



Proof of Evidence of Marc Tomes BA (Hons) DipLA CMLI  
Relating to Landscape and Visual issues  
On behalf of B.Yond Homes (formally Rydon Homes)

In respect of:

Land East of Albion Road and North of Copper Lane, Marden

Pins Ref:

APP/U2235/W/24/3346817

24<sup>th</sup> October 2024

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### **Supporting documents:**

Landscape and Visual Effects summary tables

Policy LPRSA295 summary table

Updated Outline Landscape and Ecological Management Plan (OLEMP)

2952 Land at Marden Verified Photography Methodology by Realm

1035-OA- AIA Broad Oak Tree Consultants

### **Supporting figures:**

ASLA01: Appeal Scheme Illustrative Layout

ASLA02: Digitised ZTVI

ASLA03 to ASLA07: Viewpoint photography

ASLA08: Verified photography locations

ASLA09 to ASLA38: Verified photography, block model and rendered viewpoints

ASLA39 to ASLA42: Side by side verified rendered photomontages vs existing

ASLA43: Appeal Scheme Tree Retention / Protection Plan

ASLA44: Appeal Scheme Illustrative Green Infrastructure (GI) Plan

## **1.0 Qualifications and Instructions**

- 1.1 My name is Marc Tomes. I am a chartered landscape architect and have worked as a landscape architect for twenty-four years. I hold a Post-Graduate Diploma in Landscape Architecture from Kingston University. I also hold a Bachelor of Arts (Hons) in Art, Design and Media from Portsmouth University.
- 1.2 I have been a member of the Landscape Institute since 2004 and obtained my chartership in 2007.
- 1.3 I am actively involved in the Landscape Institute (LI). I have been a committee member on the LI's Policy and Communication Committee (PCC) since 2018. The PCC is a standing committee that helps implement the LI's main areas of activity, including guiding the direction and content of the LI's position statements and developing responses to Government policy consultations; providing expertise on the LI's internal and external communications, marketing, and journal; and representing the LI at external events such as conferences, seminars, and workshops. The PCC also develops and implements an annual plan that aligns with the LI's Charter and Strategic Framework. In addition to this, I have been actively involved and part of the LI's Editorial Advisory Panel since 2021.
- 1.4 I am appointed as a High Street Task Force Expert, Facilitator and Mentor. I have training, experience and expertise in public participation / engagement and placemaking.
- 1.5 I have worked in both public and private practice in the UK, Australia and New Zealand. I have been back in the UK, based in Kent and working in private practice, since 2015.
- 1.6 I am a Director and co-owner of Allen Scott Limited, a landscape architectural consultancy and registered practice of the Landscape Institute since 2001 providing landscape planning and design advice to both public and private sector clients.
- 1.7 Prior to this, I was a Design Lead and Principal Landscape Architect at Boffa Miskell Ltd, an international planning, landscape, ecology, and urban design consultancy based in New Zealand. I have also worked within UK local government such as Hampshire County Council and Bournemouth Borough Council.
- 1.8 I have undertaken a broad range of landscape and visual assessments, landscape masterplans, and have helped design and deliver many landscape projects from early concept designs through to construction / completion.
- 1.9 I have advised on landscape design and landscape planning matters for a variety of UK clients including Rydon Homes, Fernham Homes, Sigma Strategic Land, Manor Royal BID, Maidstone Borough Council, Mid Sussex District Council, Wealden District Council, Tunbridge Wells Borough Council, Hampshire County Council, BCP Council, and many other local authorities.
- 1.10 I was first commissioned by Rydon Homes (now B.Yond Homes) in February 2021 to undertake an initial high level Landscape review for the Appeal Site. This included visiting the

Site context, desktop research and reviewing an initial high level development framework prepared by Rydon Homes.

- 1.11 I was then retained in March 2022 by Rydon Homes to undertake a Landscape and Visual Impact Assessment of the Appeal Scheme. This included further site visits by me and my colleagues and working with the wider team including architects, engineers, transport planners, arboriculturists, ecologists and planners.
- 1.12 I attended the pre-application meeting with Maidstone Borough Council in June 2022. I had also been involved in helping prepare the information used for public consultation pre-application during the summer of 2022.
- 1.13 I was involved in preparing the Outline Landscape and Ecological Management Plan (OLEMP) based on the illustrative layout and to accompany the planning application. This included working with the master planners, ecologist and the client.
- 1.14 My colleagues and I have undertaken site visits, carried out in February 2021, March 2022, July 2022, November 2022, July 2023, March 2024 and October 2024. These involved walking the Site, public footpaths and local roads within the environs to understand the landscape and visual context of the area.
- 1.15 I have been working closely with our appointed sub-consultant specialists who have produced a digitised Zone of Theoretical Visual Influence (ZTVI) and specialists who have produced verified photography and photomontages included in this proof of evidence (PoE).
- 1.16 I have also been involved in the recent detailed design process regarding the proposed footpath along Albion Road as part of the Appeal Scheme.

## **Endorsement**

The evidence that I have prepared and provide for this inquiry reference APP/U2235/W/24/3346817 in this proof of evidence is true, complies with relevant guidance of the Landscape Institute and I confirm that the opinions expressed are my true and professional opinions.

## **2.0 Introduction and scope of evidence**

### **2.1 Background**

- 2.1.1 The planning application (REF 23/504068/OUT) was submitted by Rydon Homes (now B.Yond Homes) in September 2023.
- 2.1.2 The application was for outline planning permission for up to 117no. dwellings and associated infrastructure including partial footways on Albion Road. The submitted illustrative site layout (Figure ASLA01) demonstrated the approach but with the final layout, scale, appearance and landscape enhancements a matter for a subsequent reserved matters application.
- 2.1.3 The Planning Application was refused on the 22<sup>nd</sup> December 2023.
- 2.1.4 The decision notice outlines 7 reasons for refusal. Although all are interrelated, there are 2 reasons that have specific relevance to landscape and visual effects (Reasons 1 and 2).

#### **Reason 1**

*The application site lies in the countryside and residential development of this scale does not accord with the adopted Maidstone Borough Local Plan's Spatial Strategy policy SS1 which directs residential development to defined built areas and site allocations. It would erode the sense of tranquillity, resulting in an urbanising and visually prominent form of development, out of character with the rural locality, visually harmful to the setting of Marden in its rural context on approach from the south and therefore significantly harmful to the character and appearance of the countryside being the two primary tests of "harm" in adopted policy SP17. The Council has in excess of 5 years housing land supply and positive housing delivery rates. There are no exceptional circumstances that would justify departing from this strategy with the resulting harm to the character and appearance of the countryside and the proposals are therefore contrary to Policies SS1 and SP17 of the Maidstone Borough Local Plan 2017 and Marden Neighbourhood Plan policies BE1 and NE3.*

#### **Reason 2**

*The application site contributes to the landscape character of the Staplehurst Low Weald which is that of low lying gently undulating clay landscape of small fields with orchards, pasture, ponds and watercourses. The indicative sizes and number of dwellings (117 including some 2.5 storey dwellings) and associated hardstanding for access, parking and turning will result in a layout and siting of built development of a suburban form extending into the rural landscape, significantly harming its character. The indicative layout shows cramped overdevelopment along the access road entrance and in the NE corner and a proximity of dwellings to the southern and western boundaries that cannot be effectively screened by planting due in part to the intervening ponds and proposed attenuation basin. The harmful development would be particularly visually prominent due to site topography and the site being elevated above Thorn Road and Copper Lane with limited scope for adequate landscape buffers/screening at the boundaries and within the site. There is a significant loss of the orchard with only 2 very small areas being retained, contrary to conserving what is a defining land use important to the landscape character of the Staplehurst Low Weald. There will also be significant harm from external lighting and additional engineering to form the access onto Albion Road, a rural lane. The development*

*would erode openness and cause unacceptable harm to the character and appearance of the countryside. The development is contrary to policies SS1, SP17, DM1, DM8 and DM30 of the Maidstone Borough Local Plan and Marden Neighbourhood Plan policies BE1 and NE3.*

- 2.1.5 Since the refusal, the Site has been allocated for housing under the adopted Local Plan Review. (ref POLICY LPRSA295 - LAND AT COPPER LANE AND ALBION ROAD, MARDEN)
- 2.1.6 The decision notice and its accompanying technical notes puts weight on the Site being located within 'countryside' and not allocated for housing at the time of application. There was concern that the proposals would significantly harm the character and appearance of the countryside and is contrary to policies that relate to this.
- 2.1.7 It also stated that the development would be visually harmful to the setting of Marden in its rural context approach from the south.
- 2.1.8 The decision also relied on specific comments in relation to the proposed illustrative layout and the extent / number of dwellings. There is mention of the development eroding the sense of tranquilly, resulting in urbanising and visually prominent form of development on the Site.
- 2.1.9 In June 2024, B.Yond Homes Ltd lodged an appeal against the decision (REF APP/U2235/W/24/3346817).
- 2.1.10 The Planning Inspectorate has set a public inquiry hearing for November 2024.
- 2.1.11 MBC have provided a Statement of Case which recommends the reason 1 be deleted and reason 2 be updated to read:

