

PROOF OF EVIDENCE
on
Landscape and Visual Matters

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For site at:
**Bricket Lodge Sports and Country Club,
Lye Lane, Bricket Wood, AL2 3TF**

On behalf of Appellant:
JD Rudkin Builders Ltd

CD 2.9 Proof of Evidence

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TABLE OF CONTENTS

CD 2.9 Proof of Evidence

Section 1:	Introduction	Page 1
Section 2:	Site Description	Page 3
Section 3:	The LVIA, Additional Element and Amendments	Page 4
Section 4:	Landscape Sensitivity and Effects	Page 7
Section 5:	Visual Sensitivity and Effects	Page 10
Section 6:	Local Plan Policy	Page 14
Section 7:	Council's Landscape Objections	Page 15
Section 8:	Conclusions	Page 22

1. Introduction

Witness and Qualifications

- 1.1. I am Rachel Williams, Director at Ubu Design Ltd.
- 1.2. I hold a BA (Hons) degree in Horticulture, a Post Graduate Master of Landscape Design (MA) and a Post Graduate Diploma of Urban Design (Dip UD). I have been a Chartered Member of the Landscape Institute (CMLI) since 1998. I also undertook a Certificate in Environmental Impact Assessment (Procedures and Process) in 2000.

Professional Practice

- 1.3. I have been a practising Landscape Architect for over 25 years, both in public and private practice. Since 2014, I have worked with UBU Design, focusing primarily on projects that require specialist input on landscape planning matters. This has included numerous residential schemes of various scales, including sites within local and national landscape designations.
- 1.4. I specialise in producing Landscape and Visual Appraisals, Landscape and Visual Impact Assessments, and Townscape and Visual Impact Assessments, as well as landscape masterplanning and strategy. I have produced numerous such assessments over the last 15 years including many residential schemes, sites within landscape designations and within the Green Belt, and have been involved in the evaluation of many more prior to that, and have undertaken a wide range of projects, including large scale projects involving producing Landscape Chapters for Environmental Statements through to general landscape masterplanning and design.

Project Involvement

- 1.5. Ubu Design Ltd were commissioned by MRP Planning acting on behalf of JD Rudkin Builders Ltd in December 2021 to prepare a Landscape and Visual Impact Assessment to support the outline application in respect of the proposed development at Bricket Lodge Sports and Country Club, Lye Lane, Bricket Wood,

of which I was the author. This was to identify the baseline conditions of the site and to ascertain the potential effects on the landscape character and visual amenity should a proposed development be brought forward on the site. At the time of assessment, the principle of housing development was considered, and potential mitigation that could be implemented to offset or reduce any identified potential effects.

- 1.6. Subsequently, Ubu Design Ltd were instructed to provide landscape and visual impact evidence to support the Appeal in respect of the proposed development at Bricket Lodge. Following the Appeal instruction, I have visited the site in May 2024 to refresh my understanding of the site and context.

Scope of Evidence

- 1.7. The scope of this Proof of Evidence is to deal with the landscape and visual impact issues associated with the site. In preparing my evidence I have considered the following documents:

- Statement of Case of St Albans City and District Council
- Council's Committee Report 5/2022/2443
- Bricket Lodge LVIA (CD 1.11)

- 1.8. This list is not exhaustive. Matters of Planning and Green Belt Policy are principally addressed by Mr Brian Parker.

Declaration

- 1.9. I declare that the evidence which I have prepared and provide for this Appeal is in accordance with the guidance of the Landscape Institute and I confirm that the opinions expressed are my true and professional opinions.

Application and Reasons for Refusal

- 1.10. This Appeal relates to an outline planning application for residential development of up to 115 dwellings, with all matters, excluding access, reserved for future

consideration. The application was subsequently the subject of an Appeal against Non-Determination.

- 1.11. The Council since determined that, had it been in a position to do so, it would have refused permission for the following reasons that relate to Landscape and Visual matters (ref: Statement of Case, para. 1.3):

“Reason 1. The site is within the Metropolitan Greenbelt ... other harm is identified as a result of the proposed development in terms of: its detrimental impact on the openness of the Green Belt and harm to Green Belt purposes. Harm is also identified in relation to site/layout design, open space provision... impact of the landscape character and appearance on the site and surrounding area, and to protected landscape features, ... and impact on nearby SSSIs....

Reason 2. By reason of its design, layout, on site landscaping and residential amenity (noise) the proposed development ... would be detrimental to the character, appearance and visual amenity of the locality...”

