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A S S O C I A T E S

REBUTTAL – LANDSCAPE AND VISUAL MATTERS

68 And 70 Keymer Road, Hassocks, West Sussex, BN6 8QP

Appeal Reference:

Redevelopment for retirement living accommodation for older people comprising 41no. apartments including communal facilities, access, car parking and landscaping.

Planning Application Reference: DM/23/3114

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Statement of Case: Landscape and Visual Matters

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1.0 Introduction

1.1 Purpose and Background

1.1.1 This Rebuttal in respect of Landscape Character, Visual Amenity and Detailed Landscape Design matters has been prepared on behalf of Churchill Living ('the Appellant') in relation to the full planning application (Ref: DM/23/3114) for retirement development proposals at Keymer Road, Hassocks;

- *Redevelopment for retirement living accommodation for older people comprising 41 no. apartments including communal facilities, access, car parking and landscaping.*

1.1.2 This Application was appealed for non determination. Mid Sussex District Council's putative Reasons for Refusal (RfR) are as set out within the Officers Report to Planning Committee, Appendix A, dated 30th April 2024.

1.1.3 This Statement relates to landscape character and visual amenity matters, along with detailed landscape design matters, particularly those raised by Reason for Refusal 1 and 2.

1.1.4 This Rebuttal should be read in conjunction with Landscape Constraints and Opportunities Plan, and the Landscape Strategy Plan Rev D. Churchill Living have also produced Site Sections Sheets 1 to 4 and a Boundary Treatment Plan.

2.0 Background and Context

2.1 Site and Surrounding Area

- 2.1.1 Hassocks is a village and civil parish in the Mid Sussex District of West Sussex, England. The village is located approximately 11km north of Brighton, nestled against the South Downs National Park and situated on the mainline railway line between Brighton and London. The Site is located at 68-70 Keymer Road B2116, south of the road, occupied by two large residential properties with large rear gardens, predominately laid to grass with some good structural vegetation along the boundaries.
- 2.1.2 The area is a mixed landscape of residential, including retirement flats, and commercial / retail settlement, with the village hall, skatepark sports and social club situated to the north of the road opposite the Site. The residential dwellings are typically large detached dwellings, facing outwards to Keymer Road to the north, Dale Avenue to the west and south and Highlands Close and Willow Brook Way to the east. The centre of this developed parcel has been further developed, with The Minnells estate to the eastern half and adding approximately 11 houses to the rear of the outer block dwellings and abutting the eastern Site boundary. To the western half, the shopping parade with restaurants are served by a large car parking area, with separate route and parking for deliveries, to the rear of shops and eateries, known as Orion Parade. This also has a garaging block for dwellings that face on to Dale Avenue.
- 2.1.3 Generally there is a consistent pattern of residential land use across the immediately surrounding area, with a framework of large mature trees and linear features, such as the hedgerows defining boundaries, in the immediate surrounds. Together this creates a coherent sense of character, but one that gradually changes in response to the material choices, such as brick and render finishes, and heights of buildings, ranging from single storey bungalows to three storey buildings including large 3 storey detached dwellings, flats over shops at Orion Parade and the three storey Fitzjohn Court retirement apartments. The single storey dwellings are located to the south east of the Site along Dale Avenue, with the larger three storey apartments and larger individual detached dwellings located along Keymer Road, Dale Avenue and The Minnells.
- 2.1.4 Both the shopping parade with apartments above and Fitzjohn Court demonstrate large three storey units, which are accommodated both physically and visually within the street scene, set amongst large mature trees, and large residential dwellings.
- 2.1.5 Views towards the Site currently experience large mature trees and large individual dwellings. During winter months when deciduous vegetation is not in leaf, visibility is increased, although large shrubs and trees do afforded filtering of views. The large existing dwellings to Keymer Road and The Minnells are notable as being visible through the gaps in between large two storey dwellings, and above single storey dwellings along Dale Avenue. Views towards the Site from the car parking to the rear of Orion Parade are obscured by large mature trees.