2) The application site is an upwardly sloping site on the rural edge of Marden village within the landscape character of the Staplehurst Low Weald. It has not been demonstrated, in this outline application, that the proposed development will meet all the conditions of policy LPRSA295 of the Maidstone Borough Local Plan Review 2024. These conditions reflect and seek to address the landscape sensitivities of the site. The illustrative plan: (i) shows that the proposed quantum of development and necessary infrastructure leads to a lack of structural landscaping throughout the site and to sensitive boundaries, especially the southern boundary (due in part to the intervening ponds and proposed attenuation basin, which will also result in existing tree loss); (ii) shows that the south part of the site around the existing ponds will not be kept free of development, with a proposed emergency access and associated visibility splays and a pumping station shown here (iii) shows that the existing tree/hedge site boundaries will not be enhanced, again particularly in the location of the attenuation basin. The resulting development would fail to respond sensitively of the rural setting of Marden and would harm the character and appearance of the surrounding countryside. In addition, the illustrative layout shows that the proposed quantum of houses will lead to cramped overdevelopment, exemplified in the illustrative plan at the access road entrance and in the NE corner adjacent to the southern and eastern boundaries respectively. The proposal is contrary to Policies LPRSP15 and LPRSA295 of the Maidstone Borough Local Plan Review 2024 and Marden Neighbourhood Plan policies BE1 and NE3.

## 2.2 Review of the LVIA

- 2.2.1 As part of determining the planning application, Maidstone Borough Council (MBC) had engaged JFA Environmental Planning (JFA) to review the LVIA prepared as part of the planning application for the Appeal Scheme. The review report, dated November 2023, comprises of 9 pages, 8 sections including the conclusion as section 8.
- 2.2.2 Please note that I had not seen or reviewed this report by JFA until after the planning decision was made.
- 2.2.3 General takeaways / criticism from the review are that the LVIA had:
- A lack of making specific reference to the site being within Countryside and making reference to Policy SP17;
  - Minimal information about the time depth analysis and reference to the HIA or to the Landscape Institute's TGN 02/21; and
  - Absence of verified photomontages and a digitised ZTVI.

### **Reference to Policy SP17**

- 2.2.4 In the context of the first takeaway, Section 7 within the review describes JFA's impact analysis with reference to the now superseded policies. Of particular note is item 7.2:

*The description of the impacts is broadly correct. There will be a complete change of landscape character across the site. (Area A in the LVIA). There will be some green space retained but its character will change from countryside to urban development. This is contrary to policy, especially SP17 and DM30 as the development will harm the appearance and character of the countryside. According to the matrix analysis, the magnitude of harm is High initially but reduces to Moderate in the long term.*

- 2.2.4 This is agreed, the LVIA had assessed that the development would have a significant adverse landscape effect to the Site. Section 5.3 of the LVLIA states:

*The Site is considered to have Medium to High Landscape Sensitivity, the change from fields to housing is considered to be high resulting in a **Major adverse landscape effect** for the Site itself. This is tempered by the inherent mitigation, including limiting housing on the southern part of the Site and protecting the field boundaries, retaining parts of the existing orchards and other valued landscape features. Given time for the new landscape features to mature, the landscape effect is reduced to a **Moderate adverse landscape effect**.*

- 2.2.5 The conclusion within the LVIA also puts weight on the fact that the effect is localised to the Site and does not cause significant harm to the wider countryside.
- 2.2.6 It is understood that JFA's review of the LVIA was completed ahead of the adoption of the Local Plan Review and the Site now falling outside of the countryside designation and within

the built limits / settlement of Marden and under POLICY LPRSA295. I therefore believe that JFA's reference to SP17 and DM30 are no longer relevant.

2.2.7 I also note there is no specific mention within JFA's review of the Appeal Scheme *eroding the sense of tranquilly, resulting in urbanising and visually prominent form of development on the Site* as noted within the planning decision reason 1.

2.2.8 In the context of conserving and enhancing landscape character, I note that there is no mention or reference of the OLEMP within JFA's review.

#### ***Time depth assessment***

2.2.9 JFA's review includes comment about the landscape baseline assessments and absence of reference to the Site's history / time depth in the context of the Site's landscape value. Item 8.2 states:

*Further weakness is shown in the landscape baseline, where site history/time depth and the site's landscape value are not analysed. This weakens the analysis, particularly as landscape value is alluded to a number of times in the LVIA.*

2.2.10 Whilst further reference to time/depth could have been made within the LVIA report, the planning application was accompanied by a Heritage Impact Assessment (HIA). As outlined in the introduction within the LVIA, the aim was not to over burden the reader and double up with information. Information within the HIA had been reviewed in the context of understanding the baseline information including reviewing existing features, field patterns, public rights of way and in the context of nearby listed buildings. This, together with other factors such as recreational value, perceptual aspects and landscape quality, help in the identification of the value. At the time of preparing the LVIA, the information provided was seen to be proportionate to the development and the commission undertaken.

2.2.11 References to the HIA are made within the LVIA such as in section 3.3.1.1. There is also reference to national and local Landscape Character Assessments and MBC's Landscape Capacity Study: Sensitivity Assessment (2015) throughout.

2.2.12 An extract from MBC's Landscape Capacity Study: Sensitivity Assessment (2015) is included within 3.3.2.4 of the LVIA with reference to LCA 44 and of note:

*The cultural integrity is also good although the land use has changed in some areas to more extensive arable cultivation and hop gardens have been lost. Although many scattered farmhouses and hamlets respect the local vernacular and provide a very strong sense of place, recent and indistinct development at Staplehurst and Marden dilutes this slightly.*



2.2.13 Whilst the Appeal Site has not had a specific Landscape Capacity Study prepared, there are other sites within Marden included in the 2015 Landscape Capacity Study. Of note are sites HO149, north east of the Appeal Site (with a Landscape Value being Moderate), and HO115 south of Copper Lane (with a Landscape Value being Moderate).

2.2.14 As outlined in the Landscape Institute's TGN 02/21 these baseline assessments help us assess the landscape value and its sensitivity to change. Section 3.4 within the LVIA provides a summary of landscape character and its sensitivity to change.

2.2.15 As outlined in the LVIA methodology:

*In defining the Baseline Conditions an assessment of the sensitivity of each of the landscape or townscape features and visual receptors is assessed in order to provide a basis for judging the likely effects. 'Sensitivity' assessment is made up of judgements of the 'susceptibility to change' of the resource or receptor arising from the specific proposal, in this case a residential scheme on the edge of an existing settlement, and the 'value' attached to the resource, receptor or view. The highest value is usually only associated with heritage assets or designated landscapes.*

2.2.16 This follows guidelines outlined in Guidelines for Landscape and Visual Impact Assessment Third edition (GLVIA). Such as item 5.39 within GLVIA, which reads:

*Landscape receptors need to be assessed firstly in terms of their sensitivity, combining judgements of their susceptibility to the type of change or development proposed and the value attached to the landscape. In LVIA sensitivity is similar to the concept of landscape sensitivity used in wider arena of landscape planning, but it is not the same as it is specific to the particular project or development that is being proposed and to the location in question.*

2.2.17 Although no reference to TGN 02/21 was specifically made within the LVIA, the information provided was seen to be proportionate to the development and the commission undertaken.

#### **ZTVI and Verified Photography**

2.2.18 In terms of the final general takeaway from the LVIA review by JFA, section 6 of the review criticises the use of a Zone of Visual Influence (ZVI) to identify potential visual receptors and their sensitivity and not using a digitised Zone of Theoretical Visual Influence (ZTVI). However, item 6.2 states:

*After reviewing the data and visiting the site, the Zone of Visual Influence (ZVI) (LVIA Fig 5) seems broadly correct.*

2.2.19 JFA's review recommends the applicant provide an additional Verified View of the proposals from a location on a PROW within the ZVI, preferably from PROW KM 278.

