

Outline application for residential led development of up to 373 dwellings (C3) together with the means of vehicular and pedestrian/cycle access together with the principle of a public house (A3/A4 use), primary school with nursery (D1), internal access roads and the provision of public open space (formal and informal) and strategic mitigation. Details of access to be determined with all other matters reserved

LPA Reference P/2017/1133

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**SUMMARY Proof of Evidence on Landscape and Visual Matters of
Peter Leaver BA(Hons) Dip LD CMLI. Director, David Wilson Partnership**

1.0 Introduction

Qualifications and Experience

1.1 I am Peter Leaver, a chartered landscape architect and director of David Wilson Partnership Limited. I hold a BA (hons) in landscape design and a postgraduate diploma in landscape architecture from Manchester Polytechnic. I was elected a member of the Landscape Institute in 1989. Since 1997 I have been a partner, now a director, of David Wilson Partnership Limited, working as a landscape architect for a wide range of public and private sector clients. Of relevance to this inquiry, I currently advise the North Devon Coast AONB Partnership on landscape matters, for whom I have given written and oral evidence at appeal on landscape and visual matters.

1.2 The evidence which I have prepared and provided for this appeal is true and is prepared with regard to the Landscape Institute technical and professional standards. I confirm that the opinions expressed are my true and professional opinions

1.3 I was commissioned by the appellant in 2018 to carry out an independent, impartial review of the issues of concern in relation to the landscape and visual impacts of the proposal (CD2.31). The appellant faced a complex situation as a result of the conflicting advice received on landscape and visual impact and required a sense check on the likely effect of the proposals, particularly on the setting of the South Devon AONB.

1.4 My evidence deals with the reason for refusal 3 as set out in Torbay Council's statement of case (paras 10.7 to 10.9): "*The development would represent a substantial and harmful intrusion into open countryside which forms part of the backdrop and setting of the South Devon AONB, which would be clearly visible from public vantage points and recreational networks (within the AONB) and from outside the AONB (looking towards AONB), contrary to Paragraphs 170 and 172 of the NPPF, Policies SS2, SS8.3 and C1 of the Torbay Local Plan 2012-30, and Policies E1 and E6 of the Brixham Peninsula Neighbourhood Plan ("BPNP"), and the South Devon AONB Management Plan (2019-2024).*" (CD 7.18) Evidence also addresses the landscape and visual impact issues raised by reason for refusal 1. (Torbay Statement of Case para 10.2, 2nd bullet point): "*The proposal is significantly and demonstrably contrary to Policies BH3, BH4, BH9, E1, E2, E3 and E6 of the Brixham Peninsula Neighbourhood Plan and the strategic framework for the Neighbourhood Plan set by Policy SDB1 of the Torbay Local Plan 2012-30. The extent of this conflict, including development of an area identified as a settlement gap identified in Policy E3 of the Neighbourhood Plan, would seriously undermine the Development Plan as a whole.*"

2.0 Baseline Landscape and Visual Character

2.1 The proposal site sits on the western edge of Goodrington. It is separated from housing to the east by Brixham Rd; new residential, commercial and industrial development at White Rock to the north by planted open space and from the village of Galmpton to the south by open countryside. West of the site, the land falls away to the steep slopes of the Dart Valley. There are no landscape designations covering the site. It sits outside the South Devon AONB, although it is within the setting of the designated area and is visible from several parts of the AONB.

2.2 The rural area around Torbay is described in national, regional and local landscape character assessments. The site is within the Torbay Hinterland Devon Character Area and Landscape Character Type 1 (Lower Rolling Farmland) as described by the Torbay Landscape Character Assessment. That assessment further sub divides the character type into a number of smaller Areas of Local Character (AoLC), the site falling within AoLC10 – North Galmpton. Key characteristics of the landscape include:

- Rolling topography;
- Irregular pattern of field boundaries defining arable and pasture;
- Network of sunken lanes and high hedgebanks;
- Occasional wide views across the countryside;
- Thinly populated with nucleated hamlets.

