

APPEAL REF: APP/U1430/W/22/3304805

Local Planning Authority Reference: RR/2021/1656/P



Appeal by Gladman Developments Ltd

Land off Fryatt`s Way, Bexhill

PROOF OF EVIDENCE

In relation to Landscape and Visual matters

Timothy Jackson, BA (Hons), Dip LA, CMLI

November 2022

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1.0 EXECUTIVE SUMMARY

- 1.1 My name is Timothy Richard Jackson. I am a Chartered Member of the Landscape Institute and a director in the award winning, multi-disciplinary environmental design company FPCR Environment and Design Ltd (FPCR). I have over 30 years' experience of landscape and development projects from initial conceptual design and assessment through to final completion and long-term aftercare.
- 1.2 I address landscape and visual matters relevant to Rother District Council's (RDCs) putative Reason for Refusal No. 1

The Appeal Site

- 1.3 The appeal site lies adjoining the north western settlement edge of Bexhill, with existing residential development immediately adjoining to the east and further housing within the site's immediate context to the north east and south. Fryatt's Way leading from Ellerslie Lane lies immediately to the east of the site. The site occupies a well-defined and contained position within the western part of Bexhill and it forms part of the Bexhill 'Urban Area' as defined by the East Sussex Landscape Character Assessment (ESLCA) (CD7.02).
- 1.4 Broad Oak Park, with existing housing on Concorde Close, Broadoak Lane, Deerswood Lane and Foxhill lie to the south and south west of the site. Directly to the west and north west of the site is Highwoods Golf Club. Beyond Broad Oak Park and the golf club to the west lies further existing and largely residential development, within part of the settlement known as Little Common. Ibstock Brickworks lies beyond the golf club and Turkey Road to the north west with mature woodland (Highwoods) situated beyond the brickworks.
- 1.5 The broader context of the site includes the wider and more varied settlement area of Bexhill, largely to the east and south, with the A259 stretching in a broadly east – west direction though the main settlement area, to the south of the site.
- 1.6 The site itself comprises three fields with boundaries of predominantly mature trees and hedgerows and/or timber post and rail fencing. The fields are presently used and managed for grazing by horses with the northern and south eastern fields subdivided by post and wire fencing. The site and field boundaries include a good proportion of mature deciduous trees.

Landscape and Visual Appraisal

- 1.7 In summary;
- The site landscape and that of its context includes no national, local or other landscape designations and there is no intervisibility between the site and any designated landscapes or other related features or areas of interest.
 - 82% of Rother District lies within the High Weald Area of Outstanding Natural Beauty (AONB). The site lies outside and within the 18% undesignated land, approximately 4.0km from the nearest part of the AONB (Appendix 2).
 - The site lies within the least environmentally constrained part of the District when other environmental designations are also considered (Reference Map 1 of the RDC Green Infrastructure Paper (Nov 2016) (Appendix 3)).

- The most relevant and detailed published Landscape Character Assessment defines the site and its immediate context within an 'Urban Area' (Ref 30 Bexhill) and not within any of the Local Landscape Character Areas surrounding Bexhill or across the wider District.
 - The published study thus considers that the site and adjoining park and golf club are more allied to, representative and characteristic of the Bexhill Urban Area than any of the Local Landscape Areas beyond the *Urban Area*.
 - The site comprises three sloping grassland fields defined by a mix of field boundaries, including a good proportion of mature deciduous trees. The site is bordered by existing development and properties to the east and by Broad Oak Park and Highwood Golf Club to the south and west.
 - Existing development and properties occupy similarly sloping ground with the existing properties immediately to the east and close to the south occupying more elevated and visible positions than the site itself
 - The landscape value of the site and its immediate context has been assessed in accordance with recognised and recent guidelines (Landscape Institute TGN 02-21) to be Medium.
 - Based upon the baseline landscape and visual assessment, including a review of the relevant published studies and the Development Plan, the site is not, and does not form part of a 'Valued' landscape in terms of the National Planning Policy Framework (NPPF), paragraph 174 a.
 - In visual terms, the site is relatively well contained and although relatively more elevated in the north eastern part it occupies a predominantly visually enclosed position and sits below the adjoining existing development.
 - The Zone of Theoretical Visibility (ZTV) (or Visual "Envelope") of the proposed development will be contained by a combination of the undulating landform, the adjoining and nearby properties and development and the framework of mature trees and hedgerows.
- 1.8 In landscape and visual terms, the site represents a good and appropriate location for new residential development. The proposals will create a sustainable development of up to 210 dwellings, with public open space and access, landscaping and habitat creation and sustainable drainage (SuDS). This will include the conservation and management of the existing mature trees and hedgerows and the provision of a substantial number of new locally occurring native trees and plants and other habitats.
- 1.9 The proposals are well founded in environmental and design terms and recognise the character and features of the site and its surroundings. Landscape and GI proposals will extend to approximately 39% of the total site area and the Development Framework plan, DAS and Green Infrastructure Masterplan will form the basis of subsequent detailed design and reserved matters.

Planning Policy Context

- 1.10 The proposed development addresses and responds positively to the relevant policy context and any effects upon landscape character, settlement pattern and visual amenity are limited, localised and not unacceptable in these terms.

Conclusions

- 1.11 I conclude that the proposals will result in limited and localised adverse landscape and visual effects and will deliver other medium and longer term landscape and GI benefits. The proposed development will establish an appropriate development and landscape solution and it will not cause significant and demonstrable harm in landscape or visual terms.
- 1.12 I conclude on landscape and visual grounds that there are no justifiable or valid reasons to withhold planning permission for this proposed development.

2.0 INTRODUCTION

- 2.1 My name is Timothy Richard Jackson. I am a Chartered Member of the Landscape Institute and a director in the long established, multi-disciplinary environmental design company FPCR Environment and Design Ltd (FPCR). The Practice is a member of the Landscape Institute, the Institute of Environmental Assessment and Management and The Urban Design Group. I have been a partner/ director of the practice for over 20 years.
- 2.2 I have over 30 years' experience of landscape and development projects from initial conceptual design through to final completion and long-term aftercare. I am frequently involved in site selection, constraints analysis, environmental impact assessment and detailed landscape design. I have advised on landscape and visual impact issues on a wide range of residential, commercial and mixed use development schemes and have completed landscape character assessment work and landscape capacity studies for local authority and private sector clients.
- 2.3 I have also undertaken Green Belt, Settlement (and Strategic) 'Gap' and Green Wedge studies and presented evidence on these and landscape, visual and design matters at planning appeals and local plan examinations.
- 2.4 In the past year, I have been responsible for the co-ordination and production of a series of Landscape and Visual Impact Assessments, Landscape and Green Infrastructure Strategies, Landscape Masterplans and Design and Access Statements in support of various planning applications, together with accompanying Environmental Statements. I am currently leading the masterplanning, environmental impact assessment and landscape services on one of the first round of Garden Villages at Grantham in Lincolnshire.
- 2.5 FPCR acts as a consultant to government bodies such as the Homes England and Natural England. It also acts as a consultant to many local authorities across the United Kingdom and we have received Landscape Institute Awards for projects carried out on behalf of Cambridge County Council and Hinckley and Bosworth Council.
- 2.6 My curriculum vitae is included at Appendix 1.
- 2.7 **The evidence which I have prepared and provide for this appeal reference is true and has been prepared and is given in accordance with guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions irrespective of by whom I am instructed.**