- 2.2.20 With regard to the visual analysis, as noted in the LVIA review, I had opted for a ZVI (Zone of Visual Influence) which is based on professional judgement rather than a digitised ZTVI (Zone of Theoretical Visual Influence). This was seen to be proportionate to the development and the commission undertaken.
- 2.2.21 The review also requests that viewpoint photography be 'Verified', taken after leaf fall (December to March) and follows the *LI Technical Guidance Note 06/91 Type 4*. I believe that JFA were referring to TGN 06/19 and not 06/91.
- 2.2.22 Please note that the LI Technical Guidance Note 06/19 is currently under review by the Landscape Institute (LI).
- 2.2.23 Please also note that Type 4 is most extensive type of visualisation following the technical guidance and involves Photomontage / Photowire / Survey / Scale Verification. This typically requires a digitised geo-referenced 3D model of the proposed development to be produced and used. At the time of preparing the LVIA we did not have access to a digitised geo-referenced 3D model of the proposed development. Also worth noting that the Appeal Scheme application was submitted for outline planning permission.

## **2.3 The Landscape Issues**

- 2.3.1 Considering the above and the fact that the Site is now allocated for housing under the adopted Local Plan Review (MLPR), I address the following matters within this evidence:
- The effects on landscape character. Within this, I review the LVIA assessment and the measures included within the Outline Landscape and Ecological Management Plan (OLEMP). I review the Landscape Character Areas (LCAs), MLPR Policy LPRSA259, comments from JFA within their review, the HWAONB management plan, and the planning decision notice. I also include further assessment of the proposed access road and proposed footway along Albion Road.
  - The visual effects. Within this, I review the assessment made within the LVIA. I also review additional information prepared as part of this proof of evidence (PoE), including a digitised ZTVI, verified site photography for eleven viewpoints within the ZTVI, including one from PROW KM 278, block massing montages and four further digitised rendered photomontages of the potential development. This includes rendered photomontages of the proposed access road and footway along Albion Road, views of the development from Copper Lane and from along PROW KM283 south of the Site.
- 2.3.2 Where pertinent I have also referred to the planning refusal decision, the LVIA, JFA's review, MLPR Policy LPRSA259 and other relevant reports.

### 3.0 The planning context

- 3.1.1 National and local planning context has seen changes throughout the LVIA, planning application and Appeal process.
- 3.1.2 I will leave planning matters to be covered by DMH Stallard. However, in the context of landscape and visual matters the following planning context is considered important.
- 3.1.3 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF sets out what the government considers to be sustainable development, having regard to the three roles of the planning system which seek development to have regard to economic, social and environment sustainability. The NPPF is a material consideration in the decision-making process and at the heart of the NPPF is the presumption in favour of sustainable development.
- 3.1.4 Please note that at the time of writing this PoE the government have put out a consultation document on proposed changes to the NPPF. This consultation document does not show any proposed changes to Section 15 (Conserving and enhancing the natural environment) other than a revision to one of the footnotes.

#### ***Adopted Local Plan Review***

- 3.1.5 At the time of the decision on the planning application (December 2023) the MBLP was the adopted Local Plan for Maidstone Borough. The Maidstone Borough Local Plan Review (MLPR) was formally adopted by the Council on the 20<sup>th</sup> March 2024. As such, a number of the policies referred to in the Council's reasons for refusal have now been updated or replaced.
- 3.1.6 The Maidstone Local Plan Review (MLPR) document sets out the policies and plans to guide future development to 2038. The Appeal Site is allocated in the MLPR for housing development in under Policy LPRSA295 – Land at Copper Lane and Albion Road, Marden. This policy allocates the Site for the development of approximately 113 dwellings, the policy sets out general principles for the design and layout of the development; landscape and ecology; access; highways and transportation; open space, and utilities infrastructure.
- 3.1.7 The refusal decision includes reference to MBLP Policy SP17. This policy, now superseded by policy LPRSP9 within MLPR, relates to the Countryside outside of the settlement boundary. Extracts from Policy LPRSP9 read:
1. *The countryside is defined as all those parts of the plan area outside the settlement boundaries of the Maidstone Urban Area, Rural Service Centres and Larger Villages defined on the Policies Map.*
  2. *Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and will not result in significant harm to the rural character and appearance of the area.*

Noting that the Appeal Site falls within the settlement boundary Policy LPRSP9 is not relevant to the Appeal Site.

### **Policy LPRSA295**

3.1.8 Policy LPRSA295 of the MLPR is referred to in the Council's delegated report and is considered to be of the key policy of direct relevance to the Appeal Scheme as this allocates the Appeal Site for residential development for approximately 113 dwellings.

3.1.9 Policy LPRSA295 provides conditions that are considered appropriate to be met before development is permitted. The requirements of Policy LPRSA295 are set out below:

*1. Land at Copper Lane and Albion Road as identified on the Policies Map, is allocated for the development of approximately 113 dwellings. The following conditions are considered appropriate to be met before development is permitted.*

### **Design and Layout**

*2. The two adjacent land parcels shall be designed and delivered through a joint masterplan with a single point of access to Albion Road and a joint strategy for open space provision.*

*3. Lower densities should be located adjacent to sensitive boundaries.*

*4. The south part of the site around the existing ponds shall be kept free of development with new landscaping to soften and break views from the south.*

*5. Development should be integrated into the slope on the site to minimise landscape impact.*

*6. Design of the site will need to ensure neighbouring residential amenity is protected.*

*7. Site design and layout shall be informed by a local historic impact assessment.*

### **Landscape and Ecology**

*8. A phase 1 habitat survey will be required, which may as a result require on and/or-off site mitigation for the existing habitat of local fauna/ flora.*

*9. Structural landscaping will be required throughout the site to soften and break up the impact of built development.*

*10. Structural landscaping will be required along the south edge to soften and break up the impact of built development in views from the south.*

*11. Existing tree/hedge site boundaries shall be retained and enhanced apart from where required for vehicular or pedestrian access.*

*12. The site's design should have regard to the setting of the High Weald National Landscape.*

*13. Development will be subject to a site-wide strategy to incorporate an appropriate level of biodiversity net gain in accordance with national and local policy.*

*14. Provide an Ecological Impact Assessment of development sites and any additional land put forward for mitigation purposes to take full account of the biodiversity present.*

### ***Access, Highways and Transportation***

*15. Provision of suitable vehicular access to Albion Road that meet adequate capacity standards and safety provisions.*

*16. Development will be subject to the creation of safe pedestrian connections to the wider pedestrian network.*

### ***Open Space***

*17. Provision of new open space on site in accordance with policies LPRSP13 and LPRINF1. Provision shall include not less than 1.25 hectares of open space, with typologies in accordance with policy LPRSP13 and LPRINF1. The strategy shall ensure that areas designed to support biodiversity net gain shall not be publicly accessible.*

*18. Not less than 0.3 hectares useable green open space shall be provided, incorporating children's play to meet the needs of the development.*

*19. The function and quality of any open space shall not be prejudiced by a dual requirement to provide surface water drainage mitigation.*

*20. Where it is not feasible, due to site characteristics, to provide an appropriate level of on-site open space in accordance with policy LPRSP13 and LPRINF1, the scheme shall make appropriate financial contributions towards off-site provision targeted at known deficiencies in the area.*

### ***Utilities Infrastructure***

*21. The applicant is to demonstrate that adequate connections to the nearest points of the network are achievable and that adequate capacity exists/can be created for all utilities.*

*22. Where there may be limited capacity in the utility network, the occupation of the development will be phased to align with the delivery of infrastructure.*

### ***Marden Neighbourhood Plan***

3.1.10 Both reasons for refusal 1 and 2 refer to Marden's Neighbourhood Plan 2017 -2031 policies BE1 and NE3. The amended reason for refusal 2 outlined in MBC's SoC also makes reference to these.

