

Landscape and Visual Proof of Evidence

Lea Castle Quarry, Wolverley

Volume 1: Text

On behalf of NRS Aggregates Ltd.

Date: 08/10/2024 | Pegasus Ref: P24-1608

PINS Ref: APP/E1855/W/22/3310099 | LPA Ref: 19/000053/CM

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Document Management.

| Version | Date | Author | Checked/ Approved by: | Reason for revision |
|---------|----------|--------|--------------------------|------------------------|
| 2 | 08.10.24 | NF | NF | SUBMISSION |

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1. Introduction

Witness Background

- 1.1. My name is Neil Robert Furber. I am a Landscape Director at Pegasus Group. I hold a Bachelor of Science (Dual Honours) in Landscape Design and Plant Science from Sheffield University (1992–1995) and a Postgraduate Diploma in Landscape Architecture from Cheltenham and Gloucester College of Higher Education (1997). I became a Chartered Landscape Architect of the Landscape Institute in 2002.
- 1.2. I have over 25 years' continuous experience as a Landscape Architect working on a wide variety of projects across all the major development sectors including extensive experience of the landscape design and assessment of residential development schemes. I have also successfully acted as the landscape lead for several nationally significant infrastructure projects (England) and Developments of National Significance (Wales), with major projects including onshore wind, electricity transmission and power generation.
- 1.3. I have acted as a landscape expert witness on many occasions for both developer and Local Planning Authority clients since 2002. Until recently, I was a supervisor employed by the Landscape Institute (2016–2024), where I assessed the submission of candidates and their mentors seeking to become Chartered Landscape Architects. I have also had inputs at the consultation stage of a number technical guidance notes issued by the Landscape Institute.
- 1.4. The evidence which I have prepared and provide in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution. I also confirm that the opinions expressed are my true and professional opinions.

Scope of Evidence

- 1.5. My evidence addresses two of the Reasons for Refusal (RfR) issued by Worcestershire County Council, acknowledging that RfR 3 is no longer defended by the Council in their revised Statement of Case (paragraph 4.3), but continues to be defended by the Rule 6 Party in their Statement of Case (paragraphs 8.30 and 8.36–8.38) .

2. "Unacceptable impact on the openness of the Green Belt",

- 1.6. as far as relevant from an openness and purposes perspective including visual effects, with the planning proof of Mr Toland dealing with all other matters related to the appropriateness of the proposed development.

3. "Unacceptable impact on residential amenity and local schools",

- 1.7. limited to a review of residential visual amenity only, with other aspects of amenity including dust and noise covered in the proofs of evidence of Mr Toland, Ms Hawkins, and Ms Canham.

Approach

- 1.8. My evidence has been informed by the following:

- a) My review of the Environmental Statement (ES) and documents submitted with the planning application with a particular focus on ES Volume 1 (**CD1.03**), the Landscape and Visual Impact Assessment technical appendix in ES Volume 2 (**CD1.04**), and the planning application drawings (**CD1.17 to 1.32**).
- b) My review of Regulation 25 request responses that covered landscape matters i.e., June 2020 (**CD3.02, 3.05, 3.07, 3.11, 3.16, 3.17, 3.18**) and June 2021 (**CD5.02 to 5.14 and CD5.23 and 5.24**).
- c) My review of the statutory consultation responses relevant to landscape and visual matters, including the Committee Report (**CD10.01**), responses from the County Landscape Officer (**CD2.29, 4.32, 5.23, 6.23 and 6.36**), and responses from the Herefordshire and Worcestershire Gardens Trust (**CD2.08**).
- d) My observations following visits to the Site and/or surrounding area in late December 2022, early January 2023, and September 2024.
- e) Preparation of visualisations from representative viewpoints to reflect winter conditions and to account for updated best practice guidance that was issued by the Landscape Institute after the preparation of the ES visualisations. The visualisations include updated photomontages as my **Figures 3 to 71** at Volume 2 of my evidence. Updated photoviews have not been included from seven of the ES Viewpoints because either no view of the Proposed Development would be available due to intervening landform (i.e., Viewpoints 11, 12, and 19), or following my review in the field, an alternative view from a nearby publicly accessible location where a greater magnitude of change would be experienced has been included (i.e., Viewpoints 7, 14, 16, and 25). Finally, in three other locations, the micro-siting of the photoviewpoint relative to the view presented in the ES has been adjusted for other reasons e.g. Viewpoint 28 was taken from the footway and not the road for health and safety reasons, Viewpoint 30 was taken from a public footway where access to private land was not possible at the time of my site visit, and Viewpoint 18 was taken from the public footpath to the rear of properties on Brown Westhead to better represent views from the rear elevation and gardens of these dwellings, although the latter was clearly assessed in the ES. Notwithstanding the minor changes to some of the viewpoint locations, in all cases my assessment of the magnitude of change and effect upon visual amenity broadly accords with the submitted ES.
- f) Additional annotated views and photomontages from publicly accessible locations to support my evidence on Green Belt openness, addressing the second reason for refusal. These visualisations are presented as Photoviewpoints A to E, at my **Figures 48 to 71** in Volume 2 of my evidence.
- g) Consideration of potential new cumulative landscape and visual effects in conjunction with other developments that have been constructed, permitted or are applications that await determination since the ES have been prepared. This assessment is supported by my **Figures 1 and 2**, photoviews at Viewpoints 1 to 6 (my **Figures 3 to 10**), Viewpoint 8 (my **Figure 11**), and Viewpoint 21 (my **Figure 39**) in Volume 2 of my evidence.
- h) Reference is made to best practice guidance for Residential Visual Amenity Assessment (RVAA) at my **Appendix 1**. I provide examples of similar permitted quarry schemes where residential properties lie close to temporary screen bunds (My **Appendices 2 to 4**). Adopted SPD detailing typical separation distances between residential properties to ensure that outlook is not unacceptably affected by built development is covered at my **Appendix 5**.

- 1.9. I have undertaken an assessment of the revised scheme in light of the ES Addendum Chapter 4 that I authored and given that it is unclear if the revised scheme will be accepted by the Inspector, my evidence concerns the original scheme with separate reference to the revised scheme where it is relevant to do so.

2. Reason for Refusal 2: Impact on the Openness of the Green Belt

Background

- 2.1. In this section of my evidence, I set out my assessment of the effects that the Proposed Development would have upon the spatial and visual components of Green Belt openness., I have analysed the temporary effects of the scheme components upon the spatial and visual aspects of openness, in order to inform this Inquiry.
- 2.2. No amendment would be required to Green Belt boundaries as a result of the Proposed Development. Many of the long term compensatory improvements to environmental quality and accessibility that are typically considered for Green Belt land, when it is necessary to release adjoining Green Belt land for development, would be delivered by the restoration scheme.
- 2.3. The Head of Planning and Transport in the Committee report (CD10.01) at paragraph 461 concluded:
- “...There would be impacts, but only of a temporary duration, and relatively short for mineral extraction, with an appropriate restoration programme back to a beneficial status in the Green Belt. The NPPF clearly envisages that mineral extraction should benefit from the exemption in paragraph 150, and this proposal should benefit from those exemptions as it comes within the intended scope.”***
- 2.4. The Head of Planning and Transport in the Committee report (CD10.01) at paragraph 458 reached a contrary view to WCC’s Statement of Case:
- “...the proposal would not conflict with the fundamental aim of Green Belt policy or the five main purposes of Green Belt. Whilst the proposal would be visible, it would not be very visible due to the topography, proposed temporary soil storage / visual screening bunds, existing historic boundary walls and proposed planting, with any views being contained to relatively few receptors. It is considered that the visual impact on openness does not make this development “inappropriate”.***
- 2.5. Green Belt is addressed in the NPPF (2023) in section 13 of the document. The essential characteristics of Green Belts are their openness and their permanence. Further guidance is provided as to what factors can be considered when assessing the potential impact of development on the openness of the Green Belt in National Planning Practice Guidance at paragraph reference ID: 64-001-20190722. The assessment if the impact of a proposal on the openness of the Green Belt, requires a judgement based on the circumstances of the particular case.
- “Openness is capable of having both spatial and visual aspects – in other words the visual impact of the proposal may be relevant, as could its volume.***

The duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and

The degree of activity likely to be generated, such as traffic generation "

- 2.6. In the case of the proposed development at Lea Castle, there would be some minor temporary adverse effects on openness from the operational phase of the quarry including the soil storage bunds, in the short to medium term, noting that the bunds are not built development and consequently do not necessarily affect openness in Green Belt terms.. Temporary increases in quarry traffic would not have a significant impact on local roads and vehicle movements within the Site would be predominantly screened in most publicly accessible places by the bunds. At all times public access would be maintained across the Site and alternative temporary routes provided in relation to the extraction and progressive restoration of Phases 1-3 within the first 4 years of operation. In relation to Phases 4 and 5, unlike Phase 1-3, no public rights of way cross the extraction area.
- 2.7. The Site would remain in the Green Belt and the residual landscape would be significantly enhanced to more closely reflect the historic landscape parkland of Lea Castle, with significantly improved biodiversity and accessibility.
- 2.8. Central government advice states in Planning Practice Guidance Note (Paragraph 002 Reference ID:65-002-20190722):

"Where it has been demonstrated that it is necessary to release Green Belt land for development, strategic policy-making authorities should set out policies for compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land. These may be informed by supporting evidence of landscape, biodiversity or recreational needs and opportunities including those set out in local strategies, and could for instance include:

- ***new or enhanced green infrastructure;***
- ***woodland planting;***
- ***landscape and visual enhancements (beyond those needed to mitigate the immediate impacts of the proposal);***
- ***improvements to biodiversity, habitat connectivity and natural capital;***
- ***new or enhanced walking and cycle routes; and***
- ***improved access to new, enhanced, or existing recreational and playing field provision.***

- 2.9. Whilst the Site is not being released from the Green Belt for development, in the wider landscape context there is the proposed release of land from the Green Belt associated with the housing allocation at Lea Castle. In my opinion, for the reasons set out below the proposed restoration scheme would further these strategies, thus assisting in compensating for the release of Green Belt elsewhere and therefore supporting the wider aims of the Green Belt in this area.

- 2.10. My evidence below demonstrates that there would be very limited intervisibility between the future housing on the Lea Castle allocation and the Appeal Site proposals due to the nature of intervening landform. However, there would be tangible improvements to the landscape quality and accessibility of the Green Belt within the Appeal Site that residents of any future Lea Castle development, in addition to existing residents in the locality could appreciate.
- 2.11. When considered together, the Lea Castle development and the Appeal proposals reflect government advised compensatory improvements to the Green Belt. These benefits are not dependent on the granting of outline consent for housing at Lea Castle and in the unlikely event of residential development not being built, the benefits of the Appeal Site restoration in terms of landscape value, biodiversity value and increased recreational value could be secured for the existing communities in the locality.

Green Belt Purposes

- 2.12. Worcestershire County Council (WCC) contend that the Proposed Development would result in a) *“unrestricted sprawl”* and c) *“encroachment”* in conflict with two of the five NPPF purposes of the Green Belt.
- 2.13. WCC assert without evidence, that the Lea Castle mixed use development *“heightens the functional requirements of the Appeal Site to protect the Green Belt from encroachment and sprawl”* and that the Appeal Site is *“more sensitive to visual and spatial impacts on openness than other land parcels within the same Corridor”*.
- 2.14. WCC also state that the mitigation proposals, comprising screen bunds during the operational phase, and new planting during the operational and restoration phases, would result in harm to openness. I accept that there would be some minor temporary harm to openness as a result of the soil storage bunds, however these are typical features of any quarry development. In addition to having an essential role for the storage of soil used in later restoration, the bunds have the secondary function of providing a visual and acoustic screen that reduces the environmental impact of the extraction upon residents and public rights of way.
- 2.15. Green Belt purpose a) is *“to check the unrestricted sprawl of large built-up areas”*. The proposed development is not connected to a large built-up area (and therefore cannot lead to the sprawl of any such area), and neither could it be described as itself being of a character that would be read as sprawl of an existing built-up area (it is clearly ‘other forms of development’ falling within NPPF paragraph 150 rather than within NPPF paragraph 149 which deals with built development). Even if elements within the Site were to be considered as built development e.g., the plant site, this is temporary, has a modest footprint, and is largely contained below existing ground levels. The Plant Site would be fully restored to agricultural land within 11 years.
- 2.16. The Green Belt purpose c) to *“assist in safeguarding the countryside from encroachment”*. Given that mineral development may in principle be appropriate, provided it preserves openness, it is relevant to consider the spatial extent of the proposed extraction and understand how this would interact with progressive restoration of individual phases, which would deliver containment including through the use of existing topography, existing woodland, proposed temporary screen bunds and new planting.

- 2.17. WCC identify the subdivision of the Green Belt into separate land parcels within the Wyre Forest Green Belt Review (see my **Figure 1**). It is important to emphasise that these artificial subdivisions were undertaken to assess the suitability of land for *release* from the Green Belt, to inform the Council on the Green Belt sensitivity of parcels to meet development needs that are under the jurisdiction of the Local Planning Authority i.e., not mineral sites considered at County level and where *no* release of land from the Green Belt is required.
- 2.18. The Green Belt Review (**CD12.02** – Appendix B2 pages 19–21 PDF pages 107–109) identifies the Appeal Site as being located within Parcel N7, that is approximately 120 hectares in area. The Appeal Site extraction area is approximately 26 hectares, from an overall site area of approximately 46 hectares and extraction area comprises less than 22% of Parcel N7. The full extent of Parcel N7 is assessed in the Green Belt Review as having a “*contribution*” to prevent sprawl and encroachment in common with all other land parcels to the north and east of Kidderminster, except for a small parcel adjacent to the northern edge of Fairfield (N4). By contrast, most strategic land parcels to the northwest, west and southwest of Kidderminster are assessed to have a “*significant contribution*” to prevent sprawl and encroachment.
- 2.19. In conclusion, whilst the Appeal Site would remain in the Green Belt, the Green Belt Review clearly demonstrates that the land parcel in which the Appeal Site is located (and only forms a minor part of), is of comparable sensitivity to potential release from the Green Belt to other parcels nearby, and *less sensitive* than the majority of land to the west, northwest and southwest of Kidderminster.
- 2.20. Following the Green Belt Review and adoption of the Wyre Forest District Local Plan in 2022, the Lea Castle Site for mixed use development was allocated with application 22/040/OUT pending consideration. Permitted residential development under 17/0205/OUT and located within the centre of the allocation is currently being constructed (see my **Figure 1**).
- 2.21. WCC state that the Lea Castle mixed use development to the east of the Site “*heightens the functional requirements of the Appeal Site to protect the Green Belt from encroachment and sprawl*”¹. I demonstrate in my analysis of the visual component of openness below, that this statement, with respect to the proposed development, is false.
- 2.22. Further considerations that apply to mineral sites in the Green Belt (including the temporal nature of effects and importance of restoration) were recognised by Lord Carnwath who stated with respect to a Limestone Quarry extension that would be more visible and for a longer period than the Appeal Site:
- “A large quarry may not be visually attractive while it lasts, but the minerals can only be extracted where they are found, and the impact is temporary and subject to restoration. Further, as a barrier to urban sprawl a quarry may be regarded in Green Belt policy terms as no less effective than a stretch of agricultural land.”*** (para 90 in the Supreme Court judgment in *R (Samuel Smith Old Brewery (Tadcaster Ltd) v. North Yorkshire v. North Yorkshire CC* [2020] UKSC 3).

Spatial Component of Openness

- 2.23. With reference to the Disturbed Land Plan at **CD1.21** the area of land where mineral is being extracted at any one time within the operational phase would be less than 10 hectares. The

western half of the Site (comprising Phases 1–3) and over half of the extraction footprint, would be extracted and fully restored within 4 years.

