

**REBUTTAL PROOF OF EVIDENCE OF MARK FLATMAN:
LANDSCAPE AND VISUAL ISSUES**

ON BEHALF OF:

AURORA PROPERTIES (UK) LTD

IN RESPECT OF AN APPEAL FOR:

LAND TO THE NORTH OF BRADMORE WAY, BROOKMANS PARK, HERTFORDSHIRE.

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LPA: Welwyn Hatfield Borough Council
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1 REBUTTAL PROOF IN RESPECT OF MR BROWNE'S EVIDENCE

1.1 Rebuttal Evidence

1.1.1 This rebuttal is in response to the Proof of Evidence provided by Mr Browne.

1.1.2 I have not sought to provide a rebuttal on everything Mr Browne has said, but have selected some of the points of most relevance and help to the Inspector.

Landscape Matters

1.1.3 The LVIA and my proof of evidence acknowledge that the main landscape effects will be felt on the Appeal Site itself. This would be the same for all development sites.

1.1.4 Mr Browne wrongly asserts in his proof at 5.2.3 and his Table 5.3.2 Landscape Effects that there will be a Substantial Adverse Effect on Peplin's Wood. His allegation is completely overstated, there is also no loss of landscape resource, no fragmentation and no isolation of the resource. His claims are in stark contrast to the Council's own Landscape Officer Mr Waring who confirmed¹ very clearly that,

"The trees and vegetation are located around the boundary of the site should remain relatively unaffected by the proposal....." and,

"The proposed layout provides a landscape buffer between the housing and woodland (this is set out in the design proposals and design and access statement) which should minimise the impact on the woodland" and,

The proposal has no significant impact on the existing vegetation".

1.1.5 As I have set out in my proof and as reflected on the Illustrative Landscape Plan, the scheme provide significant offsets of between 15m and up to approximately 70m between the woodland and any built edge. (By contrast, I note a limb of Peplin's

¹ Landscape SoCG Section 3 Landscape Officer Consultation Response (CD 13.02)

Wood at the southern edge adjoins the settlement edge, the proposed scheme will be far better than this current arrangement). The proposed scheme ensures enhanced connectivity of the woodland with surrounding features, along two edges of the Appeal Site to the wooded belts at the edge of the golf course. Furthermore, and importantly, a new woodland buffer will be planted with a new native mixed species broadleaved woodland planting, which totals approximately 1.18 hectares².

1.1.6 Following all of Mr Browne's analysis (in sections 1-4 of his proof) feeding through to the landscape effects in his PoE at 5.3.2, Mr Browne eventually concludes that the harm to a small portion of the (within the northern parcel – A) LCA54: Potters Bar Parkland is only a Slight Adverse Effect at completion (year 1). That is without any mitigation.

1.1.7 As set out in my proof at 3.4.3 and 3.4.4 the Consultation response from the Council's own Landscape Officer Mr Waring had already confirmed he had no objection to the scheme on landscape grounds, and furthermore it was only the Case Officer in the Committee Report (referenced in my proof at 3.4.6) who had claimed the LVIA understated the effects on the character area.

1.1.8 Ultimately, I wish to draw the Inspector's attention to the fact that Mr Browne has not only concurred with the findings of both the LVIA and the Council's Landscape Officer in reaching his conclusions as to the limited landscape effect on the LCA, but he has also contradicted the Case Officer (committee report), the Reason for Refusal and the Landscape SoCG in reaching his professional opinion.

1.1.9 Effects on the character of the area are minimised because;

- The Appeal Site is position on the inward facing landform against the railway line, contiguous with the modern (visible) settlement pattern to the south.

² MF PoE para 3.3.5

- The existing presence of a well-established settlement edge and railway line are features that impart suburban characteristics across the Appeal Site. The golf course represents a modern land use within a wooded framework to the east.
- There would be no loss of existing distinctive features of value such as trees, woodland or hedgerows.
- Existing mature belts of woodland, trees and any remaining historic parkland trees within the wider landscape beyond the Appeal Site will continue to perform the function they do at present, offering a strong framework and providing a backdrop for the proposed development, in exactly the same way that they do now for the existing settlement.

1.1.10 Furthermore it is common ground that the proposed landscape scheme contains a number of beneficial landscape features³.

1.1.11 Accordingly, and taking everything into account, the effects of the development on the character of the area (Area 54 Potter Bar Parkland) can only be limited and localised, as the LVIA, Mr Waring, Mr Browne and I have all now concluded⁴.

