

**MULBERRY ESTATES (SITTINGBOURNE) LIMITED
AND QUINN ESTATES LIMITED**

**POLICY MUX1 LAND AT
SOUTH WEST SITTINGBOURNE**

**REBUTTAL OF:
"LANDSCAPE CAPACITY APPRAISAL
AND LANDSCAPE AND VISUAL
IMPACT ASSESSMENT 2016
(SBC/PS/118)"**

JANUARY 2017

**MULBERRY ESTATES (SITTINGBOURNE) LIMITED
AND QUINN ESTATES LIMITED**

**POLICY MUX1 LAND AT
SOUTH WEST SITTINGBOURNE**

**REBUTTAL OF:
"LANDSCAPE CAPACITY APPRAISAL
AND LANDSCAPE AND VISUAL
IMPACT ASSESSMENT 2016
(SBC/PS/118)"**

David Williams Landscape Consultancy Ltd
Dyers
East Putford
Holsworthy
Devon
EX22 7UG

Tel: North Devon: 01409 240278
Tel: Reading: 01189 099081
Mob: 07826 270368

Ref: DWLC/0228/A4/L1/F/DHW

E-Mail: david.williams@dwlc.co.uk

Date: 9th January 2017.

COPYRIGHT

The contents of this document must not be copied or reproduced in whole or in part without the written consent of David Williams Landscape Consultancy Ltd.

Contents

1.0 Introduction

2.0 Review and Commentary

3.0 Conclusions

1.0 INTRODUCTION

- 1.1 David Williams Landscape Consultancy (DWLC) were instructed by Mulberry Estates (Sittingbourne) Limited and Quinn Estates Limited in December 2016 to undertake a review of the "Landscape Capacity Appraisal and Landscape and Visual Impact Assessment (SBC/PS/118)" dated December 2016, prepared by Huskisson Brown Associates, (referred hereafter to as the Study) and provide comments on the approach / method used to undertake the assessment, a review the Study's assessment of landscape "sensitivity" and landscape "value", and thus landscape "capacity" to accommodate development for Policy MUX1 and amended proposed Policy MUX1a – Land at South West Sittingbourne and then a review / comment on the landscape and visual impact assessment of the suggested alternative development proposals (HBA5 – which is not being promoted by the Council or the site promoters) for the Site for mixed use housing-led development. Lastly it was to advise the client on the appropriate judgement that should have been reached by the Study and make recommendations.
- 1.2 The approach taken to this review was to consider the method used to undertake the Study against best practice promoted by Natural England, as set out in the Landscape Character Assessment Guidance for England and Scotland (2002) and Topic Paper 6: Techniques and Criteria for Judging Capacity and Sensitivity, January 2004, (which was reaffirmed by Natural England's 2014 'An Approach to Landscape Character Assessment') and "Guidelines for Landscape and Visual Impact Assessment – Third Edition" (GLVIA3) published by the Landscape Institute and Institute of Environmental Management and Assessment in April 2013.
- 1.3 The second task was to review the commentary on the MUX1 and MUX1a proposals against existing knowledge of the site and its surroundings in reaching a judgement on its sensitivity, value and landscape capacity and then to consider the landscape and visual assessment of the suggested alternative development proposals (HBA5) for the land at South West Sittingbourne.
- 1.4 Section 2.0 of this report sets out a general overall comment and then detailed comments on Study whilst Section 3.0 set out the conclusions and summaries recommendations of the review.
- 1.5 The review has been carried out by David Williams CMLI, (Principal of David Williams Landscape Consultancy Ltd) with over 30 years post-qualification in Landscape Architecture and until March 2009 held the position of Landscape Director at Barton Willmore based at Calcot, Reading in Berkshire. Before that he was an Associate Director of Entec UK Ltd for two years (in their Reading office) and prior to that he was employed

by Chris Blandford Associates, in charge of their London office for four years. Before that he was employed by Barton Willmore Environmental for 17 years; rising the position of Director of the company before leaving in April 2001.