2.2 Policy and Context

2.2.1 The Mid Sussex District Council's District Plan 2014-2031, (adopted March 2018), sets out broad guidance on the distribution and quality of development in the form of 'higher level' strategic policies. It also provides the framework for all subsequent planning documents, including Neighbourhood Plans. The Hassocks Neighbourhood Plan and the Mid Sussex Design Guide also support the guidance of new development. Policies of relevance to landscape and visual matters, as highlighted within RfR1, and RfR2, are outlined below:

- District Plan - DP26 – Character and Design
- Hassocks NP – Policy 9 – Character and Design
- Mid Sussex Design Guide SPD – DG39 – Deliver appropriately scaled buildings

2.3 Response to Policy

2.3.1 In terms of District Plan Policy DP26, Character and Design, in relation to the existing character, the Site has a close relationship with existing surrounding settlement, especially where large dwellings are set within a well vegetated framework and large mature trees dwarf the buildings.

2.3.2 Therefore the proposed development is well-related to the existing settlement of Hassocks and at even finer grain, those existing dwellings along Keymer Road, Dale Avenue and The Minnells.

2.3.3 The design parameters of the proposed residential development set out clear strategic landscape buffers and open space areas that retain, protect and enhance existing and mature tree, hedgerow and shrub vegetation around the boundaries of the Site. This includes consideration of wildlife corridors and green routes, as well as new pedestrian linkages out to Keymer Road.

2.3.4 In relation to Hassocks NP Policy 9 in terms of respecting and enhancing the local character and design, the landscape strategy provides an overarching green framework within which the proposed development will sit, which is entirely appropriate in this location. Reserved Matters stages provide further opportunities to provide detailed proposals via suitably worded conditions.

2.1.1 Development is set back from Keymer Road aligning and reflecting through the articular façade, the large individual dwellings that form part of the local characteristics of the residential block within which it is located. Retention, protection and enhancement of the existing vegetated boundaries is one of the key parameters of these proposals. The proposed development, through the retention and enhancement of existing hedgerows and trees, will not impede wildlife habitats or commuting routes.

2.1.2 In regards to appropriately scaled dwellings, in landscape character terms the proposed development is appropriate in scale and fit of its immediate surrounds, with large mature trees forming the green framework within which the development sits.

2.1.3 The Landscape Constraints and Opportunities Plan and the Landscape Strategy Plan, bring together the constraints and opportunities, working with the existing

conditions including existing vegetation and topography, with careful consideration of the surrounding context. This ensures that all the Policy aims and objectives, as set out above, are supported with the proposals contributing to its surroundings to ensure a successful scheme.

3.0 Landscape Reasons for Refusal

3.1.1 The proposed Reasons for Refusal (RfR) were set out by Mid Sussex District Council in the Officers Report for the Planning Committee, Appendix A, dated 30th April 2024, with amended wording following the Planning Committee Update Sheet dated 13th June 2024. Those pertaining to landscape and visual matters are as follows;

3.1.2 RfR 1: The proposed development;

- *'is considered to be an over development of the site and due to the footprint, scale and mass of the proposed building, it is considered that the development would harm the character and appearance of the area by reason of the overdevelopment of the site in conflict with the predominant positive characteristics of the area.'*

3.1.3 RfR 2: The proposed arrangement;

- *'is considered that the proposed development would result in an unneighbourly form of development and would give rise to a perceived impact on privacy to the rear gardens of adjoining properties from habitable windows. In addition, it is considered that the location of the parking area and scooter storage in close proximity to the rear garden of 66a Keymer Road would be unneighbourly and likely to lead to noise and disturbance, and light pollution, from their use, and would cause unacceptable harm to their residential amenity.'*