2. Site Description

- 2.1. The site is located immediately east of Lye Lane, north of Bricket Wood and south-west of How Wood, and is centred on TL 1302 4884. The site is approximately 3.5 hectares in size.
- 2.2. The site comprises a cluster of buildings on the western part of the site and further buildings and storage containers towards the southern site boundary, areas of hardstanding and roads across the site, and rough grassland, stored crates etc., on the central and eastern part of the site that is used as a paintballing area. The south-western section accommodates 33 dwellings and car parking, the north-western section accommodates various buildings of the former Sports and Country Club (now disused) and hardstanding, and the southern section also has numerous buildings/sheds, containers and hardstanding. The central, eastern and north-eastern parts of the site are more open, albeit with numerous structures and fencing etc. associated with the paintballing activities.

- 2.3. The site boundaries are generally well vegetated with woodland to the east and south, conifers on the northern boundary and trees and hedgerow along the western boundary (apart from at accesses). As well as woodland to the east and south, the site adjoins large dwellings to the north and Lye Lane enclosed by hedgerows and trees to the west. The M25 motorway runs in a cutting beyond the woodland to the south.
- 2.4. The site and surrounds have a transitional character with residential character to the east of Lye Lane, albeit lower density to the north and higher density on site and to the south-west of the M25 motorway, and a more open character with sporadic development to the west of the Lye Lane, north of the motorway. The area is generally well wooded and enclosed.
- 2.5. The site currently has three vehicular access points along Lye Lane, with the northern access disused. The central access is proposed to be upgraded and enlarged for the proposed development. There are no landscape features within the site.
- 2.6. The site has a gentle slope, falling around 4m from west to east, that is, the site falls away from Lye Lane.
- 2.7. The Appeal Site is not within any landscape or environmental designation or a Conservation Area, and does not contain any historic designations. There are no public rights of way that cross the site. The site lies within the boundary of the Green Belt, near the settlement edge of How Wood, but is not part of, or in the setting of, a “valued landscape”, as provided for by paragraph 180(a) of the NPPF.
- 2.8. Blackgreen/ Roundwoods Ancient and Semi-Natural Woodland lies immediately to the south and east of the site.

3. The LVIA, Additional Element and Amendments

The Submitted LVIA

- 3.1. I have been involved in the Appeal application since December 2021, and I am the author of the LVIA for the Appeal Scheme (CD 1.11) that was submitted as part of

the outline planning application. I have reviewed and stand by the preparation and findings of that work in preparing this Proof, subject to the additional amendments identified below, and that work which should be read together with this Proof.

- 3.2. At the time of writing the LVIA, I was unaware of the proposed footpath connecting the development to Bricket Wood along Lye Lane. I have therefore amended the assessment below to cover this, in addition to summarising and explaining the original assessment.

Additional Development Element (Footpath) and LVIA Amendment

- 3.3. Detailed designs have recently been produced for the proposed footpath, which forms part of the means of access of the development proposal and is therefore not reserved. The footpath has been designed to run along the eastern side of Lye Lane, with a crossing point shortly before the junction with West Riding at the public footpath (015, 030) crossing point, and the remaining southern section of the footpath extending along the western side of the lane (please refer to the drawings by Conisbee attached as Appendices to the Proof of Evidence of Mr Nick Ferguson (CD 2.11)).
- 3.4. The footpath has been located on the verge to the north of the motorway, and above the existing ditch (to be culverted) to the south of the motorway. The footpath will pass along, or 3-4m away from (for most of the footpath length to the south of the Motorway) (as indicated on MagicMap (magic.defra.gov.uk/MagicMap)), the edge of the Ancient Woodland, up to the crossing point. South of the crossing point, the footpath will be separated from the Ancient Woodland by the road. The footpath will narrow where necessary to accommodate existing trees, and all existing trees, hedgerows and hedgebanks are proposed to be retained.
- 3.5. The footpath has been designed to complement the rural character of Lye Lane to the south of the Motorway and respect the setting of the ancient woodland, with a self-binding gravel surface. Surface level solar uplighters are proposed to minimise the impact of additional lighting along the footpath. These will provide low level lighting staggered along the length of the footpath.
- 3.6. The proposed development has the potential to deliver benefits to the Ancient Woodland to the south of the site (included in the blue line ownership boundary)

that is currently degraded due to existing paintballing structures and access. Removal of access to the Ancient Woodland through protection with fencing (along the site boundary) and removal of structures and evidence of paintballing activities will provide post construction benefit in terms of immediate condition and allow the woodland to recover, particularly the field and shrub layers, in the longer term.