3.0 BACKGROUND AND SCOPE OF EVIDENCE

- 3.1 The Appeal is against the failure of Rother District Council (RDC) to determine the planning application (validated on 1st July 2021), despite several formal extensions of time, the most recent being agreed on 30th May 2022. Until receipt of RDC's Statement of Case (SoC) on 10th October 2022, the Council's case for the appeal was unknown.
- 3.2 The Council's SoC cites four putative Reasons for Refusal (RfR). RfR 1 contains matters relevant to my evidence and for ease of reference is repeated below;
- "1. The site is located beyond the defined settlement boundary for Bexhill and so falls within the countryside for planning purposes, where new development is carefully controlled to protect its intrinsic character and beauty. The site comprises a natural environment of wildlife, open fields and mature trees and hedgerows that are highly visible from public viewpoints. The intrusion of the quantum and location of built form in this location would adversely impact the quality of this part of the rural and open landscape and green network created by the site along with Broad Oak park and Highwood Golf Course. The development would result in a built up area that would close the gap between the settlements of Little Common and Bexhill. These adverse impacts on the environment of this location would therefore be contrary to policies OSS2, OSS3, OSS4, RA3, EN1, EN3 and EN5 of the Core Strategy, policies DEN1 and DEN4 of the DaSA and paragraphs 130 and 170 of the National Planning Policy Framework."*
- 3.3 In my evidence I will focus on countryside, landscape and visual matters as they relate to the proposed development and planning application. My evidence will outline the approach which has been adopted by the appellant and I will address relevant policy and design criteria as set out in the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), the Development Plan and relevant Design Guidance. I will also consider and address the hierarchy of landscape designations, landscape character assessments and other landscape and design related documents or plans where relevant to this site and its context.
- 3.4 I will show that the proposal will not be out of character with the existing settlement or its landscape context. The proposed scheme responds appropriately and positively to the existing characteristics and features of its local and wider context and it will assimilate successfully as part of the existing settlement.
- 3.5 My evidence also addresses the comments of the East Sussex County Council (ESCC) Landscape Architect, as detailed in their letter to RDC dated 8 November 2021. These comments have previously been addressed in the Landscape Response Note (dated May 2022), from the Appellant to RDC (CD2.05). There has been no criticism of the submitted Landscape and Visual Appraisal (LVA) methodology by any of the Council's Officers or by East Sussex's Landscape Architect (in their capacity advising RDC).
- 3.6 I conclude that the site can be developed in a way that will not result in any significant or unacceptable harm to local landscape or settlement character or visual amenity. It is an appropriate and sustainable location for development and the appeal proposals will deliver a scheme that will sit well with and respect the character and pattern of the surrounding settlement and landscape. It will also encompass valuable new public open space, landscape, habitat and GI proposals and be supported by a commitment to its long term management.
- 3.7 Mr Lee gives evidence covering planning matters and Mr Regan gives evidence covering transport matters.

4.0 THE PROPOSED SITE

- 4.1 The Landscape and Visual Appraisal (LVA) (CD1.08) and Design and Access Statement (DAS) (CD1.07) submitted with the outline application describe the key characteristics and features of the site and local area in terms of landscape, settlement and visual amenity. This can be summarised as follows:

Context & Land Use

- 4.2 The site lies adjoining part of the north western settlement edge of Bexhill, with existing residential development immediately adjoining to the east and further predominantly housing within the site's context to the north east and south. Fryatt's Way leading from Ellerslie Lane lies immediately to the east of the site.
- 4.3 Broad Oak Park, with existing housing on Concorde Close, Broadoak Lane, Deerswood Lane and Foxhill lie to the south and south west of the site. Broadoak Park consists of a series of largely informal grassland and meadow areas with footpaths (including Public Rights of Way) providing access throughout and with connections to the adjoining housing areas. It includes a mature framework of trees and hedgerows and sits alongside Little Common Recreation Ground further to the west.
- 4.4 Directly to the west and north west of the site is Highwoods Golf Club. The Golf Club also includes a framework of mature trees and wooded areas. Beyond Broad Oak Park and the golf club to the west lies further existing and largely residential development, within part of the settlement known as Little Common. Ibstock Brickworks lies beyond the golf club and Turkey Road to the north west with mature woodland (Highwoods) situated beyond the brickworks.
- 4.5 The broader context of the site includes the wider and more varied settlement area of Bexhill, largely to the east and south, with the A259 stretching in a broadly east – west direction through the main settlement area, to the south of the site. More open countryside and landscape area lie beyond Highwoods and the Little Common settlement area to the west and north west.
- 4.6 The site itself comprises three fields with boundaries of predominantly mature trees and hedgerows and/or timber post and rail fencing. The fields are presently used and managed for grazing by horses with the northern and south eastern fields subdivided by post and wire fencing. The site and field boundaries include a good proportion of mature deciduous trees.

Topography

- 4.7 The topography of the site's context is noticeably undulating over a broad area and relatively higher ground generally exists close to the site in most directions. The Topography plan included at Figure 5 of the LVA (CD1.08) illustrates the topography of the site's context. The plan shows existing settlement and roads stretching across much of the higher and sloping ground through Bexhill, including the existing housing to the south and east of the site. The plan also shows the existing settlement stretching from the lower lying areas on to and across the higher land.
- 4.8 For reference much of the existing settlement area of Bexhill lies at between sea level and 45 metres Above Ordnance Datum (AOD), with some parts of the settlement in the north rising to over 50m AOD. Within the more immediate context of the site the land rises to over 40m AOD within the existing residential areas close to the east (eastern side of Ellerslie Lane) and south (Deerswood Lane/ Broadoak Lane) of the site. To the west, the existing housing at Little

Common lies on sloping land that typically rises from 10m – 40m AOD. Broad Oak Park and Highwoods Golf Club occupy similarly sloping land and variations in level.

- 4.9 The local topography surrounding the site is characteristically undulating with a small watercourse that occupies the lowest lying land and falls from the north towards the south and south west. This small watercourse passes along the western edge of the site and between the golf course and Broad Oak Park before falling gently through the Little Common settlement area to the west of Peartree Lane.
- 4.10 The nature of the local landform creates a visually well contained area in conjunction with the existing settlement area which occupies much of the surrounding higher ground and slopes.
- 4.11 The site occupies a sloping area with a generally westerly aspect, with slopes that fall from over 35m AOD to below 15m AOD on its western edge adjoining the golf course boundary. These levels and slopes are consistent with much of the existing surrounding settlement area.
- 4.12 The highest ground within the site lies in the north eastern part adjoining the existing properties on Fryatt's Way. This relatively higher ground does however sit below the existing land and properties immediately to the east and also the other existing housing and settlement areas close to the north east, and south.
- 4.13 The land within the site typically falls from the existing housing on the eastern site boundary towards the small watercourse and golf club to the west. The land both within and beyond the site also rolls and undulates a little from north to south to add further variety and visual enclosure at a localised scale.

Local Character and Appearance

- 4.14 An assessment of the character and appearance of the landscape has been undertaken in accordance with the Guidelines for Landscape and Visual Impact Assessment (3rd edition) (GLVIA3) and is included within the submitted LVA. Published Landscape Character Assessments covering the landscape context of both the site and Bexhill more generally are included in the LVA and are referenced in the following Landscape Character section.

5.0 LANDSCAPE DESIGNATIONS AND CHARACTER

- 5.1 The LVA (CD1.08) includes an assessment of the baseline landscape designations and character by reference to statutory and non statutory designations and to relevant published studies. This is summarised below.

Landscape Designations

- 5.2 The site and its immediate context is not situated within a landscape that is subject to any national, local or other statutory or non-statutory designations.
- 5.3 In this context it is relevant to note that 82% of Rother District lies within the High Weald Area of Outstanding Natural Beauty (AONB) (source: Rother District Core Strategy; page 34). Appendix 2 of my evidence shows the extent of the AONB in relation to the District and to the site location. The limited parts of the District lying outside the AONB are largely confined towards the coast and already include large areas of existing settlement.
- 5.4 The site lies approximately 4.0km south of the nearest part of the AONB and there is no intervisibility between the site and the AONB. Thus, the site lies within the limited part of the District that is not within the AONB and is also not already occupied by existing settlement. It represents the least constrained part of the District in landscape terms.