- 2.24. The temporary plant site area, as the only part of the Appeal Site containing built development, is approximately 3.8 hectares in size and requires a short haul road of less than 100m in length between Wolverley Road and the ramp that connects to the plant site at a lower level. The temporary access road and plant site represents a relatively small component of the wider undeveloped landscape as illustrated on the plan at **CD5.04**.
- 2.25. The temporary plant site buildings illustrated on the plan and elevations at **CD1.22** are modest in scale and would comprise three portacabins to accommodate the site office and welfare facilities. Two portacabins, set a minimum of 7m below existing ground levels, would be double stacked with an overall footprint of 12.4 x 4.2m and an overall height of 5.8m. The third smaller portacabin would have a footprint of 3.8m x 2.8m and would be 2.9m high. Other structures within the plant site area comprise the mineral processing plant, wheelwash, weighbridge, cylinders (tanks) for silt management and 12 parking spaces that is set out in more detail at paragraph 20 of the Committee Report (**CD10.1**). The impact of these temporary built structures upon the visual openness of the Green Belt is covered in detail at paragraphs 2.34–2.35 of my evidence below.
- 2.26. In conclusion I assess that the extraction activity and progressive restoration of the Appeal Site would not materially affect the spatial component of Green Belt openness particularly given the minor and temporary nature of any built development and given that the changes would result in an improved state of environmental quality, biodiversity and accessibility of the Green Belt, relative to the baseline position.
- 2.27. In relation to the revised scheme, the proposed reduction in processing plant height from 12m to 6.3m, a reduction in plant area footprint from 2,752m³ to 751m³ would all represent operational phase improvements compared with the original scheme which would even further reduce the materiality of any effect on the spatial component of openness.

Visual Component of Openness

- 2.28. I will demonstrate in this section of my evidence, with reference to annotated photoviewpoints, how the majority of the Appeal Site is well contained by natural topography, mature woodland and built development. The Proposed Development, inclusive of carefully designed phasing, progressive restoration and additional mitigation measures has sought to minimise potential adverse visual effects and consequently I conclude that overall, the visual component of openness would be preserved.
- 2.29. The Head of Planning and Transport Planning of WCC at paragraph 452 of the Committee Report (**CD10.01**), noted that the Site baseline contains two distinct landscape characteristics when referring to “openness”:

“The western area and the majority of the eastern area are contained and physically constrained by a combination of landform, topography, woodland blocks, established vegetation and in parts a stone / brick wall”. These morphological and structural elements combine to help visually screen the periphery of the site. However, the outer eastern area of the site displays a distinct character of a much more open nature due to the topography, easterly sloping landform and limited amount of established vegetation. This

results in this area being more visually prominent, with potentially a greater number of visual receptors including residents of Castle Barns, Four Winds, Broadwaters and properties off Wolverhampton Road (A449) and Stourbridge Road (A451) as well as users of the public highway and public rights of way located to the east of the site.”

- 2.30. Zones of Theoretical Visibility (ZTVs) of the Proposed Development were presented in Technical Appendix A of the ES as LVIA Figures 6 to 9 (**CD1.04**). To accord with best practice guidance, the ZTVs were computer modelled using landform only to present the ‘worst-case’ theoretical visibility of landform within the Site at different stages of the Proposed Development. These ‘bare earth’ ZTV’s do not account for intervening vegetation or built development.
- 2.31. The role of temporary screen bunds in limiting the visibility of the operational phases is illustrated in LVIA Figure 7, where the theoretical visibility of works within Phase 2 of any perceptible magnitude would be largely contained within the Appeal Site. The greater visibility at Phase 4 illustrated in LVIA Figure 8, largely relates to the extraction of mineral beneath higher ground within Phase 4, noting that this is a short-term effect and following the soil strip and higher-level extraction, the deeper extraction would be typically contained by higher land surrounding the phase, reinforced by perimeter screen bunds and planting.
- 2.32. Notwithstanding the limitations of the ZTVs, a comparison of LVIA Figures 6 and 9 illustrates that the landform of the restored scheme would have a similar geographical extent of theoretical visibility from the surrounding landscape as the existing situation.
- 2.33. My assessment upon the visual component of openness is structured into four parts – firstly I cover the visual impact of the temporary built structures within the Plant Site, secondly the access road and associated vehicles, and thirdly the temporary screen bunds and phased extraction and progressive restoration beyond. Finally, I consider the cumulative impact of other relevant developments in the planning system since the ES was submitted.

Temporary Built Structures within the Plant Site

- 2.34. The plant site is located on lower ground within the Appeal Site and is set a minimum of 7m below existing ground levels to the west and approximately 12m to the east. The Plant Site would be surrounded by temporary screen bunds up to 5m high that would be grass seeded with 1:3 outer slopes (**CD1.22**). The temporary plant site buildings comprising three portacabins, the mineral processing plant and ancillary development would be screened from publicly accessible locations as they would be set down at a lower level and surrounded by screen bunds (refer to my more detailed description under the spatial component of openness above). The tallest point of the plant is 12m, however this is a narrow stocking conveyor, approximately 1m in width and the main processing plant is approximately 9m in height. The absence of built form in representative photomontage views includes locations to the north and west of the plant site i.e., Viewpoint 17c: Rear Garden of the Equestrian Centre Bungalow (my **Figure 31**) and Viewpoint Ca and Cb from Public Bridleway 626 (B) (my **Figures 52 & 58**).
- 2.35. In relation to the revised scheme, the proposal is to reduce the processing plant height from 12m to 6.3m, and reduce the plant area in footprint from 2,752m³ to 751m³. The absence of built form in representative photomontage views described above would remain with the

revised scheme (with lower temporary screen bunds around the plant Site assessed separately below).

The Access and Associated Vehicle Movements

- 2.36. Views of increased vehicle movements turning into and out of the Appeal Site would be confined to a localised geographic area on the Wolverley Road (Viewpoint 29 at my **Figure 45**), noting visibility of vehicles approximately 100m to the west (Viewpoint 27 at my **Figure 43**) would be very limited as vehicles would be travelling to and from the plant site, east of the junction onto Wolverley Road. Views of traffic turning into and out of the Site from the east would be restricted by landform characteristics, the perimeter wall along Wolverley Road, and planting within the curtilage of Broom Cottage (Viewpoint 31 at my **Figure 47**).
- 2.37. It is acknowledged that views of dump trucks would be noticeable from a short section of Wolverley Road to the east of the access, however road users are not classified as the highest sensitivity receptors and properties adjoining the road on this section, namely Broom Cottage and Four Winds have limited views of the road corridor due to property orientation and the presence of evergreen screen planting. The Head of Planning and Transport Planning concluded at paragraph 457 of the Committee Report (**CD10.1**) that the transport assessment identifying the highest predicted increase in traffic from the operational phase would be 1.8% on this section of road, *“which falls well below the 5% threshold considered to represent a material increase in traffic”*.
- 2.38. There would be no perceptible changes to the access or vehicle movements with the revised scheme.

Views of Mineral Extraction and Screen Bunds

- 2.39. Public views of the screen bunds from viewpoints beyond the boundary of the Appeal Site would be localised and typically very limited in extent. Private views are assessed separately under the residential visual amenity section of my evidence.
- 2.40. Views from the east are represented by Photoviewpoints 1-6 at my **Figures 3 to 10**. The majority of the outer eastern facing fields within the Appeal Site will not be disturbed. The eastern extent of Phase 4/5 would be screened behind the existing higher ground of the undisturbed part of the Appeal Site further reduced by temporary screen bunds and tree and shrub planting. I agree with the ES conclusions that the maximum overall effect on visual amenity from these locations would be Slight to Minimal Adverse during the operational phase.
- 2.41. Views from the north are represented by Photoviewpoints 8 and A (see my **Figures 11 & 48**). At Viewpoint 8, the high point on the bridleway route, extraction of mineral would be visible within Phase 4 and 5, however the direction of extraction would mitigate the visual impact with Phase 4 being extracted in an easterly direction and Phase 5 in a northerly direction so in both cases the working faces are screened. Soil stripping and initial extraction would be visible, and the progressive restoration of Phase 4 would limit the area of exposed mineral visible. All changes would be perceived well below the skyline and would not restrict views to the wider landscape beyond the Site. I agree with the ES conclusions that the maximum overall effect on visual amenity would be Moderate Adverse during the operational phase. At Viewpoint A, from the public bridleway, the elevation is some 15m lower than views from the same bridleway at Viewpoint 8 and a block of conifer trees in the far left of the view restricts

visibility of the full horizontal extent of Phases 4/5. Consequently, whilst bridleway users would be closer to the extraction area than at Viewpoint 8, less of the area would be visible and the same mitigation achieved by the direction of extraction would also apply. The maximum overall effect on visual amenity would be Minor to Moderate Adverse during the operational phase and views across the wider landscape beyond the Appeal Site would be maintained.

- 2.42. Views from the south are represented by Viewpoints 24, 26, 27, 28, 29 and 31 at my **Figures 41 to 45 and 47**. At Viewpoint 24, 27 and 28, fleeting visibility of bunds on the Appeal Site from the road corridor would be largely restricted by vegetation, buildings, and the wall along the southern boundary of the Appeal Site. I agree with the ES conclusions that the maximum overall effect on visual amenity from these locations would be “Minimal Adverse” from Viewpoints 24 and 28 and “Slight Adverse” from Viewpoint 27, where more of the perimeter grass seeded bunds around the Initial Phase and Phase 4 of the extraction area would be visible. At Viewpoint 26 representing views from the bridleway (residents at South Lodge have more restricted views), there would be very limited views of the screen bunds surrounding the initial phase of works. The ES concludes a “Moderate Adverse” effect based on a low magnitude for the nearby residential dwelling, however the magnitude and effect at this precise location for bridleway users would be slightly lower. I agree that there would be a medium magnitude and “Slight Adverse” effect for road users at Viewpoint 29 where the proposed access road would require the temporary removal of the brick wall and there would be views of a temporary access road and perimeter bunds surrounding the Initial Works (plant site) and Phase 4.
- 2.43. Views from the west are represented by Viewpoints 18, 20, 21, 23 and E, at my **Figures 36 to 40 & 71**. Views of the Proposed Development from Brown Westhead Park recreation ground (Viewpoint 21) and Wolverley Road near the junction with Brown Westhead Park (Viewpoint 23) would be prevented by intervening landform resulting in a Neutral effect. Views from public footpath (FP62 2(C)) at Viewpoint 20 would be largely screened by intervening woodland, even in winter, and I agree with the ES conclusions that there would be a Very Slight Adverse temporary effect. The impact on Green Belt Openness would be negligible.
- 2.44. At Viewpoint 18 views from public footpath (FP623(B)) that also represent similar private views from the rear of dwellings at the northern end of Brown Westhead Park, would be heavily filtered by intervening woodland, even in winter. The magnitude of change resulting from views of screen bunds to the west of Phases 1–3 would be Very Low and the effect Slight Adverse from the public right of way. The impact on Green Belt Openness would be negligible.
- 2.45. At Viewpoint E (my **Figure 71**), located on high ground on the western edge of Fairfield, approximately 1.5km west of the Site, the visible parts of the Site, predominantly comprising elevated parts of Phase 4, that would be barely perceptible and seen intermittently between intervening trees as a thin strip of arable land, located well below the horizon and contained between belts of tree planting/woodland. The sensitivity of residents would be High, and the magnitude would be Very Low, resulting in a Slight adverse effect upon visual amenity that is Not Significant. The impact on Green Belt Openness would be negligible.
- 2.46. Views from within the Appeal Site would be restricted to a section of public bridleway (626(B)) that runs for approximately 350m between the eastern and western phases of the Proposed Development and (625(B)) for approximately 350m along the northern boundary of the Site, and an approximately 300m long section of public footpath to the west (624 (B)) that would require temporary diversions during the operational phases. Views are

represented by Viewpoints 15, B, C and D (see my **Figures 21, 49, 50, 52, 54, 58, 60, 64, 65 and 68**). Views from the public bridleway 626(B) and similar views from nearby public footpath 624(B) would result in a Slight to Moderate Adverse Effect as set out in the ES at Viewpoint 15, noting that a temporary diversion of the footpath during Phases 1 and 2 (**CD5.05 and CD5.06**) would maintain alternative, largely unrestricted views across farmland, with temporary screen bunds forming low level new elements in the view. Views of the wider landscape to the west and by Phase 3, the landscape along the original footpath alignment would be restored (**CD5.07**). Screen bunds and straw bales would temporarily reduce views of the wider landscape to the west of the bridleway, however except for a narrow portion of views to distant countryside above Wolverley and Fairfield, largely restricted to the part of the view above the public footpath, baseline views are already foreshortened by woodland to the perimeter of the Appeal Site. At Viewpoint C, approximately mid-way along public bridleway 626(B) views to the east are currently largely foreshortened by rising ground within the Initial Works phase to the east (my **Figure 51**) and rising ground to the southeast extending to Wolverley Road near Broom Cottage (my **Figure 57**). The creation of a 4 to 5m high screen bund with 1:3 outer slopes around the Initial Works, offset from the public bridleway to ensure protection of existing trees, would temporarily restrict views in an easterly direction (my **Figures 52, 54, 58 & 60**). These changes are temporary and the baseline views, due to the aforementioned landform characteristics, include a very limited proportion of the wider landscape within the Green Belt. A similar scenario would be experienced by users of bridleway 625(B) a short distance to the northeast (Viewpoint B), where the baseline views include rising landform that restrict views of the wider landscape to the southeast (my **Figure 50**) and views of the wider countryside are restricted by woodland on rising ground beyond Castle Barns (my **Figure 49**). At Viewpoint D from public footpath 624(B), existing rising landform also plays a role in restricting views of the wider landscape within the Green Belt (my **Figures 64 & 68**), such that the introduction of screen bunds, whilst temporarily foreshortening views for parts of the route, the diversions and reinstated route following the restoration of Phases 1 and 2 would restore the open character within an enhanced parkland landscape.

- 2.47. It should be emphasised that any foreshortening of views from public rights of way within the Appeal Site because of the screen bunds would be temporary (short to medium term) and would typically change as the phasing and progressive restoration occurred. Views from representative photoview locations are not perceived in isolation and the sequential experience of the landscape by public rights of way users within the Appeal Site would be such that open views of countryside within the Green Belt adjacent to the Appeal Site, and restored parts of the Appeal Site, would always be available during the operational phase of the Proposed Development.
- 2.48. I have demonstrated that the majority of the Appeal Site is well contained by natural topography, mature woodland and built development. The Proposed Development, using carefully designed phasing, progressive restoration and additional mitigation measures has sought to minimise potential adverse visual effects during the operational phase. Consequently, I conclude that the overall visual component of Green Belt openness would be preserved.
- 2.49. In terms of the revised scheme there would be some noticeable improvements resulting from the reduction in some of the screen bund heights from publicly accessible locations. Public views from bridleway 626 (B) that passes the plant site (Viewpoint C at my **Figures 51, 53, 55, 56, 57, 59, 61 & 62**) would experience views of temporary bund No. 3 at 3m high (rather than 4/6m in the original scheme). This reduction in bund volume would occur during the full

length of the operational phase i.e. a medium term and noticeable improvement upon openness compared with the original scheme.

- 2.50. Public views would be experienced from Footpath 624 (B) to the east of the plant site. The revised scheme would be visible as a reduction in height from 4/6m to 3m of the temporary bund 3 surrounding the plant site following the restoration of Phases 1 and 2, there by representing a slight improvement to the visual component of openness during the operational phase.
- 2.51. Public views of the proposals would be experienced by road users and public rights of way users to the west of the proposals and the residents of Castle Barns. The revised scheme would result of the omission of bund 18 (with no screening function lost from sensitive receptors), and the reduction in height of bund 19 from 4m to 3m in height (see Viewpoints 1, 2, and 3 at my **Figures 3, 4 & 5**, Viewpoints 5, 6, at my **Figures 9 & 10** and Photomontages from Viewpoint 9 at my **Figures 12, 14, & 16**). The changes to the screen bunds would represent a medium term slight improvement to the visual component of openness compared with the original scheme.
- 2.52. Restoration of the Appeal Site (for both the original and revised scheme) would generally replicate the existing landform. Land levels will generally be between 2 to 7 meters below existing levels with restored land gradients being between 1 in 8 and 1 in 30, which reflect existing land gradients. Restored soil profiles would be the same as those currently in-situ. The land uses changes reflect a combination of reinstatement of parkland features e.g., groups of parkland trees, WCC request for the establishment of acidic grassland within the Phase 1 area, biodiversity enhancement and significantly increased public access opportunities. The landscape proposals accord with the baseline landscape character guidelines set out at page 75 of the Worcestershire Landscape Character Assessment (CD12.04).