- 3.7. The culverting of the ditch to the south of the motorway along the edge of the Ancient Woodland is considered to be an adverse landscape impact in relation to the loss of a landscape feature, though counterbalanced by the beneficial impact of the removal of access to the Ancient Woodland to the south of the site and the resultant gradual improvement in condition of the woodland as it recovers. I therefore revise the assessment of the Bricket Wood Landscape Character Area (LCA) in the vicinity of the site, of which Lye Lane forms a part, to a small adverse magnitude of change and a minor adverse landscape effect at the post construction stage, and a small neutral magnitude of change and a minor neutral landscape effect at the residual stage, which are not significant effects.
- 3.8. In visual terms, the proposed footpath along Lye Lane will introduce a change to the view along Lye Lane between West Riding and the site, with the footpath replacing the ditch (south of the Motorway) or verge (north of the Motorway). The character and appearance of the path will generally complement the character of Lye Lane. The newness of the materials (principally self-binding gravel) will initially be noticeable, although will quickly weather and soften in tone. The adjacent hedgerow and woodland vegetation will further soften the path edges, so that the footpath will become fully merged into the views of Lye Lane that include the footpath.
- 3.9. The addition of the footpath is considered to be a small neutral change in magnitude in the context of the users' view, and the overall significance of effects, slight neutral at the post construction stage, and slight beneficial at the residual stage. Therefore, the visual assessment is not affected and remains unchanged overall from the previous assessment for users of Lye Lane when passing alongside the site or south up to the junction with West Riding.
- 3.10. Changes to the assessment resulting from the inclusion of the proposed footpath into the assessment are also included below in the Landscape Effects and Visual Effects: Lye Lane sections.

4. Landscape Sensitivity and Effects

Landscape Sensitivity

- 4.1. The Hertfordshire County Council Landscape comments (Council Statement of Case, Appendix 1, para. 6.14.1) suggest that the location of the site within the Watling Chase Community Forest is of relevance to the landscape value and sensitivity of the area. This is not, however, a landscape or ecological designation and is not relevant to the judgements of value or sensitivity. The presence of Ancient Woodland to the south and east of the site has been identified within the baseline assessment and taken into account in the judgements of value and sensitivity of medium/low and medium respectively for the landscape character, which are reflective of the overall setting and site. This includes the Bricket Wood LCA Landscape Character evaluation (LVIA (CD1.11), para 2.14):

“An area of mixed land uses and transitional character, including considerable woodland, unrestored mineral workings, educational, industrial, horticultural and arable land. The area has undergone significant change in the 20th century and is impinged upon by settlement at Bricket Wood and How Wood, together with a marked severance by the M25. The historic pattern is well preserved in Bricket Wood Common, but eroded in many other locations, showing poor management and some dereliction.”

- 4.2. The area of the site is, in my opinion, one where the historic pattern is eroded and showing poor management and some dereliction. This, combined with the transitional character and condition of the site, is reflected in the value and sensitivity levels given.
- 4.3. The Appeal Site landscape features, principally boundary trees and grassland, and the setting of the site are both considered to have a medium sensitivity to change.

Landscape Effects: Bricket Wood LCA in the Vicinity of the Site

- 4.4. The Bricket Wood Local Character Area in the vicinity of the site was assessed in the LVIA as undergoing a small magnitude of change at the post construction stage

and a minor neutral significance of effects. This assessment has been amended to a small adverse magnitude of change and a minor adverse landscape effect at the post construction stage, as detailed in paragraphs 3.3 – 3.10 above, to take into account the proposed footpath along Lye Lane.

- 4.5. The character of the existing area is considered to be transitional, with various areas of housing and other development, and the major road infrastructure of the M25 to the south and North Orbital dual carriageway further to the north-west. The site itself is brownfield and already characterised by higher density residential development in the south-west, combined with a cluster of buildings associated with the former Sports and Country Club, and numerous storage containers and other buildings/sheds in the south of the site associated with the paintballing activities. The central, eastern and north-eastern parts of the site are more open, albeit with structures and fencing etc. associated with the paintballing.
- 4.6. The residential section is 1980s/90s development of nondescript character, while much of the site shows poor management and some dereliction, including the adjoining Ancient Woodland (Council Statement of Case, Appendix 1: para. 6.10.2: *“the (Blackgreen Wood) LWS ... appears to be subjected to a range of inappropriate activities and is probably in poor condition with little prospect of improvement”*).
- 4.7. In terms of the impact of the access (which is not reserved) on the character of Lye Lane, although the proposed access is wider than the existing, the number of accesses will be reduced to one, and where existing hedgerow will be required to be removed to facilitate the proposed access, this could be replanted as a wider mixed native hedgerow with native hedgerow trees, representing a potential benefit as there are currently no hedgerow trees in the southern section of the hedgerow.
- 4.8. In addition, it should be noted that there are a number of existing wide accesses with a suburban character along Lye Lane which detract from the character of the lane, and the proposed changes to the site access could be achieved with greater respect for the character of the lane than these existing accesses.
- 4.9. The impact of the introduction of the footpath along Lye Lane is discussed in paragraphs 3.3 - 3.10 above.

- 4.10. The site has the potential to accommodate the quantum of development proposed at this outline stage, within a strong landscape framework, through sensitive and robust detailed design of the site, to provide improvements to the character and appearance of the site and immediate setting.
- 4.11. The boundary vegetation will be retained and the planting that will be introduced as part of the proposals will mature over time, contributing to the overall quality of the scheme, increasing the biodiversity value of the site, and connecting to the wider green infrastructure and wildlife networks.
- 4.12. In residual terms, the Bricket Wood character area in the vicinity of the site was assessed as having a reduced magnitude of change to negligible and a residual landscape effect of slight beneficial. This assessment has been revised to a small neutral magnitude of change and a minor neutral landscape effect at the residual stage, which is not a significant effect.

