

# **Statement of Common Ground Character and Appearance**

**Outline application for the erection of up to 196 dwellings with all matters reserved other than the means of access**

**Land at Sowbrook Lane, Stanton by Dale**

**Appeal by Wulff Asset Management Limited**

**Appeal Reference: APP/JN1025/W/23/3319160**

**Planning Application Reference: ERE/0722/0038**

## Contents

|   |  |   |
|---|--|---|
| 1 | INTRODUCTION .....                                     | 3 |
|   | PURPOSE .....  | 3 |
|   | MAIN CONTRIBUTORS.....                                 | 3 |
|   | SCOPE AND STRUCTURE.....                               | 4 |
|   | AREAS OF AGREEMENT .....                               | 4 |
|   | AREAS OF DISAGREEMENT .....                            | 4 |
| 2 | AREAS OF AGREEMENT .....                               | 5 |
|   | STATEMENT OF COMMON GROUND .....                       | 5 |
|   | CHARACTER AND APPEARANCE .....                         | 5 |
|   | VISUAL EFFECTS AND VISUAL AMENITY.....                 | 6 |
| 3 | AREAS OF DISAGREEMENT .....                            | 7 |
|   | MAIN STATEMENT OF COMMON GROUND .....                  | 7 |
|   | LANDSCAPE CHARACTER AND VISUAL EFFECTS .....           | 7 |
| 4 | SIGNED AGREEMENT .....                                 | 8 |
|   | SIGNED ON BEHALF OF THE APPELLANTS .....               | 8 |
|   | SIGNED ON BEHALF OF THE LOCAL PLANNING AUTHORITY ..... | 8 |

## 1 INTRODUCTION

### PURPOSE

- 1.1 This Character and Appearance Statement of Common Ground (C&A SoCG) has been prepared in support of an appeal by Wulff Asset Management Limited against the refusal of planning application reference ERE/0722/038 by Erewash Borough Council (EBC).
- 1.2 The proposal is an outline application for the erection of up to 196 dwellings with all matters reserved other than means of access.
- 1.3 As agreed during the Case Management Conference held on 20<sup>th</sup> June 2023, and summarised in the Case Management Conference summary note, the main issues include:
  - The effect of the outline proposal on the character, appearance and visual amenity of the local area, with particular regard to landscape.
- 1.4 This main issue relates to Reason for Refusal 5, which states:

*"The proposed development would lead to the loss of the open landscape which is characteristic of the area. Development of the site would cause significant harm to the visual amenities of the area. The proposal therefore fails to accord with Section 12 of the National Planning Policy Framework and it would be contrary to Saved Policy H12 – Quality & Design and Core Strategy Policy 10: Design and Enhancing Local Identity".*

- 1.5 As also agreed at the Case Management Conference, these matters are to be dealt with at the Inquiry by way of evidence-in-chief, cross-examination and re-examination. However, the Inspector has confirmed that he will keep this approach under review and consider any possible change to this approach once roofs of evidence have been submitted.

### MAIN CONTRIBUTORS

- 1.6 The following are the main contributors to this C&A SoCG:

#### *On behalf of the Appellant:*

- Robert Hughes BSc (Hons) PGDipLA CMLI – Incola Landscape Planning

#### *On behalf of Erewash Borough Council*

- James Grundy – Senior Planning Officer, EBC

## SCOPE AND STRUCTURE

### *AREAS OF AGREEMENT*

- 1.7 At Section 2, this C&A SoCG sets-out those matters and areas of agreement between the Appellant and EBC that relate to the effect of the proposed development on the character, appearance and visual amenity of the local area. Where relevant, these include those matters that are agreed as Common Ground within the main Statement of Common Ground (SoCG).

### *AREAS OF DISAGREEMENT*

- 1.8 Areas where there is disagreement between the Appellant and EBC are set out in Section 3, along with an explanation from either side setting out the reasoning behind the differences. This is to help narrow down the issues between the parties and focus the giving of evidence at the Inquiry.

## 2 AREAS OF AGREEMENT

### STATEMENT OF COMMON GROUND

- 2.1 As set out at Section 7 of the main SoCG, the following matters that are of relevance to the character, appearance and visual amenity of the local area are agreed by all parties:
- The Appeal Site is not subject to any designation in the Local Plan (SoCG paragraph 7.2)
  - The Appeal Site is not situated within a landscape that is subject to either a statutory or local non-statutory landscape designation. It is not considered to be a valued landscape under the provisions of paragraph 174(a) of the NPPF (SoCG paragraph 7.11)
  - Core Strategy Policy 10 sets out that regard should be had to the Derbyshire Landscape Appraisal when considering the landscape impact of a proposed development on landscape character (SoCG paragraph 7.12)
  - The visual impacts from the proposed development are localised and limited to the views identified in the Landscape Statement of Case (SoCG paragraph 7.13)
- 2.2 As the above matters have already been agreed, they are not repeated within this C&A SoCG document, unless pertinent when providing reasoning behind those areas of disagreement between the parties.