3.1.11 Policy BE1 states:

*Development proposals should be designed to protect the fabric and setting of any designated and non-designated heritage asset and respect and enhance the existing character of the village. New development must be both visually and functionally sympathetic to the existing styles and materials, which are illustrated at pages 21/22 in this Plan and also described in the Marden Design Statement (2001), in order to maintain and enhance Marden's sense of place.*

3.1.12 Policy NE3 states:

*All proposed developments should be designed to integrate into their surroundings in the landscape and contribute positively to the conservation and enhancement of that landscape. Dense hedgerow planting with native species is the preferred boundary treatment if the strengthening of existing hedgerows or restoration of lost hedgerow boundaries is not possible. Artificial lighting systems, if deemed necessary, require sensitive treatment to reduce visual intrusion and negative impacts on wildlife.*

3.1.13 The Marden Neighbourhood Plan 2017-2031 sets out a number of policies for developments to conform with.

## **4.0 The proposed scheme**

### **4.1 Location and Context**

- 4.1.1 The description of the Site's location and context is covered in many other reports, including the LVIA, DAS and the Statement of Case (SoC) for the Appeal. The following points in this section are considered relevant to this PoE.
- 4.1.2 The Appeal Site lies broadly located on the southeast side of the village of Marden. It comprises land measuring approximately 6 hectares in area. The Site borders Copper Lane to the south and the west of the Site shares a short frontage with Albion Road. Located along the northern boundary of the Site is the recently completed residential development of Russet Grove, which is characterised by more modern housing development. To the east of the Site are open fields, defined by further agricultural land, with sporadic farmhouses.
- 4.1.3 The Appeal site gently slopes upwards and as such the residential development of Russel Grove is generally on higher ground than the Site.
- 4.1.4 There are residential properties on the western side to Albion Road and Thorn Road broadly following the same topography as the Site.
- 4.1.5 The context to the south and east of the Appeal Site is generally rural and well described in the LVIA and in local LCAs.
- 4.1.6 The Appeal Site is not within any protected landscapes (such as AONB / National Landscape or National Park). The High Weald AONB is located approximately 4km from the application Site. The officer's recommendation for refusal report refers to the Site being within the setting of the High Weald AONB.
- 4.1.7 There are no recorded Public Rights of Way (PRoWS) or Bridleways within the Site itself. However, there is a nearby PRoW (KM276) to the north of the Site beyond the new Russet Grove housing development along Stanley Road and beyond. There are other nearby PRoWs namely KM278 to the east of the Site and KM281 directly opposite the Site's boundary with Albion Road.
- 4.1.8 There are public roads and lanes within 1km of the Site. Notably Copper Lane along the southern boundary and Albion Road / Thorn Road to the west of the Site. Neither have public footpaths / pavements close to the Site, however it is evident that the roads and lane are used by pedestrians.
- 4.1.9 There are no known listed buildings or structures on the Site, however there are nearby Grade II listed buildings. Notably Jewell House / Bishop House, Stone Pit Farmhouse and Barn northwest of Stone Pit Farmhouse.

## **4.2 Proposals**

- 4.2.1 The description of the proposals covered in many other reports, including the LVIA, DAS, and the SoC. The following points in this section are considered relevant to this PoE.
- 4.2.2 The outline application is for up to 117 new dwellings and associated infrastructure set within a network of verdant landscape. An illustrative layout plan was prepared to demonstrate the outline scheme.
- 4.2.3 The proposals retain an area of open space on the lower / southern parts to the Site and the illustrative layout reduces the building scale to one and half storeys for those that form the edge to this open space.
- 4.2.4 The new entrance is location from Albion Road close to the existing settlement edge.
- 4.2.5 Apart from those proposed to be removed due to the new access road and footway connection along Albion Road and some to accommodate visibility splays for the access on Copper Lane, all existing boundary vegetation is proposed to be conserved and reinforced.
- 4.2.6 Provision for on-site open space is to incorporated throughout the development.
- 4.2.7 Provision for new trees and hedgerows throughout.
- 4.2.8 The proposals include the retention of two areas of the existing orchards and integrating these into the areas of open space visible from Copper Lane
- 4.2.9 The proposals include the creation of a SUDs scheme integrating the existing ponds and new water retention basins, including management of these features.
- 4.2.10 The proposals enable new pedestrian links throughout the development. Particularly from PRoW KM281 across Albion Road through the development to Copper Lane.
- 4.2.11 The outline application included an illustrative proposed layout and an Outline Landscape and Ecological Management Plan (OLEMP) to supplement this.



## **5.0 Landscape and Visual Effects Arising**

### **5.1 Effects on Landscape character**

- 5.1.1 The LVIA advises that the significant effects which have been identified because of the proposed development are not considered to be detrimental to the wider landscape character. Whilst it is noted that the development will change the nature of the existing character of the Site, and will amend the built edge of the settlement, the proposed illustrative layout illustrates how the proposals seek to limit these effects such that most of the existing landscape features are retained and protected.
- 5.1.2 As noted in the LVIA, the Site does consist of some of the landscape characteristics within the wider Staplehurst Low Weald landscape character area. The Appeal Scheme and its supporting illustrative layout, demonstrates how these landscape features are retained as far as possible and integrated into the proposals. This includes retaining the existing field patterns, boundary vegetation, ponds and some parts of the existing orchards.
- 5.1.3 The LVIA also states that the Site has 'edge of settlement' characteristics. This is evidenced by the presence of detractors such as rear fences along Russet Grove, facades and rooftops from existing residential housing to the north on higher ground. This includes the existing 'indistinct' facades of the 3 storey dwelling visible from within the Site and to the south.
- 5.1.4 Nearby existing residential housing is also located along Albion Road opposite to the proposed Access road and along Thorn Road to the west following the sloping topography similar to the Appeal Site. The character of the landscape mainly to the south and the east is predominately rural in the context of the Site.
- 5.1.5 Whilst the topography of the Site is visible and informs part of the character to this edge of Marden, the Site is contained by its existing and mature vegetation along its boundaries. As part of the principles of the development, these are to be retained and enhanced where possible. This sense of containment is therefore retained.
- 5.1.6 The detailed layout, appearance, scale and landscape enhancements are reserved for future approval; however, the coloured site layout illustrates how the Site can be designed with consideration of the constraints and opportunities of the Site and its context such as nearby buildings and the rural landscape. The edge of settlement character has been respected by enabling space for new tree planting, vegetation and open spaces that help set the proposed buildings within a verdant landscape framework.
- 5.1.7 The design of the outline scheme seeks to *conserve and enhance* the landscape within the Site and its context. In addition to the retention and enhancement of existing field boundaries around the Site, this includes the retention and enhancement of the existing ponds to the south and an arrangement of new green infrastructure to follow the lost north-south field boundary hedgerows within the Site.
- 5.1.8 As shown on the illustrative layout, new vegetation, including trees, vegetated swales and hedgerows, can be introduced throughout the Site to help the buildings and associated hard infrastructure sit within a softer landscape framework. The potential location of these shown

in the illustrative layout have been considered in the context of the site's topography and the transition from urban settlement edge to the rural countryside context.

- 5.1.9 The illustrative layout provides space for new vegetation to create a landscape buffer between the Site and the neighbouring properties and to provide additional screening of the development from views outside of the Site where possible.
- 5.1.10 The scheme seeks to protect and enhance the characteristics to the southern part of the Site with the retention and enhancement of the ponds and the mature boundary vegetation along Copper Lane. A new attenuation basin is also located in this area, creating a substantial verdant buffer with potential for increased biodiversity between the new housing and Copper Lane and the countryside to the south.
- 5.1.11 The illustrative layout shows a looser and more positive edge to the settlement than the existing abrupt line of rear / backs of properties within Russet Grove on higher ground. The buffer between the new housing and Copper Lane is also accessible to the public and provides opportunities for interpretation about the local area, its character and wildlife.
- 5.1.12 The illustrative layout also demonstrates areas of the existing commercial orchards that could be retained and incorporated into the development. This, together with the retention and enhancements to the ponds and field boundaries, would retain elements of the Site's contribution to the landscape character of the wider Staplehurst Low Weald.
- 5.1.13 Furthermore, the illustrative layout demonstrates how these valued landscape characteristics within the Site are made more accessible to the wider community. They are integrated into the new publicly accessible open space with connecting footpaths and walkways throughout rather than only being visually accessible through gaps within the boundary vegetation along Copper Lane.
- 5.1.14 Although subject to detail, which is reserved for later, the LVIA considers that the Appeal Scheme can be a form of development which is sensitive to its environment, providing a transition between the urban residential area of the Russet Grove / existing edge of Marden and the rural countryside to the south and east.
- 5.1.15 The planning application was also accompanied by an Outline Landscape and Ecological Management Plan (OLEMP) based on the illustrative scheme. The aims and objectives of the OLEMP is to set out a detailed framework of landscape operations required to:
- Secure the long term health, safety, screening quality and habitat connectivity of the important landscape green infrastructure of the site provided by existing and new hedgerows and tree cover and maintain and enhance the nature conservation value of these areas;
  - Manage the new attenuation basin and swales to provide attractive features of conservation value with appropriate levels of accessibility, whilst ensuring their function as part of the natural drainage systems is also maintained as a Sustainable Urban Drainage System (SUDS) element;
  - Provide a range of informal open spaces and a setting for the development;

- Provide and maintain a natural screening from the wider open countryside to the south;
- Provide and maintain connections throughout the areas of open space;
- Provide and maintain hedgerows throughout the development;
- Enable new and existing vegetation to establish and be maintained to deliver the aims and aspirations shown in the Ecological Assessment;
- Provide a statement on who is responsible for management and maintenance post construction.

5.1.16 These aims and objectives are geared towards *conserving and enhancing* the landscape and the ecology of the Site post development.