Landscape Effects: Setting of the Site

- 4.13. The boundaries of the site are well vegetated with trees, conifers, hedgerow and adjoining woodland and the site is generally well contained. The boundary vegetation effectively encloses features within the site boundary, apart from along Lye Lane where the existing buildings are partially visible above the hedgerow.
- 4.14. The proposals seek to retain and enhance as much of the existing perimeter vegetation as possible except for where the proposed access route may necessitate the removal of a portion of roadside hedgerow to allow for the carriageway into the site and visibility splays, which can be replanted behind visibility splays.
- 4.15. The setting of the site will remain mostly unaltered apart from the access and highway works, and therefore the magnitude of change is considered to be small. This will lead to a minor significance of effects which can be considered to be neutral due to the introduction of native species within the development towards the boundaries which will improve the general landscape condition.
- 4.16. The planting that will be introduced as part of the development will mature over time to provide an attractive setting to the development and contribute to the overall

quality of the scheme. This will lead to a reduced magnitude of change from small to negligible and residual effects of slight beneficial.

Landscape Effects: Appeal Site Landscape Features

- 4.17. There are no major landscape elements and features within the site as it is primarily hardstanding, tracks and waste grassland of limited ecological value. The boundaries of the site are in general heavily vegetated with trees, conifers, hedgerow, or adjoining woodland, and these will be retained, apart from the minor loss of some hedgerow, which can be replaced, at the proposed access to the site.
- 4.18. The site features within the development will undergo a large magnitude of change with the transformation to a residential development, within the landscape structure of the existing mature vegetation on and surrounding the site boundaries. The proposed development presents the opportunity to accommodate an integrated green infrastructure and open space network across the site to include native planting, street trees, reinforcement planting to boundaries and landscape buffers. This will enhance the ecological and biodiversity value of the site and provide many new landscape features as the site landscape matures.
- 4.19. This improvement in the quality of the landscape within the site and the introduction of planting and ecological enhancements, will lead to a moderate beneficial significance of effects for the site landscape features at the residual stage as the planting matures.

5. Visual Sensitivity and Effects

Visual Sensitivity

- 5.1. The visual receptors identified in the LVIA comprise Lye Lane, Smug Oak Lane, and dwellings to the immediate north of the site. Smug Oak Lane was found to have no visual connection with the site and was therefore discounted from the assessment.

5.2. The sensitivity of the residential amenity of 'Lye House' and 'Silver Birches' immediately to the north of the site, was considered to be high due to the possible views from principal rooms of Lye House.

5.3. Lye Lane was considered in the LVIA to have a low sensitivity to change.

The Council suggests (Council Statement of Case, para. 5.36) that *"Lye Lane itself is used as a recreational route by cyclists and horse riders. All such leisure users are normally held to have a high sensitivity to change."*

5.4. However, the Guidelines for Landscape and Visual Impact Assessment states (GLVIA Third Edition, para 6.33) that *"Travellers on road, rail or other transport routes tend to fall into an intermediate category of moderate susceptibility to change"*, while *"Visual receptors likely to be less sensitive to change include: people engaged in outdoor sport or recreation which does not involve or depend upon appreciation of views of the landscape"*.

5.5. The GLVIA elaborates (GLVIA Third Edition, para 6.35) further *"Each project needs to consider the nature of the groups of people affected and the extent to which the attention is likely to be focused on views and visual amenity."*

5.6. In this instance, Lye Lane was considered to be a relatively narrow road with limited forward visibility in the vicinity of the site, where the attention of the users, whether motorists (the primary users), or occasionally cyclists or other users, would be focused on the road and oncoming traffic. Furthermore, the road crosses the M25 motorway just to the south of the site, with users already experiencing considerable impact to visual amenity from this major route. These factors were taken into account when arriving at the judgement of low susceptibility to change for Lye Lane.

Visual Effects

5.7. The site is well enclosed by woodland and has a limited Zone of Theoretical Visibility (ZTV). In generating the ZTV, woodland is modelled at 15m in height, whilst buildings are modelled at 9m (typical 2 storey height) and glasshouses at 6m. As woodland trees can often reach 20m or more, in areas with woodland, areas identified in the ZTV as having potential visibility often become scoped out when found to have no visibility of the site through the field survey.

- 5.8. Through the field survey, the site was found to have a very limited zone of visual influence, only being visible at close range, while from a distance, its broad location was only identifiable by reference to the telecommunication masts to the south of the site's boundary.