Landscape Character

National

- 5.5 At this very broad scale the site lies on the southern edge of National Character Area (NCA) 122, *High Weald*, as defined by Natural England. This area covers a very extensive landscape tract stretching from Horsham in the west to Romney Marshes in the east and including coastline areas and settlements.
- 5.6 Key characteristics of the character area include the following:
- *A faulted landform of clays, sand and soft sandstones with outcrops of fissured sandrock and ridges running east–west...*
 - *A dispersed settlement pattern of hamlets and scattered farmsteads and medieval ridgetop villages founded on trade and non-agricultural rural industries...*
 - *Strong feeling of remoteness due to very rural, wooded character...*
 - *Extensive broadleaved woodland cover with a very high proportion of ancient woodland....*
 - *Small and medium-sized irregularly shaped fields enclosed by a network of hedgerows and wooded shaws...*
 - *A predominantly grassland agricultural landscape...*
- 5.7 Within the '*High Weald Today*' section of the NCA profile, it states:
- 'Along the English Channel coast the High Weald gives way to eroded sandstone and clay sea cliffs around Fairlight and disappears under the urban areas of Bexhill and Hastings to the south-east.....*

- 5.8 This national scale study sets the very broad landscape context for the site and Bexhill and it is clear from this and the relative location of the site and Bexhill at its southern extent, that it is generally and most directly applicable to the wider inland areas of The High Weald. Close to the west of Bexhill also lies the smaller NCA 124 *Pevensey Levels*. This NCA is described in the NCA as ‘*an area of tranquillity between the two bustling areas of Bexhill and Eastbourne.*’ Under the heading Landscape Change, the profile for this NCA advises; ‘*Significant development is planned for Hailsham and Bexhill, just beyond the NCA.*’
- 5.9 There is nothing within these national scale landscape character areas to indicate that new development within or on the edge of Bexhill will be unacceptable or uncharacteristic in landscape terms.

County: East Sussex Landscape Character Assessment (ESLCA) Updated 2016 (CD7.02)

- 5.10 The East Sussex Landscape Character Assessment was updated in 2016 to bring it in line with updates to the National Landscape Character Assessment. Each of the individual character areas, apart from the urban areas, has undergone a landscape evaluation outlining the current condition of the landscape and highlighting existing and future forces for change. A vision and strategy for each evaluated character area have been outlined and underpin proposed landscape management guidelines.
- 5.11 The site and its immediate context, including that of Broad Oak Park, Highwoods Golf Club and the settlement area of Little Common to the west and all of Bexhill to the south and west lie within the ‘*Bexhill*’ Urban Area (ref 30). Figure 4 of the LVA (CD1.08) details the landscape character areas within the wider context of the site.
- 5.12 For this *Bexhill Urban Area*, the study states;

‘Bexhill on Sea arose as a medieval trading port, built on gently sloping ground.... The town is now comprised of several merged villages.’
- 5.13 Many of the points included within the assessment refer to the seafront, town centre and eastern part of the settlement which are separate from the site. No specific landscape values or sensitivities are highlighted for the *Bexhill* ‘Urban Area’, within the assessment.
- 5.14 To the north of the golf club and Turkey Road lies the south eastern tip of landscape character area 5 *South Slopes of the High Weald*. This landscape character area extends a significant extent to the north west up to Heathfield. The existing Ibstock Brickworks occupies the southern tip of the area immediately beyond the defined Urban Area, within which the site sits.
- 5.15 It is notable that this Landscape Character Assessment study places the site and its immediate context within an ‘Urban Area’ comprising predominantly the existing built up settlement area of Bexhill.

Site and Immediate Context

- 5.16 An assessment of landscape character of the site and its immediate context has been carried out, providing a finer level of assessment than the published studies. This is detailed in the submitted LVA, with further analysis below.

Landscape Value

- 5.17 The submitted LVA (CD1.08) addressed landscape value by reference to guidance in GLVIA3, the Landscape Institute's Guidance on assessing landscape and visual impact. Since the LVA was produced the Landscape Institute have published Technical Guidance Note (TGN) 02-21, "*Assessing landscape value outside national designations*". This sets out the factors to consider when assessing landscape value and essentially updates the previous guidance in GLVIA3
- 5.18 As part of my evidence, I have appraised the landscape value of the site and its immediate context in accordance with this updated guidance, as detailed below. It should be recognised that neither the Council nor their landscape advisor have alleged at any time that the site either is or forms part of a "valued landscape".
- 5.19 Landscape Designations: The site and its immediate context (including its Zone of Visual Influence) are not subject to any national, local or other landscape designations. The nearest part of the High Weald AONB lies approximately 4km+ to the north of the site and beyond the urban area.
- 5.20 Natural Heritage: The site is not designated in ecological or biodiversity terms and in habitat terms it is dominated by poor semi-improved grassland that has limited structure and diversity. Field boundaries include a good proportion of mature deciduous trees and mixed hedgerows in varying conditions. Further grassland areas and mature trees extend across the site's immediate context including within Broad Oak Park and Highwoods Golf Club. Designated wildlife sites lie further afield to the north west and beyond the site's immediate context eg Highwoods woodland to the north of Turkey Rd. Further details on natural heritage interest are included within the Ecological Appraisal report (CD1.09).
- 5.21 Cultural Heritage: There are no designated heritage areas or assets within the site or its immediate context and there is no evidence to suggest significant archaeological remains are likely to be present within the site, as detailed within the Archaeological desk based assessment (CD1.12).
- 5.22 Landscape Condition: The landscape of the site and its immediate context is generally in reasonable or good condition. The fields within the site are used for horses and the grassland is thus grazed. The trees both within the site and its immediate context are also generally in a reasonable or good condition, although hedgerows are more variable and in places fragmented and lacking sustained management and younger plants. Overall, the condition of the landscape of the site and its immediate context is considered to be good/ reasonable or medium.
- 5.23 Associations: There are no known associations with notable historical events; or associations with famous people that contribute to perceptions of the landscape/ townscape of the site and its immediate context.
- 5.24 Distinctiveness: The site comprises three grassland fields set alongside and close to surrounding built up settlement areas, a golf course and a park and recreation area. The site and its immediate context are typically urban or urban edge in the type and variety of uses, features and characteristics. This reflects its position within an *Urban Area* as defined by the ESLCA. Whilst it is generally representative of the wider urban and settlement area it does not include any particularly distinctive or rare landscape features or characteristics.
- 5.25 Recreational Value: The site itself does not offer any recreational value or use. Broad Oak Park and Highwood Golf Club to the west and south west of the site do however include for

recreational uses and provide value in these terms. A number of Public Rights of Way (PROW) (footpaths) extend through the park and golf course providing access between the surrounding settlement areas.

- 5.26 Perceptual (Scenic): The site and its immediate context is quite varied in terms of its scenic appearance and includes a mix of built development and natural areas and influences. In scenic terms the mature wooded areas and trees offer the most positive contribution across this area. Views are varied from within and around the site and its immediate context. From some lower lying positions within the park, views are short and contained and from more elevated positions the views are more extensive and varied and include a combination of settlement, woodland and other landscape uses and features. Highwood and the Ibstock Brickworks are visible from some of the more elevated positions within and around the site.
- 5.27 Perceptual (Wildness and Tranquillity): The site and its immediate context do not possess any particular or notable perceptual qualities. Where visible, the site is perceived as three sloping grassland fields with a reasonable framework of mature trees and planting to its boundaries and sitting alongside and close to existing properties and development, a park and a golf course. The site and its immediate context is not perceived as a wild or tranquil landscape.
- 5.28 Functional Aspects: The site and its immediate context provide no particularly important functional or spatial role in landscape or townscape terms. This site forms a relatively small and contained parcel of land with limited influence beyond its immediate context.
- 5.29 The golf course and park do offer a limited and localised role in the provision of public access, recreation and biodiversity. The site and the adjoining green spaces do not however function to provide any particular spatial role in terms of separating settlement areas; or in contributing to a wider and more strategic landscape area; or in forming a setting or gateway within the settlement area. Its functional role in landscape/ townscape terms is thus limited and localised.
- 5.30 In conclusion and having appraised the landscape in accordance with TGN 02-21, it is judged that the landscape of the site and its immediate context is of Medium Landscape Value.

