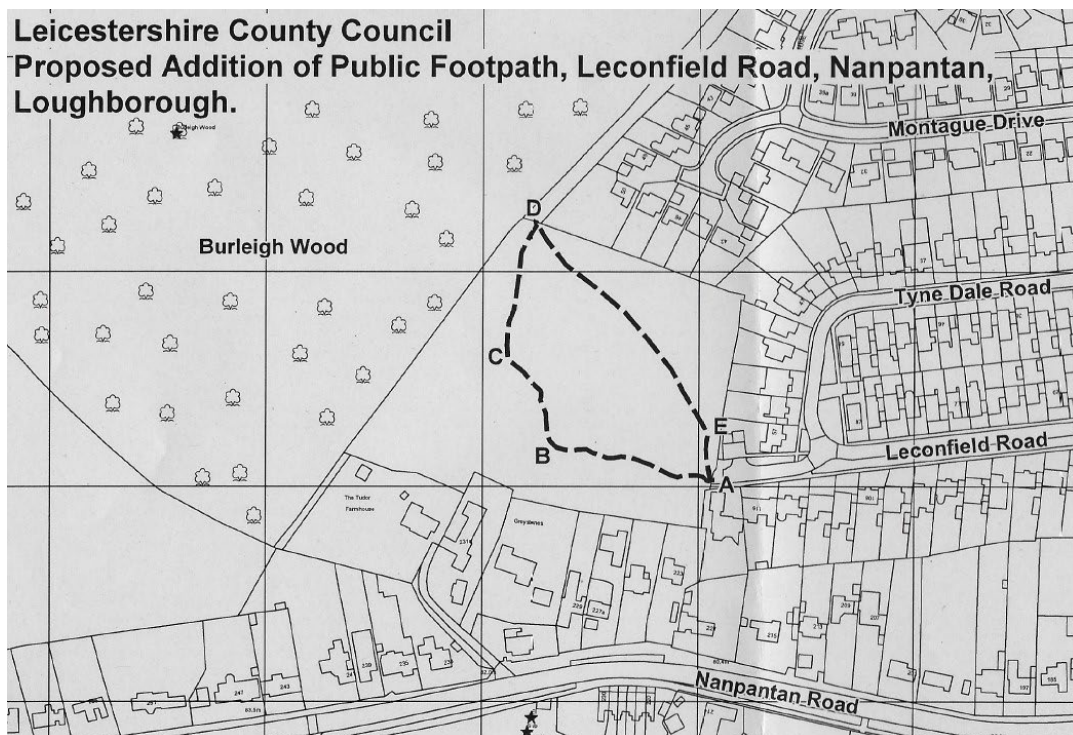


Fig. 06 Above extract from CD 5.1.25 letter from LCC

- 7.3 As this DMMO application is 'live' it seemed appropriate to assess the landscape and visual sensitivity of any potential future users of the route (visual receptors) and the impacts on their visual amenity, as a result of the proposed development, albeit recognising that there are currently no public rights of way through the site as it is private land with no rights of access and so no visual receptors lawfully within the site.

⁸⁹ Mr Carl Stott – PoE paragraph 2.6

- 7.4 It should also be noted that if the appeal proposals are granted, the public right of way could be accommodated within the layout.
- 7.5 Representative views from the route are set out in Appendix B and below for clarity.
- 7.6 View below recorded looking north from the existing access of Leconfield Road (Pan A)



- 7.7 View below recorded from the southern edge of the site returning to the access point onto Leconfield Road (Pan B)



- 7.8 View below from the centre of the site on the localised high point looking east (Pan C)



- 7.9 These representative views show that users of the PRoW have, before any development is in place, limited contained views to the north, west and south, restricted by the boundary vegetation, the adjacent houses and the site topography. The only panoramic views are east. The route does not connect into any other public rights of way. The foreground of the panoramic view from the centre of the site is over the adjoining residential area towards the centre of Loughborough. Some local buildings such as the Carilloin Tower can be just picked out in the view but they form a small component. These receptors would be using a limited short route around a small field on the edge of a housing estate. These receptors have a limited experience on this route which is not scenic. They will have a medium sensitivity to the proposals at best.
- 7.10 The proposals will result in a visual change for the users of the PRoW from the current undeveloped field on the settlement edge. However, there will be no loss of the panoramic views. Rather, instead of experiencing those views from a grass field directly adjacent to the settlement edge, they will be experienced in the immediate context of built form. The proposals are for 30 units which is

low intensity and the illustrative proposals show proportionality generous areas of open space. Views will remain across the rooftops of residential built form. I consider that the proposals would have a magnitude of change of medium to low on the users of the PRow, in the event that it is designated in future.