“Tree cover is predominantly provided by large, discrete plantation woodlands and tree belts. These are often planted with conifers, poplars, or other quick cropping species. The Sandstone Estatelands have the capacity to accommodate considerable areas of new woodland planting. With the decline and fragmentation of the hedgerow pattern, the development of a cohesive woodland structure, with woodland shape reflecting the pronounced regular landscape pattern, would considerably help to retain a sense of unity and scale to the landscape.”

- 2.53. The Woodland guidelines produced by Worcestershire County Council and the Forestry Commission in 2010 identify the appropriate planting for each landscape character type in the county (see extract at my **Appendix 1**). For the Sandstone Estatelands Landscape Type, that the appeal site is located within, the following guidelines are stated:

- Planting should ideally be in large blocks (field size and above) following the existing geometric field pattern.
- The woodland pattern can be further enhanced by planting of linear tree-belts.
- Parkland should be restored and conserved. The distinctive hedgerow pattern should also be restored and conserved, with priority given to primary hedgerows.
- Heathlands, a rare habitat of high biodiversity importance, are distributed throughout the Sandstone Estatelands.

- 2.54. The restoration scheme on the appeal Site would provide:
- Approximately 7.5 hectares of ecologically diverse species-rich acidic grassland;
 - 170 new parkland and avenue trees;
 - 9,750 new native trees and shrubs (in woodland blocks);
 - Approximately 1km of new native hedgerow planting and strengthening;
 - Reinstatement of all Best and Most Versatile Agricultural land soil profiles;
 - Recreational and increase public amenity opportunities with pocket parks for wellbeing, education, and physical fitness opportunities; and
 - Additional public access / connectivity to the wider countryside as well as to and from Cookley and Lea Castle Village with an additional ~2.7km of new bridleway, footpath, and cycle way routes within the Site.
- 2.55. Following final restoration, I agree with the LVIA in the ES that the long-term effect upon landscape character of the Sandstone Estate lands LCT would be Moderate/Notable Beneficial and Significant. The effect upon visual amenity would range between Slight Adverse and Slight Beneficial and Not Significant, but more typically Neutral for most receptors.
- 2.56. The assessment conclusions set out above for the original scheme also apply to the revised scheme.

Potential Cumulative Effects

- 2.57. The potential for cumulative landscape and visual effects between the Proposed Development in conjunction with the permitted Lea Castle Development (17/0205/OUT) and adjacent allocated Site were considered at paragraph 5.27 page 31 and paragraph 7.13 page 58 of **CD1.04** (the submitted LVIA) and at section 22.5 of the ES (CD1.03). The permitted development is now under construction and the allocated Site is covered by a planning application 22/040/OUT that is still to be determined at the time of writing.
- 2.58. The location of other developments (recently constructed, permitted or in the planning system) are illustrated on my **Figure 1** in relation to the application and extraction boundaries of the Proposed Development.
- 2.59. The LVIA at paragraph 5.27 (**CD1.04**) as part of the cumulative assessment also refers to *'other promoted residential areas to the south and east of the Site'*. Furthermore, the ES at paragraphs 22.5.4, 22.5.7 and 22.5.8 make clear reference to planning permission at Stourbridge Road (18/0163/FULL). It is therefore clear from my review that the ES and LVIA had accounted for 18/0163/FULL – 91 dwellings at Stourbridge Road, although additional smaller residential developments have since been approved and are identified on my **Figure 1** and listed below.
- 22/0235/PIP – 4 dwellings at Wolverley Lodge. Application approved.
 - 20/0217/FUL – Demolition of existing building and erection of 4 x two-bed bungalows. This development has now been completed.
 - 21/1200/OUT – erection of three dwellings, garages and associated operational development. This application and the subsequent appeal were refused i.e., this

scheme does not form part of the cumulative assessment but is included for completeness.

- 2.60. An additional scheme comprising a barn conversion to a 4 bedroom single storey dwelling south of Wolverley Road (24/O564/FUL) is pending consideration. The replacement dwelling would have a smaller built volume dwelling than the barn it replaces and has been scoped out of consideration as there is no potential for significant cumulative landscape and visual effects.

Lea Castle Mixed Use Development (17/O205/OUT and 22/O40/OUT)

- 2.61. Potentially significant cumulative effects upon landscape elements between the Lea Castle Mixed Use development and the Proposed Development are Neutral and potentially beneficial because both schemes seek retention of existing tree and hedgerow planting to the perimeter of the Sites and would contribute new planting as part of their respective mitigation schemes. There would be a permanent loss of agricultural land as part of the Lea Castle mixed use development, however the Appeal Site would be progressively restored following mineral extraction in each phase and fully restored after 11 years and the restored soil profiles will enable it to achieve BMV status as agricultural land in the future if required (**CD10.01**).
- 2.62. In terms of landscape character, both the Lea Castle mixed-use development and the Proposed Development lie within the Sandstone Estateland Landscape Type (LVIA Figure 4 in **CD1.04**). As previously noted, and with reference to the Disturbed Land Plan at **CD1.21**, the area of land where mineral is being extracted at any one time within the operational phase would be less than 10 hectares. The progressive restoration would result in long term improvements to landscape character, in terms of historical continuity i.e., reinstatement of avenue trees and the Broom Covert woodland, and the introduction of groups of parkland trees and acidic species rich grassland. Public access would be improved by the addition of new public rights of way illustrated on **CD5.11**.
- 2.63. Cumulative landscape character and visual effects can be perceived in combination (where both developments are visible from the same location and in the same field of view), successively (where both developments are perceived from the same location by turning one's head), or sequentially, (where both developments are not visible at the same location but are perceived separately, in sequence, when travelling on a route). It is important when carrying out a cumulative landscape and visual assessment that effects in three-dimensions are fully understood. Just because two developments may be located relatively close to each other (as seen in a 2-dimensional plan view), does not necessarily equate to a cumulative effect that would be perceived in the field.
- 2.64. At Viewpoint 1 (my **Figure 3**), the residential development under construction (17/O205/OUT) can be glimpsed behind woodland in the far right of the view. New built development as part of 22/O40/OUT would extend across the foreground and middle ground of the view preventing any views from the public footpath towards the Appeal Site. Any views within the new mixed-use development are likely to be highly restricted by adjacent built form. Any theoretical glimpses of the extraction of Phases 4/5 would be limited to the perimeter screen bunds set below the horizon with potential glimpses of the initial soil strip on Phase 4, similar to an agricultural operation, with the extraction working eastwards and very quickly below

the height of the perimeter bunds. There would be a Neutral cumulative effect and no discernible effect on openness.

- 2.65. At Viewpoint 2 (my **Figure 4**), new built development as part of 22/O40/OUT would be partially visible to the left of the road corridor (beyond the extent of presented photography). By contrast the Proposed Development would be predominantly screened from view with the upper parts of the screen bunds potentially visible above and behind retained hedgerow planting. At nearby Viewpoint 9 (my **Figures 12, 13, 15 & 17**), from a more elevated location that is closer to the Proposed Development but not publicly accessible, the limited and filtered views of part of the grass seeded screen bunds to the east of Phase 4 are illustrated in the photomontages. This temporary mounding would only be in place for approximately 5 years. Notwithstanding the obvious fact that views of the temporary grassed bunds and new planting on the eastern edge of the Appeal Site would not constitute built development, there would be a Neutral cumulative effect and no discernible effect on openness.
- 2.66. At Viewpoint 3 (my **Figure 5**), the manure heap on the horizon is located on land approximately 3m higher and 60m further to the west of the crest of the screen bund 18 that would be installed to the east of Phase 4. Bund 17 to the east of Phase 5 would be largely hidden by intervening hedgerow planting that would be retained and reinforced as part of the proposals. New built development as part of 22/O40/OUT would be screened by retained belt of pine trees in the far right of the view, although successive visibility of new built development along Park Gate Road would be available (beyond the extent of presented photography). There would be a Neutral cumulative effect and no discernible effect on openness.
- 2.67. At Viewpoint 4 (my **Figures 6–8**), situated further east along Park Road, more elevated views towards the screen bunds would be largely prevented by a belt of intervening pine trees. Any changes to the views and landscape character available would be restricted to the growth of advanced woodland planting on the horizon between the belt of pine trees and Castle Barns (**Figure 8**), however the Lea Castle mixed use development (22/O40/OUT), assuming it is permitted and under construction, would likely largely restrict and eventually fully screen any views towards the Appeal Site. There would be a Neutral cumulative effect and no discernible effect on openness.
- 2.68. Viewpoints 5 and 6 (my **Figures 9 and 10**) to the southeast are from the urban edge of Kidderminster and views would include combined visibility of the Lea Castle mixed use development (22/O40/OUT) and the eastern edge of Phases 4 and 5, although this would be restricted to temporary views of the grass seeded bunds associated with Phase 4 and to a lesser extent Phase 5, partially screened by existing vegetation that would be reinforced with new planting. The agricultural land to the east of the extraction area within the Appeal Site would be maintained. Notwithstanding the obvious fact that views of the temporary grassed bunds and new planting on the eastern edge of the Appeal Site would not constitute built development, there would be a Neutral cumulative effect and no discernible effect on Green Belt openness.
- 2.69. Viewpoint 8 (my **Figure 11**) was taken from a locally elevated location where a public bridleway coincides with the access track to Castle Barns. There would be limited views of the Lea Castle mixed use development that would appear ‘sandwiched’ between the urban edge of Kidderminster in the background and the roofscape of Castle Barns and planting in the foreground. There would be no potential for any significant effects on the visual amenity of bridleway users or landscape character. The Proposed Development during Phases 4 and

5 would have a temporary Moderate Adverse effect that is Not Significant because of the direction of the working faces of mineral extraction, partly mitigated by advance planting and perimeter bunds. The cumulative effects upon landscape character and visual amenity resulting from views of both schemes would be Neutral i.e. not discernibly greater than for either scheme individually, noting the primary changes to views would result from temporary views of Phases 4 and 5. Notwithstanding the obvious fact that views of the temporary grassed bunds and new planting on the eastern edge of the Appeal Site would not constitute built development, there would be a Neutral cumulative effect and no discernible adverse effect on Green Belt openness.

18/O163/FUL – 91 dwellings at Stourbridge Road

- 2.70. The residential development has now been constructed and views from the northern edge of the new development would be similar to nearby Viewpoint 5 (my **Figure 9**). Views would include combined visibility of the Lea Castle mixed-use development (22/O40/OUT) and the eastern edge of Phases 4 and 5, although this would be restricted to temporary views of the grass seeded bunds associated with Phase 4 and to a lesser extent Phase 5, partially screened by existing vegetation that would be reinforced with new planting. The open agricultural land to the east of the extraction area within the Appeal Site would be maintained. Notwithstanding the obvious fact that views of the temporary grassed bunds and new planting on the eastern edge of the Appeal Site would not constitute built development, there would be a Neutral cumulative effect and no discernible effect on openness.

22/O235/PIP – 4 dwellings at Wolverley Lodge

- 2.71. The approved development is located to the northwest of Brown Westhead Park playing fields. The site adjoining the playing fields is bordered by tall conifer screens and other tree cover and any heavily filtered views of the proposed development from the playing field (Viewpoint 21 – my **Figure 39**) would not constitute a cumulative effect as the Proposed Development, including screen bunds, on the Appeal Site would not be visible. There would be a Neutral cumulative effect and no discernible effect on openness.

20/O217/FUL – Erection of 4 x two-bed bungalows

- 2.72. The completed development on Brown Westhead Park is located to the east of the Appeal Site and is set down at a lower level such that there is no opportunity for any views of the Proposed Development from the bungalows themselves. Viewpoint 20 (my **Figure 38**) from the public footpath located between the two schemes, illustrates the very restricted views of the Appeal Site through woodland, however these views are only available intermittently from the public footpath on higher ground east of the bungalows. Very limited views of both developments are available from the footpath simultaneously (i.e., by turning one's head), however given the screening role of mature woodland cover, even in winter, it is assessed that the cumulative effect would be Neutral and there would be no discernible effect upon Green Belt openness.

Cumulative Conclusions

- 2.73. The landform characteristics of the Site and surrounding land, implementation of advance planting, reinforced existing planting and grass seeded screen bunds, would in combination result in very limited cumulative effects with other developments recently constructed,

permitted or in the planning system. Where very limited cumulative visibility of both schemes is available, as described above, I agree with the conclusions of the ES that the resulting level of cumulative effect on landscape character and visual amenity would be Neutral i.e., not discernibly greater than for the Proposed Development or other scheme/s individually.

- 2.74. The cumulative assessment conclusions would remain the same with the revised scheme.

3. Reason for Refusal 3: Impact on Residential Amenity

Background

- 3.1. Residential Amenity encompasses a range of considerations including outlook (views), noise and dust. The Planning Officer in his Committee Report (**CD10.01**) did not specifically consider residential visual amenity. The effects of the closest screen bunds upon residential visual outlook, first appeared at paragraph 5.7 in WCC's Statement of Case.
- 3.2. Screen bunds are employed as an embedded mitigation measure in most quarry developments, to address potentially unacceptable environmental impacts, notably noise and outlook, from the operational phase. The screen bunds are a temporary soil store (grass seeded) and form an important part of the restoration material, located close to the phase being restored. The precise height and separation distance are frequently dictated by noise mitigation requirements. No concerns regarding the inclusion of screen bunds close to dwellings at the Appeal Site were raised by the County Landscape Officer, Head of Planning and Transport, or any other statutory consultee.
- 3.3. The Landscape Institute Technical Guidance Note 2/19 covering Residential Visual Amenity Assessment (RVAA), hereafter referred to as TGN 2/19 (see my **Appendix 2**), states at paragraph 2.1 that the guidance was produced to provide *"an informed, well-reasoned answer to the question: 'is the effect of the development on Residential Visual Amenity of such nature and/or magnitude that it potentially affects living conditions or residential amenity'...this is referred to as the Residential Visual Amenity Threshold (or RVAT)"*
- 3.4. RVAA is distinct from the LVIA that forms part of the ES (paragraph 3.7 of TGN 2/19 in my **Appendix 2**).
- 3.5. TGN 2/19 states that residential visual amenity should not be confused with judgements on residential amenity because the latter is a planning matter (paragraph 1.8 of my **Appendix 2**). In the case of the appeal proposal, residential amenity also includes consideration of the effects of noise and air quality on residents, as set out in the separate proofs of evidence on behalf of the appellant (Ms Hawkins and Ms Canham) and then weighed in the planning balance in the proof of evidence of Mr Toland.
- 3.6. Paragraph 1.5 of TGN 2/19 (my **Appendix 2**) states:

"...In respect of private views and visual amenity, it is widely known that no one 'has a right to a view'. This includes situations where a residential property's outlook / visual amenity is judged to be 'significantly' affected by a proposed development, a matter which has been confirmed in a number of appeal / public inquiry decisions."