2.3 The site is typical of the character type, with a gently undulating topography, hedgerows delineating pasture and arable fields and small areas of woodland on the site boundaries.

3.0 The Approach to Design Development

3.1 The application scheme is in outline, but considerable thought has been given to the layout of the site, the palette of materials and green infrastructure (Site Masterplan CD2.13, Green Infrastructure Plan CD2.12). The Planning Design and Access Statement (CD2.23) and the Urban Design Framework (CD2.24) set out design principles that are appropriate to the local landscape character. In particular:

- The topography of the site, with a local high point, part of the ridge that defines the seaward facing edge of Paignton, slopes on the western part of the site leading towards the Dart Valley and to the south towards Galmpton.
- The relationship of the western part of the area to the edge of the Dart Valley;
- The pattern of vegetation on site, including small farm woodlands, well maintained hedgerows and strong field pattern;
- The proximity of the site to Brixham Road and new development at White Rock;
- The palette of materials and building form in the surrounding area.

3.2 Ongoing assessment of the effects of design iterations were fed back into the design process, along with the consultation responses of the local planning authority. Considered changes were made to the scheme as a result (summarised in section 8.5 of the PDA Statement (CD2.23 p44-45). Examples of the changes made as a result of ongoing assessment of the site, character analysis as part of the LVIA and the input of the LPA include:

- Development pulled back from the south western parts of the site that are orientated towards the AONB, have closer associations with the Dart Valley sides and are closest to the Waddeton and Galmpton Conservation Areas.
- Incorporation of small woodland copses along the southern and south western edges of the scheme to filter views from elevated parts of the AONB
- The siting of public open space rather than built development at the highest point of the site to reduce the visual impact of the scheme
- Strengthening existing field boundaries along southern and western edges to minimise views from these directions including from the elevated parts of the AONB.
- Retaining and strengthening the hedgerow between the site and the Brixham Road whilst still allowing views over this hedgerow to the elevated ground within the AONB to the west.
- Proposed hedgerows, small farm woodlands, substantial tree planting and retention of much of the existing hedges to break up the mass of the built development and to help integrate the proposals into the character of the local area.

- The inclusion of orchards and allotments along the northern edge of the scheme to provide an enhanced green gap between the Inglewood proposals and the White Rock development.
- The incorporation of landscape buffers between the mature trees to be retained and the edges of the built development to better integrate the proposals into the locality.
- Providing opportunities for new publicly accessible views towards the AONB from within the development (see Appendix PL2.4 to my proof of evidence).
- The suggested use of a locally vernacular palette of colours for the proposed building finishes, both to integrate the proposals into the local area and to reduce visual impact (LVIA Appendix V Addendum - Part 2, CD 2.46).

3.3 The LVIA process identified potential impacts on surrounding visual and landscape receptors, notably the setting of the South Devon AONB, the local landscape outside the AONB (including the settlement gap and vista identified in the Neighbourhood Plan) and users of the local footpath network. The LVIA concluded that no significant adverse effects on these receptors are predicted. That is a conclusion with which I agree. It is my view that the proposals represent a coherent, well considered design that responds to its landscape context.

4.0 The Effect of the Proposals on the Setting of the South Devon AONB

4.1 The proposal site is not within the South Devon Area of Outstanding Natural Beauty and views from AONB are all at some distance from the site. The effects assessed are indirect and, in so far as there are any changes to views or landscape receptors, those changes relate to the setting of the AONB. At its closest, the site boundary is 550m from the AONB and the closest that proposed development is to the AONB boundary is 685m. From the principal viewpoints identified in the LPA Statement of Case, those within the AONB are between almost 1.5km and over 3.5km distant from the developed part of the site.

4.2 Natural Beauty is an overarching term that encompasses the qualities, features and characteristics that add together to make an AONB distinctive. Special qualities are a subset of Natural Beauty, distilling the distinctive characteristics and key attributes that make the area special and worthy of designation as an AONB in south Devon. They apply to large areas or all of the AONB. It seems to me that consideration of the potential effects of development on those special qualities is helpful when considering what, if any, impact a development in the setting of the designated area would have on landscape and scenic beauty within the AONB.