5.1.17 The OLEMP also illustrates how the proposed development can help deliver the objectives set within Maidstone Borough Council Landscape Character Assessment Supplement and the Marden Neighbourhood Plan.

5.1.18 The OLEMP describes the landscape and ecological opportunities, objectives and management principles across four areas; i) Northern Arrival, ii) Northern Edge and Upper Levels, iii) Mid levels and iv) Southern Edge & Lower Levels.

5.1.19 Within each of these areas the OLEMP describes the objectives to *conserve and enhance* the value landscape characteristics. For example, Area i:

*This area consists of the main proposed access road which leads from Albion Road into Area ii and the majority of the new development. It also consists of: footpaths, an existing pond, existing hedgerow and groups of existing trees along with proposed trees to enhance these areas.*

*The objective is to protect and maintain the existing hedgerow, woodland and pond, and to establish further vegetation with trees that help to reinforce the natural / verdant edge to this part of Marden. It will also create an attractive sense of arrival into the new area of housing development.*

*Note in the Maidstone Borough Landscape Character Area guidelines: "Ponds are also a valuable nature conservation resource and landscape feature. The council will encourage landowners and developers to retain and increase ponds and wetland areas to enhance their visual and wildlife functions."*

5.1.20 The OLEMP is intended to inform a more detailed Landscape and Ecological Management Plan (LEMP) which will need to be based on final detailed proposed development and the results of the final protected species surveys.

5.1.21 Please note that the OLEMP has been updated during the Appeal process so to reflect the minor updates to the Appeal Scheme. This is included in the appendix to my PoE.

- 5.1.22 Also worth noting that the Appeal Scheme was accompanied by a BNG assessment. As noted in the BNG Briefing Note:

*In summary, it is considered that the losses of ecological assets on site will be compensated for in full with the additional mitigation providing increased levels of biodiversity and species richness when compared to the present baseline.*

- 5.1.23 This has also been updated during the Appeal process so to reflect the minor updates to the Appeal Scheme. The BNG assessment indicates the potential and commitment to meet on site Biodiversity Net Gain above local and national requirements.

## **5.2 Visual Effects**

- 5.2.1 The LVIA advises that the few significant visual effects which have been identified as a result of the proposed development are all localised to the Site. Whilst it is noted that the development will change the nature of the views for some receptors in close proximity to it, the proposed illustrative layout is considerate and seeks to limit these visual effects and mitigate where possible.
- 5.2.2 As indicated in the LVIA, although restricted by existing mature vegetation within the Site and on nearby land, parts of the Site are visible from beyond its boundaries. This is generally because of the sloping topography and the low lying landscape to the south. There are direct views towards the proposed access road from Albion Road close to the entrance to PRow 281.
- 5.2.3 The second reason for refusal states that the development would be particularly visually prominent due to Site topography and the Site being elevated from Thorn Road and Copper Lane. It should be noted that the Appeal Scheme is outline only, the detailed layout, appearance, scale and landscape proposals are reserved for future approval, and I understand that this would also include height of the proposed buildings.
- 5.2.4 Existing views towards the Site from the south currently include views of the edge of Marden. Although not prominent, existing residential housing within Russet Grove, along Albion Road and along the sloping topography of Thorn Road are visible from various locations on lower ground.
- 5.2.5 There is a network of PRowS to the south with potential views towards the development. There are also locations along the existing road network, including Copper Lane, Thorn Road and Albion Road with views towards the Site and existing residential properties of Marden. These were assessed as part of the LIVA process with a selection of relevant viewpoint photography taken to help illustrate the assessment of the visual effects.
- 5.2.6 Potential private views were also identified and assessed. Views with significant effects were identified as being very localised to the Site.

- 5.2.7 Whilst the LVIA identified there to be changes to some views of the Site due to the development, the magnitude of these changes is reduced by the inherent and potential mitigation within the Appeal Scheme. This includes the retention of existing mature boundary vegetation, limiting the development on the lower levels close to Copper Lane and allowing space for new structural tree planting and vegetation to help screen the development where possible from the south and north.
- 5.2.8 Furthermore, the Appeal Scheme was supported by an indicative building heights layout plan (ref: SK26 Rev C). This demonstrated the potential for a small number of 2.5 storey dwellings sited in the northern part of the Site away from the southern part of the Site, which is shown free from housing and also away from the sensitive boundaries of the site. This is consistent with Policy LPRSA295.
- 5.2.9 It should also be noted that there are a number of 3-storey buildings within the Russet Grove development, and the position of the built form and 2.5-storey buildings proposed within the Appeal Scheme has been sited to correspond with the built form of the adjacent residential development at Russet Grove to the north.
- 5.2.10 Views from further to the south looking north towards the south facing slopes of the Site and the exiting built edge of Marden are predominantly of the rural countryside with mature vegetation along field boundaries. Beyond this, there are distant views of the existing residential housing that forms the existing edge of settlement of Marden. This is generally positioned on the higher ground and on south facing sloping ground such as Thorn Road and the nearby housing on Blossom Way to the west.
- 5.2.11 As noted above and evidenced within the LVIA, the existing settlement edge is visible but is not 'visually prominent' from a distance to the south.
- 5.2.12 The illustrative layout, building heights and the design intent described in the DAS show how the proposals aim to 'knit in' with the existing settlement edge and its character so to reduce the magnitude of change in views of the Site from the south.
- 5.2.13 The OLEMP describes the principles of conserving and enhancing vegetation across the Site. This commitment would further help embed the development within a verdant framework and reduce the potential harm in views towards the Site.
- 5.2.14 For the reasons indicated above and as described within the LVIA, the proposed developed would not bring much change to those views from a distance to the south. As such, it is considered that the development would not be 'visually prominent' from the south. The prominence of the rural landscape is retained.
- 5.2.15 Whilst receptors using Copper Lane, Thorn Road and Albion Road on lower ground or closer to the Site may experience greater change in views due the development, these are localised and mostly screened by existing boundary vegetation and the proposed new vegetation within and around the Site. Furthermore, the illustrative proposals show how the building layout, heights and built form can help limit and reduce any perceived prominence of the development in its context.

### **5.3 Conclusion on Landscape and Visual Effects**

5.3.1 Whilst it is acknowledged that development will change the character of the Site and the nature of existing views in the immediate vicinity, the considerate illustrative layout seeks to limit these effects such that most of the existing landscape features are retained and the perception of negative change is minimised. I also consider that, given time, the significance of these effects will reduce.

5.3.2 My conclusion within the LVIA goes further to state that, with careful detailed design and a commitment to ongoing establishment of proposed vegetation, the proposals include measures that will help temper the identified significant effects and reinforce the valued landscape characteristics and valued features, such as:

- the benefits brought by the new network of open spaces, with its access from Copper Lane and linking through to Albion Road;
- substantial new native tree planting throughout the development;
- enhanced wetland / pond areas to the south with accessible boardwalks and opportunities for interpretation / information about local wildlife and the local area;
- carefully selected materials that reflect the valued local architectural vernacular; and
- gradual, verdant and positive transition between the edge of the settlement and the open countryside.

5.3.3 Commitment to these is also supported by the OLEMP prepared to accompany the Appeal Scheme.

## 6.0 Further assessment of Landscape and Visual Effects

### 6.1 Landscape related local policy and landscape character

Related supporting information, please refer to:

- *Figure ASLA01: Appeal Scheme Illustrative Layout*
- *Figure ASLA43: Appeal Scheme Tree Retention / Protection Plan*
- *Figure ASLA44: Appeal Scheme Illustrative Green Infrastructure Plan*
- *Landscape and Visual Effects summary table*
- *Policy LPRSA295 summary table*
- *Updated Outline Landscape and Ecological Management Plan (OLEMP)*
- *1035-OA- AIA Broad Oak Tree Consultants*

- 6.1.1 Policy LPRSA295 within the Adopted Local Plan Review provides conditions that are considered appropriate to be met before development is permitted. The requirements of Policy LPRSA295 are set out in section 3.1.8 above and those relevant to landscape and visual matters are shown in the table within the appendix of my PoE.
- 6.1.2 It is worth noting that the first condition of Policy LPRSA295 states that the Appeal Site is *allocated for the development of approximately 113 dwellings*. The LVIA and this PoE comments on the landscape and visual effects of *up to 117 dwellings* on the Appeal Site. Whilst 117 dwellings is four dwellings over 113 dwellings, my PoE does not intend to get into a debate about what is considered ‘approximate’. Nor does it provide an LVIA of a scheme of 113 dwellings. The LVIA has been based on the proposed outline application of *up to 117 dwellings* based on the illustrative layout and the information provided in the DAS. This approach follows GLVIA3 (note Paragraph 4.2) and recent Technical Note LITGN-2024-01-GLVIA3-NC\_Aug-2024 Section 3 Issue 2 (3).
- 6.1.3 As described within the LVIA, summarised in the table in the appendix and above in section 5, the illustrative layout demonstrates how conditions outlined in LPRSA295 can be incorporated into the development.
- 6.1.4 The Appeal Site abuts the countryside on its east and west boundaries and the southern boundary with its neighbouring field and Copper Lane.
- 6.1.5 Both original reasons for refusal 1 and 2 state that the Appeal Scheme would *cause unacceptable harm to the character and appearance of the countryside*.
- 6.1.6 As noted in LPRSP9,