- 3.7. Paragraph 1.6 of TGN 2/19 (my **Appendix 2**) goes on to explain that it is not uncommon for development to have a significant effect on visual amenity and *“in itself this does not necessarily cause planning concern”*. It is however, recognised that there are sometimes situations where the changes are so great that it *“is not generally considered to be in the public interest to permit such conditions to occur where they did not exist before.”*
- 3.8. TGN 2/19 states: *“..development types including potentially very large but lower profile structures and development such as road schemes and housing are unlikely to require an RVAA. Except potentially of properties in very close proximity (50m-250m) to the development.”* The guidance then goes on to state that only properties within 100-150 metres of overhead transmission lines are potentially considered for inclusion in a RVAA, noting typical pylon heights range between 40m to 60m high, and unlike the temporary screen bunds proposed at the Appeal Site, are typically permanent structures.
- 3.9. In conclusion, following careful review of TGN 2/19 and considering the height and proximity of proposed bunds to residential properties at the Appeal Site, I can see no justification for a separate RVAA. Notwithstanding this conclusion and the fact the Council is not defending RfR 3 covering residential amenity (paragraph 4.3 of WCC’s Statement of Case), further analysis is necessary considering the Rule 6 Party Statement of Case (paragraphs 8.30, and 8.36-8.38).

Screen Bunds at Quarries Close to Residents

- 3.10. In my professional experience it is not unusual for temporary screen bunds to be employed as part of quarry schemes at the heights and separation distances from dwellings that are proposed at the Appeal Site. In this context, I set out below three recently permitted examples of screen bunds close to residential properties where there are broad similarities with the Proposed Development. Notwithstanding these comparisons, it is accepted that every proposal is assessed on its own merits.
- a) Martells Quarry Extension, Ardleigh: Permission was granted by Essex County Council in 2021 (ESS/29/20/TEN). A 5m high screen bund is to be located close to Coronation Cottages where residents currently have ground and first floor views across open farmland. The toe and crest of the screen bund would be 12m and 27m respectively from the dwelling and the bund would be in place for at least 10 years. For details see my **Appendix 3**.
 - b) Stanninghall Quarry, Horstead: Permission was granted by Norfolk County Council in 2021 (FUL/2020/0085). The separation distances between temporary soil screen bunds and residential properties that have open views across arable farmland are 50m at the ‘The Hollies’ and 80m at Hill Farm. The bunds would be in place for 6.5 years. For details see my **Appendix 4**.
 - c) Condover Quarry, Shrewsbury: Permission was granted in 2021 by Shropshire County Council (19/01261/MAW). Allfield Cottages are located to the south of the quarry and residents have views from the rear of the property and garden of open arable farmland. The permitted scheme includes a 5m high noise bund, topped with 2m high planting, located on rising ground for the duration of the operation phase (14 to 15 years). The separation distance between the crest of the bund and the dwelling is 68m. For details see my **Appendix 5**.

Separation Distances Between Permanent Buildings

- 3.11. Consideration of acceptable separation distances between built form/engineered structures and nearby residents can be informed by the approach commonly adopted in housing developments. From my extensive experience working as a Landscape Architect on residential schemes, the typical separation distances between back-to-back housing are 20–23m. This separation is adopted to ensure that adequate daylight, sunlight, outlook, and privacy is achieved for all residents.
- 3.12. Local Planning Authorities frequently specify separation distances in adopted Supplementary Planning Documents (SPD). In the apparent absence of separation distances in SPD produced by Wyre Forest Council, at my **Appendix 6**, I include extracts of East Staffordshire Borough Council's adopted "*Separation Distances and Amenity SPD*". The SPD illustrates at paragraph 4.3 under external separation standards that 21 metres should be designed between back-to back residential properties, noting at paragraph 4.7 this separation can be reduced to 12 metres where there are walls without habitable windows.
- 3.13. I consider that screen bunds of equivalent height and separation distance to permanent buildings e.g., a row of terraced houses, would have a reduced effect upon visual amenity of nearby dwellings because they are temporary structures, and they do not have windows that impact privacy. It is also noted that screen bunds on the Appeal Site would not exceed 6m in height, whereas two storey housing is typically 8m high to the ridge.
- 3.14. In terms of this Appeal, the separation distances between the closest dwellings and the screen bunds have been designed to be over three times greater than the minimum separation distances typically adopted for back-to-back housing. The separation distance between the western elevation of the Equestrian Centre bungalow and the crest of the 5 to 6m high temporary screen bund is approximately 62.5m, noting that the bund would be in place for only 9 months.
- 3.15. The revised scheme results in the reduction in height of some of the temporary bunds close to dwellings and is assessed separately at the end of this section.

RVAA of Closest Dwellings

- 3.16. My experience of assessing a wide variety of development proposals indicated at an early stage that there would be no potential for the Residential Visual Amenity Threshold (RVAT) to be breached with respect to views of the Proposed Development from the closest dwellings. The Council's Reason for Refusal 3, covering impacts upon amenity, whilst no longer defended by the Council is still supported by the Rule 6 Party in their Statement of Case (paragraphs 8.30 and 8.36–8.38). The Rule 6 Party's position requires me to review the private outlook from dwellings that lie close to the Appeal Site boundary and have the potential for clear views of the Proposed Development. This assessment has been assisted by review of the ZTVs (**CD1.04** – Appendix A – LVIA Figures 6 to 9) and observations in the field.
- 3.17. Where an assessment of likely views from a dwelling has necessitated review from the private curtilage of the dwellings, I have agreed access to the external space around the property with residents. Other fieldwork was undertaken from publicly accessible locations or the Site itself.

3.18. My assessment has been conducted in line with Steps 1 to 3 of TGN 2/19,18 and adopts the methodology and approach set out in the submitted ES. The dwellings that are scoped into my assessment are listed below and are identified on the planning application drawings illustrating the phasing and progressive restoration of the Proposed Development (**CD5.03-5.11**):

- Equestrian Centre Bungalow;
- Keepers Cottage;
- North Lodges;
- Castle Barns/White House;
- Four Winds;
- Broom Cottage;
- South Lodges; and
- Brown Westhead Park (dwellings at northern end of road).

Equestrian Centre Bungalow

3.19. Residents of the Equestrian Centre Bungalow have open views across arable farmland from the front of the L-shaped dwelling. The parking area at the front of the dwelling is accessed from a private track that connects Wolverley Road to the south with the Equestrian Centre to the north of the bungalow. A public bridleway follows the track before turning to the northeast, approximately 100m south of the bungalow. The views from the front of the dwelling are experienced from a bedroom window closest to the Appeal Site, with other windows to main living space and the front door, slightly set back (see my annotated photoviews at my **Figures 28 and 29**). As part of the Proposed Development, a temporary 6m high soil bund would be located to the west of the dwelling and would be in-situ for approximately 9 months (the duration of the Phase 1 Works) as illustrated on the Phase 1 Working and Restoration Plan (**CD1.25**). There would be a clearly noticeable but temporary change in outlook resulting from the foreshortening and restriction of views to the wider landscape. The bund has been designed in an arc to acknowledge the proximity of the bungalow, with a separation of approximately 62.5m between the crest of the bund and the dwelling.

3.20. East facing views from the rear of the Bungalow comprise a garden and horse paddocks, with the arable farmland of the Appeal Site set beyond the public bridleway, located on gently undulating land (see existing view at my **Figure 30**). A series of computer-generated photomontages of the Proposed Development at Year 1, 10 and 25, following the commencement of operations have been prepared (see my **Figures 31, 33 & 35**) and these are an update to the photomontages prepared in the submitted ES, as they a) reflect winter conditions and b) reflect latest best practice guidance issued by the Landscape Institute in the latter half of 2019, after the ES photomontages had been prepared.

3.21. The effects upon the visual amenity of residents of the Bungalow are set out under Viewpoint 17 at page 46 of the ES LVIA Technical Appendix (**CD1.04**). I agree with the assessment in the ES that the residents are of high sensitivity, and that the magnitude during the operational phase, with embedded mitigation measures including the screen bunds and phased working

in place, would be Medium. I also agree with the ES conclusion that there would be a Moderate adverse overall effect that would be Not Significant.

- 3.22. In my professional opinion and with reference to similar permitted examples set out above, I assess that the temporary presence of the screen bunds would not have the potential to breach the RVAT as defined in TGN 2/19 best practice guidance (see **Appendix 2**).
- 3.23. Inspector Normington in the first appeal assessed the impacts upon residential visual amenity at §124–127 of his decision and concluded that temporary effects upon the outlook from the Equestrian Bungalow, that of all the properties would be most affected by the proposals *'would not be significant and not of an extent to justify dismissal of this appeal'*.

Keepers Cottage

- 3.24. The dwelling is owned and occupied by the landowner. There are southerly views from the front elevation of the dwelling to Phases 4/5 of the Appeal Site and heavily filtered views towards the Initial Phase of work. (Viewpoint 13 – see my **Figure 19**). Perimeter screen bunds, over 150m distant, would restrict views of the deeper extraction, however the higher-level extraction and restoration would be temporarily visible above these bunds. I judge that the magnitude would be Low (not Very Low as assessed in the ES) and the overall effect on visual amenity Moderate and Not Significant. I assess that the temporary visibility of the screen bunds and activity associated with the construction phase would not have the potential to breach the RVAT.

North Lodges

- 3.25. Members of the landowner's family own the northern side of North Lodge and the southern side is part derelict and not occupied. The garden of the northern occupied lodge is surrounded by a tall conifer hedge and consequently no views of the Proposed Development are predicted. Theoretical views from the southern lodge (part derelict and currently unoccupied) are predicted to experience views from upper floor windows of Phases 4 and 5 that are heavily filtered by garden tree planting and mitigated by the direction of working. I agree with the ES conclusions that the magnitude would be Low and the theoretical effect upon residential visual amenity would be Slight adverse during the operational phase. North Barns are located over 170m from the extraction limit at the closest point and in combination with the limited visibility it is concluded there would be no potential for the RVAT to be breached.

Castle Barns/White House

- 3.26. There are potential views towards Phase 4/5 of the Proposed Development from the rear of dwellings that face south, noting that ground floor views would typically be more restricted by intervening planting, than presented at Viewpoint 9 (my **Figures 12, 13, 15 & 17**). As demonstrated by the photomontage's views of the screen bunds to Phase 4 would form a minor component of the view and closer to the properties and the temporary bunds installed prior to the extraction of Phase 5 would be screened by approximately 7 years growth of advanced woodland planting and reinforced hedgerow planting. The direction of excavation of Phase 4 eastwards would, in combination with the perimeter screen bunds, ensure there would not be views of quarry faces available from the dwellings. I agree with the ES conclusions that the magnitude would be Very Low to Low and the effect upon residential

visual amenity would be Slight to Moderate Adverse and Not Significant during the operational phase.

- 3.27. Views from the access road to Castle Barns (Viewpoint 8 – my **Figure 11** and Viewpoint 10 – my **Figure 18**) would be less restricted than from the dwellings, although partly mitigated by new planting, screen bunds and the direction of working of Phases 4/5. I agree with the ES that there would be up to a Moderate adverse effect that is Not Significant during the operational phase.
- 3.28. In conclusion given the limited visibility of the Proposed Development, largely restricted to the access track, and mitigation measures embedded into the scheme, there would be no potential for the RVAT to be breached from Castle Barns.

Four Winds

- 3.29. The front of the dwelling faces northwest and the garden boundary to Wolverley Road is flanked by tall conifers. Views towards the Site are predicted to be restricted to narrow and heavily filtered glimpses from some upper floor dormer windows. Views of the Proposed Development from the access drive at the junction with Wolverley Road, are effectively restricted by a tall brick wall and planting within the curtilage of Broom Cottage (Viewpoint 31 – my **Figure 47**). The ES assesses the potential views of Phase 4 including perimeter bunds as a low magnitude and a Moderate adverse effect that is Not Significant. Given the very restricted nature of the potential views, likely available from a single dormer window, I judge that heavily restricted views of the Proposed Development would likely be closer to the Very Low than Low Magnitude of change.
- 3.30. In conclusion given the limited visibility of the Proposed Development, largely restricted by conifer screen planting and the wall along Wolverley Road, there would be no potential for the RVAT to be breached from Four Winds.

Broom Cottage

- 3.31. The bungalow is under the control of the applicant and is understood to be currently unoccupied although it was assessed as being occupied in the ES to cover the worse-case scenario. Views northeast from the front of the dwelling would be largely restricted by mature tree planting, with any views of the Phase 4 extraction minimised by Bund 19. As illustrated in Viewpoint 30 (my **Figure 46**) views west from the rear of the dwelling, towards the proposed temporary access road, would be screened by garden planting including an evergreen laurel hedge. Oblique views from the rear elevation and direct views north from the rear garden would be mitigated by the proposed reinforcement of the garden hedgerow and allowing the existing hedge to grown up. Further screening would be provided by low level bunds.
- 3.32. During the operational phase the ES records a Low magnitude and an overall Moderate effect that would be Not Significant, and I agree with this assessment. In conclusion given the limited visibility of the Proposed Development, largely restricted by mature planting and dwelling orientation relative to the Appeal Site, there would be no potential for the RVAT to be breached from Broom Cottage.

South Lodges

- 3.33. Members of the landowner's family own the eastern lodge and the western lodge is part derelict and not occupied. Theoretical views towards the Appeal Site from the western lodge as illustrated in Viewpoint 26 (my **Figure 42**), would be heavily restricted by planting, including evergreen conifers along the rear garden boundary. Ground floor views from the eastern lodge are heavily restricted by a close board fence and upper floor views largely restricted by mature conifers trees and farm buildings.
- 3.34. During the operational phase the ES records a Low magnitude and an overall Moderate effect that would be not significant. I judge that heavily restricted views of the Proposed Development would be closer to the Very Low than Low Magnitude of change. Given the limited visibility of the Proposed Development, largely restricted by planting and/or fencing around the rear gardens, there would be no potential for the RVAT to be breached from either of the lodges.

Brown Westhead Park (Four dwellings at northern end of the road)

- 3.35. Views from dwellings along the central and southern part of Brown Westhead Park are set down several metres below the level of the woodland that borders the Site and consequently there is no potential for views of the Proposed Development. The four dwellings at the northern end of Brown Westhead Park are separated from the Appeal Site by a belt of mature woodland. When trees/shrubs are in leaf it is predicted that views towards the Appeal Site from the rear elevations and gardens of the dwellings would be fully or almost fully screened by the woodland. With reference to Viewpoint 18a and 18b (my **Figures 36 & 37**), taken from the public footpath adjacent to the rear garden boundary of the dwellings, views towards Phases 1-3 in winter (65 to 150m distant) are predicted to be heavily filtered, noting ground floor rear views from the dwellings would be further restricted by garden planting and/or close board fencing with heavily filtered views more likely from upper floor windows. Any heavily filtered views of the mineral extraction would be further minimised by the installation of temporary grass seeded screen bunds.
- 3.36. During the operational phase the ES records a Very Low to Low magnitude and an overall Slight to Moderate effect that would be Not Significant. I agree with this assessment, noting I judge that heavily restricted views of the Proposed Development would be closer to the Very Low than Low Magnitude of change. In conclusion given the limited visibility of the Proposed Development, largely restricted by mature woodland, there would be no potential for the RVAT to be breached from any dwelling on Brown Westhead Park.
- 3.37. The temporary impact upon residential visual amenity with the revised scheme would be reduced for the Equestrian bungalow where the temporary bund seen from the front of the dwelling would be reduced from 6m to 4m in height. Views from the rear would be improved with a reduction in height of the temporary bund along the northern edge of the plant Site from 4/6m to 3m in height (my **Figures 30, 32 & 34**).
- 3.38. The revised scheme would result in some very modest improvements to already heavily restricted views from Castle Barns/White House because a reduced extent of temporary bunding would be required i.e., bund 18 omitted (my **Figures 12, 14 & 16**).

- 3.39. The revised scheme would offer some modest improvements to the visual amenity of South Lodges from the reduction in height from 4m to 3m of temporary screen bund 14.



Appendix 1: Extracts from Trees and Woodland in Worcestershire – Biodiversity and Landscape Guidelines for their Planting and Management Produced by Worcestershire County Council and the Forestry Commission (2020)

L12 Landscape Types: Sandstone Estatelands & Enclosed Commons

Main Geographic Areas:

THE SANDSTONE ESTATELANDS ARE CONCENTRATED ON THE KINVER PLATEAU. THE ENCLOSED COMMONS LIE TO THE EAST OF THE MALVERN HILLS, TO THE SOUTH OF GREAT MALVERN

These two Landscape Types are similar in many ways, differing primarily due to their soils and geology and in their consequent land use and ecological identities. Their tree cover character is however comparable and for the purposes of this document, the two Landscape Types can be considered together.