Visual Effects: Residential Amenity

- 5.9. Residents of 'Lye House' and 'Silver Birches' to the immediate north of the site were assessed in the LVIA as potentially experiencing a moderate neutral significance of effects at the post construction stage and a minor beneficial residual effect as planting matures. This is because potential views of the new development are likely to be predominantly screened by intervening garden vegetation (Silver Birches) and mature coniferous boundary vegetation (both dwellings). They may experience, at most, a slight change to the view, glimpsed through the boundary vegetation, with the potential for glimpses of dwellings beyond the existing evergreen vegetation on the northern site boundary, replacing glimpses of existing buildings or the paintball structures. This change will be barely noticeable when viewed at the distance of the properties from the boundary. The magnitude of change is therefore considered to be small and the overall significance of effects is judged to be moderate neutral.
- 5.10. As with all developments of this nature, details of planting will be required to be provided at the Reserved Matters stage. I have therefore assumed as part of this assessment, that the usual landscape framework including robust planting will be carried out as part of the development. Therefore, in the LVIA, it is considered that reinforcement planting (of the northern boundary vegetation) and planting across the development that is introduced as part of the proposals will lead to minor beneficial residual effects (on views of the residents of Lye House and Silver Birches towards the site) as the planting matures.
- 5.11. The Council suggests (Council Statement of Case, para. 5.37) that "*The change on the appeal site will be evident and impact significantly on ... neighbouring residents*". A significant effect is a severe, major or moderate effect. Although a moderate effect has been assessed at the post construction stage, this is considered to be a neutral effect, whilst the residual effect is considered to be beneficial, though not significant.

Visual Effects: Lye Lane

- 5.12. Users of Lye Lane were assessed in the LVIA as undergoing a slight neutral significance of effect at the post construction stage, and a slight beneficial residual effect.
- 5.13. The existing views for users of Lye Lane passing alongside the site are restricted by boundary vegetation (and for part of the boundary, dilapidated hoarding panels), with glimpsed or partial fleeting views of the existing buildings at entrances and above the hedgerow.
- 5.14. Fleeting or partial views of existing buildings, some disused/ derelict, will be replaced with fleeting or partial views of the new dwellings, set back behind the existing hedgerow combined with a new planted buffer, while the general condition of the boundary will be improved, with the removal of dilapidated hoarding panels. Where existing hedgerow will need to be removed to facilitate the new access, this can be replanted with new native 'instant' hedgerow plants at 2m in height, whilst 2m plants can also be used to reinforce gaps in the hedgerow such as at the northern and southern accesses and where hoarding panels are removed. Such planting specifications can be conditioned through a Planting Plan at Reserved Matters. If a noise attenuation barrier is required along the southern end of the Lye Lane boundary, once the layout is fixed, this could be set back behind the existing/ replanted hedgerow and a planted buffer of suitable depth and height to fully mitigate the barrier.
- 5.15. In addition, the proposed footpath along Lye Lane, which was not previously considered as part of the assessment, will introduce a change to the view along Lye Lane between West Riding and the site, with the footpath replacing the ditch (south of the Motorway) or verge (north of the Motorway). The newness of the materials (principally self-binding gravel) will initially be noticeable, although will quickly weather. The character and appearance of the path will generally complement the character of Lye Lane and is considered to be a small neutral change in the context of the users' view.
- 5.16. Therefore, the overall magnitude of change for users of Lye Lane is judged to be small and the overall significance of effects, slight neutral, at the post construction stage.

- 5.17. Following 15 years' growth of the planting along the western boundary (that is, new and reinforcement hedgerow planting and a new planting buffer) and planting within the development, views towards the site from Lye Lane will become increasingly screened, filtered and softened. The footpath along Lye Lane will have weathered and softened in tone, with the adjacent hedgerow and woodland vegetation further softening the path edges, so that the footpath will have become fully merged into the views of Lye Lane that include the footpath.
- 5.18. The residual magnitude of change is judged to be small and beneficial, with a slight beneficial residual significance of effect on users of Lye Lane when passing alongside the site or south up to the junction with West Riding.
- 5.19. The Council suggests (Council Statement of Case, para. 5.37) that "*The change on the appeal site will be evident and impact significantly on passers-by (leisure users and residents)*".
- 5.20. A significant effect is not likely to occur due to the low sensitivity of the users (see above) combined with the level of change. Although the change will be evident, this is judged to be small and not adverse, due to the nature of the existing site, whilst I consider that the residual effect will be beneficial, as described. Therefore, I consider that there will not be a significant post construction or residual effect on users of Lye Lane.

6. Local Plan Policy

- 6.1. Having assessed the landscape and visual impact of the proposed development through the LVIA, it is considered that the proposals are generally in accordance with St Albans City and District Council's Local Plan policies regarding landscape and the Countryside. A proposed development, as described in principle through this Outline application, will not have a significant detrimental impact to the character of the landscape, as the layout, materials and planting can be designed to recognise and protect the local landscape and settlement within the context of the site.