- 1.6 DWLC has been involved in the promotion of land at South East Sittingbourne since March 2014 and is familiar with the Site and its surroundings and DWLC has prepared the landscape and visual assessment chapter of the Environmental Statement for a planning application covering the MUX1a area.

2.0 REVIEW AND COMMENTARY

2.1 Table 1.0 below sets out commentary on the Study which contains details of the assessment of scheme proposals assessed as part of the Study.

Table 1.0:

Review of "Landscape Capacity Appraisal and Landscape Visual Impact Assessment" (SBC/PS/118)	
General Comments:	
Section / Paragraph Ref:	Comment:
Overall report	<p>The report is rather confusing to read as it mixes background information, methodology and appraisal sections randomly and therefore is disjointed and difficult to see what is being assessed and how (which together a few typo / cross references which are wrong) make it difficult reading.</p> <p>However, apart from a number of concerns / issues (see below), there are some positive points in the report which are as follows:</p> <ol style="list-style-type: none"> 1. It essentially confirms that the land to the south west of Sittingbourne has a "moderate" capacity to accommodate both MUX1 and MUX1a (extended site), although this is caveated with the fact that the Rugby Club is excluded (and Primary School is moved). However, if the rugby club is included the Study concludes that the area would have "low" capacity with the rugby club although the rugby club proposals only affects a very small part of the landscape not the whole of the South West Sittingbourne area; 2. The report identifies the baseline conditions and identifies vantage points for assessing the visual effects which are agreed as similar viewpoints and baseline conditions have been identified by DWLC. 3. However, the Study has identified a number of viewpoints within the Site, which result in substantial adverse impacts which is to be expected and also a few different viewpoints e.g. views from St Peter's Church but in this instances the effects are considered slight adverse (i.e. not significant) as well as views from different sections of the existing public footpaths. However, there are subtle differences in judgement of effects, DWLC concur with the assessment of landscape and visual effects. 4. The HBA MB report also concludes the same or similar landscape and visual impacts, as identified by DWLC, for the majority of the development proposals although this is on the basis of his proposed amended version of the Concept Diagram (HBA5) which excludes the rugby club proposals and moves the Primary School to the east of Wises Lane and is on the basis of a number of other assumptions and limitations – see comments below.

Review of "Landscape Capacity Appraisal and Landscape and Visual Impact Assessment" (SBC/PS/118)	
Section / Paragraph Ref:	Detailed comments:
Paragraph 1.1	<ol style="list-style-type: none"> 1. The Study states that "the overall purpose of the report is to provide a basis, for the Council and the Inspector to consider the landscape and visual implications of both proposals (MUX1 and MUX1a) and any potential changes should these be necessary and appropriate". 2. However, whilst the report consider both proposals when assessing the areas sensitivity and capacity to accommodate the scale of development proposed (565 dwellings - MUX1 and 650 dwellings - MUX1a) it does not assess either scheme in detail. But the Study has assessed an alternative HBA5 proposal (which is not being promoted by the Council at this stage) which removes the proposed rugby club and this change is not considered appropriate or necessary.
Paragraph 1.3	<ol style="list-style-type: none"> 1. This paragraph sets out HBA's interpretation of the Site Promoters' mixed use proposals for the extended site and states that: "this comprises residential development of a minimum of 650 dwellings, a Neighbourhood Retail Centre, a Doctor's Surgery, a Primary school, artificial Rugby pitches, Landscaping and Open Space, all served by an extended primary link road between Chestnut Street and Borden Lane". 2. The Site Promoters have not suggested in any representations or discussions with the Council that the scheme would include <u>artificial</u> rugby pitches. For the avoidance of doubt, any sports pitches would be of natural grass pitches.
Paragraph 1.4	<ol style="list-style-type: none"> 1. This paragraph refers to a Landscape Capacity Appraisal (which is set out in Chapter 2 of the Study) and goes on to use the results of the Landscape Capacity Appraisal to inform the preparation of the alternative scheme and set out the differences between the HBA proposals and MUX1 / MUX1a proposals.
Paragraph 2.7	<ol style="list-style-type: none"> 1. The Study refers to the southern boundary of the MUX1a being extended slightly further to the east and west of Wises Lane. This comment is partially incorrect. The southern boundary of MUX1 and MUX1a are both aligned with Orchard Cottages to the west of Wises Lane on an alignment not currently marked by any existing field boundary or other physical feature. Whilst the alignment of the southern boundary to the east of Wises Lane is extended to follow the existing field boundary / landscape feature as the MUX1 alignment does not follow any physical feature on ground.
Paragraph 2.11	<ol style="list-style-type: none"> 1. This paragraph explains why the Swale Urban Extension Landscape Capacity Study (SUELCS) 2010 needs to be reassessed primarily as the SUELCS is not site based nor does it focus on specific types of development. The reassessment of the SUELCS is supported and addresses a potential failing of the SUELCS in that it is a 'generic' assessment of landscape sensitivity, value and capacity and not site specific or specific