L12 LANDSCAPE CONTEXT

An open arable landscape with a regular pattern of large fields, defined by straight, late enclosure thorn hedges and straight-sided estate plantation woodlands. The main land use in the Sandstone Estatelands is arable farming.

Farmsteads and wayside dwellings are scattered and dispersed, and discrete settlement clusters are often in the form of small estate villages.

The strong geometric pattern of these landscapes creates a functional and ordered landscape. Large plantation woodlands provide a notable structural component to the landscape, although it is the field pattern that provides the overall unity. Relict areas of heathland in the Kinver area are often of high nature conservation importance.

L12 Landscape Types: Sandstone Estatelands & Enclosed Commons

Main Geographic Areas:

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L12 WOODLAND AND TREE COVER CHARACTER

These are planned landscapes, with large, well-defined woodlands. Single species - especially coniferous - plantation woodlands with their regular boundaries, together with tree belts, provide a key element to the overall character. The landscape is open, with tree cover providing a framework to views, rather than producing a sense of enclosure by blocking them. Hedgerows are typically species-poor, dominated by hawthorn and noticeably lacking in hedgerow trees.

Tree cover along watercourses and drainage ditches is important, usually provided by willows and alder. Parkland features and associated ornamental planting add to the diversity of these landscapes.

The deterioration and reduced size of parklands is often evident, with parkland trees now located in areas of arable cultivation.

L12 GUIDANCE ON PATTERN, SIZE AND LOCATION

There is considerable potential for large new woodland planting throughout both these landscapes, helping to strengthen the estate

character. Planting should ideally be in large blocks (field size and above) following the existing geometric field pattern. Mixed and coniferous woodland will be most appropriate on existing plantation sites and previously un-wooded arable sites. Plantations on ancient woodland sites are an important exception, where native woodland should be restored at the end of the current rotation. Coniferous planting is not recommended within the Malvern Hills AONB.

The woodland pattern can be further enhanced by planting of linear tree-belts, and strengthening planting along watercourses.

Parkland should be restored and conserved.

The distinctive hedgerow pattern should also be restored and conserved, with priority given to primary hedgerows.

Heathlands, a rare habitat of high biodiversity importance, are distributed throughout the Sandstone Estatelands.

Woodland creation should not be considered on heathland areas and remaining areas of permanent grassland.



Appendix 2: Landscape Institute RVAA Technical Guidance Note 2/19

Residential Visual Amenity Assessment (RVAA)

Technical Guidance Note 2/19

15 March 2019

Foreword

1. Introduction
2. Purpose of RVAA
3. Undertaking a RVAA
4. Methodology
5. Summary and Conclusions

Glossary

Appendix 1 – Planning Precedent

This Technical Guidance Note has been prepared in support of landscape and other appropriately qualified professionals who are engaged in RVAA. It is not prescriptive but aims to improve standards and it promotes a logical approach which should contribute to well informed decision making.

Foreword

The third edition of the Guidelines for Landscape and Visual Impact Assessment, GLVIA3, published in 2013, is well established as providing ‘best practice guidance’ when undertaking landscape and visual impact assessment (LVIA). With respect to visual impact the focus of GLVIA3 and LVIA is on public views and public visual amenity.

Residential Visual Amenity Assessment (RVAA) is a stage beyond LVIA and focusses exclusively on private views and private visual amenity. RVAA has become more common particularly when development proposals are the subject of a planning appeal. A RVAA may be used by the decision maker when weighing potential effects on Residential Amenity in the planning balance.

This Technical Guidance Note is prepared in support of landscape and other appropriately qualified professionals who are engaged in RVAA. It is not prescriptive but aims to improve standards. It promotes a logical approach which should contribute to well informed decision making.

I wish to express my thanks to all those who responded to the consultation draft, contributed by offering suggestions and submitted examples of RVAA*.

Marc van Grieken FLI

* Examples of RVAAs and their presentation tools may be added to the LI website or included in a revised edition of this note.

1. Introduction

Context

- 1.1 This Technical Guidance Note has been prepared to assist landscape professionals when undertaking Residential Visual Amenity Assessments (RVAA). People's visual amenity is defined in Guidelines for Landscape and Visual Impact Assessment – Third Edition, 2013 (GLVIA3)¹ as:

“the overall pleasantness of the views they enjoy of their surroundings”

- 1.2 In this document, Residential Visual Amenity means: ‘the overall quality, experience and nature of views and outlook available to occupants of residential properties, including views from gardens and domestic curtilage’. Residential Visual Amenity is one component of ‘Residential Amenity’.

Views and visual amenity in the planning process

- 1.3 The planning system is designed to act in the public interest when making planning decisions. Nevertheless, effects on private interests are considered by planners in the ‘planning balance’. This includes weighing effects on Residential Amenity.
- 1.4 Residential Amenity comprises a range of visual, aural, olfactory and other sensory components. Development can cause effects on one or more components of Residential Amenity, for example effects of noise, dust, access to daylight, vibration, shadow flicker, outlook and visual amenity. Sometimes this is referred to as ‘living conditions’.
- 1.5 Changes in views and visual amenity are considered in the planning process. In respect of private views and visual amenity, it is widely known that, no one has ‘a right to a view.’ This includes situations where a residential property’s outlook / visual amenity is judged to be ‘significantly’ affected by a proposed development, a matter which has been confirmed in a number of appeal / public inquiry decisions. (see also **Appendix 1 Planning Precedent**).
- 1.6 It is not uncommon for significant adverse effects on views and visual amenity to be experienced by people at their place of residence as a result of introducing a new development into the landscape. In itself this does not necessarily cause particular planning concern. However, there are situations where the effect on the outlook / visual amenity of a residential property is so great that it is not generally considered to be in the public interest to permit such conditions to occur where they did not exist before.
- 1.7 Appeals / public inquiries often consider the visual amenity component of Residential Amenity. Notably there have been many decisions relating to wind energy developments, perhaps not

¹ Guidelines for Landscape and Visual Impact Assessment, Third edition, Landscape Institute and Institute of Environmental Management and Assessment, 2013

surprising given the height and size of modern wind turbines. A selection of decision extracts is included as background information in **Appendix 1**.

- 1.8 Judgements formed in respect of Residential Visual Amenity should not be confused with the judgement regarding Residential Amenity because the latter is a planning matter. Nor should the judgement therefore be seen as a 'test' with a simple 'pass' or 'fail'.
- 1.9 Landscape professionals should confine their judgement to Residential **Visual** Amenity. The final judgement regarding effect on Residential Amenity (which to greater or lesser extent may be informed by the judgement formed by the landscape professional in respect of Residential **Visual** Amenity) is a planning matter and requires weighing all factors and likely effects (positive as well as negative) in the 'planning balance'. This is a matter for qualified planners and not for landscape professionals.

2. Purpose of RVAA

- 2.1 The purpose of RVAA is to provide an informed, well-reasoned answer to the question: ‘is the effect of the development on Residential Visual Amenity of such nature and / or magnitude that it potentially affects ‘living conditions’ or Residential Amenity’? In this guidance this is referred to as the Residential Visual Amenity Threshold.
- 2.2 The Residential Visual Amenity Threshold remains a constant irrespective of the type and nature of the development being assessed in the RVAA. However, the factors which might contribute to the threshold being reached, or the way in which these are expressed, may be different for different types of development (for example, one might use terms such as ‘overwhelming/overbearing’ for tall structures, or ‘overly intrusive’ for a development overlooking a garden or principal room). Determining whether the threshold has been reached requires informed professional judgement. It is the process by which informed professional judgement is engaged to reach a conclusion regarding the Residential Visual Amenity Threshold that is the subject of this Technical Guidance Note. It is important that assessors communicate their conclusions in a measured, rational manner. In keeping with recommendations in GLVIA3 this should be done using succinct narrative as opposed to a numerical tabular assessment format. Tables summarising narrative can, however, be very helpful.
- 2.3 It should be noted that RVAA does not consider, or provide information on, the other components of Residential Amenity referred to above such as noise and air quality. Decision makers, practitioners and others should consider RVAA alongside other relevant documents relating to Residential Amenity that may be provided in support of an application.

RVAA and EIA

- 2.4 A LVIA prepared in accordance with GLVIA3 provides an appropriate starting point for a RVAA. LVIA usually forms part of Environmental Impact Assessment (EIA).
- 2.5 LVIA findings of significant (adverse) effects on outlook and /or on visual amenity at a residential property do not automatically imply the need for a RVAA. However, for properties in (relatively) close proximity to a development proposal, and which experience a high magnitude of visual change, a RVAA may be appropriate, and may be required by the determining / competent authority. The scope of a RVAA is normally agreed with the determining / competent authority.

3. Undertaking a RVAA

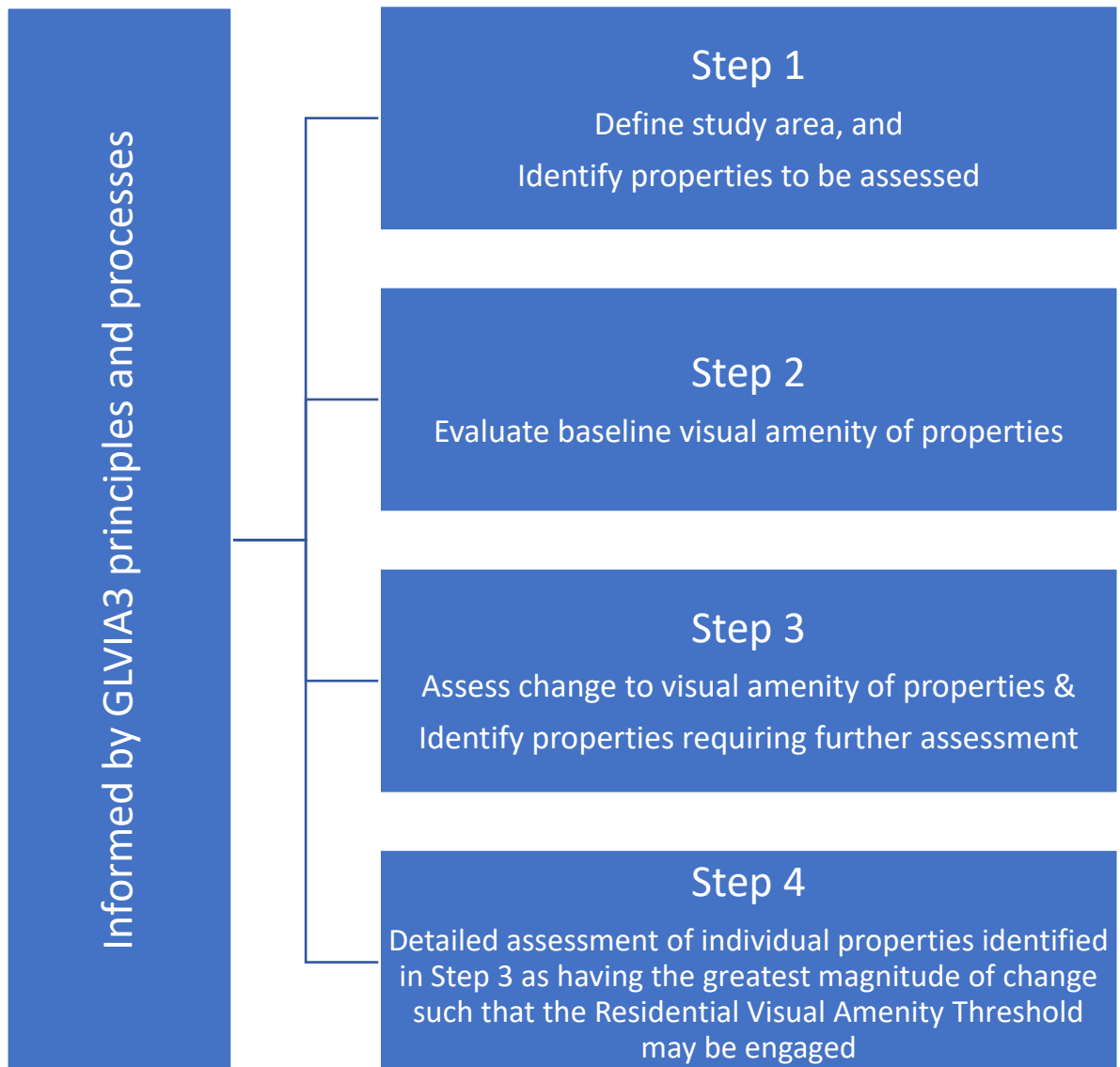
Approach

- 3.1 In terms of general approach RVAA should provide a transparent, objective assessment, grounded in GLVIA3 principles and processes, evaluating and assessing the likely change to the visual amenity of a dwelling resulting from a development. RVAA requires assessors to draw a conclusion whether the effect of the development on visual amenity and / or views from the property reaches the Residential Visual Amenity Threshold. Forming such a judgement requires experience in addition to thorough and logical evaluation and reasoning. Experience may be gained, for example, through peer review of the assessment by another landscape architect, or by visiting completed developments and checking if the changes in views and visual amenity were as predicted. Another form of reviewing one's judgement may be through analysing the information and reasoning used by planning Inspectors (England, Wales and Northern Ireland) and Reporters (Scotland) in reaching their findings and conclusions when they ascertain if the Residential Visual Amenity Threshold has been reached. However, assessors should not stray into the realms of planning balance.

Process

- 3.2 This guidance recommends that a full RVAA comprises four 'steps' and in situations where all four are engaged this will typically involve some iteration of the third and fourth steps. The first three steps fall broadly within the normal scope of LVIA consisting of an assessment of the magnitude and significance of visual effect (in the EIA context) and change to visual amenity likely to be experienced by occupants at those individual residential properties which were identified while scoping the RVAA.
- 3.3 The fourth and final step of RVAA requires a further assessment of change to visual amenity examining whether the Residential Visual Amenity Threshold is likely to be, or has been, reached. Whether or not this final step is engaged depends on the circumstances specific to the case. It will generally be clarified either during pre-application consultations relating to the accompanying LVIA, or subsequent to it during the RVAA. In any event RVAA should be considered supplementary to LVIA following on from, and informed by, the latter's findings and conclusions.
- 3.4 Consultation with the determining / competent authority is recommended to ensure that the scope of a RVAA accompanying an application is agreed in advance. In practice, a RVAA is generally only justified when the effect on Residential Visual Amenity could reach the Residential Visual Amenity Threshold.
- 3.5 The RVAA process is summarised below in **Figure 1 RVAA Process** and described in more detail in the following Methodology section.

Figure 1 RVAA Process



The relationship between GLVIA3 and this RVAA guidance

- 3.6 The RVAA approach and methodology set out in this document accords with GLVIA3 principles and processes. Paragraph 6.1 (page 98) of GLVIA3 states:

“An assessment of visual effects deals with the effects of change on views available to people and their visual amenity. The concern here is with assessing how the surroundings of individuals or groups of people may be specifically affected by changes in the content and character of views as a result of the change or loss of existing elements of the landscape and/or introduction of new elements.”

- 3.7 However, it should be stressed that, RVAA is distinct from LVIA as noted in GLVIA3 at paragraph 6.17 (pages 107 and 109), which states:

“Effects of development on private property are frequently dealt with mainly through ‘residential amenity assessments’. These are separate from LVIA although visual effects assessment may sometimes be carried out as part of a residential amenity assessment, in which case this will supplement and form part of the normal LVIA for a project. Some of the principles set out here for dealing with visual effects may help in such assessments but there are specific requirements in residential amenity assessment.”