### CHARACTER AND APPEARANCE

- 2.3 The following is agreed between the parties in relation to the character and appearance of the local area:
1. The appeal site does not contain any features that are rare or unusual.
  2. The Derbyshire Landscape Assessment is relevant to establishing the character and appearance of the Site and the surrounding area.
  3. The site lies within the Coalfield Village Farmlands Landscape Character Type (LCT), as defined by the Landscape of Derbyshire landscape character assessment.
  4. The character assessment describes the Coalfield Village Farmlands LCT as a small-scale, organic landscape with small woodlands, copses, linear tree belts and hedgerow trees.
  5. The Coalfield Village Farmlands LCT is identified by the character assessment as a settled landscape, characterised by towns, many villages and a moderate dispersal of farmsteads.

6. The site is contained by trees and hedgerows to boundaries, including alongside the canal, Ilkeston Road, Sowbrook Lane and woodland and scrub at Roughs Hole and the western boundary.
7. The Ilkeston Road access will require the removal of 25 metres of hedgerow, including some hedgerow trees. The secondary access on Sowbrook Lane will require the removal of 105 metres of hedgerow.
8. The impacts of the proposed development upon the landscape will be localised in scale.

## VISUAL EFFECTS AND VISUAL AMENITY

2.4 The following is agreed in relation to the effects on the visual amenity of the local area:

9. Public views of the appeal site and proposed development will be obtained from adjacent roads, rights of way to the north on the canal towpath and Nutbrook Tral and permissive paths that run alongside the northern and north-western site boundaries within the Appeal Site itself.
10. Of the views identified in the Landscape Statement, the Appeal Site is not visible from the following locations:
  - Viewpoints 10 (a & b) on the Nutbrook Canal Towpath to the northwest;
  - Viewpoint 11 on the Nutbrook Tral to the northwest; and
  - Viewpoint 16 on public footpath 11, south of the Stanton Precast cement works
11. Those groups of people have views of the site and may be affected by the proposed development are limited to the following:
  - Users of Ilkeston Road;
  - Users of Sowbrook Lane;
  - Users of the Nutbrook Canal Towpath;
  - Users of the Nutbrook Trail;
  - Users of the Permissive Paths within the Site;
  - Anglers using Rough's Hole fishing pond; and
  - Residents of properties on Sowbrook Lane (Twelve Houses)

### 3 AREAS OF DISAGREEMENT

- 3.1 The areas of disagreement between the Appellant and EBC in relation to character, appearance and visual amenity are set out below to aid in focussing and directing evidence at the Inquiry.

#### MAIN STATEMENT OF COMMON GROUND

- 3.2 The following areas of disagreement are set out within the Main Statement of Common Ground (paragraph 9):
- Whether the Derbyshire Landscape Character Assessment recognises that the area is heavily influenced by urban development, including both industrial and residential areas;
  - Whether the Appeal Site is located in the urban fringe and a landscape that is dominated by development, and whether this will be reinforced with the development of the employment site to the east; and
  - Whether the proposed development will introduce uncharacteristic elements into the local landscape and whether the approach taken reflects the character of the urban edge alongside the canal in this location.

#### LANDSCAPE CHARACTER AND VISUAL EFFECTS

- 3.3 The following areas of disagreement have also been identified through the drafting of this SoCG:
12. Whether consideration can be given to the design principles promoted by the indicative masterplan and Design and Access Statement in assessing the impact of the proposal on the character and appearance of the site.
  13. Whether the proposal is compatible with the description of the Coalfield Village Farmlands Landscape Character type.
  14. The extent to which the appeal site is influenced or experienced in the context of existing, committed and under construction residential and industrial development.
  15. Whether the site is on the urban edge.
  16. Whether emerging Core Strategy Policy 5 Green Infrastructure is relevant to a discussion of character and appearance, notwithstanding the difference between the parties as to the weight to be attached to the emerging policies as set out in the Main SoCG, which is being dealt with under the planning matters.

## 4 SIGNED AGREEMENT

- 4.1 We agree to the statements set out within this Character and Appearance Statement of Common Ground

### *SIGNED ON BEHALF OF THE APPELLANTS*

Signature:



Print Name: **Robert Hughes**

Date: 26 July 2023

Position: Landscape Witness for the Appellant

### *SIGNED ON BEHALF OF THE LOCAL PLANNING AUTHORITY*

Signature:



.....

Print Name: **James Grundy**

Date: 26 July 2023

Position: **Senior Planning Officer, Erewash Borough Council**