- 6.2. Landscape mitigation features such as reinforcement planting around the perimeter and a high quality landscape framework across the site, will enable the residential development to integrate into the local landscape character area, improve the immediate landscape condition, and provide benefits to the visual amenity.

7. Council's Landscape Objections

- 7.1. In this section I will deal with the landscape and visual matters within the first and second Reasons for Refusal, which refer to items that relate to harm to landscape character and inappropriate development within the Green Belt and the loss of openness, and which are elaborated on in the Statement of Case. These are set out in paragraph 1.11 above. Following this, I have addressed the comments raised by the Landscape Officer to the Case Officer regarding the submitted LVIA, as set out in the Council's Committee Report (Council's Statement of Case, Appendix 1).

Green Belt – Openness

- 7.2. In relation to the Council's views on openness of the Green Belt, the Council considers "*that having regard to the baseline the proposal would lead to a substantial and permanent loss of openness in both a spatial and visual context.*" (Statement of Case, para. 5.18). The Council also considers "*the scheme will significantly reduce the visual perception of openness of the site and this part of the Green Belt*" (Statement of Case, para. 5.19).
- 7.3. In relation to overall openness, the site sits at the southern end of a wedge of development along the east side of Lye Lane, which runs north to The Laurels and Spielplatz. The site is predominantly enclosed by woodland to the east and south, a conifer belt to the north and hedgerow and tree vegetation along either side of Lye Lane to the west. Although development north of the site is generally large houses in generous grounds, the site itself has considerable development in the western and southern areas, with the appearance of uninterrupted (overlapping) one and one and a half storey development (albeit that the central section is a little further set back from the road), across the frontage of the site, apart from at the southern access.

- 7.4. Spatially, the built form of the proposed development will extend further across the north-east of the site within the enclosed part of the site, though visually there will be relatively little change from beyond the site to the overall openness of the wider area, with the appearance of the existing development replaced by new, higher quality development. As the proposed development is generally set back further than the existing development, the two and two and a half storey proposed development will not increase the sense of enclosure from Lye Lane compared to the closer one and one and a half storey existing development, though increased tree vegetation near the boundary would eventually increase the sense of (vegetated) enclosure.
- 7.5. In overall visual terms, the site currently appears developed from the public realm of Lye Lane, with existing buildings on the site being visible for approximately 150m from the edge of the site from the south (to the private road access just beyond the M25 crossing), and for approximately 30m from the edge of the development from the north (to the north of the access to Lye House). The development proposal provides the opportunity to create a less developed appearance, through a greater set back of buildings from the road frontage, combined with the incorporation of a planted buffer including native hedgerow and trees across the site frontage, providing a more vegetated boundary which would better filter views of development on the site from the lane (particularly at 'above existing hedgerow' level) in the longer term.
- 7.6. In relation to paragraph 154(G) of the NPPF, as the site is generally very well enclosed and screened and is not visible beyond the close range road frontage of Lye Lane, with only limited (partial) visibility at close range, and as the proposed development has the potential to create a less developed appearance from Lye Lane than the current development on site, despite the proposed development increasing the built form spatially within the enclosed part of the site, I do not consider that the redevelopment of the site would cause "substantial harm" to the openness of the Green Belt.

Countryside, Landscape and Character

- 7.7. The Council considers that "the proposals will be visible and will affect the current baseline adversely as they would be visually intrusive." (Statement of Case, para. 5.35).

- 7.8. I consider that there is the opportunity to enhance views of the site from Lye Lane (the only publicly visible views) through the development proposals, in relation to the baseline views as described in paragraph 7.5 above.
- 7.9. The Council considers that *“the proposed development would harm and not safeguard or manage the local landscape character in accordance with the guidelines for landscape change”* (Statement of Case, para. 5.42). It lists a number of guidelines where this could be achieved, as identified in the Bricket Wood LCA, including *“supporting the Watling Chase Community Forest;... promoting hedgerow restoration through locally appropriate measures including ... replanting/ gapping up;”* (Statement of Case, para. 5.40).
- 7.10. As this was an Outline application, landscape design details have not been developed. However, these are areas where there is potential for the proposed development to contribute to the safeguarding and management of the local landscape character in accordance with the guidelines.
- 7.11. For instance, the adjoining Ancient Woodland that falls within the blue line ownership will be safeguarded and benefit from improved management through removal of access and removal of all evidence of paintballing activity; native buffer planting can be provided along the boundaries of the Ancient Woodland to further protect the woodland and screen boundary fencing; the existing boundary hedgerow along Lye Lane will undergo restoration through reinforcement and gapping up, while further native tree and shrub planting can also be planted along the frontage behind the hedge.
- 7.12. These measures are all details that can be provided at the Reserved Matters Stage and that the Council can require through conditions requiring the Appellant to provide and have agreed such documents and drawings as a Landscape Strategy, a Landscape Masterplan, Hard and Soft Landscape Plans, and a Woodland Management Plan.