- 3.8 RVAA is concerned specifically with the effects of change to the views and visual amenity available to people at their place of residence. As explained above the key difference between RVAA and LVIA is that RVAA focuses on private visual amenity at individual properties whilst LVIA focusses on public amenity and views. In relation to private property and residential receptors GLVIA3 states at paragraph 6.36 (page 114):

“The issue of whether residents should be included as visual receptors and residential properties as private viewpoints has been discussed in Paragraph 6.17. If discussion with the competent authority suggests that they should be covered in the assessment of visual effects it will be important to recognise that residents may be particularly susceptible to changes in their visual amenity - residents at home, especially using rooms normally occupied in waking or daylight hours, are likely to experience views for longer than those briefly passing through an area. The combined effects on a number of residents in an area may also be considered, by aggregating properties within a settlement, as a way of assessing the effect on the community as a whole. Care must, however, be taken first to ensure that this really does represent the whole community and second to avoid double counting of the effects”.

- 3.9 It should be noted that ‘combined effects on a number of residents’ referred to above, by means of ‘aggregating properties within a settlement’ is a matter of LVIA and not of RVAA.

4. Methodology

- 4.1 The recommended four RVAA steps should provide a transparent, robust framework and reporting structure for the assessment, one which is grounded in established GLVIA3 principles and processes, as summarised below.

RVAA Steps

1. Definition of study area and scope of the assessment – informed by the description of the proposed development², defining the study area extent and scope of the assessment with respect to the properties to be included.
 2. Evaluation of baseline visual amenity at properties to be included having regard to the landscape and visual context and the development proposed.
 3. Assessment of likely change to visual amenity of included properties in accordance with GLVIA3 principles and processes.
 4. Further assessment of predicted change to visual amenity of properties to be included forming a judgement with respect to the Residential Visual Amenity Threshold.
- 4.2 The RVAA steps are described in more detail as follows.

Step 1 – Definition of study area and scope of the assessment

- 4.3 The type and nature of development proposal and its likely effects informs the determination of both the need for, and the scope of, a RVAA. The description of the development should provide a robust, transparent basis for defining the extent of the study area and the scope, including which properties to include in the assessment. Mapping techniques such as Zone of Theoretical Visibility (ZTV) analysis are useful in this regard. The description of the development will be substantially the same as that used in the LVIA, but may be more focussed on a more limited geographic area.
- 4.4 There are no standard criteria for defining the RVAA study area nor for the scope of the RVAA, which should be determined on a case-by-case basis taking both the type and scale of proposed development, as well as the landscape and visual context, into account.
- 4.5 As a starting point the study area will typically be established using the general approach recommended in GLVIA3 (see Chapter 6, paragraph 6.2, page 98) and using such aids as ZTV mapping³. This should focus on identifying the properties to be included for assessment and should be proportionate to the proposed development in question having regard to the

² Type and nature of the development having regard to scale, form, massing etc and existing landscape context.

³ GLVIA3, paragraph 5.2, page 70, and paragraphs 6.2, page 98, and 6.7-6.12, pages 101-103 etc.

landscape and visual context. Simply being able to see a proposed development from a property is no reason to include it in the RVAA.

- 4.6 Over the last few years a large number of RVAAs have been prepared, especially relating to wind energy proposals. Local Planning Authorities (LPA) have frequently requested 'study areas' of up to 3 or even 5 km. The logic for these (exceptionally) large study areas was based on certain findings of LVIAs which identified significant visual effects from 'settlements' or from clusters of residential properties within this range. This fails to recognise that RVAA is a stage beyond LVIA. Consequently, many RVAAs, including those of windfarms with large turbines (150m and taller), have included disproportionately extensive study areas incorporating too many properties. This appears to largely be based on the misconception that if a significant effect has been identified in the LVIA adjacent to a property at 2.5km it will also potentially lead to reaching the Residential Visual Amenity Threshold.
- 4.7 When assessing relatively conspicuous structures such as wind turbines, and depending on local landscape characteristics, a preliminary study area of approximately 1.5 - 2 km radius may initially be appropriate in order to begin identifying properties to include in a RVAA. However, other development types including potentially very large but lower profile structures and developments such as road schemes and housing are unlikely to require RVAA, except potentially of properties in very close proximity (50-250m) to the development. For example, when assessing effects of overhead transmissions lines, generally only those properties within 100 – 150 metres of the finalised route are potentially considered for inclusion in a RVAA.
- 4.8 Properties are normally assessed individually, but if their outlook and / or views are in all aspects the same (for example if a development is visible from the rear gardens only of a small row of houses) they could be assessed as one (group). This will be at the discretion of the assessor and will require a clear explanation of the reason for the grouping or clustering.

Step 2 – Evaluation of Baseline Visual Amenity

- 4.9 The next step involves describing and evaluating the baseline visual conditions at the properties to be included, informed as appropriate by desk study and fieldwork. Fieldwork is briefly discussed at the end of this section.
- 4.10 The existing (or baseline) visual amenity of a residential property should be described in terms of the type, nature, extent, and quality of views that may be experienced 'in the round' (see glossary) from the dwelling itself, including its 'domestic curtilage' (domestic gardens and access drives).
- 4.11 When evaluating the baseline, it is recommended that the following aspects are considered:
- the nature and extent of all potentially available existing views from the property and its garden / domestic curtilage, including the proximity and relationship of the property to surrounding landform, landcover and visual foci. This may include primary / main views from the property or domestic curtilage, as well as secondary / peripheral views; and

- views as experienced when arriving at or leaving the property, for example from private driveways / access tracks.
- 4.12 In accordance with GLVIA3 residents at home are considered, amongst ‘visual receptors’, to be the most ‘susceptible’ to change⁴ and to attach most value to their private, views and visual amenity. They are therefore considered to be most sensitive⁵.

Step 3 – Assessment of likely change to visual amenity of properties

- 4.13 The third step in the process assesses the magnitude and significance of likely visual effect at the included properties. Effects are examined in accordance with GLVIA3 principles and processes⁶, considering the ‘nature of the receptor’ (‘sensitivity’ comprising ‘value’ and ‘susceptibility’) with the ‘nature of effect’. The assessment findings may be recorded in both narrative and tabular form as appropriate, but the conclusion should be fully explained. The aim of Step 3 is to identify those properties requiring further assessment in Step 4 in relation to the Residential Visual Amenity Threshold judgement.
- 4.14 Considerations which provide a framework for describing and evaluating the predicted magnitude of visual change and related visual amenity effects which may lead to the property being considered in Step 4 include:
- Distance of property from the proposed development having regard to its size / scale and location relative to the property (e.g. on higher or lower ground);
 - Type and nature of the available views (e.g. panoramic, open, framed, enclosed, focused etc.) and how they may be affected, having regard to seasonal and diurnal variations;
 - Direction of view / aspect of property affected, having regard to both the main / primary and peripheral / secondary views from the property;
 - Extent to which development / landscape changes would be visible from the property (or parts of) having regard to views from principal rooms, the domestic curtilage (i.e. garden) and the private access route, taking into account seasonal and diurnal variations;
 - Scale of change in views having regard to such factors as the loss or addition of features and compositional changes including the proportion of view occupied by the development, taking account of seasonal and diurnal variations;
 - Degree of contrast or integration of new features or changes in the landscape compared to the existing situation in terms of form, scale and mass, line, height, colour and texture, having regard to seasonal and diurnal variations;
 - Duration and nature of the changes, whether temporary or permanent, intermittent or continuous, reversible or irreversible etc.; and

⁴ GLVIA3, paragraph 6.33

⁵ Ibid, paragraphs 6.31-6.36

⁶ Footnote ‘13’ (first instance) missing in consultation draft?

- Mitigation opportunities – consider implications of both embedded and potential further mitigation.
- 4.15 This step will typically involve both desk study and detailed fieldwork but is unlikely to require visits to individual properties which, for the purposes of this step, can generally be assessed from the nearest publicly available vantage / access point. Where this is not feasible then visits to certain individual properties (or clusters of) may be appropriate.
- 4.16 Step 3 should conclude by identifying which properties should be assessed further in the final step in order to reach a judgement regarding the Residential Visual Amenity Threshold.

Step 4 – Forming the RVAA judgement

- 4.17 The final step of RVAA involves a more detailed examination of the predicted effects on the visual amenity at those properties identified for further assessment in the previous step.
- 4.18 There is an important distinction between this concluding step of RVAA and the preceding one. In Step 3 the assessor has reached a conclusion with respect to magnitude and (EIA) significance of visual effect, and the change in visual amenity at the property. In this final step, and only for those properties where the largest⁷ magnitude of effect has been identified, a further judgement is required. This concluding judgement should advise the decision maker whether the predicted effects on visual amenity and views at the property are such that it has reached the Residential Visual Amenity Threshold, therefore potentially becoming a matter of Residential Amenity. This judgement should be explained in narrative setting out why the effects are considered to reach the Residential Visual Amenity Threshold. Equally, judgements should explain why the threshold has not been reached.
- 4.19 The Residential Visual Amenity Threshold judgement should be communicated in a coherent manner, using text with clear descriptions, employing terminology which is commonly understood and descriptors which may have previously been used. Assessors should ensure that their judgements are unambiguous and have a clear, rational conclusion. Some examples of descriptions and descriptors that might be used include: ‘blocking the only available view from a property’, or ‘overwhelming views in all directions’; and ‘unpleasantly encroaching’ or being ‘inescapably dominant from the property’. It may also be useful to employ bespoke graphics such as annotated aerial photographs and wireframe visualisations to aid this further assessment in Step 4.
- 4.20 The key point regarding Step 4 is that the judgement required in this final, concluding step goes beyond the assessment undertaken in Step 3 which is restricted to judging the magnitude and significance of visual effect, typically as a supplement to the accompanying LVIA.

⁷ In line with GLVIA3 best practice (page 38, paragraph 3.27, point 2), visual impact magnitude is expressed on a sliding scale from minimum to maximum, typically using descriptors such as negligible, small, medium and large. Being a continuum, each of these has its upper and lower limits. It is important for assessors to keep in mind that RVAA is only concerned with those properties in the highest magnitude category.

Fieldwork and Associated Activities

- 4.21 In keeping with advice on LVIA set out in GLVIA3 it is standard practice to carry out fieldwork and use various tools when undertaking a RVAA. Fieldwork will be focussed on those properties identified for inclusion in the RVAA in Step 1; for those properties included in Step 4 it may also include visiting those properties subject to occupier consent. It requires prior preparation (desk study) and appropriate tools and materials such as drawings, maps and visualisations etc. Dependent on assessment scope and consultation feedback more than one visit may be required. Fieldwork will typically include the following:
- **Fieldwork** – Initial fieldwork may be used during Steps 1-3 to evaluate and assess the general visual amenity of the included properties, based on assessment scope and consultation feedback. The scoping of properties from publicly accessible locations is usually appropriate. The initial fieldwork would typically form the basis for identifying those dwellings to be assessed in more detail in Step 4, namely those which may require detailed inspection of views and visual amenity, both from inside the property as well as from its garden and general curtilage;
 - **Visualisation** – Preparation of suitable graphic and / or visual material such as ZTVs and wirelines may be appropriate for use during fieldwork and as an aid to assessment, in addition to aiding presentation of RVAA findings. Depending on the circumstances and consultation responses, and feedback from determining / competent authorities, the type and nature of visualisations may vary. In any event visualisations should be proportionate to the development proposal in question and appropriate to the project phase / assessment stage, and considered in the context of relevant best practice guidance including LI Technical Guidance Note 02/17⁸ Such visualisations may be shared with residents at the appropriate stage when documents become publicly available, or as agreed between the parties and their clients; and
 - **Property Inspection** – the purpose of the property inspection is to gather information pertinent to the assessment of Residential Visual Amenity. There are no standard protocols for property inspections but best practice dictates that they should be arranged between the parties on a case by case basis with the involvement of the determining / competent authority as and when appropriate. In the event that access to private property cannot be obtained, and having employed best endeavours to do so, assessment can and should be undertaken from appropriate publicly accessible locations.
- 4.22 Communication with local residents needs to be carefully planned and executed with sensitivity, demonstrating respect for residents' privacy. It is recommended that site visits and property inspections be conducted in pairs. Assessors should make it clear to residents that, although he/she is unable to comment on the findings during the site visit, the RVAA report will be made publicly available at the appropriate stage in the planning process.
- 4.23 Residents of private property are likely to be concerned regarding potential visual effects and change to the visual amenity of their homes. This concern is reflected in RVAA best practice which, as with LVIA and in line with advice in GLVIA3, considers residential receptors to be of

⁸ 'Visual representation of development proposals', Landscape Institute Technical Guidance note 02/17 (31 March 2017)

the highest visual sensitivity (high susceptibility and high value)⁹. It is important that residents are made aware of this and how to make representations to the decision maker / competent authority regarding the proposed development in order to express any concerns felt.

Seasonal and Diurnal Considerations

- 4.24 Seasonal and diurnal variation (including lighting impacts) are factors that need consideration when assessing the visual amenity baseline and the likely visual effects resulting from a development proposal. Both these aspects form part of the evaluation factors / objective considerations set out in Step 3 of the RVAA process and should be dealt with in line with advice contained in GLVIA3 (refer paragraph 6.12, page 103 and paragraph 6.28, page 112).

Cumulative Considerations

- 4.25 Cumulative impacts on the landscape and visual resource are matters to be addressed in the LVIA of a proposed development in accordance with recommendations in GLVIA3 (refer Chapter 7). As a rule, future cumulative visual effects are not assessed in RVAA, the focus of which concerns effects on existing visual amenity. Existing cumulative development will form part of the baseline visual amenity considered in Step 2 of RVAA; future cumulative development is generally not a RVAA consideration. However, in certain circumstances, it may be appropriate to consider a particular cumulative proposal which is effectively already part of the existing landscape baseline. For example: where an extension to an existing development is consented, or under construction, but not yet built; or where two developments are proposed simultaneously. Such circumstances should be dealt with on a case by case basis in consultation with the competent / determining authority.

RVAA Presentation Techniques

- 4.26 Examples of RVAA graphics and presentation techniques generally can be found on the Directorate for Planning and Environmental Appeals (DPEA) website¹⁰ (for Scotland) and the Planning Inspectorate¹¹ and Department for Communities and Local Government websites¹² (for England & Wales). Going forward practitioners may add examples of RVAAs and presentation tools to the LI website subject to client approvals and anonymising of individual properties. Meanwhile the aforementioned websites contain examples of RVAAs in the public domain made available by planning and other decision-making authorities.

⁹ However, it is important to note that, RVAA is distinct from LVIA in that its ultimate purpose is to provide a further assessment of residential visual amenity concluding with a judgement in relation to the Residential Visual Amenity Threshold taking any previous LVIA as the starting point, as explained in Section 3 Undertaking a RVAA above.

¹⁰ <http://www.dpea.scotland.gov.uk/>

¹¹ <https://acp.planninginspectorate.gov.uk/>

¹² <https://www.planningportal.co.uk/>

5. Summary and Conclusions

- 5.1 The purpose of carrying out a Residential Visual Amenity Assessment (RVAA) is to form a judgement, to assist decision makers, on whether a proposed development is likely to change the visual amenity of a residential property to such an extent that it becomes a matter of 'Residential Amenity'. Potential effects on Residential Amenity are a planning matter and should not be judged by landscape architects.
- 5.2 The threshold at which a residential property's visual amenity becomes an issue of Residential Amenity has sometimes been described as the point when 'the effect(s) of the development on the 'private interest' is so great that it becomes a matter of 'public interest''. The planning system is only concerned with public interest. In certain circumstances, however, the effect of the development is so great that it is not in the public interest to create or allow 'such conditions' where they did not exist before. This is sometimes referred to as the 'public interest test'. However, this is a legal / planning term and not recommended for use by landscape practitioners. This guidance uses the term Residential Visual Amenity Threshold.
- 5.3 The recommended approach to undertaking a RVAA is grounded in principles and process set out in GLVIA3. The recommended method for undertaking a RVAA involves four steps. It follows a structured assessment process employing a range of objective criteria to underpin the ultimate professional judgement regarding the Residential Visual Amenity Threshold. The aim is to identify those residential properties whose visual amenity has the potential to be affected to the largest magnitude of impact. Properties with the highest magnitude of effect are assessed further culminating in a professional judgement as to whether the Residential Visual Amenity Threshold is likely to be reached at this property or not.
- 5.4 There are no hard and fast rules or criteria for making this judgement, but it does require objective, logical evaluation and reasoning, and must be explained in clear and common language. A RVAA judgement so executed will contribute to well informed decision making.