4.3 The South Devon AONB Management Plan (CD6.10) is a comprehensive document comprising a detailed evidence base and strategy that seeks to ensure that the AONB is conserved, managed and enhanced. Of particular relevance to the appeal are annexes 1 (Planning Guidance) and 4 (Understanding Special Qualities) – which sets out the 10 special qualities of the AONB, the rationale behind them and the characteristics that contribute to them.

4.4 The LPA and AONB Partnership have previously cited 3 of the ten special qualities as being pertinent to the consideration of the appeal proposal. In preparation of the landscape position statement, a further four special qualities have subsequently been identified by the LPA. I have dealt with each of the qualities in turn in my main proof of evidence.

Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement

4.5 It is accepted by a number of authorities that tranquillity can be judged in terms of wilderness; naturalness and wildness; remoteness, timelessness and dark night skies. In my assessment, the site is not material in contributing to those qualities and to the sense of tranquillity as experienced in much of the AONB. Development of the site would not impinge on tranquillity in the AONB.

A variety in the setting to the AONB formed by the marine environment, Plymouth City, market and coastal towns, rural South Hams and the southern Dartmoor. Iconic wide, unspoilt and expansive panoramic views

4.6 There is some benefit in considering these two special qualities together. Annex 4 of the AONB Management Plan (CD 6.10) sets out a rationale for the special quality of setting of the AONB. Distinctive characteristics are:

- That Torbay and Plymouth are important components of the AONB setting and contrast strongly with the area's deeply rural nature.
- That away from Torbay and Plymouth City, the principal character of neighbouring inland areas forming the setting of the AONB is one that is sparsely settled and deeply rural in nature.

4.7 It is the first of those characteristics applies to the setting north of the Dart Valley that includes the development site. The site sits within an area that already includes housing and other development in the form of Paignton, Brixham, Torbay. At a local scale both Galmpton and White Rock are prominent elements in the setting of the AONB.

4.8 Views from AONB are all at some distance from the site. The proposal would result in the introduction of a new feature in some views, albeit one that is not out of keeping with the character of the receiving landscape, the topography of the Torbay rim, local gaps between settlement and fingers of countryside interlocking with the edge of the town. The proposal would be discernible and would be in keeping with the development context on the edge of Paignton, but would not alter the overall balance of developed land and open countryside in the setting of the AONB

4.9 There is a clear distinction between the landscape of the Dart Valley (to the south of the site) and the landscape of Inglewood and White Rock. VPs 3, 7, 19 show a distinct change between the steep slopes of the Dart Valley and the rolling landscape of the site, leading into the edge of Brixham and Paignton. Areas of the site proposed for built development are not on slopes that face towards the Dart Valley.

4.10 The proposal would create new publicly accessible locations from which there would be views of the AONB . From the view identified in the BPNP, views of the AONB would still be available over the top of the proposed development (VVM VP14).

4.11 The site is seen as part of the urban setting of the AONB, not part of its deeply rural hinterland. It is my professional judgement that the proposal would have only minor adverse or negligible landscape or visual effects on the setting of the designated area. It would not cause an obvious deterioration in the character of views from the AONB nor in its setting.

Special Quality: Ria estuaries (drowned river valleys), steep combes and a network of associated watercourses

4.12 No intervisibility has been found between the river and the site and there is no indication that the development would have a direct impact on the landscape features of the Dart estuary noted in as distinctive to the Special Quality. In my assessment, the proposed development will have no impact on the Special Quality.

Deeply rural rolling patchwork agricultural landscape.

4.13 The LPA's concerns in this regard appear to me to be about the issue of setting – dealt with above. The distinctive characteristics related to this Special Quality (as detailed in the AONB Management Plan, CD6.10 annex 4 p13) relate to the physicality of landform, land use, land cover and vegetation within the designated area. The development proposal is outside the AONB and could not therefore have an adverse impact on those features.

A landscape with a rich time depth and a wealth of historic features and cultural associations.