3.1.4 Further comments are extracted from the Officers Report regarding neighbouring amenity;

- 'A number of objections have been received regarding the potential adverse effects on the residential amenity of the area, in terms of the significant overbearing impact of the height of the building. The objections state that the new development would have an imposing and overly dominating impact on adjoining garden areas. Other concerns are that the new building would result in a significant loss of outlook for the occupiers of existing dwellings and also loss of privacy in some cases.'
- The rear elevation of the flats would be between some 9m and 10m from the rear gardens of properties in Dale Avenue. It is considered that the proximity of the two storey southern projection of the proposed building, with habitable windows on the rear elevation, would result in an unneighbourly development, and give rise to overlooking of the rear gardens of Dale Avenue.

- The parking area, with 16 of the proposed 18 spaces, would be located alongside the rear garden of 66a Keymer Road, with 6 of these parking spaces immediately adjacent to the boundary at a distance of some 2.2m to 2.5m. A scooter store is also shown immediately on the boundary with no.66 alongside the house itself. It is considered that the location of the parking in such close proximity to the adjoining residential property would be unneighbourly and likely lead to noise and disturbance and light pollution and would therefore be to the detrimental to the residential amenity of 66a Keymer Road.'

4.0 Response to Reasons for Refusal

4.1 General

- 4.1.1 RfR 1 sets out a strategic reason for refusal stating issues where the proposed developments contributions to the area would be *'in conflict with the predominant positive characteristics'*. These elements will be examined in the first instance.
- 4.1.2 RfR 2 sets out concerns regarding *'perceived impact'* to the rear gardens of adjoining properties, and this will be examined in the second instance.
- 4.1.3 Additionally, RfR 2 sets out its reasoning in regards to residential amenity and this shall be examined with the matters pertaining to residential **visual** amenity, and in particular the detailed landscape design elements with regards to car parking and scooter storage, and will be set out in the third instance.

4.2 Response to Reason for Refusal 1

- 4.2.1 RfR1 states that the proposed development of the Site would be *'in conflict with the predominant positive characteristics'* of the surrounds.
- 4.2.2 The Site has been subject to desktop and visual surveys, culminating in a suite of evidence including a Landscape Constraints and Opportunities Plan and a Landscape Strategy Plan, assessing baseline conditions, and establishing the landscape strategy to ensure a successful scheme.
- 4.2.3 Section 2.1 of this Rebuttal establishes the existing nature of the local surroundings, which demonstrates clear characteristics, with large residential dwellings set amongst and defined by well vegetated corridors formed along boundary curtilages. The large mature trees are of such a scale as to ensure the perception is that whilst the dwellings are large, they are accommodated both physically and visually within the street scene.
- 4.2.4 The large mature trees are confirmed by the Hassocks Village Townscape Appraisal, set out within the Key Townscape Characteristics, as follows;
- *Beautiful mature tree groups, especially old pines, are characteristic of this ridge top settlement, and add enormously to the streetscape, working to frame views, dwarf the buildings and landmarking segments of the Keymer Road.*
- 4.2.5 Again, as noted in Section 2.1 above, existing large dwellings are clearly visible above and between the dwellings that form the perimeter of the block, with Keymer Road to the north, Dale Avenue to the west and south, and Highlands Close and Willow Brook Way to the east, set amongst large mature trees.
- 4.2.6 Whilst the development proposals would certainly bring about change to the character of the Site itself, the proposals would fit the scale and pattern of the locale and is well contained by large mature trees and hedgerow vegetation along its boundaries. The proposed development would not therefore be in conflict with the existing landscape character or visual amenity of the area.

4.2.7 The proposed development presents a well considered and articulated frontage to Keymer Road, with mature vegetation to Site boundaries retained, protected and enhanced. The boundaries are to be enhanced with suitable native species, and utilise large stock at time of planting to provide instant screening and softening benefits, further enhancing the predominant positive characteristics of the surrounds, the mature and well vegetated boundaries.