Glossary

The following glossary of terms commonly used in relation to RVAA is intended to supplement that provided in GLVIA3.

Planning balance

When forming a judgement if a development is acceptable or not, all relevant planning matters pertaining to the proposed development (both planning benefits and disbenefits) will be given, greater or lesser, weight in forming the judgement. This is often referred to as the 'planning balance'.

'In the round'

'In the round' means the combined or all-round visual amenity experience at, or from a property. Visual amenity is *"the overall pleasantness of the views they enjoy of their surroundings"* (paragraph 2.20, page 21; GLVIA)

Judgement

Judgement in RVAA (as in LVIA) means: the considered, well-reasoned, informed and dispassionate opinion of the qualified professional (refer GLVIA3 paragraphs 2.21-2.26, pages 21-22).

Outlook

The outlook of a property incorporates the views from, and visual amenity of, all aspects of the building and its domestic curtilage. Different 'aspects' of a property's outlook may be identified and assessed, namely its 'main' or 'front' aspect, as opposed to its 'side' or 'rear' aspects.

Overbearing

The Department for Communities and Local Government online planning portal defines 'overbearing' as *"the impact of a development or building on its surroundings, particularly a neighbouring property, in terms of its scale, massing and general dominating effect"*¹³.

Principal room

The principal room(s) of a residential property is a living room, or one fulfilling the same primary use role. In some properties this room may not be located on the ground floor, but on an upper storey. A conservatory may also fulfil a living room / primary use role depending on the circumstances and the internal arrangement of the residence.

¹³ https://www.planningportal.co.uk/directory_record/412/overbearing

Domestic curtilage

The domestic gardens and access drives / roads immediately surrounding a residential property including patios, terraces, courtyards and forecourts. The domestic curtilage does not extend to surrounding paddocks and other peripheral land / outbuildings within the property ownership, or to public or private approach roads.

Public interest

The ‘public interest’ is a legal term which the Merriam Webster online law dictionary defines as “the general welfare and rights of the public that are to be recognized, protected, and advanced”¹⁴. The Law Society online legal glossary defines it as “the overall welfare of the general public.”¹⁵

Residential Amenity

The Merriam Webster online law dictionary defines ‘amenity’ as “the quality of being pleasant or agreeable”, and further in relation to property as “the attractiveness and value of real estate or of a residential structure.”¹⁶

Residential Visual Amenity

The overall quality, experience and nature of views and outlook available to occupants of residential properties, including views from gardens and domestic curtilage. It represents the visual component of Residential Amenity.

Residential Visual Amenity Threshold

The threshold at which the visual amenity of a residential property is changed and adversely affected to the extent that it may become a matter of Residential Amenity and which, if such is the case, competent, appropriately experienced planners will weigh this effect in their planning balance.

Scenic quality

The quality of a view in terms of ‘scenery’; the scenic attributes of a view.

Significant effect / Significantly affected

When undertaking an LVIA as part of an EIA the assessor is required to report on all effects and to identify ‘significant’ effects. A LVIA should explain which of the range of effects reported are ‘significant’ in the context of EIA and why.

¹⁴ <https://www.merriam-webster.com/dictionary/interest#legalDictionary>

¹⁵ <https://www.lawsociety.org.uk/for-the-public/legal-glossary/#P>

¹⁶ <https://www.merriam-webster.com/dictionary/amenity>

Visual amenity

The overall pleasantness of the views available to people of their surroundings which provide an attractive visual setting or backdrop for the enjoyment of activities of those living, working and recreating, visiting or travelling through an area (GLVIA3 Glossary, page 158).

Visual effects

Effects on specific views and on the general visual amenity experienced by people (GLVIA3 Glossary, page 158).

Visual impacts

The action which results in / causes the effect. For example, introducing a built structure into an undeveloped landscape will have an impact on the landscape and views which will be experienced by people as effects on local landscape character and visual amenity. It is the purpose of LVIA to judge the magnitude and significance of the resulting landscape and visual effects (see next entry)

Visual impacts versus effects

GLVIA3 distinguishes between landscape and visual impacts and effects. Paragraph 1.15 (page 9) *“This guidance generally distinguishes between the ‘impact’, defined as the action being taken, and the ‘effect’, defined as the change resulting from that action, and recommends that the terms should be used consistently in this way.”*

Appendix 1 – Planning Precedent

Introduction

- A1.1 This Appendix is intended to provide some background to the RVAA guidance with reference to inquiry / appeal decisions that illustrate how Inspectors and Reporters have reached conclusions in respect of Residential Visual Amenity.

Judgement

- A1.2 In the Baillie decision Reporter David Russell concluded that assessing effects on private visual amenity is ultimately a matter of judgement¹⁷:

“Any assessment of acceptability in these circumstances relies on judgement rather than measurement.”

- A1.3 And:

“Given that I have found that this wind farm, because of its visual prominence and proximity, would have a significant detrimental impact on the visual amenity of some of the people living nearby, and as the impact would be long term, that interpretation would appear to preclude the granting of consent for this application. However, the guidance also confirms that proposals are to be considered on a case by case basis, and I consider that this inevitably requires a judgement to be reached on the acceptability of the impacts identified.”

Reasoning

Clocaenog Forest Windfarm

- A1.4 In the Clocaenog Forest windfarm Report of Findings in para 4.237¹⁸, the inspector concludes:

However, for three properties there is a risk that residential amenity would be affected to such a degree that the PPW standard of "good neighbourliness" would not be achieved and there would be conflict with Policy NTE/7 of the CLDP, and VOE 9 of the DLDP. This level of impact, which could make a property an unattractive place in which to live, has been found to be against the public interest and therefore unacceptable in Inspectors' appeal decisions²⁶⁶, and permission has been refused. I therefore consider that the adverse impact on the residential amenity of the three dwellings is important and relevant matter to be weighed against the benefits of the project under s104(7) of the PA2008.

- A1.5 The subsequent decision letter by the Secretary of State¹⁹ concludes:

“The Secretary of State agrees that the arguments in this case and in respect of this particular issue are finely balanced. He agrees with the ExA's view that it is not possible

¹⁷ Erection of wind farm at Bardnaheigh Farm, Westfield, by Thurso (Baillie). Case reference IEC/3/105/3, 17th August 2009

¹⁸ Clocaenog Forest Wind Farm, Examining Authority's Report of Findings and Conclusions and Recommendation to the Secretary of State for Energy and Climate Change, Wendy J Burden BA(Hons) DipTP MRTPI Examining Authority Clocaenog Forest Windfarm DCO

¹⁹ Decision letter 12 September 2014, 12.04.09.04/217C, paragraph 4.14

to mitigate the impacts of the wind farm on the three properties in question. He considers the matter has been considered appropriately during the examination of the application and that residential amenity is not an issue of sufficient magnitude to justify the withholding of consent given the benefits of the Development. In these circumstances, he considers that the interference with the human rights of the occupants of the three properties would be proportionate and justified in the public interest.”

Burnthouse Farm Windfarm

- A1.6 At the Burnthouse Farm windfarm inquiry²⁰ Inspector Jill Kingaby stated at paragraph 119 of her report that:

“No individual has the right to a particular view but there comes a point when, by virtue of the proximity, size and scale of a given development, a residential property would be rendered so unattractive a place to live that planning permission should be refused. The test of what would be unacceptably unattractive should be an objective test.”

- A1.7 At paragraph 120 of the Burnthouse Farm report the Inspector comments further on the threshold for determining unacceptable effects on visual amenity:

“There needs to be a degree of harm over and above an identified substantial adverse effect to take a case into the category of refusal in the public interest. Changing the outlook from a property is not sufficient.”

- A1.8 In the conclusions on her report Inspector Kingaby addressed the living conditions of neighbouring occupiers and stated that:

“The methodology for assessing the visual impact on residential occupiers was considered fully at the Inquiry. I accept that the approach used by Inspectors in the Enifer Downs, Poplar Lane and Carland Cross Appeals and elsewhere should not be regarded as a mechanistic ‘test’ and has no status in terms of being part of statutory documentation or planning policy or guidance. However, it seems to me that a logical, transparent and objective approach to assessing visual impact should be adopted”.

- A1.9 The Inspector also observed that judging serious harm to living conditions which might lead to a recommendation for planning permission to be refused in the public interest is a more stringent requirement than identifying of a significant adverse effect in EIA, stating:

“I consider that when assessing the effect on visual outlook, it is helpful to pose the question ‘would the proposal affect the outlook of these residents to such an extent i.e. be so unpleasant, overwhelming and oppressive that this would become an unattractive place to live?’”

- A1.10 Inspector Kingaby’s recommendations were endorsed by the Secretary of State (SoS) and summarised in the SoS decision letter dated 6 July 2011 at paragraphs 10 and 11.

²⁰ Burnthouse Farm Windfarm, SoS Decision (APP/D0515/A/10/2123739) 6th July 2011

Langham Windfarm

A1.11 In the Langham Windfarm appeal decision²¹ the Inspector stated that

“The planning system controls development in the public interest, and not in the private interest. The preservation of open views is a private interest, which the planning regime is not intended to protect. But public and private interests may overlap. The issue is whether the number, size, layout and proximity of wind turbines would have such an overwhelming and oppressive visual impact on a dwelling and its amenity space that they would result in unsatisfactory Living Conditions, and so unacceptably affect amenities and the use of land and buildings which ought to be protected in the public interest.”

Enifer Downs Windfarm

A1.12 The issue of Residential Visual Amenity was first addressed by Inspector Lavender in the Enifer Downs appeal decision²² in which he observed that:

“when turbines are present in such number, size and proximity that they represent an unpleasantly overwhelming and unavoidable presence in main views from a house or garden, there is every likelihood that the property concerned would come to be widely regarded as an unattractive and thus unsatisfactory (but not necessarily uninhabitable) place in which to live.”

A1.13 In coming to his decision Inspector Lavender considered the extent to which:

- the visual experience from the dwelling and garden may be comparable to “actually living within the turbine cluster” rather than a turbine cluster being present close by; or
- the experience of the turbines is “unpleasantly overwhelming and unavoidable”.

Carland Cross Windfarm

A1.14 In the subsequent Carland Cross decision²³ Inspector Lavender elaborated and qualified his position stating:

“The planning system is designed to protect the public rather than private interests, but both interests may coincide where, for example, visual intrusion is of such magnitude as to render a property an unattractive place in which to live. This is because it is not in the public interest to create such living conditions where they did not exist before. Thus I do not consider that simply being able to see a turbine or turbines from a particular window or part of the garden of a house is sufficient reason to find the visual impact unacceptable (even though a particular occupier might find it objectionable).”

²¹ Langham Windfarm, Appeal Decision APP/D2510/A/10/2130539. 29th September 2011

²² Enifer Downs Windfarm, Appeal Decision APP/X2220/A/08/2071880. 28th April 2009

²³ Carland Cross Windfarm, Appeal Decision APP/D0840/A/09/2103026 19th Jan 2010

Preston New Road Exploration Works (Appeal A)

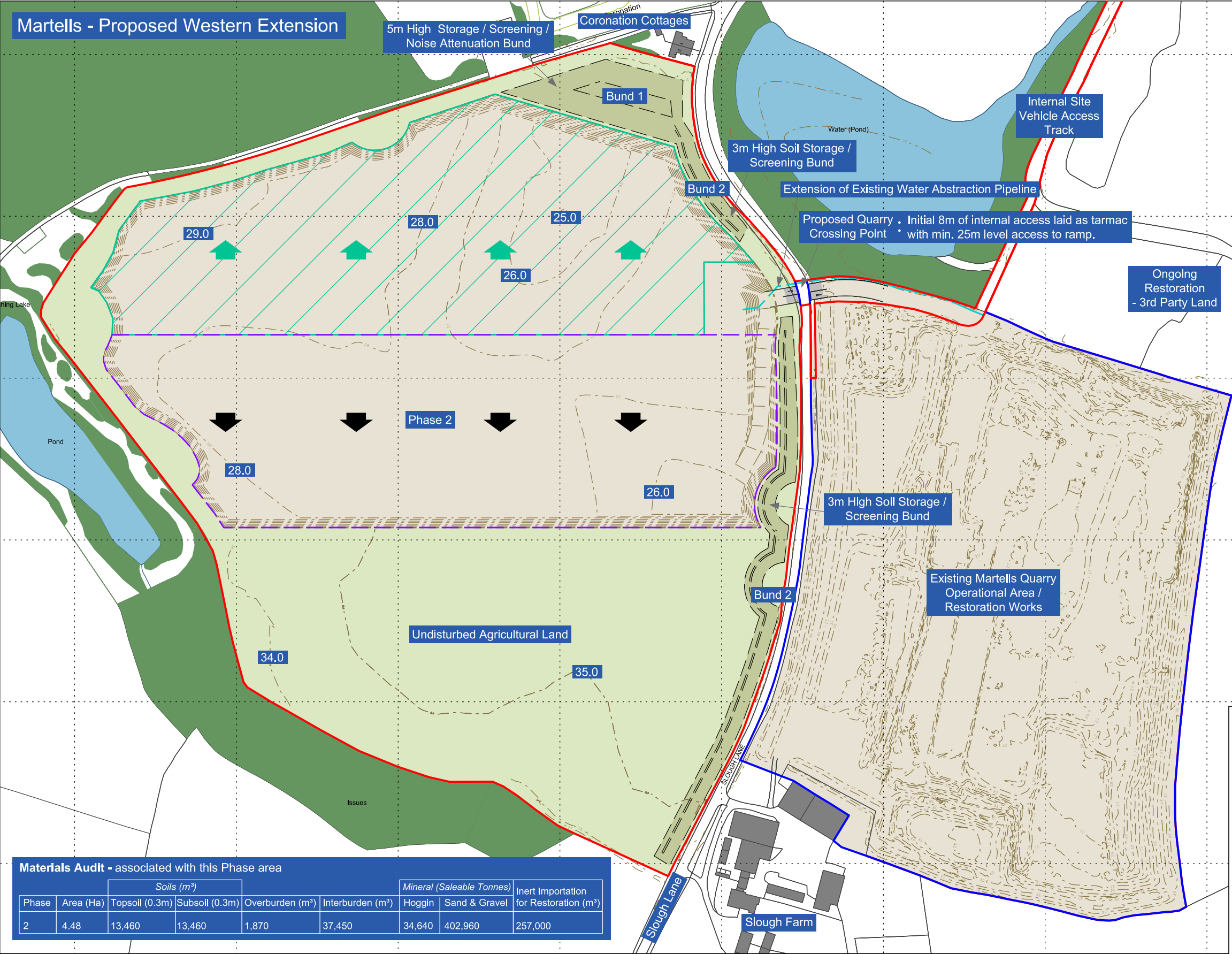
A1.15 In the Preston New Road (Appeal A) fracking development appeal case²⁴ the Secretary of State agreed with the Inspector stating in the decision letter:

“For the reasons given at IR12.117-12.120, the Secretary of State agrees with the Inspector that the proposal would not affect the outlook of any residential property to such an extent that it would be so unpleasant, overwhelming and oppressive that it would become an unattractive place to live (IR12.118).”