8 Technical Summary and Conclusions

- 8.1 Having set out the Development Proposals, the Landscape and Visual Framework by which this application should be assessed, reviewing the LVIA which supported the planning application (by Golby + Luck) and setting out my own judgments, addressing Charnwood Borough Councils Statement of Case (CBC SoC), the third party and residents group position and the designation of the Public Right of Way, I summarise my position below.
- 8.2 The Development Proposals seek outline permission for up to 30 dwellings, two areas of public open space, new planting and drainage ponds, accessed from Leconfield Road. The layout has been designed in response to the identified constraints, which include the setting of Burleigh Wood on the western boundary, the existing vegetation cover, the landform of the site, the residential amenity of the surrounding properties and the visual setting of the surrounding settlement.
- 8.3 The planning policies referenced in the Reason for Refusal (RfR) are 174 of the NPPF and CS11 of the Charnwood Borough Local Plan. The Council no longer allege that the landscape is 'valued' in accordance with paragraph 174 (a) and therefore part (b) of paragraph 174 is the only relevant policy identified in this RfR.
- 8.4 It is clear to me that policy CS11 aims to support and protect the landscape within the countryside, namely the areas of undeveloped land beyond the settlement limits.
- 8.5 Although not set out in the RfR, CBC allege in the SoC that the proposals are contrary to Policy CS12 Green Infrastructure. For completeness my proof also considers the impacts of the development on emerging policy EV1
- 8.6 The LCAs describe the overarching characteristics of the landscape locally, to inform the designers, developers and decision-makers of the inherent qualities of the landscape, most recently in June 2019 by FPCR.
- 8.7 Contrary to the judgement of the Council's own independent study and both my own views and those of Golby + Luck, CBC allege that the site has a high sensitivity and that the proposed development would result in a major adverse impact on the site and the wider landscape character.
- 8.8 I consider this to be a misjudgement as a result of an inflation of the site's sensitivity to the proposed development and the extent to which the wider landscape is impacted.
- 8.9 The Appellant has submitted summer and winter Verifiable Views which include views from within the surrounding street and from the PRoWs to the south of the site. These views demonstrate that from within the adjacent suburban

streets, the proposals are visible as part of the overall roofscape and are understood as a simple addition to the typical views already experienced. From the wider landscape, there is limited visibility and when available, views of the proposals are against the backdrop of Burleigh Wood and appear as a barely discernible extension to the existing settlement.

- 8.10 CBC also appear to place high value on the panoramic view experienced from within the site looking east. However, there is no public access to the site and therefore this view is not one that can be experienced. Furthermore, this view is not unique to the site and is readily experienced from locations freely accessible to the public, on the high ground at Outwoods, south of the site.
- 8.1 The Nanpantan Ward Residents Group are pursuing the site's designation as a Local Green Space (LGS) in the Emerging Local Plan. The site is not currently included as a LGS in the Emerging Local Plan. From my own assessment, it is clear that the site is not 'special' in terms of its character, it is simply a pleasant piece of land adjacent to existing residential development. Its character does not contribute particularly to the adjacent settlement edge and links to the former agricultural setting of Burleigh Farmhouse have long been severed. The site is not an extensive tract of land, but it is in private ownership and when also considering the richness of the wildlife, in my view, it does not meet the thresholds to be designated.
- 8.1 An application has been made for a Public Right of Way to be designated within the site which would allow public access to the site in a circular route around the perimeter and across the ridge before returning to the existing access gate. For completeness I have assessed the potential impacts of the users of this PRow if the development proposals are approved and judge that the receptors would be able to experience a limited route with a panoramic view from the higher ground, east towards Loughborough. There would be a change but would not result in the loss of the panoramic view, which would remain across the rooftops of residential built form. I judge a medium to low impact on the users of the PRow in the event that it is designate in the future.
- 8.2 Finally, my view is that the appeal scheme accords with policies 174 (b) of the NPPF, policies CS11 & CS12 of the CBC Core Strategy and emerging policy EV1. The appeal scheme responds to the features of the site and the character of the surrounding settlement edge and wider landscape. Overall, the proposals have a Moderate impact on the site itself and a minor – negligible impact on the LCAs beyond. The proposals protect the character of the site so far as defined by its topography and the backdrop of Burleigh Wood and enhance the quality of the open space as well as making it accessible to the public.
- 8.3 In conclusion, the Council's allegations as to the impacts of the proposed development on the site and its wider landscape setting are not based on a

robust assessment and are rooted in an inflated judgement of sensitivity, which is at odds with the Council's own independent study and the findings of Golby + Luck and myself.

- 8.4 The judgements on impact, particularly on the wider LCAs have not considered the evolution of the landscape character assessments and the separation between the site and the character of the landscape to the south.
- 8.5 Visually, the proposals do not introduce an incongruous form of development or restrict views of features such as Burleigh Wood. From the wider countryside the proposals are barely perceptible and where visible appear as a small extension to the existing settlement.
- 8.6 In summary the development proposals can be brought forward without significant impacts on the landscape or visual amenity of the area and with the benefits of improved habitats and access to the public open spaces.

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