Existing Landscape Summary:

- **The site landscape and that of its context includes no national, local or other landscape designations and there is no intervisibility between the site and any designated landscapes or other related features or areas of interest.**
- **82% of Rother District lies within the High Weald Area of Outstanding Natural Beauty (AONB). The sites lies outside and within the 18% undesignated land, approximately 4.0km from the nearest part of the AONB (Appendix 2).**
- **The site lies within the least environmentally constrained part of the District when other environmental designations are also considered (Reference Map 1 of the RDC Green Infrastructure Paper (Nov 2016) (Appendix 3)).**
- **The most relevant and detailed published Landscape Character Assessment defines the site and its immediate context within an 'Urban Area' (Ref 30 Bexhill) and not within any of the Local Landscape Character Areas surrounding Bexhill or across the wider District.**

- The published study thus considers that the site and adjoining park and golf club are more allied to, representative and characteristic of the Bexhill Urban Area than any of the Local Landscape Areas beyond the *Urban Area*.
- The site comprises three sloping grassland fields defined by a mix of field boundaries, including a good proportion of mature deciduous trees. The site is bordered by existing development and properties to the east and by Broad Oak Park and Highwood Golf Club to the south and west.
- Existing development and properties occupy similarly sloping ground with the existing properties immediately to the east and close to the south occupying more elevated and visible positions than the site itself
- The landscape value of the site and its immediate context has been assessed in accordance with recognised and recent guidelines (Landscape Institute TGN 02-21) to be Medium.
- Based upon the baseline landscape and visual assessment, including a review of the relevant published studies and the Development Plan, the site is not, and does not form part of a '*Valued*' landscape in terms of the National Planning Policy Framework (NPPF), paragraph 174 a.
- In visual terms, the site is relatively well contained and although relatively more elevated in the north eastern part it occupies a predominantly visually enclosed position and sits below the adjoining existing development.
- The Zone of Theoretical Visibility (ZTV) (or Visual "Envelope") of the proposed development will be contained by a combination of the undulating landform, the adjoining and nearby properties and development and the framework of mature trees and hedgerows.

6.0 THE APPEAL PROPOSAL

- 6.1 The Appeal Proposal will provide up to 210 homes (including 30% affordable), together with significant new Green Infrastructure (GI), landscape, public open space and pedestrian access proposals.
- 6.2 The objective is to create a high quality and sustainable place to live which minimises potential environmental disruption and maximises benefits to the environment and wider community. The process by which the proposals were devised was an iterative one taking full account of the site's features and characteristics, including its settlement and landscape context. This approach accords with best practice and national guidance, as put forward by the Landscape Institute and Natural England. It also reflects the approach and principles detailed in the Government's National Design Guide.
- 6.3 The Development Framework plan (CD1.03) sets out the various components and parameters that the Appellant is committing to, as summarised below. Further to this a Green Infrastructure Masterplan has been prepared and submitted to the Council (within CD2.05) that includes further details on the design approach and features to be included within the landscape and open space areas across the site. Taken collectively, the Development Framework plan, Green Infrastructure Masterplan and DAS (CD1.07) provide the decision maker with clear information about the scale, nature and design of the proposed development and associated landscape, habitat and GI proposals.
- 6.4 In summary, the proposed development will comprise:
- Up to 210 dwellings, at an average density of up to 30 dph on 6.90 hectares (Ha).
 - Approximately 4.39 ha of land dedicated to landscape, Green Infrastructure, public open space, play and habitat related proposals – representing approximately 39% of the total site area.
 - Conservation of the vast majority of the existing trees and hedgerows within and around the site boundaries. Only two existing trees and a short section of hedgerow are proposed to be removed to facilitate vehicular access within the site. These very limited removals will be more than offset and compensated for the by the new native tree and hedgerow planting and the management of the conserved trees and hedgerows.
 - The groups and lines of mature trees (principally oaks) both surrounding and extending through the centre of the site will be conserved and set within broad green corridors. These trees will be supplemented with new oaks and other trees and planting and the conserved trees will form key features and add character and distinctiveness to the new development.
 - Large landscape areas and open spaces will be sited to the north and south of the development areas and also in the lower lying west of the site. These areas will cater for a variety of uses, activities and features, including new footpaths, informal recreation space, a play facility and a variety of new habitats and biodiversity measures.
 - New native tree, hedgerow and scrub planting will reinforce the existing landscape boundaries to the adjoining Broad Oak Park and Highwood Golf Club. Whilst existing trees and hedgerows to these boundaries are effective in filtering views both to and from the site, the proposed new trees and other planting would improve the overall age structure of the

boundary trees and planting and offer continued and enhanced visual filtering in the longer term.

- Conserved and new boundary 'buffer' tree and hedgerow planting to the adjoining properties backing on to the site on Fryatt's Way and Concorde Close. This conserved and new planting will assist in filtering some of the close views towards the proposed development from these existing properties.
- Open conservation and meadow grassland areas extending throughout the landscape corridors and areas to maximise biodiversity interest and gain. These species rich grassland areas will form part of the overall mix and variety of conserved and new habitats extending throughout the site.
- New Sustainable Drainage System (SuDS) feature(s) on the relatively lower lying land in the west of the site; designed to maximise biodiversity interest and landscape and visual amenity. These feature(s) will also include suitable native planting and wetland habitat and will complement the existing habitats around the site, including the small watercourse to the west.
- Pedestrian, cycle and vehicular access connection to Fryatt's Way.

6.5 All of the existing and proposed habitats, landscape areas and public open spaces will be managed and maintained, via the implementation of a comprehensive Landscape and Ecological Management Plan (LEMP), to ensure the successful establishment and continued thriving of the conserved and new planting and habitats.

6.6 The proposals have been appraised against the Government's *National Design Guide* and the ten characteristics contained therein. The proposals respond positively to the Guide and to the approaches advocated for the ten characteristics, although it is acknowledged that this will need to continue through the subsequent detailed design and reserved matters stages of the development.

6.7 The development proposals as outlined will deliver a high quality and sustainable development. Importantly, the proposals have been carefully devised in response to a thorough understanding of the opportunities and constraints presented by the site and its context. This includes consideration of the limits and design of the edges of the built development and to its relationship to the existing properties and to the adjoining park and golf club. The proposals are landscape led, well founded and fully recognise the character and features of the site and its surroundings.

7.0 LANDSCAPE AND VISUAL EFFECTS

7.1 The landscape and visual effects arising from the proposed development are described in the Landscape and Visual Appraisal (LVA) (CD1.08). The LVA was undertaken in accordance with the *Guidelines for Landscape and Visual Impact Assessment*, third edition (GLVIA3), published by the Landscape Institute and the Institute of Environmental Management and Assessment, in 2013. Further details of the methodology are included within the LVA.

7.2 The following summarises the landscape and visual effects arising from the proposed development.

Landscape Effects

7.3 A variety of landscape effects will arise from the proposed development largely reflective of the scale at which these are considered.