²⁴ Preston New Road Exploration Works Secretary of State Decision (Appeal A) (APP/Q2371/W/15/3134386), 6th October 2016



Appendix 3: Figures from the Permitted Martells Quarry Extension, Ardleigh Planning Application (ESS/29/20/TEN)



Martells - Proposed Western Extension

Phase 2 - Working & Restoration

Phase 2 Operations

- Soils will be progressively stripped in a southerly direction.
- Where land has been restored to formation levels, stripped soils will be directly placed to form the soil profile. Remaining soils to be placed in temporary store within the extracted void. Topsoil bunds to be 3m in height, subsoil and overburden bunds no higher than 5m.
- Mineral will be extracted in a southerly direction with "as dug" mineral being transported by dump truck across Slough Lane to the existing Plant Site for processing, stocking and sale.
- Processing waste is to be placed within existing silt lagoons within the Plant Site. It will be allowed to settle and dry to a significant level before being transported back to the Western Extension Area where it will be placed as a fill material.
- The Site will be progressively restored using a combination of imported inert material, silt waste, interburden and the original in-situ soil profile. Imported inert material will enter the Site via the existing Martells Quarry entrance travelling on the internal Site vehicle access track, crossing Slough Lane and being deposited for restoration within the extracted quarry void.
- All restored land will be subject to a 5 Year Aftercare Period. This will include the proposed hedgerow adjacent to Slough Lane.

Materials Audit - associated with this Phase area

| Phase | Area (Ha) | Soils (m³) | | | | Mineral (Saleable Tonnes) | | Inert Importation for Restoration (m³) |
|-------|-----------|----------------|----------------|-----------------|------------------|---------------------------|---------------|--|
| | | Topsoil (0.3m) | Subsoil (0.3m) | Overburden (m³) | Interburden (m³) | Hoggin | Sand & Gravel | |
| 2 | 4.48 | 13,460 | 13,460 | 1,870 | 37,450 | 34,640 | 402,960 | 257,000 |

Legend

Application Boundary

Other Land Under the Control of the Applicant

Existing Woodland

Water Bodies

Operational Proposals

Hedgerow / Hedgerow Trees

Phase 2 - Limit of Extraction

Operational Land and Direction of Working

Soil Storage / Screening / Noise Attenuation Bunds

Contours / Spot Levels (m aOD)

Proposed Quarry Crossing Point

Inert Importation to Restoration Formation / Subsequent Placement of the Restored Soil Profile

Undisturbed Agricultural Land



PROJECT
Martells - Proposed Western Extension

DRAWING TITLE
Phase 2 - Working & Restoration

DATE
January 2021

SCALE
1:2,500 @ A3

DRAWING No.
KD.MTQ.2.005 Rev A

DRAWING STATUS
FINAL



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No. 2 Coronation Cottages – Slough Lane. Southern elevation with ground and first floor windows facing soil bund. The toe and crest of screen bund will be 12m and 27m respectively from this property.
(Streetview - Bing Maps)



Appendix 4: Figures from the Permitted Stanninghall Quarry, Horstead Planning Application (FUL/2020/0085)

Stanninghall Quarry

Block Phasing Proposals

This drawings illustrates the overall operational proposals within the Application.

The Site access arrangements are to remain the same as currently permitted, as is the plant site and stocking area. Four additional water / silt lagoons will be created for water management purposes.

Progressive phased mineral extraction, soil stripping and direct restoration will then take place through Phase 4B to 8 in a clockwise direction, before final extraction of mineral from beneath the plant site.

"As dug" mineral to be transported to the existing Plant Site by dump truck, processed into aggregates, temporarily stocked before leaving the Site by HGV to point of sale.

Active progressive restoration will take place to minimise the area of land required for mineral operations.

All undisturbed and restored land will be farmed / wildlife enhanced and subject to Aftercare Management.

Block Phasing Proposals

Legend

- Planning Application Boundary
- Approximate Area of Land to be Restored Summer 2020
- Remaining Permitted Mineral (Phase 4B)
- Proposed Extraction Phasing Sequence (Phases 5 to 8)
- Remaining Permitted Mineral below the Plant Site
- Direction of Mineral Extraction
- Existing Water Management Lagoons
- Additional Water Management Lagoons
- Temporary Soil Storage / Screening Bunds - to be seeded / planted & maintained
- Advanced Hedgerow, Tree and Shrub Planting

Summary of Materials

| Phase | Soils / Overburden (m³) | Quarry Waste (m³) | Mineral - Saleable Tonnes (ST) | Est. Years based upon 300,000 TPA |
|------------|-------------------------|-------------------|--------------------------------|-----------------------------------|
| 4B | 204,200 | 31,500 | 769,500 | ~ 2.6 Years |
| 5 | 132,000 | 46,100 | 1,127,500 | ~ 3.7 Years |
| 6 | 101,100 | 26,400 | 598,000 | ~ 2.0 Years |
| 7 | 229,800 | 40,400 | 986,800 | ~ 3.3 Years |
| 8 | 137,900 | 42,400 | 1,036,400 | ~ 3.5 Years |
| TOTAL | 805,000 | 186,800 | 4,518,200 | ~ 15.1 Years |
| Plant Site | 53,300 | 29,500 | 454,000 | ~ 1.5 Years |
| | 858,300 | 216,300 | 4,972,200 | ~ 16.6 Years |



Site Name:
Stanninghall Quarry - Proposed Extension

Drawing Name:
Block Phasing Proposals
FINAL

Drawn By:
RGD/RJS

Scale @ A3:
1:5,000

Date:
July 2021

Drawing Number:
KD.SH.D.008 REV C





The Hollies – Frettenham Road. View of southwestern and southeastern elevations of bungalow. Proposed bund to be offset approximately 45-75m from dwelling on three sides
(Bird's eye view - Bing Maps)



Hill Farm – Frettenham Road. View of southeastern elevation of bungalow. Proposed screen bund will be offset approximately 65m-100m from the dwelling on two sides
(Bird's eye view - Bing Maps)



Appendix 5: Figures from the Permitted Condover Quarry, Shrewsbury Planning Application (19/01261/MAW)



PHASE 2
Area 27,000m2

- Phase 2 topsoil placed in temporary store. Some subsoil and topsoil will be used to restore Phase 1 slopes.
- Topsoil and subsoil from Phase 2 to complete bund 2. Topsoil from footprint of Bund 2 to be stored in Bund 2, 5000m3.
- Subsoil stripped and placed into Landform A. Topsoil from the base footprint of Landform A to be stored in a temporary soil store.
- Extraction will commence in Phase 2 down to a level of 81m aod.

LEGEND

- PA Boundary
- Restoration planting
- Advance planting
- New hedgerow
- Soil strip areas
- Screenbund
- Soil movements subsoil (SS)
- Soil movements topsoil (TS)
- Extraction limit and phases
- Direction of working



Site **CONDOVER**

Title **Working plan - Phase 2**

Scale at A3 **1:2500**

Date **Aug 2018**

Drawing No.

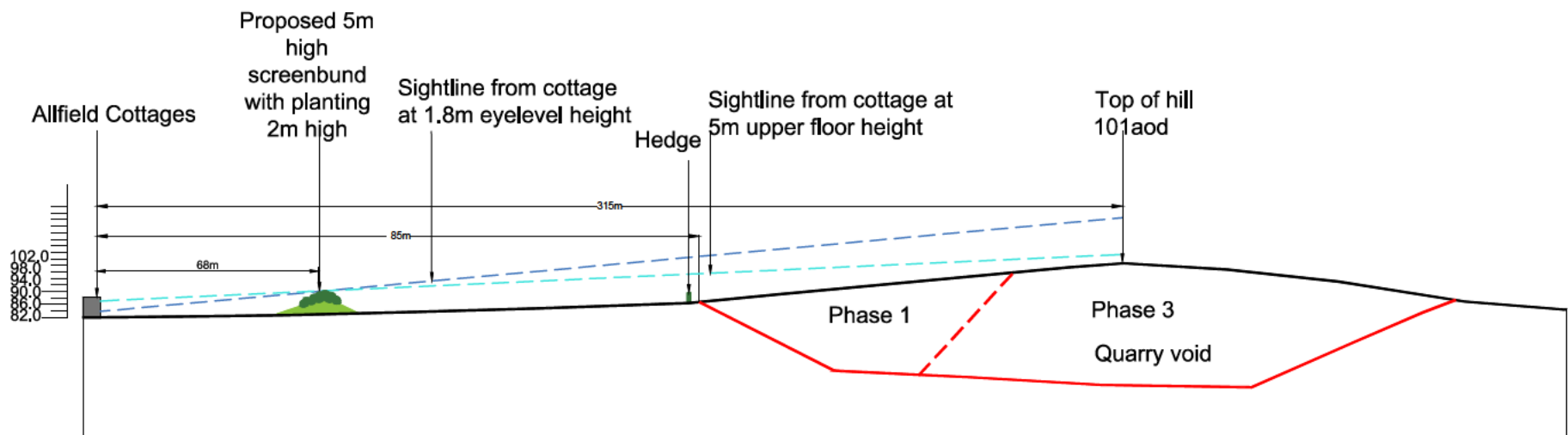
Drawn By

JEB

Checked By

IDB

LD104-CQ-104



Allfield Cottages section from southeast to northwest (A - A')
Scale 1:2000



Site **CONDOVER**

Title **Working plan section A - A'**
Allfield Cottages

| | | | | | |
|-------------|--------|------------|----------|-------------|---------------------|
| Scale at A3 | 1:2000 | Date | Oct 2018 | Drawing No. | |
| Drawn By | JEB | Checked By | IDB | | LD104-CQ-109 |



Figure 12.3 Existing view of Southern Extension from Allfield Cottages

Appendix 6: Extracts of East Staffordshire Borough Council's Adopted Separation Distances and Amenity SPD (2018)

Separation Distances and Amenity SPD



1. Purpose of document

- 1.1 The purpose of this document is to improve the overall spacing standards for new residential developments to ensure that existing and future residents have a good level of amenity and privacy to enjoy the place where they live.
- 1.2 This document is intended to ensure developers provide sufficient amenity and privacy for existing and future residents across East Staffordshire.
- 1.3 The provision of adequate space between dwellings is an important element in achieving a high standard of design and layout and provides:
- adequate daylight and sunlight to rooms and rear gardens;
 - reasonable privacy for dwellings within their proposed layout and to protect the privacy of existing dwellings;
 - a satisfactory level of outlook, within new development and in relation to existing development;
 - a reasonable area of private amenity space to allow such uses as drying washing, gardening and children's play, together with space for garden sheds, greenhouses and future adaptations to the dwelling;
- 1.4 This SPD is intended to ensure retention of amenity in all aspects of development, and ensure that by addressing one issue others are not compromised.

2. When is this SPD applicable

- 2.1 This document will be used to ensure adequate separation and amenity standards are provided with regard to all new dwellings and extensions, post adoption. The guide also applies where new dwellings or extensions are proposed adjacent or opposing existing older properties to ensure that existing resident's standards or separation and amenity are protected and retained.
- 2.2 The SPD does not apply to proposals which are permitted development, as such proposals are outside the control of the Local Planning Authority.
- 2.3 Guidance on what developments are considered permitted development ie do not require planning permission can be found on the Planning portal Website below,
https://www.planningportal.co.uk/info/200125/do_you_need_permission

3. Policy

- 3.1 This SPD supports the application of Local Plan Policy SP24 "High Quality Design" and Policy DP3 "Design of New Residential Development, Extensions and Curtilage Buildings" and this document builds on the above policies and seeks to provide greater clarity to developers and residents as to what standards are required to be met in terms of proposals for new housing and extensions.
- 3.2 You are advised to discuss your proposal with the Council at an early stage. Formal pre-application discussions can help avoid problems and delays once an application is

submitted. Further information, including the Pre-application Advice Protocol and charges for this, is available on the Council's web site.

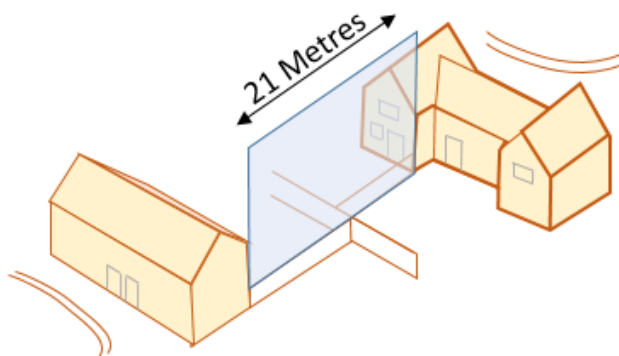
- 3.3 Upon adoption Appendix 1 of the Design Guide will be revoked, as this document will supersede it.

4. Spacing standards

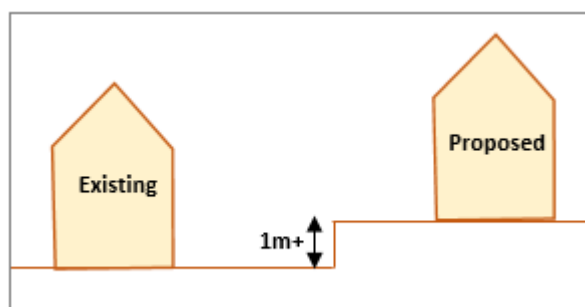
- 4.1 New housing developments should ensure a layout and design that provides high standards of privacy and outlook for both existing and proposed residents. Proposals should avoid the following in order to encourage high levels of amenity and privacy:
1. Siting new dwellings close to existing properties such that overlooking of existing windows and gardens occurs, significantly reducing existing levels of amenity.
 2. Significant overbearing impacts on existing properties and their private amenity space.
 3. The intensification of vehicular and pedestrian activity close to the boundary with existing residential properties or their gardens.
- 4.2 The external Spacing standards set out below will be expected and are intended to ensure that adequate separation distances, privacy and amenity are retained and provided as a result of new development.

External Separation Standards

- 4.3 The minimum back to back distance between habitable rooms should be 21 metres where dwellings are of the same number of storeys



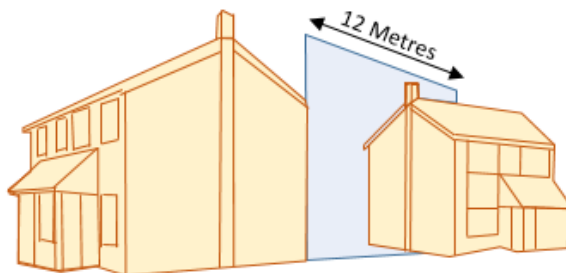
- 4.4 Where dwellings differ in scale or finished floor level by a metre or greater the back to back distance should be increased in separation by 2 metres for each additional 1 metre of elevation.



- 4.5 Separation to front elevations where level and or scale differences are apparent should also be increased however this would be on a 1 metre per 1 metre of elevation basis, as it

is considered that frontages are of a less private nature than rear facades, however this will protect outlook and prevent any significant overbearing impact.

- 4.6 Cross sections are therefore required to be provided to demonstrate levels, separation and this relationship. This includes where residential development is proposed adjacent to existing residents and land levels differ.
- 4.7 Proposed walls without habitable windows such as blank gable side elevations opposing habitable principle elevations should be a minimum of 12 metres apart where dwellings are of the same number of storeys.



- 4.8 Where differing in scale the separation distance should be increased by 2 metres for each additional storey.

NOTE – Where developments offer only minimum separation the Local Planning Authority will remove permitted development rights for extensions and alterations to ensure they retain control over future extensions which would necessitate the requirement for planning approval, in order to ensure that adequate separation and privacy is retained and further guidance is available in this document..

NOTE – It should be noted that the separation distances between habitable windows also applies to apartment blocks and that where apartment blocks are proposed adjacent to residential dwellings.

Amenity Standards

- 4.9 Private garden spaces are an essential component of high quality design, and a key to the creation of a sustainable residential environment, in terms of contributing to liveability, recreation and health, to urban greening, and the preservation or enhancement of local biodiversity. Garden spaces should be sufficient to accommodate most household activities and at the same time be adequate to offer visual delight, receive some sunshine, and encourage plant growth.
- 4.10 Private rear gardens of proposed dwellings should be a minimum of 50 sq. metres in area for two bedroom properties, with at least an additional 10 sq. metres for each additional bedroom.

| Size of property | Minimum Garden Size (Sq. m) |
|------------------|-----------------------------|
| 2 bedroom house | 50 |
| 3 bedroom house | 60 |
| 4 bedroom | 70 |
| 5 bedroom + | 80 |
| Apartments/flats | 10 per unit |



Figures

(see separate Volume 2)

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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