4.3 Response to Reason for Refusal 2

4.3.1 RfR2 states that the proposed development of the Site would *'result in an unneighbourly form of development and would give rise to a perceived impact on privacy to the rear gardens of adjoining properties from habitable windows'*.

4.3.2 Additional Officer comments include, *'objections state that the new development would have an imposing and overly dominating impact on adjoining garden areas. Other concerns are that the new building would result in a significant loss of outlook for the occupiers of existing dwellings and also loss of privacy in some cases.'*

4.3.3 To note that the rear southern elevation of the proposed development has been *'confirmed that all the habitable windows on the rear elevation facing towards Dale Avenue would be obscure glazed'*, as set out within the Update to the Planning Committee statement dated 13th June 2024.

4.3.4 The proposed development is located some 22m away from the western boundary to property 66A Keymer Road, and 18m to 19m away from the eastern boundary to properties 9 and 10 The Minnels. The proposed development is 9m to 10m away from the boundary to the south,

4.3.5 The proposed development is located approximately 9-10m away from the southern boundary, with the overall distance from dwelling to dwelling being some 31m to 35m. The southern edge to the Site is not currently formally enclosed to the stream, with mature trees and large shrubs defining the boundary. Shrubs such as holly, provide a percentage of evergreen material and therefore all year round screening effects. Views across the southern boundary are heavily filtered through existing trees and shrub vegetation along the boundary of the rear garden.

4.3.6 The retention and enhancement of existing boundary vegetation ensures that neighbouring dwellings and their gardens will still enjoy privacy from the proposed development. Proposed enhancement of boundary planting includes consideration of canopy heights to provide canopy trees and sub canopy large shrubs, whether the species is evergreen or deciduous and branch density as some species present more dense canopies than others. This will aid visual mitigation and augment the existing mature well vegetated boundaries. Structural understorey planting will add further layers to the boundary buffer planting, also enhancing green routes for wildlife with foraging opportunities aiding biodiversity of the existing ecosystems.

4.3.7 Therefore, due to physical separation, retention, augmentation and enhancement of well vegetated boundaries, which provides some screening and filtering of views, alongside the use of obscured glazing to southern façade, it is considered that the

proposed development would not have a dominating effect on adjoining garden areas and that whilst the development brings about changes on Site, this will not result in significant harm to the outlook of existing dwellings.

4.4 Response to Reason for Refusal 2 – Residential Amenity

4.4.1 In addition, RfR2 states that *'it is considered that the location of the parking area and scooter storage in close proximity to the rear garden of 66a Keymer Road would be unneighbourly and likely to lead to noise and disturbance, and light pollution, from their use, and would cause unacceptable harm to their residential amenity'*.

4.4.2 In response, this section considers the residential visual amenity, and whilst not a full Residential Visual Amenity Assessment, broadly accords with the Landscape Institutes Technical Guidance Note 2/19 – Residential Visual Amenity Assessment (RVAA), March 2019. The purpose of RVAA is to provide an informed, well-reasoned answer to the question: 'is the effect of the development on Residential Visual Amenity of such nature and / or magnitude that it potentially affects 'living conditions' or Residential Amenity'? This is referred to as the Residential Visual Amenity Threshold.

4.4.3 In considering the likely changes to the visual amenity of neighbouring properties to the proposed development, the following elements such as distance of property to the proposed development, topographic elevation, nature of the available views, direction and aspect of the view both primary and peripheral or secondary views, the extent to which changes may be visible from the property and principal rooms, and the extent to which these changes would be visible from the garden further the understanding of any potential effects. The scale of change such as proportion of the view, the contrast or integration from the baseline conditions and the duration and nature of the change, as well as mitigation opportunities also serve to establish any potential effects.

4.4.4 Keymer Road sits at approximately 51m AOD and Dale Avenue at 49m AOD, therefore there is a slight difference in topographic elevation from north to south. East to west the dwellings are set along the same topographic elevation, and therefore would not be overbearing, and present as a typical neighbouring dwelling. The proposed development is set back from the western boundary by 22m approximately, as demonstrated by the Churchill Living Site Sections Sheets 1 to 4.