7.4 The site occupies a well-defined and relatively well contained settlement location with limited influence beyond a localised area. The site and its context is not recognised by any national, local or other landscape designations and it has been assessed as forming part of the Bexhill 'Urban Area' in landscape character terms by the ESLCA.

7.5 The proposed development will have no discernible effect upon the landscape characteristics and features of the very broad National Character Areas (NCAs). This is as a result of the extensive nature of these national scale landscape areas and the location of the site within the Bexhill Urban Area.

7.6 In respect of the Bexhill Urban Area (Ref 30), proposed development on the site will have a relatively limited and localised influence over the surrounding Urban Area. As a new residential development the proposals will reflect much of the existing and wider 'Urban Area'. The proposals will assimilate characteristically within this part of the urban area, with the proposed new dwellings occupying sloping ground that reflects that within much of this western part of Bexhill.

7.7 The conservation of the existing trees and the inclusion of a sizeable proportion of the site for new trees and other habitats and open space will also aid the integration of the scheme within its wider settlement setting. The landscape effect of the proposed development at this scale will be no more than Minor Adverse, both upon completion of the proposed development and in the longer term.

7.8 To fully appraise the likely landscape effects of the proposed development, it is also necessary to examine the changes on the area most affected, which is the site itself and its immediate landscape context. In line with the method of assessment outlined in GLVIA3, assessing these likely effects requires judgements to be made on landscape value, susceptibility to change and factors influencing the magnitude of effect.

7.9 As assessed as part of the baseline and in accordance with the LI TGN 02-21 the landscape value of the site and its immediate context has been assessed as Medium.

7.10 The site and its immediate landscape context is also assessed as having a Medium 'Susceptibility to Change', to the proposed development. This judgement is largely based upon a number of factors, namely;

- The site is presently influenced by existing adjoining and nearby properties and development;
 - The site is relatively well contained with a limited visual influence over the wider area;
 - The nature of the proposed development (ie residential development) is capable of being accommodated on the site with minimal impact upon the existing trees and hedgerows. The existing trees and hedgerows within the site can be substantially conserved and accommodated without any significant losses or consequences.
 - The site lies within an 'Urban' character area as defined by the most detailed published landscape character study.
- 7.11 These factors in particular moderate and reduce the sites 'Susceptibility to Change' in landscape terms.
- 7.12 In terms of the magnitude of landscape change that will arise from the proposed development, this will comprise both adverse and beneficial changes. The direct loss of the majority of the three fields to new built development will result in some localised adverse change. The proposed development will however sit well related to the existing settlement and will reflect the type and pattern of development already present immediately to the west and south of the site. The aerial photographs with the proposed development superimposed (included as part of CD2.05) generally illustrate how the proposed development will sit within its context. These superimposed aerial images illustrate a scheme that sits comfortably within its localised settlement context and within a robust and well treed setting.
- 7.13 The conservation and active positive management of the existing trees and hedgerows across the site coupled with the inclusion of a significant proportion of landscape and Green Infrastructure (GI) measures will also provide a mature and well-connected landscape setting to the new development. This will relate positively to the adjoining park, golf club and other adjoining areas. The proposed landscape and GI areas and features will maintain the mature treed character of this part of west Bexhill and will represent beneficial localised landscape improvements.
- 7.14 Overall and upon completion of the proposed development the magnitude of change upon the landscape character of the site and its immediate context will be Medium/ High and the resultant effect of the proposed development will be Moderate/ Major Adverse during construction and upon completion. This initial temporary and localised level of landscape effect is the inevitable consequence of new development on an undeveloped site and is typical for the majority of new developments on settlement edge greenfield sites.
- 7.15 This localised landscape effect will also be very restricted in terms of its extent and will reduce to Moderate Adverse in the short to medium term as the existing and new planting and habitats are managed and mature.

Visual Effects

Visual Receptors

- 7.16 The visual receptors and the effects of the proposed development upon these receptors is described in the LVA (CD1.08). A limited number of visual receptors will experience views towards the proposed development. These comprise:

- A limited number of residents immediately adjoining or close to the east and south of the site, including those backing on to the site on Fryatt's Way and Concorde Close. Glimpsed views towards the development will also be possible from users of these roads. From the majority of the surrounding and nearby settlement area, there will be no views towards the proposed development.
 - Users of the northern part of Broad Oak Park. No views towards the proposed development will be possible from much of the park or the adjoining recreation ground.
 - Users of stretches of Public Rights of Way (PROW) (footpaths) passing through Broad Oak Park and Highwood Golf Club.
 - Users of Highwood Golf Club.
- 7.17 The Visual Appraisal plan (CD1.08; Figure 6) within the LVA illustrates the potential visibility of the proposed development by reference to the '*Approximate Visual Envelope*'. This shows the representative area within which some, albeit generally filtered and restricted views towards the proposed development will be possible. It confirms the visually contained and restricted nature of any views towards the proposed development.
- 7.18 The following summarises the nature of the visual change and effects that will arise from the proposed development.

Residential Properties

- 7.19 Views towards the proposed development from residential properties will largely be limited to the immediately adjoining and nearby properties, backing on to or close to the eastern site boundary and to the south. This comprises principally properties on Fryatt's Way and Concorde Close and some other properties on Deerswood Lane and Foxhill to the south
- 7.20 The clearest views and most notable visual effects arising will be experienced by the residential properties that back directly onto the site on Fryatt's Way and Concorde Close. From these properties the visual effect of the proposed development is likely to be up to Moderate/ Major Adverse upon completion for those properties with the clearest views. The level of these potential effects would be reduced in the medium and longer term through boundary planting and mitigation and attention to the detailed layout and siting of new dwellings at reserved matters.
- 7.21 For those properties with views towards the proposed development and situated a little further to the south on Deerswood Lane and Foxhill the visual effects will be reduced and Moderate or Moderate/ Minor Adverse upon its completion. Similarly, in the longer term the conserved and new trees and other planting will further lessen these effects.
- 7.22 Very limited and restricted views will also be possible from a small number of elevated properties within the northern part of Little Common to the west of the site and west of the golf club. These views will be confined to the highest parts of the proposed development in the north east of the site. The existing views from this small number of properties includes the existing properties on Fryatt's Way and also other elevated properties on Ellerslie Lane and Foxhill. The proposed development will result in no more than a Minor Adverse visual effect for this small number of properties. From all but this small number of properties, there will be no other discernible views towards the proposed development from Little Common.

- 7.23 Overall, the numbers of properties with views towards the proposed development is limited and thus the effects in these terms are confined to a localised part of the existing settlement. The levels of visual effect arising for these 'private' residential views is commonplace with almost any edge of settlement development, yet in this instance the limited overall number of properties and visually contained nature of the site do minimise the overall visual effects upon private residences.

Public Rights of Way (PROW) and Recreational Use

- 7.24 Views towards the proposed development will be possible for users/ visitors to Broad Oak Park. Any available views will however be confined to the northern and eastern part of the park. This part of the park comprises open grassland areas with individual standing mature trees and a framework of mature tree and hedgerow boundaries. The existing trees and hedgerows are effective in visually enclosing and sub dividing the park.
- 7.25 The existing trees and hedgerows will also be effective in buffering and filtering views towards the proposed development. Where views will be possible from the park, the proposed development will be seen in the context of the existing properties lining the higher ground to the east and south of the site. The nature of these views from within the north east part of the park will also be reflected in the views for the PROW (footpath) users across this part of the park.
- 7.26 Given the visual filtering provided by the existing tall boundary trees and planting and the presence of existing properties in some of the current park views, the visual effect of the proposed development upon the park and PROW users will be Moderate Adverse upon completion. This visual effect will reduce in the medium and longer term as the conserved and new trees and other planting is managed and matures.
- 7.27 From the Highwood Golf Club, views towards the proposed development will be variable and from much of the course there will be no discernible views of the scheme. The clearest views from the course towards the proposed development will generally be from the nearest lower lying areas (and golf holes) close to the west and north west of the site. Within these views the proposed development will generally be seen beyond existing mature trees and planting (situated both within the course and on the boundary with the site). Existing filtered views towards the existing properties on the higher ground at Fryatt's Way, Deerswood Lane and Foxhill are currently possible and although the proposed development will be relatively more visible from some parts of the golf course, it will not be introducing residential development into views where it is not already present.
- 7.28 From the PROW (footpath) that extends through the golf course, the nature and level of visual effects arising from the proposed development will be similar to the golf course users. The visual effect of the proposed development upon these users will be Moderate/ Minor Adverse upon completion of the scheme and reducing in the medium and longer term as the conserved and new trees and other planting particularly in the west of the site is managed and matures.