4.14 The LPA has not objected on grounds of harm to designated heritage assets. The site itself is outside the AONB boundary and is in any case clearly separate from any of the historic settlements at Waddeton, Greenway or Stoke Gabriel. The site does not appear in viewpoints to have a visual or functional relationship with the Dart River and would not compete in landscape or visual terms with the historic settlements noted.

An ancient and intricate network of winding lanes, paths and recreational routes.

4.15 The distinctive characteristics of the Special Quality relate to the layout of the road and track system. These are features that would be found within the AONB and would not be affected by development outside the designated area. The SQ also notes glimpsed views from gateways (that may be influenced by development outside the AONB) and notes the "*stunning walking experience*" of the South West Coast Path (SWCP) and the coastal margin which form a nationally significant resource and the primary recreation route in the AONB. No intervisibility between the SWCP and the site has been identified.

4.16 Views from footpaths and the road network are available from the AONB towards the site. VPs 5, 6, 7, 8 are representative of views from the footpath network within the AONB. The LVIA concludes that the visual impact of the development from roads and footpaths within the AONB would be minor adverse or negligible, a view with which I agree (CD2.22 tables 4a, 4b, 4c). In my assessment, the development would not have a significant adverse impact on this characteristic of this Special Quality.

Conclusion on AONB

4.17 It is accepted that the development is within the setting of the South Devon AONB. Statutory and other consultees have identified the special landscape qualities that could be sensitive to development outside the AONB. In each case, the site makes no or only a small contribution to those qualities. The site itself is outside the AONB boundary and there is a clear separation between the site and the closest parts of the AONB. The development will have a strong functional and visual relationship with the built up area of Paignton but has been designed to maintain a clear countryside gap on the western edge to maintain distance and reduce influence on the edge of the Dart Valley and on the character of the AONB.

4.18 The development as proposed would have negligible or only minor adverse effects on the setting and special qualities of the AONB. Landscape and scenic beauty overall would not be adversely affected (ref NPPF para 172). In terms of Torbay Local Plan Policy SS8, the appeal proposal would not result in an unacceptable impact on the special qualities of the AONB.

5.0 The Effect of the Proposals on the Local Landscape Outside the AONB

5.1 In the northern part of the character type (Identified as Character Area LR1a in fig 6e of the LVIA CD1.22) the proposal would lead to a number of direct effects, those being the loss of arable and pasture over the developed part of the site and the movement westwards of the developed edge of Torbay. The existing hedgerow pattern would be kept largely intact. Views across the landscape would be changed (in particular from Brixham Rd, as VVM14 – CD2.46 illustrates) but the distant hills that make up a key part of views of the AONB would still be visible. Direct effects identified would apply to much of the site itself and indirect effects would apply to views over the site from parts of Waddeton Lane, Brixham Rd and Goodrington. These residual effects would be moderate adverse over this limited area. Elsewhere in the local landscape, residual effects are assessed as being minor adverse or negligible.

5.2 The LPA and Rule 6 party raise the issue of whether the site can be considered to be part of a “valued landscape’ (NPPF para 170a). My assessment, detailed in the PoE, is that the site and surrounding countryside are pleasant, unremarkable rolling farmland. The area has some value as a setting for Torbay and the AONB, but the site itself is not particularly important in those roles. Perceptual and scenic qualities are degraded by the presence of nearby development and busy main roads. While the site has some value, it cannot be described as a valued landscape in terms of the criteria set out in box 5.1 of the GLVIA3.

5.3 Brixham Peninsula Neighbourhood Plan (BPNP) policies E3 and E6 seek to protect settlement gaps and views from particular vantage points.

5.4 Most of the site area proposed for development sits within an identified settlement gap. In spite of this, my assessment is that the proposal does not contravene the purposes or rationale of the policy as set out in the BPNP, in as far as they relate to landscape and visual considerations.

- The open characteristic of the area is retained by the visual separation between Galmpton and the proposed development:
- The physical separation between Galmpton and the developed part of the site is visually accentuated by the topography of the intervening landscape – falling and then rising to exaggerate the sense of separation.
- The native woodland belt proposed as part of the green infrastructure plan filters views of the developed part of the site and, with the effect of the intervening valley, creates a distinct edge to the proposal, protecting the discrete identity of Galmpton;

- The valley and green infrastructure proposed for the appeal site creates a visual link between Brixham Rd and the open countryside to the south.