4.4.5 The western boundary to 66A Keymer Road is proposed to retain existing mature vegetation and introduce new structural planting such as native 'streetwise' trees to create continuous visual screening at canopy height and reduce the intervisibility between the proposed development and existing neighbouring garden space. Moreover, trees will be planted as Extra Heavy Standard stock sizes in order to achieve instant impact.

4.4.6 The retained existing wall along the western boundary will be enhanced by the planting of a native hedgerow along the boundary to enhance and create continuous visual screening between the canopy height and top of the wall. This hedge will include evergreen species ensuring all year round visual screening effects. Further evergreen ornamental planting along the boundary with the car parking area will

further aid continuous visual screening.

- 4.4.7 Furthermore, with the enclosure formed by well vegetated boundaries and mature trees as part of the setting, and existing green infrastructure across the site retained and reinforced, enhanced through additional landscaping and improved management. These well vegetated boundaries will also provide some buffering to noise and screening of any light sources from the adjacent proposed car parking area.
- 4.4.8 In considering residential amenity, the proposed development, whilst permanent in nature, does not introduce development that blocks views out of the property or principal rooms, does not overwhelm views in all directions, nor is it overbearing on either the dwelling of No 66A itself nor the wider curtilage.
- 4.4.9 These considerations are further supported by the Landscape Strategy, which illustrates suitably planted Site boundaries, to augment and enhance the existing vegetation along here.
- 4.4.10 Overall therefore, it is not considered that the proposed development will significantly or unacceptably harm the residential amenity of property 66A Keymer Road.

5.0 Conclusion

5.1 Summary

- 5.1.1 The Site is well contained by existing large scale residential settlement and mature green infrastructure, ensuring the proposed development fits with the scale and pattern of its surroundings and complements the predominant positive characteristics of the local area. The Site benefits from existing well vegetated boundaries, these are retained and enhanced, particularly to the south, west and east, as this contributes significantly to the character setting and sense of place.
- 5.1.2 The Landscape Strategy presents a strong green infrastructure framework, with retention of existing large mature trees and shrubs, and demonstrating a strong approach for enhancement. This has been well considered to ensure the tree health and longevity, with a mosaic of canopy heights of native species and to include evergreen percentage to ensure year round interest and screening, also benefitting local wildlife with suitable foraging habitats and strengthening of existing ecosystem corridors.
- 5.1.3 The proposed development has emerged from a detailed study of the area and is considered to address the constraints of the site and incorporates landscape recommendations that are specific to the locale. The proposed development would contribute to strategic green infrastructure whilst also providing a sustainable and high-quality development which links very well to the existing context.
- 5.1.4 The Landscape Strategy Plan sets out a clear and well considered planting strategy across the Site, that will ensure the establishment of a successful scheme, with Reserved Matters stages providing further opportunities for detailed landscape proposals via suitably worded conditions.

5.2 Conclusion

- 5.2.1 Whilst the development proposals would certainly bring about change to the character of the development Site itself, it is considered that no unacceptable levels of harm are caused in terms of the effects on the landscape character and visual amenity of this particular area of Hassocks.
- 5.2.2 It has been demonstrated that matters concerning the effects on local landscape character and visual amenity contained in RfR 1 and RfR 2 are not justified and that the Site and the particular characteristics of this urban fringe location are able to accommodate the proposed development without resulting in unacceptable harm on local character or views.
- 5.2.3 The consideration of residential amenity, concluded that the existing property No 66A Keymer Road, would not meet the Residential Visual Amenity Threshold, as the development is not considered to be overwhelming or overbearing in all directions, nor does it block key views. Therefore the additional matters contained within RfR 2, concerning visual amenity, cannot be substantiated.