Visual Matters

1.1.12 At 4.3.4 Mr Browne wrongly claims “...there are very few places to appreciate the rural setting of the village” and at 6.3.4 he erroneously suggests the view is “..one of the few places within the Brookmans Park village that it is possible to experience views of the undeveloped countryside”. I am not sure how much of the village Mr Browne is familiar with. The design of the modern commuter settlement, is typically laid out in rows in a narrow linear pattern (typically 2 or 3 streets depth only) forming an ‘H’ shape, and the 1920’s planned layout of dwellings with mature gardens appears designed to sit well within the mature wooded backdrop. Different attributes of the rural area beyond the settlement can be appreciated from multiple locations

³ Landscape SoCG 4.4 (CD 13.02) and MF PoE para 3.3.5

⁴ BB Proof of Evidence para 5.3.2 LCA54: Potters Bar Parkland – A (northern parcel); Mr Browne “Slight Adverse Effect” at Yr1 Completion

throughout the village, either through gaps in the built form, along roads or at the ends of estate roads or from the edge of the village. I include two examples below:



Plate 1: View looking south along Oaklands Avenue towards Hawkshead Lane



Plate 2: View into Gobions Park from Bluebridge Avenue (Image: Google streetview)

1.1.13

Furthermore, Brookmans Park is connected by a very well established Public Right of Way network, publicly accessible open spaces. As a consequence, it is possible to appreciate many of the attributes (agricultural land, trees, woodland, Gobions Open

Space and golf course) that make up the rural setting both from within and around the settlement.

- 1.1.14 In his proof, Mr Browne has not highlighted any new issues with visibility being wider than the limited and localised aspects from 4 locations that were provided, and are included in his viewpoint plan (BB Appendix A).
- 1.1.15 Out of his 4 viewpoints, I note that Mr Browne has labelled his Viewpoints 2 and 3 (BB Appendix B 2.1 and 2.2) the wrong way round compared to his location plan in Appendix A.
- 1.1.16 Mr Browne claims in 6.2.9 of his PoE that he found additional viewpoints “*in need of assessment*”. However, I should point out that the receptors to which these photo locations relate (Bradmore Way, Peplins Way and the golf course) were considered in the original LVIA within the planning application, I have already discussed this in my proof at section 3.5.
- 1.1.17 Furthermore, Mr Browne’s has only provided 4 photographs (Mr Browne Appendix B) and these ‘new’ views are either virtually on the boundary or very close to the Appeal Site boundary, and in any event the receptors were already considered in the original LVIA. He has identified (emphasised) the following,
- glimpses in winter from only one or two positions within the public realm across mature gardens in between existing houses and fencing (BB viewpoints 2 and 3), and
 - heavily filtered views from the outer edge of hole 5 on the golf course in winter (BB viewpoint 4), and
 - a single view from the edge of the site within the urban area (BB view 1).
- 1.1.18 This approach only serves to emphasis the lack of visibility in the surrounding landscape; indeed, it is common ground that there are no wider landscape views⁵.

⁵ Landscape SoCG 5.4 and 5.5 (CD 13.02)

1.1.19 GLVIA3 informs us about the way in which groups of people may interact with views (GLVIA3, para 6.14),

“People generally have differing responses to changes in views and visual amenity depending on the context (location, time of day, season, degree of exposure to views) purpose for being in a particular place (for example recreation, residence or employment, or passing through on roads or by other modes of transport). During passage through the landscape, certain activities or locations may be specifically associated with the experience and enjoyment of the landscape, such as the use of paths, tourist or scenic routes and associated viewpoints”.

1.1.20 Mr Browne has overstated the visual effects, despite them being so close to the Appeal Site. Mr Browne’s Appendix B provides his visual effects assessment of the effects, but then confusingly another different and contradictory assessment is provided in parts of his proof. Nonetheless, having had sight of Mr Browne’s photographs (Mr Browne Appendix B) and assessment, I provide further comment as follows.

Mr Browne Viewpoint 1 (Bradmore Way)

1.1.21 Mr Browne’s Appendix B (page 3) provides his visual effects assessment, identifying the effects for receptors for footpath users, residents and vehicles, all being Substantial Adverse.

1.1.22 Whilst Mr Brown’s sole focus (in contrast to the LVIA and my approach) is his fixation on a static point at the edge of the Appeal Site boundary, GLVIA3 (para 6.22) confirms that in addition to fixed views,

“The viewpoints should also, as far as possible, cover important sequential views along key routes and transport corridors. Viewpoints should cover both near and more distant views...”

1.1.23 Mr Browne appears to have ignored the context of the view, which is urban on 3 sides of the viewer, he has ignored the fact this is part of the road that will be used by five properties adjacent as it is a cul-de-sac road (in reality it is not a place where walkers, cyclists or vehicles can pass through). He overstates the visual effects (sensitivity,

magnitude and significance) to the receptor, almost as if the viewers are part of a public right of way or on a recognised scenic route in rural open countryside, giving them the highest possible scoring.

- 1.1.24 Despite acknowledging in his proof at 6.3.5 that the effects reduce with distance, he continues to allege and overstate this is a Substantial Adverse Effect (Visual Effect Table BB Appendix B viewpoint 1, page 3 and proof at 6.3.2 and 6.3.4) throughout, for footway users, residents and road users despite the nature and extent of the receptor. Furthermore, he then causes confusion by accepting a Slight Adverse reducing to Negligible Effects for vehicle users (6.3.8).