Amenity

- 7.13. Officers consider that there will be *“harm by way of the impact of the 3-metre tall acoustic barrier at site on character and openness”* (Statement of Case, para. 5.54),

which is proposed to run along the southern boundary beside the Ancient Woodland, and wrap around the southern end of the Lye Lane frontage for approximately 25m.

- 7.14. The acoustic barrier, which will take the form of a closeboard fence or similar, can be set behind a planted buffer of suitable depth and height to fully mitigate the barrier. The planting can be located within the open space along the southern boundary, and if the barrier wraps around the southern end of the Lye Lane frontage, the barrier can be set back from the boundary, behind the frontage hedgerow and incorporating further buffer planting between the hedgerow and barrier.
- 7.15. A planted buffer of native mixed thicket (including whips and feathers) will quickly reach a height of 3m and beyond. Planting design and specifications can be required by the Council through condition and provided at the Reserved Matters stage. As a result, and in combination with other enhancements along the southern edge of the site (including the removal of existing buildings, containers, fencing and hard standing), the character and openness will not be harmed, and has the potential to be enhanced along the southern boundary in relation to the baseline condition.

HCC Landscape Comments

- 7.16. Hertfordshire County Council Officers consider (Statement of Case, Appendix 1, para. 6.14.1) that:

“... the existing settlement pattern within the site, and extending northwards along Lye Lane, is currently strongly characterised by distinct clusters of relatively large dwellings and ancillary outbuildings, or groupings of agricultural buildings, set within large scale, open and spacious grounds.”

“The proposed development is completely at odds with this prevalent character and will introduce a denser settlement pattern, and more compact terraced housing typology that is more in keeping with a town or village centre.”

- 7.17. The existing development pattern within the site does not reflect this description; rather the site accommodates clusters of different building types, including single

and one and a half storey housing, long single storey buildings of the sports club, and numerous sheds and storage containers, all predominantly set within hard standing. The design intent of the proposal is not to replicate the adjacent character to the north, but to complement it, with a denser development reflective of, but of higher quality than, the existing development on the site, set back behind a planted buffer across the road frontage to respect the character of Lye Lane.

- 7.18. As this is an Outline application and the submitted plan is illustrative, although a compact terrace typology is indicated, this could be developed to create a more organic development pattern which could include some apartment blocks in larger curtilages, enabling an equivalent number of dwellings in a more spacious layout to be provided, whilst incorporating more green infrastructure.
- 7.19. Officers question whether the LVIA's assumption that reinforcement planting and planting across the development will be introduced and consider that *"the current layout does not provide any confidence that this can be delivered."* (Statement of Case, Appendix 1, para. 6.14.1).
- 7.20. The layout provided with the Outline application is illustrative. The design can be developed at Reserved Matters stage to accommodate an integrated green infrastructure and open space network to include reinforcement planting and planting across the development. As noted above, the Council can require this to be delivered through appropriate conditions being imposed on the grant of permission.
- 7.21. Officers consider that *"the proposed housing, highway and parking layout is so tightly packed that the scheme does not have sufficient space to accommodate an integrated green infrastructure and open space network, or soft landscaping."* (Statement of Case, Appendix 1, para. 6.14.1).
- 7.22. The layout provided with the Outline application is illustrative. The design can be developed at the Reserved Matters stage to utilise more space efficient forms of housing, while the route network can be developed to accommodate multifunctional shared space which is also more space efficient. Parking layout can be developed to provide a more varied and less frontage-dominated approach. Through development of the design, following a landscape led approach, the scheme has the potential to accommodate an integrated green infrastructure and open space

network, including soft landscape, which the Council can require through appropriate conditions, as previously indicated.

- 7.23. Officers do not support *“the location of public open space within the left-over spaces at the edges of the development, within the landscape buffers and root protection area of the adjacent tree/ woodland planting”* (Statement of Case, Appendix 1, para. 6.14.1).
- 7.24. However, public open space is multifunctional, and it is quite usual for it to be located where there are existing trees. In this way Root Protection Areas are unaffected, while the open space benefits from shade and amenity value provide by the trees. Although the open space has been located along one side of the development, this does not equate to ‘left-over’ space. This is a considered location where the space also benefits from the backdrop of mature woodland, whilst the green infrastructure of open space and trees/ woodland, benefit from being interconnected.
- 7.25. Officers consider that *“the scheme is dominated by hard surfacing including extensive continuous runs of car parking, resulting in a poor quality street scene and amenity”* and consider that *“there is no opportunity to provide (street) trees, or other structural planting, due to the runs of parking bays.”* (Statement of Case, Appendix 1, para. 6.14.1).
- 7.26. The layout provided with the Outline application is illustrative and this level of design detail has not been developed at this stage. The design can be developed at the Reserved Matters stage to integrate the parking within the development, through a variety of solutions such as parking courts, car ports, on plot, garages and flats over garages. This will enable any runs of car parking to be reduced to no more than short runs, with opportunities to provide street trees and other structural planting to create a high quality street scene and amenity for residents.
- 7.27. Officers consider that *“the hierarchy, character and function of open space types is not evident. The play area and public open space is surrounded by highways, forcing users to cross the street to access it.”* (Statement of Case, Appendix 1, para. 6.14.1).