5.5 Policy E6 of the BPNP has been cited as a putative reason for refusal. The policy requires views and vistas, valued by residents and visitors, to be protected. The accompanying text points to several published sources as containing rationale and examples of these views. I can find only one example of views across the site in any of these documents: Part 2 of the Torbay Landscape Character Assessment notes “*long distance views to the south west to hills beyond the Dart within the AONB*” from the northern part of AoLC 10: North Galmpton (CD6.2 p34). (A photograph in BPNP Appendix 3 in relation to policy E3 identifies a view from Brixham Rd across the site, but there is no accompanying text to explain whether or not the view is considered to be important or valued).

5.6 Submitted VVMs illustrate open views across the northern part of the site towards the high ground on the other side of the Dart Estuary. With the development in place, views towards these hills (as noted in the LCA) are maintained. New publicly accessible locations from which there would be views of the AONB will be created within the development.

6.0 Conclusions

6.1 The conservation of landscape character has been a core consideration in the development of the proposals for the site. It is my view that the proposals represent a coherent, well considered design that responds to its landscape context. The proposals have been developed alongside a thorough and objective LVIA, whose conclusions I endorse. The LVIA meets the requirements of the GLVIA3 guidance in that it specifies the nature of the proposed development, describes the existing landscape and visual baseline, predicts the effects as a result of the proposed development and their significance. It considers how the effects can be mitigated.

6.2 Issues raised by the LPA and R6 party relate to the impact of the proposals on the setting of the AONB and its impact on landscape character as well as policies on the landscape outside the AONB. It must be remembered that the appeal site is not within the designated AONB and that any residual effects identified would be indirect. The development as proposed would have negligible or only minor adverse effects on the setting and special qualities of the AONB and those effects have been found to be not significant. Landscape and scenic beauty overall would not be adversely affected and the appeal proposal would not result in an unacceptable impact on the special qualities of the designated area. It is my assessment that the development proposal accords with the landscape and visual perspective

of the NPPF in relation to the setting of the AONB, Local and Neighbourhood Plan policies SS8, SDB1, E1 as they relate to AONB setting, Policy E6 relating to views to and from the AONB and landscape policies of the AONB Management Plan in relation to setting.

6.3 The site is not within an area that can be considered to be a valued landscape (NPPF para 170) and the impact of the development proposal on the landscape outside the AONB has been assessed as being not significant. The proposal landscape and green infrastructure strategy has been developed to minimise adverse effects on distinctive landscape character of the countryside to the west of Torbay. The proposal delivers local plan countryside access and enhancement scheme, identified at policy SS9.3. The scheme has been developed with consideration given to the opportunities for green infrastructure, it incorporates Green Infrastructure criteria listed in policy SS9.

6.4 The proposal will lead to some loss of open countryside and will result in moderate adverse effects on local landscape character in some areas close to the site. For that reason, it does not fully accord with all the landscape elements of Local Plan policy C1. Elsewhere in the local area landscape and visual effects are minor adverse or negligible; The scheme layout and design is well related to the existing urban edge of Paignton and is respectful of landscape character. The separate identity and character of surrounding settlements are retained and to that extent the proposal is compliant with other landscape objectives of policy C1.

6.5 The site is within the area identified in the Brixham Neighbourhood Plan Policy E3 as a settlement gap whose purpose is to protect the separation of Galmpton from the urban area of Paignton. It is my assessment that, notwithstanding the apparent conflict, the development does not contravene the purposes of the policy in landscape or visual terms in that visual separation and the open character of the area is maintained and visual links to open countryside are retained from the village, Brixham Rd and the site.

6.6 Given the above, my assessment is that the scheme is broadly consistent with the objectives of the Local Plan, the Neighbourhood Plan, the AONB Management Plan and the NPPF in relation to landscape and visual matters.