Mr Browne Viewpoints 2 and 3 (Peplins Way)

- 1.1.25 Mr Browne's Appendix B (page 4 and 5) provides his visual effects assessment, identifying the effects for receptors for footpath users, residents and vehicles, being Moderate or Slight Adverse.
- 1.1.26 However, in 6.3.2 of his proof Mr Browne fails to distinguish between residents on Bradmore Way and Peplins Way and has overstated the effects as being Substantial Adverse. Along Bradmore Way in the vicinity of his viewpoints, houses are generally set side on to the appeal site with increasingly oblique views of the Appeal Site and the presence of street trees and front gardens, all in the context of facing other houses along the streetscene and receding with distance towards the railway station. By contrast along Peplins Way, properties have mature rear gardens, some with garden structures and trees that filter views. Accordingly, it is not correct for Mr Browne to assert his viewpoint 1 from the road is equally applicable to residential views (his 6.3.3), especially when he has acknowledged "*there are glimpsed views to vegetation along the southern boundary of the appeal site*" in his viewpoints 2 and 3 (page 5, Appendix B).
- 1.1.27 Equally, it is confusing that Mr Browne first assesses the effects in his Appendix B (page 4 and 5) separately as being Moderate and Slight Adverse. He then appears to contradict this by wrongly alleging Substantial Adverse Effects for residents (6.3.2), and Moderate Adverse Effects for the footway users in his proof at 6.3.6 and for people in vehicles (at 6.3.8). He claims the effects for footway users only reduce to

negligible further south of his viewpoint 3 (and yet this is the effect listed by yr15 on page 4), but are negligible for road users both at completion and in year 15.

1.1.28 For both of these views (which were already covered in the LVIA anyway), it is evident from Mr Browne's photos that the existing view and context of these views is settlement and the Appeal Site is not clearly appreciated in either of these photos. Furthermore, and taking into account existing houses and vegetation, there are few gaps through which the development will be seen in these winter views, and less so in summer months. Furthermore despite acknowledging mitigation planting (Appendix B, page 5), Mr Browne fails to adjust his score at 15 years once the scheme is established.

Mr Browne Viewpoint 4 (Users of the golf course)

1.1.29 This is the only viewpoint in which Mr Browne's Appendix B (page 6) is consistent with the text in his proof (6.3.7). Nevertheless, the effects are overstated, and Mr Browne wrongly asserts a number of aspects.

1.1.30 At 6.2.6 Mr Browne wrongly alleges that golf is a sport that "*relies upon an appreciation of the landscape*"⁶. Whilst I accept that golfer must read the terrain, they do so in relation to what is in front of them, to focus on the fairway, the green or the tee, as part of the hole they are playing on the course. To look elsewhere other than along the fairway when taking a shot would simply be a distraction. Mr Browne's viewpoint is perpendicular to the direction of the fairway and, compared to other locations on the course, this is one of the locations where the scenic views associated with this landscape cannot be appreciated, as I have already pointed out in my proof⁷, it is of lower susceptibility.

1.1.31 Notwithstanding Mr Browne's claims, he fails to recognise that during most of the year there is no view out of the golf course along this section of the boundary, as it is filled out in full leaf. Furthermore, he fails to consider or acknowledge the

⁶ Mr Browne 6.2.6

⁷ MF PoE 3.5.12

surrounding context of the golf course elsewhere and including further along the same fairway, where the settlement adjoins the course, along Bradmore Way and then along Brookmans Avenue (as illustrated in MF6 Photographic Sheets, Sheets 14 and 15; in Appendix A of my main proof), which I have set out in my proof⁸.

- 1.1.32 Despite accepting this view is composed of ‘intermittent views’ in his winter construction period (Appendix B page 6), Mr Browne wrongly claims this equates to a Substantial Adverse Effect. Although I recognise Mr Browne acknowledges the new planting, he continues to exaggerate the adverse effects, including a claim that (what amounts to heavily filtered) views of Peplins Wood will be obscured, forgetting the year round aspects of the existing view already do this when vegetation is in leaf.

Summary

- 1.1.33 Having reviewed Mr Browne’s proof, I have found that the landscape and visual effects recorded by the parties are similar; indeed, both Mr Browne and I have found the same limited effect on the character of the area, LCA54: Potters Bar Parkland at completion (Slight Adverse at year 1). In visual terms, there are only 4 viewpoints for discussion, which are all very close to the site with slight variations in the effects from these (from within the urban area and edge of the golf course), and none from the wider landscape.
- 1.1.34 Accordingly, I strongly suggest there are no reasons why this proposal should not be granted on landscape grounds, as the Council’s Landscape Officer first suggested.
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⁸ MF PoE 3.5.12

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