Review of "Landscape Capacity Appraisal and Landscape and Visual Impact Assessment" (SBC/PS/118)	
	to the development proposed for an identified site.
Paragraph 2.13	<ol style="list-style-type: none"> 1. This paragraph whilst confirming the overall sensitivity and value of the areas as "moderate" contains an expanded assumption of what the MUX1a proposals include and this, in addition to the artificial rugby pitches, now refers to the pitches being floodlit with 16-18 metres high lighting columns. 2. As stated earlier the proposals are for natural grass pitches and permanent floodlighting is not envisaged either. However, this misrepresentation of the scheme and makes the Study's assessment flawed as it not assessing MUX1a as set out in the proposed amended policy or that being proposed by the Site's Promoters. This incorrect / misplaced assumption may also explain the Study's conclusion regarding the land capacity to accommodate development as 'low'.
Paragraph 2.15	<ol style="list-style-type: none"> 1. This paragraph sets out a further assumptions that HBA make about the MUX1a scheme and states that "as a consequence of the site promotor's proposals would be that the location of the primary school would be altered from that proposed on SBC's Policy MUX1 site, immediately to the east of Wises Lane to one on higher more undulating topography to the west of Wise's Lane, <u>where levelling and earthworks of an artificial appearance are likely to be necessitated</u>" and then goes on to state: "<u>this relocation is also not consider appropriate in landscape and visual terms</u>". It also refers to Appendix G which includes a similar statement but goes on to say: "As a consequence of accommodating the Rugby Club, the proposed Primary School and its associated playing field would be moved from the field immediately adjoining the eastern side of Wises Lane much further west into land previously proposed by the Council to solely function as a substantial Landscape and Open Space buffer. One of the rugby pitches would also be located within this same Landscape and Open Space buffer". 2. Firstly, it is considered appropriate that the Primary School and Rugby Club are located on the edge of the development and within the Open Space buffer as proposed on MUX1a. The introduction of the Primary School or rugby club and associated playing fields / pitches on the southern edge of a development would form part of the "urban to countryside transition" from the denser built up parts of the development within the central and northern parts of the Site to areas of countryside / rural landscape to the south. These two land uses would due to the open nature include substantial open areas which assist in the perception of a gradual change from the developed parts of the proposed allocation site to the open rural countryside to the south. The proposals also include a substantial 30 metre planting belt to south of the school and rugby club which provide a screen and leafy character closely relates to the landscape to the south. 3. The Rugby Club and sports pitches as proposed on MUX1a are located adjacent to the existing and established business