Roads

- 7.29 Some limited visual effects for users of the minor residential roads (Fryatt's Way, Concorde Close, Deerswood Lane and Foxhill) close to the east and south of the site will arise from the proposed development. These views will generally comprise glimpsed views between and beyond existing properties. The clearest view will arise off Fryatt's Way at the new vehicular

entrance to the site. Most other views from these roads will be very restricted. The entrance view will result in a Moderate/ Minor Adverse visual effect yet from other road views the effect will be Negligible or Minor Adverse.

Overall Visual Effects Summary

- 7.30 The proposed development will result in adverse visual effects for only a limited number of visual receptors and its visual influence will be contained by a combination of the existing surrounding settlement, landform variations and the mature trees and hedgerows within and surrounding the site.
- 7.31 The proposed development will result in some notable visual change to views from a limited number of properties immediately adjoining or close to the east and south of the site. Although this could be potentially reduced and further mitigated at the detailed design and reserved matters stage through attention to the layout and siting of the new dwellings and through planting and boundary treatments. It is however inevitable with any new settlement edge development that there will be some notable visual change for nearby and close views.
- 7.32 In this instance it is important to recognise that these are confined to a relatively limited extent of 'private' residential views and that there are no visual amenity matters pertaining to these existing properties that cannot be successfully addressed as part of the subsequent layout and design of the proposals.
- 7.33 Other views towards the proposed development will be confined to largely filtered views from parts of Broad Oak Park and Highwood Golf Club, including stretches of PROW (footpaths). Within these views the proposed development will generally be seen beyond existing mature trees and hedgerows and set on the falling slopes below the existing properties on the higher ground to the east and south east. The proposed development will not be introducing houses into views where existing houses are not already visible, albeit the existing houses may be slightly further away from the viewer and more elevated.
- 7.34 The visual effects will reduce over time with the maturing and management of the existing conserved and new trees and other planting.
- 7.35 In overall visual terms, the proposed development will give rise to no more than limited and localised effects.

8.0 CONSULTATION RESPONSES, REASONS FOR REFUSAL AND COUNCIL'S STATEMENT OF CASE

Consultation Responses

- 8.1 Consultation responses to the planning application and any other relevant correspondence relating to matters of landscape character and appearance and visual amenity have been carefully appraised. Natural England (CD3.08) did not include any specific comments on these matters.
- 8.2 The only relevant consultation response to the planning application and these matters was provide by the East Sussex County Council (ESCC) Landscape Architect (CD3.07). This response to RDC recommended refusal of the application.
- 8.3 A detailed response to the matters raised by the ECSS Landscape Architect was subsequently provided by the appellant (Landscape Response Note, dated May 2022 (CD2.05)). This addressed all of the points raised and concluded;

'The proposed development has been subject to a proportionate and robust landscape and visual appraisal process and this has included inputs to the design and layout of the scheme, from the outset of the project. The resultant proposals respond to the results of this process and encompass a characteristic and strong landscape and Green Infrastructure framework. The proposed development will result in some adverse landscape and visual effects yet overall these will be limited and localised and not unacceptable in these terms.'

- 8.4 The appellants Landscape Response also included a Green Infrastructure Masterplan and a series of Aerial Photographs (with proposed development overlays) to address the points raised by the ESCC Landscape Architect. The Green Infrastructure Masterplan provided further details on the general character and details of the proposed landscape and public open spaces extending through the site, as summarised earlier in my evidence. The Aerial Photographs supported a general understanding as to how the proposed development would sit within its settlement context.

Reasons for Refusal

- 8.5 Reason for Refusal (RfR) 1 refers to landscape and visual matters.
- 8.6 RfR1 states; "...The site comprises a natural environment of wildlife, open fields and mature trees and hedgerows that are highly visible from public viewpoints...."
- 8.7 It is acknowledged that the site comprises three open and undeveloped fields bound and subdivided by a combination of mature trees, hedgerows and fences. The site is not however 'highly visible from public viewpoints'. The site is visible from some surrounding publicly accessible positions yet these views are not extensive and where visible it is generally seen filtered by the existing surrounding trees and planting and in the context of other existing housing.
- 8.8 The site is visible from within the northern part of Broad Oak Park (and the stretches of PROW passing across this part of the park) and the PROW crossing the golf course and from limited parts adjacent minor residential roads. This visibility is demonstrated by the 'Approximate Visual Envelope' on Figure 6 of the LVA (CD1.08), as outlined earlier in my evidence. Any other more distant public views towards the site would be limited and glimpsed and these views would also

encompass the existing properties on Fryatt's Way and/or Concorde Close sitting on higher ground immediately to the east of the site. Thus, this is not a highly visible site from public viewpoints.

- 8.9 In this context, it is also relevant to note the consultation response (CD3.07) of the East Sussex County Council Landscape Architect (as advisors to RDC) to the planning application. This states at point 6; *"There are views into the site from the surrounding publicly accessible areas of the golf course and Broad Oak Park."* However, it does not identify any other public viewpoints and does not characterise the site in those views identified as being '*highly visible*'. In fact, the response of the County Landscape Architect concludes (at point 11), *"...the site is not widely visible in the local landscape.."*
- 8.10 RfR1 also states; *"...The intrusion of the quantum and location of built form in this location would adversely impact the quality of this part of the rural and open landscape and green network created by the site along with Broad Oak park and Highwood Golf Course...."*
- 8.11 The quantum and extent of built development has been fully informed by a comprehensive suite of environmental and technical surveys and studies, including, the LVA, Ecological Appraisal, and Arboricultural Assessment. The LVA has appraised the effects of the proposed development on the site and its immediate context and also upon the wider landscape. This concludes that whilst there will be some inevitable harm at a localised scale this will not be significant or unacceptable.
- 8.12 The existing trees and hedgerows within the site will be conserved and set within broad green corridors and areas along with extensive new native trees and other planting and habitats. The open space and recreational area formed by the park, golf club and PROW will remain in situ and fully connected.
- 8.13 The presence of new housing at this location as part of a well-designed sustainable scheme will be entirely characteristic of this part of Bexhill. It will also increase the overall quantum of public accessible green space and of native trees and other plants at this location.
- 8.14 RfR1 also states; *"...The development would result in a built up area that would close the gap between the settlements of Little Common and Bexhill..."*
- 8.15 This is simply not correct or justifiable on a number of levels, namely;
- a) Little Common and Bexhill are not two separate settlements and even if there were perceived in those terms, they are already fully joined with no 'gap' or 'break' in the existing settlement areas. My understanding is that Little Common forms part of Bexhill in the same way as other parts or neighbourhoods of the wider settlement area eg Sidley, Pebsham, Old Town etc. Historically these may have been separate villages or settlement areas yet that is clearly not the position today.

The ESLCA also supports this position as it puts the site in the *Urban Area* which links the main part of Bexhill with Little Common as shown on Figure 4 of the LVA (CD1.08).