- 7.28. The layout provided with the Outline application is illustrative and this level of design detail has not been developed at this stage. The design can be developed at the Reserved Matters stage to express the hierarchy, character and function of open space areas, which can be detailed in a Landscape Strategy and required by the Council through condition.
- 7.29. The requirement for users to cross a street to access play space and open space is not unusual and I am not aware of any guidance that advises that such space should not abut streets. It is the nature, speed and safety of the street that is most important. These routes are serving low numbers of dwellings and can be designed to have very low speeds. There is also the potential to incorporate shared space streets. These are all levels of detail that can be developed at the Reserved Matters stage and required by the Council through condition.
- 7.30. Officers state that *“there is no indication of any SUDS features – these should be fully integrated within the landscape layout now, and not retrofitted to the left-over space further down the line.”* (Statement of Case, Appendix 1, para. 6.14.1).
- 7.31. At this stage of the design proposal, SUDS have not been considered as part of the layout. However, as the design is developed, there will be plenty of opportunity to evolve the design to appropriately accommodate SUDS features that take into consideration all constraints including drainage, arboricultural and ecological as well as character and functioning of open space. Whilst above ground SUDS features forming part of the Green Infrastructure of the site are preferable, it should be noted that it is also possible to locate SUDS features below permeable paving in more restricted sites.
- 7.32. Officers consider that *“there is fundamental concern for the impact of the proposed access and highways works upon the character of Lye Lane and existing landscape features, including some Ancient Woodland.”* (Statement of Case, Appendix 1, para. 6.14.1).
- 7.33. I consider that the proposed access and highway works can be accommodated with limited adverse impact to the character of Lye Lane, as detailed in paragraphs 3.3 – 3.10 above. Whilst the proposed access is wider than the existing access, the number of accesses will be reduced to one, and where existing hedgerow will be required to be removed to facilitate the proposed access, this could be replanted

behind the visibility splay as a wider mixed native hedgerow with native hedgerow trees, representing a potential benefit and improvement to the character of the lane, as there are currently no hedgerow trees in the southern section of the hedgerow.

7.34. The proposed footpath has been designed to complement the rural character of Lye Lane to the south of the Motorway and respect the setting of the ancient woodland, with a self-binding gravel surface. The culverting of the ditch to the south of the motorway along the edge of the Ancient Woodland is considered to be an adverse landscape impact in relation to the loss of a landscape feature, though counterbalanced by the beneficial impact of the removal of access to the Ancient Woodland to the south of the site and the resultant gradual improvement in condition of the woodland as it recovers. The proposed development, including access and highway works, is considered to have a minor adverse landscape effect at the post construction stage and a minor neutral landscape effect at the residual stage on the Bricket Wood Local Character Area in the vicinity of the site, of which Lye Lane forms a part, which are not significant effects.

7.35. Officers are concerned that *“the approach is not compliant with the Landscape Character Assessment and Neighbourhood Plan (policy S6) (which) seek to “Ensure that ancient lanes and their associated hedgerows, ditches and hedgebanks are retained, protected and enhanced” and “maintain existing green verges and hedgerows and encourage the planting of new hedgerows” respectively.*” (Statement of Case, Appendix 1, para. 6.14.1).

7.36. The proposals for the footpath along Lye Lane will result in the loss of a section of ditch, although the lane and hedgerows will be retained, protected and enhanced where the hedge along the site frontage can be gapped up, replanted where necessary, and enhanced with additional hedgerow tree planting. In addition, this loss is counterbalanced by the beneficial impact of the removal of access to the Ancient Woodland to the south of the site.

8. Conclusions

8.1. In relation to landscape and visual impacts, there will be no long term significant adverse effects arising as a result of the proposed residential development and it can be considered as being beneficial in some respects due to landscape enhancements that will be brought into a site which, apart from its retained

boundaries, is currently limited in any landscape features and is of limited ecological value.

- 8.2. In relation to paragraph 154(G) of the NPPF, as the site is generally very well enclosed and screened, and is not visible beyond the close range road frontage of Lye Lane, with only limited (partial) visibility at close range, and as the proposed development has the potential to create a less developed appearance from Lye Lane than the current development on site, despite the proposed development increasing the built form spatially within the enclosed part of the site, I do not consider that the redevelopment of the site would cause “substantial harm” to the openness of the Green Belt.