Review of "Landscape Capacity Appraisal and Landscape and Visual Impact Assessment" (SBC/PS/118)	
	<p>centre on Wises Lane. In addition, the Primary School location was moved following the public consultation and comments received directly from Swale BC officers, Councillor Baldock and local residents. It was previously adjacent to the former landfill site but following the various comments, it was relocated to the west of Wises Lane and is intended to be designed as a maximum of 2 storeys to minimise visual impact (see comment on paragraph 3.15 below);</p> <p>4. Lastly, it should be noted that some earthworks will be required to accommodate the Primary School pitches in either of the locations shown on MUX1 or MUX1a and, due to the north facing slope of the landform, any cutting / banks needed will be orientated towards the developed parts of the scheme and in views from areas countryside to the south, the changes in levels will have a negligible effect on the view.</p>
Paragraph 3.15	<p>1. This paragraph sets out a number of assumptions and limitations in undertaking the landscape and visual impact assessment and contains a number of incorrect assertions:</p> <p>a) 2nd bullet point refers to "inevitably a degree of imprecision inherent in the assessment of a concept scheme" but nonetheless the initial assumption of the Study regarding artificial pitches and 16-18 metre floodlights was incorrect.</p> <p>b) 2nd bullet point also suggests that "reserved matters application would need to be accompanied by further updated LVIA" which is unwarranted unless the development proposals have substantially changed from the proposed policy requirements or any approved outline permission granted;</p> <p>c) 6th bullet point / 4th sub bullet point states "It should be noted that Appendix shows this link further south than on the HBA's Diagram and Site Promoters Concept diagram and this is purely an engineering line etc rather than one that also takes of landscape and visual issues". The study provides no justification or reason why the HBA Concept Plan line for the primary access takes in account landscape issues. The majority of the route is across open arable fields where there no major constraints to the route's alignment from a landscape point of view.</p> <p>d) 8th bullet point and sub bullet points refer to the assumed building heights – The proposed height of built form would be limited to provide a sensitive transition and edge to the adjoining open countryside outside the Site, ensuring that:</p> <ul style="list-style-type: none"> ○ The proposed residential development would be of predominantly 2 storeys height (max roof ridge height of 8m Above Ordnance Survey Datum); ○ Any 2.5 storey buildings (max roof ridge height of 9m Above Ordnance Survey Datum) would be principally located in the central northern parts of the proposed development, with buildings of this height avoided,

Review of "Landscape Capacity Appraisal and Landscape and Visual Impact Assessment" (SBC/PS/118)	
	<p>both along and close to the southern boundary of the Site;</p> <ul style="list-style-type: none"> ○ Primary School and Commercial buildings near the southern boundary would be of no more than 1.5 storeys height (max roof ridge height of 6.5m). <p>We generally agree with the approach to limit the building heights to 2 storeys along and close to the southern site boundary. This is consistent with achieving a graduated approach to height and density at the edge where development meets the countryside. However, we believe the approach to the remainder of the development should be more balanced with a mix of 2 and 2.5 storey housing, and not be limited to 'predominantly' 2 storeys. The approach to mix and typology will be market led and should not be unreasonably constrained.</p> <p>We consider that the residential heights denoted are too constraining and don't reflect the potential for the range of building typologies likely to be used on the development and the variations which prevail between different house-builders. Typically, guidance for these parameters would be:</p> <ul style="list-style-type: none"> ○ 2 storeys: Eaves - 5m & Ridge - 8.5 - 9.5 m; ○ 2.5 storeys: Eaves - 5.5m & Ridge - 9.0 - 10.5 m; ○ 3 storeys: Eaves - 7.6m & Ridge - 11.5 - 12.0 m (in relation to isolated apartment buildings). <p>Likewise, we consider the approach to the Primary School and Commercial buildings are too constraining and believe these should be set at a maximum of 2 storeys. The build out of new Primary Schools in Kent over the last few years indicated that these buildings are generally 2 storeys in height</p> <p>e) The remaining 6 bullet points are already included as part of the mitigation measures for the MUX1a.</p>
Chapters 4.0, 5.0 and 6.0	<p>1. This section of the Study is agreed although it should be noted that paragraph 6.10 highlights the effectiveness of the existing 30 metre tree belt adjoining Maylam Gardens. This is a good example of the extent of landscape planting / open space needed to provide mitigation screening and softening of the new built up edge. Therefore any additional planting, say on the southern boundary of the site would achieve very little if any additional benefit but would increase initial costs and long term management / maintenance costs for future residents of the development.</p>
Chapter 8	<p>1. This section sets out the Landscape and Visual Effects Assessment of the HBA5 scheme and, whilst there are a number of typos / consistency issues, DWLC concurs with HBA assessment although the Study is not assessing either MUX1 or MUX1a, but the vast majority of the assessment of landscape and visual effects are agreed as similar effects would occur for MUX1 and MUX1a.</p>