*The countryside is defined as all those parts of the plan area outside the settlement boundaries of the Maidstone Urban Area, garden community developments, Rural Service Centres and Larger Villages with defined settlement boundaries and is depicted on the Policies Map. The countryside has an intrinsic rural character and beauty that should be conserved and protected for its own sake. However, there is also a need to ensure a level of flexibility for certain forms of development in the countryside in order to support farming and other aspects of the countryside economy and to maintain mixed communities. This needs to*

*be mitigated in a way that maintains and enhances the distinctive character of the more rural parts of the borough.*

- 6.1.7 As noted, the Appeal Site falls outside of the defined policy for ‘countryside’.
- 6.1.8 In terms of ‘character’ of the area, as noted in the LVIA the Site and its context does fall within Maidstone Borough Council’s LCA 44 – Staplehurst Low Weald. This LCA includes the settlement of Marden.
- 6.1.9 The key characteristics of this area is described within the LCA and, as noted in the LVIA, the Site and its immediate surroundings reflect and demonstrate some of these. This includes:
- *The gently sloping landform (from north to south)*
  - *Thick native hedgerows and mature trees that surround the Site and provide a sense of enclosure*
  - *Non-traditional orchards (small trees, apple and plum)*
  - *Although diminished through loss of hedgerows, small scale field patterns*
  - *Ponds on lower ground close to Copper Lane*
  - *Winding roads with wide verges bounded by ditches and mixed native hedgerows nearby (e.g. Thorn Road)*
  - *Intervening vegetation encloses views of the Site.*
  - *The Site is immediately adjacent to the existing edge of the Marden settlement, which also falls within LCA 44.*
- 6.1.10 As noted within the LVIA, MBC’s Landscape Capacity Study for LCA 44 (dated January 2015) includes:

*Landscape Sensitivity is **High***

*The coherent pattern of elements include the low lying landform, small fields with mature oaks, orchards, pasture, ponds, watercourses and the enclosure provided by thick native hedgerows. However the A229, large barns, large arable fields, static caravan developments, horse grazing paddocks and stables detract slightly. The ecological integrity is relatively strong because hedgerows, verges, ditches and watercourses provide a strong and well connected network. The cultural integrity is also good although the land use has changed in some areas to more extensive arable cultivation and hop gardens have been lost. Although many scattered farmhouses and hamlets respect the local vernacular and provide a very strong sense of place, recent and indistinct development at Staplehurst and Marden dilutes this slightly.*

*Visual Sensitivity is **Moderate***

*Whilst there are occasionally some long views to the Greensand Ridge to the north and the High Weald to the south, intervening vegetation encloses many immediate views across the gently undulating landform, except where hedgerow removal has created large open fields. Overall visibility is moderate. Population is concentrated within the key settlements of Staplehurst and Marden, along with scattered properties and farmsteads throughout the area. This means there are relatively low numbers of people in residential properties with*



*potential views of the landscape. Marden Meadow Nature Reserve and the network of footpaths are likely to attract moderate numbers of people with potential views*

6.1.11 The study goes on to summarise LCA 44 as:

*Staplehurst Low Weald is assessed as being of high overall landscape sensitivity and is sensitive to change.*

*Housing development potential is limited to within and immediately adjacent to existing settlements and farmsteads in keeping with existing. Other development could be considered to support existing rural enterprises and existing commercial parks, although extensive, large scale or visually intrusive development would be inappropriate.*

6.1.12 Notwithstanding the acknowledged significant change brought by developing the Site for new housing and its associated infrastructure, the Appeal Scheme and the illustrative layout seeks to *conserve and enhance* those characteristics outlined within the LCA and responds to those outlined in the Sensitivity Assessment, such as:

- Concentrating the development closest to the existing edge of settlement;
- Responding to the local sense of place and using local guidelines to inform the proposed architectural vernacular;
- Retaining and restoring old field boundaries and integrating these into the development masterplan;
- Conserving and enhancing hedgerows;
- Conserving and enhancing habitat opportunities around water bodies and ditches by promoting and managing a framework of vegetation in these areas;
- Opportunities to plant new isolated oaks within areas of open space and oak standards within hedgerows to replace ageing species;
- Conserving parts of the existing orchards where possible;
- Enabling good connectivity between the new area of housing and the existing settlement; and
- Softening the visual prominence of housing through native planting throughout the development.

6.1.13 MBC's Landscape Character Assessment and Landscape Guidelines provides typical planting mixes in relation to each LCA across the borough. Page 18 of the report indicates the typical planting mixes for LCA 44 (Staplehurst Low Weald). Although a matter for detail, this can be used to help inform the proposed landscape enhancements throughout the Appeal Scheme.

6.1.14 The report also provides guidance in relation to landscape enhancements. These have been reviewed as part of the Appeal Scheme and can be utilised during the detailed design phase.

6.1.15 In relation to the proposed access road, the new safe footway connection on Albion Road and the proposed cycleway/ footpath / emergency access from Copper Lane, of note is section 4 page 68 point 5 which reads:

*5. Highways/access detailing. The character of rural lanes and villages can be damaged by the addition of concrete kerbs, white and yellow lines, road signs and traffic-calming measures. Standard highway road widths and turning radii when applied to new development can also drastically change the character of a rural village. Although safety should not be sacrificed, there may be alternatives which both the developers and council can explore, particularly now that current traffic management policies have reverted to 'traffic calming' rather than aiding the speedy flow of vehicles. Traffic-calming measures themselves require careful design if they are to avoid being visually intrusive and yet fulfil their purpose.*

- 6.1.16 It is acknowledged that the proposed changes to Albion Road will have noticeable change to this part of Albion Road. Visual effects aside, the proposed detailed design seeks to extend the characteristics and materials of the nearby footways and edging found to the north so to 'knit in' to the existing edge of settlement. This change is localised to the access road and the connection between it and the existing footpath within Russet Grove. The physical change to the highway land is focused on the eastern side to Albion Road and therefore no change to the western side. There are no proposed changes further south along Albion Road or Thorn Road so any perceived rural character of these is retained.
- 6.1.17 The proposed cycleway/ footpath / emergency access from Copper Lane is located in the same location as an existing field gate access to minimise change in character along Copper Lane. Although this does result in the loss of some hedgerow to enable visibility splays, these are to be replaced and managed to mitigate their loss, together with further proposed planting. Furthermore, the detailed design of the access from Copper Lane provides opportunities for careful and sensitive approach in specifying materials that are not visually intrusive or out of character in the context of the Copper Lane and the wider countryside.
- 6.1.18 The Site lies outside the High Weald National Landscape approx 4km north of its northern boundary.
- 6.1.19 The aim of the proposed illustrative layout is to provide a landscape structure that responds to the landscape sensitivities of the Site and protecting the wider context. This includes consideration of the setting to the National Landscape to the south.
- 6.1.20 At the time of preparing the LVIA, the High Weald AONB Management Plan 2019 -2024 (AONBMP) was a statutory document and a 'material consideration', in determining planning applications. It provides a policy framework, setting out long term objectives and short term targets for delivering the primary purpose of the National Landscape (AONB) designation.
- 6.1.21 The Statement of Significance (AONBMP Page 23), identified the five defining components of character that have made the High Weald a recognisably distinct and homogenous area for at least the last 700 years; Geology, landform, water systems and climate; Settlements; Routeways; Woodland; Field and Heath. These five defining components and the objectives identified within the management plan had been reviewed and considered in relation to the Site and its potential development.

- 6.1.22 Although the Site falls well outside of the AONB designation, the inherent measures within the proposed illustrative layout still demonstrate how the development can seek to deliver those aims and objectives indicated in the HW AONB Management Plan.

In particular, objectives:

*G1 – To restore the natural function of rivers, water courses and water bodies*

*S2 – To protect the historic pattern and character of the settlement*

*S3 – To enhance architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design*

*R1 – To maintain the historic pattern and features of routeways*

*R2- To enhance the ecological function of routeways*

*W2 – To enhance the ecological functioning of woodland at a landscape scale*

*FH2 – To maintain the pattern of small irregularly shaped fields bounded by hedgerows and woodlands*

- 6.1.23 Please note that High Weald AONB Management Plan 2019 -2024 has since been updated to AONB Management Plan 2024-2029.