- b) There is no defined or designated 'strategic' or 'settlement' gap or 'area of separation', covering the site or this general area and no study has been sourced that identifies the site or this area of land as being important in settlement separation terms. Five Strategic Gaps are however identified within the Rother Development and Site Allocations (DaSA Local Plan) document, including one on the eastern side of Bexhill. However, there is not one covering any part of the land within or surrounding the site.

- c) The proposed development would not 'close' any gap. In physical terms, whilst there is no separation between Bexhill and Little Common to the south of the A259; even with the proposed development in place it would not encroach any closer to Little Common than the existing residential area on the more elevated land immediately to the south of the site and Broad Oak Park (at Foxhill and Badgers Mount; off Deerswood Lane). This is shown on the Aerial Photographs included as part of the Landscape Response Note (CD2.05).
- d) Views and intervisibility between the site and existing settlement at Little Common is very limited and there is no perceived vulnerability in respect of the merging of settlement areas. The golf course and Broad Oak Park are well defined areas and the mature and well treed boundaries to the site and to these surrounding areas provide a series of robust landscape areas and boundaries within which the proposed development would occupy a relatively small proportion adjoining existing development.

8.16 I address the relevant policies in the following Policy Context section.

Council's Statement of Case

- 8.17 The Councils Statement of Case (SoC) adds a number of other points.
- 8.18 At paragraph 6.10, it states that the site in conjunction with other land, including Highwood Golf Club and Broad Oak Park form *'the largest area of open landscape within the urban area of Bexhill, This countryside area is contiguous with the woodland of the Highwoods, which lies to the northwest. The Ashdown brickworks forms the northern boundary to the green gap. The southern edge of the brickworks is well wooded and this woodland reinforces the connection between the golf course and the wider countryside.'*
- 8.19 This acknowledges that the site is situated within the 'urban area' as detailed within the ESLCA (CD7.02). It also acknowledges the brickworks as a boundary *'to the green gap'*, also reflecting the landscape character boundary to the 'Urban Area' in the ESLCA. The golf course does adjoin a limited part of the southern extent of Highwoods woodland yet there is an acknowledged break in landscape character terms generally along the southern edge of the brickworks and Turkey Road. The woodland forms a backdrop to some of the views from within the open and urban areas to the south yet in conjunction with the brickworks as a landscape boundary it does not *'reinforce the connection between golf course and wider countryside'*.
- 8.20 Paragraph 6.10 goes on to state; *'...The site character is in fact contiguous with the rural well treed countryside to the north of Turkey Road...'* This does not reflect the ESLCA; or a more detailed analysis of the local landscape or the accepted landscape boundary formed by the brickworks.
- 8.21 Paragraph 6.10 also states that the site *'forms part of an important undeveloped gap'*. However this is not supported with any proper analysis and is addressed in my response to RfR1.
- 8.22 Paragraph 6.12 references the topography of the site and advises that as a result of this it is *'prominent in the landscape'*. The north eastern part of the site is relatively elevated in relation to the rest of the site. However, it still sits below the existing adjacent development and whilst views outwards from the highest part of the site do extend to Highwoods and Little Common, views of the site itself are contained and localised. This was previously acknowledged by the East Sussex Landscape Architect (CD3.07) in their response to the application, that concluded (at point 11) that the site is not widely visible in the local landscape.

- 8.23 Paragraph 6.13 states; *'...Overall, the intensity of proposed development would not allow for adequate green corridors or open space provision through the middle of the development. To simply retain the existing trees and hedges would not provide high quality green infrastructure corridors through the middle of the development.'*
- 8.24 In overall terms, the proposed development is not intense. Approximately 39% of the site will be dedicated to landscape and green infrastructure uses and this will include conservation of the existing trees and hedgerows together with considerable new tree, hedgerow and other planting and habitats. In net development terms the density of the dwellings will be up to 30 dph. Factoring in the green space and the site as a whole this density would equate to up to 19 dph. This is wholly appropriate given the character and features of the site and the surrounding settlement character and pattern.
- 8.25 The proposed green corridors and open space as illustrated on the Development Framework Plan (CD1.03) and Green Infrastructure Masterplan (CD2.05) show green corridors extending through the middle of the development at circa 15 – 40 metres+ in width, with perimeter landscape and public open space areas generally varying between 20 – 90 metres in width. These corridors and open spaces are broad and adequate, not only to provide ample space for the retained trees and hedges but also for the new trees and habitats and to establish an appropriate landscape setting for the new dwellings. There is no evidence to support an assertion that high quality green infrastructure corridors will not be delivered through the middle of the development.
- 8.26 At paragraph 6.14, it states; *'The development of the site would impact on the sense of place and tranquillity of the golf course and Broad Oak Park.'* Both the golf course and the park are set within the urban area and are bordered by existing housing, development and roads, including the A259. The proposed development will be characteristic of the existing environs of both of these urban green spaces and will have no more than a very limited and localised effect in these terms.
- 8.27 At paragraph 6.18, the SoC references the Strategic Housing Land Availability Assessment (SHLAA) Review Document from 2013. This document includes no detailed landscape and visual analysis of the Site BX8 and for clarification Site BX8 also differs from the Appeal Site in its extent. Notwithstanding this, the brief summary of Site BX8 advises that it is adjacent to the existing development boundary and adjacent to existing residential properties. The Appeal Site also encompasses the lower land referenced within Site BX8. This SHLAA Review Document also preceded the Updated ESLCA in 2016, that identifies the site within the Bexhill Urban Character Area and not within one of the landscape character areas surrounding the settlement.

9.0 POLICY CONTEXT

National Planning Policy Framework (NPPF)

- 9.1 The NPPF sets out the Government's commitment to delivering sustainable development. Throughout the document the aspirations are generally positive. A holistic approach is encouraged, balancing benefits with impacts across all aspects of the development process. The NPPF is dealt with in the overarching planning policy evidence of Mr Lee, so my evidence only draws attention to the specific sections relevant to landscape and character and appearance.

11. Making effective use of land

- 9.2 Paragraph 119 states that planning decisions, *'should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'* The appeal scheme would provide effective use of land for housing, with a sizeable area of new greenspace extending throughout and around the development.
- 9.3 Section 11 also covers *"Achieving appropriate densities"*. Paragraph 125 has been updated from the previous version of the NPPF and states.
- "Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site."*
- 9.4 The proposed 'up to' density of 30 dwellings per hectare (dph) has been determined based upon the *'optimal use of the potential'* of the site, taking into account the variety of existing densities within this part of the settlement and the environmental credentials of the site. Conservation of the existing mature trees and planting and the provision of a robust landscape and Green Infrastructure framework is a key feature of the overall scheme.

12. Achieving well-designed places

- 9.5 Paragraph 131 notes that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. It notes that decisions should ensure that new streets are tree-lined and, that opportunities are taken to incorporate trees elsewhere in developments. The Green Infrastructure Masterplan (within CD2.05) shows the conservation of the existing mature trees, together with significant new tree planting, including tree planting along the streets and within green infrastructure areas. Whilst the application is in outline, it can be determined at the detailed design stage, exactly how new trees can best be incorporated.
- 9.6 Paragraph 134 notes that development that is not well designed should be refused. This application is made in outline, so detailed design is for the reserved matters stage. There is nothing in terms of the location and context of the site or the design approach and principles put forward by the accompanying Design and Access Statement (DAS) and other plans, that indicate a high quality design could not be achieved. Rather, the design principles and illustrative plans

accompanying the planning application highlight the opportunity to deliver a high quality and sustainable scheme on this site.

15. Conserving and enhancing the natural environment

9.7 Paragraph 174 states;

‘Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;.....’*

9.8 The site and its context lie within an undesignated landscape with no statutory or protected status for reasons of landscape character or value. It is also not identified as being of any particular quality or interest within the development plan. Finally, it lies within an area characterised as being ‘Urban’ and not part of the wider landscape character areas beyond the settlement edge.