Review of "Landscape Capacity Appraisal and Landscape and Visual Impact Assessment" (SBC/PS/118)	
	<p>2. The Study includes a number of statements in the threshold tables (Table 5 on page 42 and Table 9 on page 47) regarding what is a determining issue. This is not a requirement of GLVIA3 guidance and it is a matter for the decision-maker to decide where landscape considerations sit in the overall planning balance having regard to the benefits of each of the scenarios.</p>
Paragraph 9.13	<p>1. The Study confirms that whilst there will be some adverse impact on the "Important Local Countryside Gap" HBA considers that there is still "a sufficient gap would be maintained to provide physical separation and prevent the perception of coalescence". This is agreed.</p>
Chapter 10	<p>1. This chapter of the Study set out a number of recommendations which are not agreed. These include:</p> <p>a) Uses within the western parts of the site should be substantial landscape and open space and significant woodland planting. No justification is provided why such proposals are necessary given that the land to the south west of Sittingbourne is not cover by any landscape designation such as AONB or Area of High Landscape Value neither is the land surrounding Borden / Chestnut Street designated as having any landscape importance. The assessment of landscape and visual effects do not indicate that such substantial areas of woodland planting and open space are necessary and relation to the proposal for significant woodland planting such extensive area would not be in character with the Tunstall Farmlands character area nor northern fringes of the coastal plain in this part of Kent. ;</p> <p>b) Limits to the proposed heights of buildings. The residential heights denoted are too constraining and don't reflect the potential for the range of building typologies likely to be used on the development and the variations which prevail between different house-builders and therefore greater flexibility should be allowed. Likewise, we consider the approach to the Primary School and Commercial buildings are too constraining and believe these should be set at a maximum of 2 storeys. The build out of new Primary Schools in Kent over the last few years indicated that these buildings are generally 2 storeys in height.</p> <p>c) The desirability of retaining the southern parts of the site (not used for the school / rugby club) as providing additional landscape and open space buffer land for structural planting. No justification appears to be given why this addition buffer land is required from a landscape point of view or how it contributes to making the best use of land. The comments above (a) equally apply.</p>

3.0 CONCLUSIONS AND RECOMMENDATIONS

- 3.1 On the basis of the above review of the Study, the following conclusions can be drawn:
- a) that the Study confirms the capacity of the land South West of Sittingbourne to accommodate development as proposed under either Policy MUX1 or MUX1a;
 - b) that the removal of the rugby club is not warranted as the MUX1a proposal is for natural grass pitches and permanent floodlights are not envisaged, either;
 - c) that the Primary School and rugby club, in the locations shown on MUX1a, are appropriate as these land uses would contribute to the 'transition' between the urban area and rural countryside to the south which the explanatory text of both Policy MUX1 and MUX1a imply;
 - d) that the recommendation in the Study that the "uses within the western parts of the site should be substantial landscape and open space and significant woodland planting" are unnecessary / not required as there are alternative landscape design / land use options available which would achieve an appropriate 'soft' development edge to the proposed development on land South West of Sittingbourne;
- 3.2 It is recommended that the Council revisit the Study to correct a number of factual errors in the assessment and if these were corrected then the assessment should conclude that the land South West Sittingbourne would have a 'moderate' landscape capacity and that the outcome of the LVIA would be similar and the effects on the Important Local Countryside Gap would be the acceptable.
- 3.3 Finally that the recommendations set out in Chapter 10, paragraph 1.1 be reworded to reflect the wording of the Representors' Proposed Amendments to Policy MUX1a.

Dyers
East Putford
Holsworthy
Devon
EX22 7UG