*From November 22nd 2023, all AONBs are known as National Landscapes. The High Weald National Landscape remains designated an Area of Outstanding Natural Beauty (AONB) and is referred to as such in policy, legislation and guidance. For this reason, this document is still titled and referred to as the High Weald AONB Management Plan. Its statutory purpose remains unchanged.*

- 6.1.24 In the context of the Site falling outside of the National Landscape, Page 69 of the updated AONB Management Plan 2024-2029 states:

*It is not only development within the boundary of the High Weald AONB that needs to be informed by consideration of the Management Plan; national planning policy and guidance make clear that land within the setting of AONBs often makes an important contribution to maintaining their natural beauty, and here poorly located or designed development can do harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.*

- 6.1.25 Noting that the Appeal Site is around 4km from the boundary to the AONB, is positioned on sloping ground, surrounded by mature vegetation and adjoining the existing settlement edge, the contribution the Site gives to the setting to the AONB is considered small.

- 6.1.26 That said, and as noted above, the Appeal Scheme has given ‘sensitive handling’ to the AONB in the context of the scale and form of the potential development as outlined in the illustrative layout.

- 6.1.27 The Site is considered to have Medium to High Landscape Sensitivity, the magnitude of change from fields to housing is considered to be High resulting in a Major adverse landscape effect for the Site itself. This is a significant adverse landscape effect.

- 6.1.28 The effect is tempered by the inherent mitigation, including limiting housing on the southern part of the Site and protecting the field boundaries, retaining parts of the existing orchards and other valued landscape features such as boundary vegetation and the field patterns. New planting and adhering to the OLEMP will further temper the significance and help deliver those aims to enhance the landscape outlined in policy LPR295, the LCAs and relevant management plans.
- 6.1.29 The measures included in the Appeal Scheme help to limit the significance of the adverse landscape effect to the Site. This, in turn, reduces the potential to *cause unacceptable harm to the character and appearance of the countryside*.
- 6.1.30 It is acknowledged that the development will bring some small change to the character of the countryside to the south and east. This is localised and not significant to the wider countryside, its openness and importantly the National Landscape and its setting. The illustrative layout includes the retention of existing Site boundaries with scope for enhancements on all sides, including the south, east and western boundaries.
- 6.1.31 It is acknowledged that the countryside landscape character area has Medium to High sensitivity to change in the context of this edge of the Marden settlement, the allocated Site within MLPR and those policies outlined in LPR295. However, the potential magnitude of change to the wider countryside caused by the development is considered Low, resulting in a Minor adverse landscape effect.
- 6.1.32 Considering the above, the Site being allocated for housing within the MLPR, and the fact that it abuts the current built edge of Marden, the Appeal Scheme would not *erode openness and cause unacceptable harm to the character and appearance of the countryside*.
- 6.1.33 Furthermore, the Appeal Scheme can help deliver those policies and objectives set within the Marden Neighbourhood Plan BE1 and NE3 by both:
- Maintaining and enhancing Marden's sense of place; and
  - Integrating the development into its surroundings in the landscape and contribute positively to the conservation and enhancement of that landscape.
- 6.1.34 Based on further consideration of the above and in the context of the setting to the AONB, there is no change to the conclusions made within the LVIA in relation to potential harm to landscape character. A summary table of Landscape Effects is included in the appendix to this report.

## 6.2 Visual Effects

Related supporting information, please refer to:

- *Figure ASLA01: Appeal Scheme Illustrative Layout*
- *Figure ASLA02: Digitised ZTVI*
- *Figures ASLA03 to ASLA07: Viewpoint photography*
- *Figure ASLA08: Verified photography locations*
- *Figures ASLA09 to ASLA38: Verified photography, block model and rendered viewpoints*
- *Figures ASLA39 to ASLA42: Side by side verified rendered photomontages vs existing*
- *Figure ASLA43: Appeal Scheme Tree Retention / Protection Plan*
- *Figure ASLA44: Appeal Scheme Illustrative Green Infrastructure Plan*
- *Landscape and Visual Effects summary table*
- *Policy LPRSA295 summary table*
- *Updated Outline Landscape and Ecological Management Plan (OLEMP)*
- *2952 Land at Marden Verified Photography Methodology by Realm*
- *1035-OA- AIA Broad Oak Tree Consultants*

- 6.2.1 In response to JFA's comments on ZTVI vs ZVI we engaged a GIS Expert to prepare a digitised ZTVI using GIS software. This involved an iterative process. The methodology is described on Figure ASLA02.
- 6.2.2 The ZTVI (Figure ASLA02) illustrates a theoretical viewshed of where at least one point within the Site is theoretically visible from. This has been sent to MBC in October 2024 ahead of exchange of PoE.
- 6.2.3 The ZTVI confirms that the primary ZVI, shown and used within the LVIA, falls within the wider ZTVI. It also revealed there to be further theoretical views of parts of the Site from the south, the southwest and potentially to the north east beyond the railway line around Wanshurst Green.
- 6.2.4 Further site visits were taken to check the LVIA viewpoints and review potential additional viewpoints from along the PRow network. Site photography was taken in mid-March and are shown on Figures ASLA03 to ASLA07.
- 6.2.5 On further inspection of the data behind the ZTVI viewshed, the existing vegetation and other physical and visual barriers in and around Marden, and the orientation of the sloping Appeal Site, potential views from the north east close to Wanshurst Green were discounted.
- 6.2.6 Figures ASLA06 and ASLA07 show the additional photography taken from within the countryside to the south looking back towards the Site and the edge of Marden.
- 6.2.7 To help address concerns about accuracy of the photography we engaged specialist company, Realm, to undertake verified photography for 11 selected viewpoints and to then prepare verified photomontages to further help us understand the potential effects based on the illustrative proposals. The methodology applied by Realm follows The Landscape

Institute's guidance. Please refer to the separate Methodology report by Realm within the appendix for detailed information / methodology.

- 6.2.8 The majority of the photography was taken in early April 2024. The intent was to take these within March; however due to the poor weather during late March and availability of the surveyors meant the first week in April was the earliest the majority of the verified photos could be taken.
- 6.2.9 Further photography was taken in September 2024 to obtain three further verified views to provide additional evidence within my PoE.
- 6.2.10 The final location of the viewpoints (refer to Figure ASLA08) were determined based on-site constraints and considerations in relation to Health and Safety.
- 6.2.11 The verified photography includes new photography from the 7 locations identified in the LVIA. As requested by JFA, an additional viewpoint (8) was taken from PRow KM278. This has been assessed in relation to potential development on the Site (refer to Figure ASLA27 and ASLA28). The result is the same as indicated within the Appeal Scheme's LVIA (table 3 within the LVIA).
- 6.2.12 Two further viewpoints were taken and assessed in relation to receptors using PRow KM279 and KM283 to the south and one further viewpoint from along Albion Road to help assess the proposed changes to Albion Road.
- 6.2.13 A digitised georeferenced 3D model of the illustrative layout was prepared and used by Realm to create 'block model' verified photography. Whilst considering that the layout was still illustrative, the 3D block model provides further evidence to illustrate the potential change in views from the selected viewpoints within the ZVI / ZTVI.
- 6.2.14 Figures ASLA09 through to ASLA38 show the verified photography and the block montage for each viewpoint. I have included an extract from the LVIA text next to the relevant verified photography. I have then provided additional commentary based on my review of the block model photomontages.
- 6.2.15 Furthermore, we engaged Realm to prepare a 'fully rendered block model' photomontage from three of the viewpoints closest to the Site and one from within the countryside to the south so to help us understand the potential magnitude of change in views. Although assessed separately, these also in part help us assess the potential change in character.
- 6.2.16 Figure ASLA11 shows a rendered photomontage of potential views from Albion Road at year 1. Figure ASLA12 shows the same, but with assumed vegetation growth at year 15. Figures ASLA19 and ASLA20 show potential views from Copper Lane at years 1 and year 15. Figures ASLA33 and ASLA34 show potential views from receptors using the PRow network to the south of the Site. Figures ASLA37 and ASLA38 shows an additional view and rendered photomontage of Albion Road to help illustrate the change in views due to the proposed access road and footway connection.