9.9 The site is not and does not form part of a ‘valued landscape’ as referenced at paragraph 174. The landscape value of the site and its immediate context has also been examined earlier in this evidence and in the LVA, by reference to the range of factors that can help in the identification of valued landscapes. The LVA undertook this analysis by reference to ‘Box 5.1’ of GLVIA3 and I have updated this value assessment to reflect the approach of the Landscape Institute Technical Guidance Note (TGN) 02-21 “Assessing landscape value outside national designations”.

9.10 The results of both assessments conclude that this is a landscape of Medium value. Further to the conclusions of the LVA and my own assessment, it should also be noted that neither the Council nor ESCC as their landscape advisors have alleged at any time that the landscape of the site or its context should be considered ‘valued’ for the purposes of the NPPF.

9.11 The LVA, DAS and my evidence consider and demonstrate how the intrinsic character and beauty of the countryside and benefits of the existing trees have been recognised. The dedication of a large proportion (approximately 39%) of the total site areas for combined GI, planting and other habitats and public access proposals, coupled with appropriately defined extents and parameters for the built development are direct responses to the characteristics and features of the site and its immediate context.

9.12 Paragraph 175 advises;

“Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries”.

9.13 The site lies within the least environmentally constrained part of the District; outside (both physically and visually) the High Weald AONB (covering 82% of the District) (Appendix 2) and

also outside a series of other environmental designations (Appendix 3). It also does not lie within any strategic green infrastructure areas as defined by any relevant plans or strategies. Finally, in landscape character terms the site lies within an 'Urban Area'. Simply on the basis of these factors there can be very few sites across the District as a whole more suited and capable of accommodating new residential led development.

- 9.14 In conclusion, the NPPF design and environmental aspirations have been taken into account by the proposed development. This approach should continue seamlessly should the appeal be allowed through the Reserved Matters planning process, building on the design and environmental principles already established within the application material.

National Design Guide

- 9.15 The proposed development has been reviewed against the Government's National Design Guide (2019). This includes the characteristics that contribute towards good design as referenced in the NPPF. At this Outline planning stage, the proposed development has positively addressed the relevant National Design Guide characteristics, including in particular; Context; Movement; Nature; and Public Spaces. These and the other identified characteristics will be further considered and addressed as part of the subsequent detailed design and reserved matters.

Local Planning Policy

Rother Local Plan Core Strategy (2014)

- 9.16 The following policies are of most relevance in landscape and visual terms.
- Policy EN1 – Landscape Stewardship;
 - Policy EN3 – Design Quality; and
 - Policy EN5 – Biodiversity and Green Space.

Rother Development and Site Allocations (DaSA Local Plan)

- 9.17 The DaSA Local Plan sets out more detailed 'development policies' in order to assist in determining proposals and to identify specific 'site allocations' to deliver the agreed housing and other development targets.

- 9.18 The following policies are of most relevance in landscape and visual terms.

"Policy DEN1: Maintaining Landscape Character

The siting, layout and design of development should maintain and reinforce the natural and built landscape character of the area in which it is to be located, based on a clear understanding of the distinctive local landscape characteristics (see Figure 5 above), in accordance with Core Strategy Policy EN1.

Particular care will be taken to maintain the sense of tranquillity of more remote areas, including through maintaining 'dark skies' in accordance with Policy DEN7.

- 9.19 Figure 5 shows the Local Landscape Character Areas for East Sussex as detailed in the East Sussex Landscape Character Assessment (ESLCA) (CD7.02) document. The site lies within the Bexhill 'Urban Area' (Ref 30) on this Figure 5.

“Policy DEN4: Biodiversity and Green Space [note: policy not listed in full below]

Development proposals should support the conservation of biodiversity and multi-functional green spaces in accordance with Core Strategy Policy EN5 and the following criteria, as applicable:

.....iv) larger developments of more than 2 hectares or 50 dwellings (whichever is the smaller) should produce a Green Infrastructure masterplan as part of their proposals.....”

- 9.20 The Landscape Response Note (CD2.05) details a Green Infrastructure Masterplan for the proposed development. Should the Appeal be allowed, this will form the basis for the subsequent reserved matters and can be advanced and refined as part of the detailed design proposals. The proposed development includes approximately 39% of the site as Green Infrastructure and includes conservation and management of the existing trees and hedgerows.
- 9.21 The environment policies relating to the AONB and Strategic Gaps are not relevant to the site and the proposed development. Policy DEN2 concerns any development within or affecting the setting of the High Weald AONB. The site is not located within the AONB and the proposed development will have no effect on the AONB. Similarly, Policy DEN3 concerns Strategic Gaps. Five Strategic Gaps are defined and shown on the Policies Map. The site is not situated within or close to any of the Strategic Gaps.

Policy Context Conclusion

- 9.22 In my opinion, the proposed development addresses and responds positively to the relevant policy context and any effects upon landscape character, settlement pattern and visual amenity are limited, localised and not unacceptable in these terms.

10.0 CONCLUSIONS AND RECOMMENDATIONS

- 10.1 The site occupies a well-defined and contained position within the western part of Bexhill and it forms part of the Bexhill '*Urban Area*' as defined by the East Sussex Landscape Character Assessment (ESLCA). The site adjoins existing residential development on Fryatt's Way and Concorde Close and it sits close to other residential development and urban uses to the east and south. Other existing residential development lies to the north east, south west and west of the site, with a park (Broad Oak Park) and golf club (Highwoods) situated to the south west round to the north west.
- 10.2 The site and its immediate context do not lie within a designated landscape or a landscape recognised as being of any particular value or interest. Notably, the site lies outside and well beyond the High Weald Area of Outstanding Natural Beauty (AONB) that covers 82% of Rother District (Appendix 2). The site also lies outside and beyond other environmentally constrained and/ or sensitive areas, including; internationally and nationally designated wildlife sites (Appendix 3) and Strategic Gaps.
- 10.3 The landscape value of the site and its immediate context has been assessed in accordance with the relevant guidelines to be Medium. The most positive attributes of the site are the mature trees to the field boundaries. The site is not and does not form part of a '*Valued*' Landscape in the terms of the NPPF (paragraph 174 a) and the Council and their landscape advisors have not suggested otherwise at any time.
- 10.4 In landscape and visual terms, the site represents a good and appropriate location for new residential development. The proposals will create a sustainable development of up to 210 dwellings, with public open space and access, landscaping and habitat creation and sustainable drainage (SuDS). This will include the conservation and management of the existing mature trees and hedgerows and the provision of a substantial number of new locally occurring native trees and plants and other habitats.
- 10.5 The proposals are well founded in environmental and design terms and recognise the character and features of the site and its surroundings. Landscape and GI proposals will extend to approximately 39% of the total site area and the Development Framework plan, DAS and Green Infrastructure Masterplan will form the basis of subsequent detailed design and reserved matters.
- 10.6 Inevitably, in order to meet development needs, greenfield sites are required for new homes and it is therefore implicit that some degree of adverse effect and harm will arise in landscape and visual terms. In this instance however, it is evident from the published landscape character assessment and the site specific analysis, that this site does have the capacity and is capable of assimilating new residential development, whilst mitigating and minimising the degree of harm to an acceptable level.
- 10.7 I conclude that the proposals will result in limited and localised adverse landscape and visual effects and will deliver other medium and longer term landscape and GI benefits. The proposed development will establish an appropriate development and landscape solution and it will not cause significant and demonstrable harm in landscape or visual terms.
- 10.8 I conclude on landscape and visual grounds that there are no justifiable or valid reasons to withhold planning permission for this proposed development.