- 6.2.17 These verified photomontages were prepared by Realm in close coordination with B.Yond Homes, so to accurately illustrate the potential housing typologies and their character within the verified view.
- 6.2.18 They illustrate that there will be some change in views for those receptors experiencing the Site. The magnitude of change will be greater closest to the Site, particularly those with direct views from Albion Road and through the gaps in the hedge along Copper Lane.
- 6.2.19 It is worth noting that existing residential properties are already visible from closer views to the Site. Views of housing and the edge of the Marden settlement is not out of context.
- 6.2.20 Viewpoint 8 shows potential views from PRow KM 278 southeast of the Appeal Site and provides an indication of the change receptors may experience from this part of the wider countryside. Similar to viewpoint 7 the context is predominantly rural countryside with distant glimpsed views to the edge of Marden. The verified block model photomontage illustrates that the Appeal Scheme will bring little change to this.
- 6.2.21 Viewpoint 9 shows potential views from PRow KM279 further to the south and illustrates the context being rural in the foreground with views of orchard fields, field boundaries and glimpsed views through existing vegetation towards the edge of Marden on higher and sloping ground. The rendered block model shows that there will be a small change, with the magnitude of this change being considered low. Noting that the verified photography had been taken in late summer / autumn and shows the orchard in the foreground in full leaf, I have also considered Figure ASLA07 and previous site visits. Figure ASLA07 shows a similar view taken in March where there is little screening by the orchard. The view is still predominately of the rural countryside, but the edge of Marden is more visible. It is likely that the Appeal Scheme would also be more visible. Nevertheless, the magnitude of this change is still considered to be low.
- 6.2.22 Viewpoint 10 illustrates typical views from PRow KM283 to the south and southwest of the Site. The presence of the edge of Marden is more apparent, but only really through gaps in existing vegetation. Views from along this part of the PRow network are typically constrained by existing field boundaries and pockets of woodland. Similar to the other viewpoints from the south looking towards the Appeal Site and the edge of Marden, the photomontage demonstrates that the illustrative layout would not change the nature of these views significantly to cause harm to the wider views of the rural countryside.
- 6.2.23 Whilst the development may be slightly visible from this distance and perhaps more so in winter months, these verified photomontages illustrate that the Appeal Scheme will not be overbearing, visually prominent, or necessarily out of context, considering the edge of settlement context, the scale of the proposed development and the landscape framework in which it is set.
- 6.2.24 The rendered photomontages show the potential layout, appearance, scale and landscape enhancements (which are all reserved for future approval). These help evidence how the Appeal Scheme can fulfil the Marden Neighbourhood Plan Policy BE1 and *respect and enhance the existing character of the village* and are *both visually and functionally sympathetic to the existing styles and materials in order to maintain and enhance Marden's sense of place*.

- 6.2.25 Viewpoint 11 is in a similar location to Viewpoint 1, but looking up along Albion Road towards Seymour Drive. The photomontages from this viewpoint were prepared to further assess the potential change in views and character caused by the proposed footway and highway proposals.
- 6.2.26 As illustrated on Figures ASLA37 and ASLA38, there will be visible change brought by the proposed footway and the access road. This is mainly because of the narrowing of the carriageway to a single lane and the construction of new kerbs and footpath surfacing. The new kerb and surfacing are not necessarily out of context in this 'edge of settlement' location. The rendered photomontage illustrates that the materials and the character 'knits' into the existing materials and character further north. These also show how the potential vegetation can help 'soften' the appearance of this area and reduce any perceived negative change in views for receptors.
- 6.2.27 Furthermore, Side-by-Side verified photography and rendered photomontages (Ref Figures ASLA39 through to ASLA42) help illustrate the commitment to fulfil Policy NE3 by illustrating *the integration of the development into its surroundings in the landscape* and how it *contributes positively to the conservation and enhancement of that landscape*. They also help illustrate how the Appeal Scheme can meet the requirements within Policy LPRSA295 that relate to Landscape and Visual matters.
- 6.2.28 On reviewing the verified photography, the block model montages, the rendered photomontages and reflecting on visits to these locations and their context, I conclude the same as during the LVIA of the Appeal Scheme. A table of Visual Effects is included in the appendix to this report.



## **7.0 Summary and Conclusions**

### **7.1 Introduction**

- 7.1.1 This PoE focuses on the first two reasons for refusal in relation to both Landscape Character and Visual Effects.
- 7.1.2 Within Landscape Character, I have reviewed the LVIA assessment, the measures included within the Outline Landscape and Ecological Management Plan (OLEMP), the Landscape Character Areas (LCAs), MLPR Policy LPRSA259, Marden Neighbourhood Plan, comments from JFA within their review, the HWAONB management plan, MBC Landscape Character Guidelines and the planning decision notice. Although assessed separately, I have also reviewed the verified photomontages to help assess the perceived change in character through the potential changes in views towards the development.
- 7.1.3 Within Visual Effects, I have reviewed the assessment made within the LVIA. I also review additional information prepared as part of this PoE, including a digitised ZTVI, verified site photography for eleven viewpoints within the ZTVI, including the seven assessed during the LVIA, one from PRoW KM 278, one from PRoW KM279, one from PRoW KM283 and an additional view from Albion Road. I have reviewed the verified block-massing photomontages and further rendered photomontages of the potential development.

### **7.2 Landscape Character**

- 7.2.1 Whilst the additional review and evidence provides further information and accuracy in order to assess the potential effects on landscape character, there is no change to the conclusion made within the LVIA prepared in August 2023.
- 7.2.2 Whilst a significant effect had been identified, these are all contained locally and are not considered detrimental to the wider landscape character.
- 7.2.3 Although a matter for detail, the illustrative layout of the Appeal Scheme had taken into account the sensitivities of the Site, the wider landscape character, and importantly the High Weald National Landscape (HWAONB).
- 7.2.4 The Appeal Scheme can meet the policy objectives outlined in the MLPR that relate to landscape character.
- 7.2.5 The Appeal Scheme can help deliver the policies outlined within the neighbourhood plan that relate to landscape character.
- 7.2.6 The Appeal Scheme can follow MBC's landscape character guidelines.

### **7.3 Visual effects**

- 7.3.1 The additional review and evidence prepared and provided within this PoE illustrates the potential changes in views. It also confirms the professional judgement made during the LVIA.
- 7.3.2 Whilst it is acknowledged that development will change the nature of existing views for some residents in the immediate vicinity and receptors using roads nearby during winter months, the Appeal Scheme seeks to limit these effects such that most of the existing landscape features are retained and the perception of negative change is minimised. It is also considered that, given time, the significance of these effects will reduce.
- 7.3.3 The Appeal Scheme can meet the policy objectives outlined in the MLPR that relate to visual effects.

### **7.4 Conclusions**

- 7.4.1 As stated above, and illustrated in supporting Figures and appendix, the Appeal Scheme includes inherent measures to meet all the conditions of policy LPRSA295 that relate to landscape and visual matters. This is outlined in the supporting summary table within the appendix of this PoE.
- 7.4.2 The Appeal Scheme, which is an Outline Application with the detail being for reserve matters, provides a framework based on the landscape sensitivities of the Site and its context.
- 7.4.3 With careful detailed design and a commitment to ongoing establishment of proposed vegetation, the Appeal Scheme includes measures that will help temper the identified significant effects and reinforce the valued landscape characteristic and features, such as:
- retention and integration of parts of the existing commercial orchards;
  - minimising earthworks and using the existing topography to inform the development layout;
  - substantial new native tree planting throughout the development, locating these to help sit the housing within a verdant landscape;
  - bulking out and reinforcing boundary vegetation to help screen views and retain the verdant and rural character along the Site edges;
  - integrating sustainable urban drainage systems into the development and aligning these with the pedestrian routes throughout the development;
  - enhanced wetland / pond areas to the south with accessible boardwalks and opportunities for interpretation / information about local wildlife and the local area;
  - carefully selected materials that reflect the valued local architectural vernacular;
  - the benefits brought by the new network of open spaces, with its access from Copper Lane and linking through to Albion Road; and
  - gradual, verdant and positive transition between the edge of the settlement and the open countryside.

- 7.4.4 In consideration of the above, I believe the principles represented by the Appeal Scheme, the measures they include, and the framework they set, are considered to be comprehensive and aimed at securing a good fit with the environment. The proposed housing development is immediately adjacent to the existing settlement and is allocated for housing under the adopted MLPR. The Appeal Scheme seeks to be in keeping with the valued characteristics of the settlement and wider countryside.
- 7.4.5 The outline proposals should be taken forward to the detailed stage with opportunities for other associated enhancements and improvements. This includes: confirming the proposed landscape and biodiversity enhancements and their ongoing management and maintenance (LEMP); detailing the structural landscape elements in coordination with other components within the development plan; careful and considered design of all the public open spaces so to fit the character and follow local policy; integrating natural play in a creative and meaningful way; and further design on housing typologies to follow local policy and guidelines.