
9th November 2021

Land at Station Road,
Market Bosworth

Proposed Residential
Development up to 63
Dwellings

Landscape

Evidence of

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Appeal between Richborough Estates and
Hinkley and Bosworth Borough Council

Volume 3: Summary

Council Ref: 20/01021/OUT

Planning Inspectorate Ref:
APP/K2420/W/21/3279808

Inquiry Date: 8th December 2021

Report Number: 11776_R05b_JB_FINAL



**Tyler
Grange**

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Volume 3: Summary



Summary

- S.1. My name is Jonathan Berry, I am a founding partner of Tyler Grange Group Ltd and I specialise in landscape and visual planning issues associated with development and change. I hold a BA (Hons) degree in Landscape Architecture and a Post Graduate diploma in Landscape Architecture from the University of Gloucestershire. I am a Chartered Member of the Landscape Institute (LI), an Associate of the Institute of Environmental Management and Assessment (IEMA) and a Professional Member of the Arboricultural Association (AA).
- S.2. Tyler Grange was formally instructed by Richborough Estates (the Appellant) on the 30th June 2020 to produce a Landscape & Visual Impact Assessment in support of an outline planning application (Council Ref. 20/01021/OUT). This followed initial landscape due-diligence studies that were undertaken in June 2019.
- S.3. Despite the recommendation for approval by Officers and endorsement of the findings of the LVIA by LUC, the landscape experts appointed by the Council to review the planning submission, the application was refused. The Council alleges that the proposed development is contrary to policy DM4 Safeguarding the Countryside and Settlement Separation of the Site Allocations and Development Management Policies DPD July 2016 and Policies CE3 Important Views and Vistas and CE5 Landscape of the wider Parish of the Market Bosworth Neighbourhood Plan 2014 and, that the harm arising would significantly and demonstrably outweigh the benefits when considered against the Framework as a whole.
- S.4. Following the dismissal of the planning application by Hinkley and Bosworth Council (the Council) on the 8th June 2021, I was instructed to prepare landscape evidence. The evidence I have prepared here represents my professional opinion on the aspects of landscape impact assessment, responding to the Council's reasons for refusal. I believe the facts stated in this evidence are true, accurate and have been prepared in accordance with the guidance of my professional institution (the Landscape Institute and the Arboricultural Association).
- S.5. The Appeal Site covers a total area of 4.2 hectares (Ha), of which 2.04 Ha (48.6%) comprises a residential-led scheme up to 63 dwellings, with internal streets and associated landscaping. The remaining 2.16 Ha (51.4%) of the Site comprises both informal Green Infrastructure (GI) and more formal play facilities. In accordance with the Council's guidance a locally equipped area for plan (LEAP) is to be provided, along with a trim-trail and a circular walk. The required open space provision for a development of this scale would total 0.64 hectares, so the Appeal proposals represent a significant over-provision.
- S.6. There is a limited scope of disagreement between the Council and the Appellant, mainly focused on the degree of acceptability of the change to local views. Following the refusal of the application, the Landscape Statement of Common Ground has established further agreement and more clarity on the case against the Appellant, than that previously contained within the Council's Statement of Case.



S.7. The areas of dispute can be summarised as:

- The predicted magnitude of change and resultant effects upon the character and appearance of the Appeal Site itself;
- The approach taken, the predicted magnitude of change and the resultant effects upon 'View 1' and 'Vista 11' as identified in the Neighbourhood Plan;
- The failure to appropriately consider the predicted effects upon surrounding residents;
- The failure to appropriately consider the recreational users of Station Road; and
- That the proposed development would result in 'major' adverse effects that would have significant impacts.

S.8. I provide a final response and conclusion on each matter below.

S.9. In terms of landscape character, it is agreed that Appeal Site is currently bordered by built development and residential development is currently a characteristic feature of the immediate locality. It is also agreed that the Site possesses some typical features of the Bosworth Parkland Landscape Character Area (LCA) but does not contain any protected or rare features. Furthermore, the proposed development would not result in a change to the understanding and documented characteristics of the wider Bosworth Parkland LCA. The Site is not subject to a landscape designation and is not a 'valued landscape' under Paragraph 170 of the Framework.

S.10. There is also agreement of the predicted magnitude of change upon the LCA and effects at year 1, which are judged to be 'minor' adverse. As such, the evidence provided confirms that effects upon the local character are limited and localised. Based on that position, it is difficult to determine why the Council disputes the 'medium' magnitude of change and resultant worst-case year 1 'moderate' adverse effects predicted for the Appeal Site itself.

S.11. My evidence has demonstrated that the proposed development will result in the loss of some of the ordinary pastoral grassland features and an alteration to an agricultural pond, to be replaced by a residential-led scheme and new internal highways. However, the changes experienced will be highly localised. The magnitude of change judgement has also considered that the scheme can deliver the enhancement of existing features as well as the incorporation of new landscape features, wildflower meadows, hedgerow planting and SuDS creation in association with the provision of open space, new public realm and the ability to establish long-term management of the remaining vegetation structure. Approximately 51.4% of the Appeal Site is to be retained and enhanced, responding positively to the objectives of the Hinckley & Bosworth Landscape Character Assessment.

S.12. To represent a larger magnitude of change and a more adverse effect, which now appears to be the Council's case, the development as proposed would have to cause substantial loss or unacceptable alteration to a number of valued components of landscape, including the introduction of elements that are both visually intrusive and uncharacteristic. This is not



and there is an error on the Council's part, in not acknowledging that the responsive scheme parameters and mitigation measures proposed will lessen the effects upon the character of the Site.

- S.13. When considering 'View 1', it is important to remember that the Council and their appointed landscape experts (LUC), agreed that the development parameters demonstrated that the wooded backdrop to the existing view would be largely preserved. They also confirmed that the assessment of occupational effects on views available to transient users of Station Road as being Minor Adverse, was reasonable.
- S.14. In terms of the predicted magnitude of change, from the photographic location of 'View 1' as contained in the Neighbourhood Plan, the proposed development will form a small, filtered and visually characteristic part of a much wider panorama, which includes the consented development and the existing access to the Kyngs Golf and Country Club. The worst-case magnitude of change for pedestrians using Station Road would be 'high' at construction stage and 'medium' at occupation (i.e. a noticeable alteration to the view over a short-medium distance). As illustrated on the verified visualisation, forward visibility remains along Station Road and the tapered development parameters have been designed to retain visibility up-slope towards the wooded hilltop. Views north over the Wharf Farm to the wider countryside will also remain.
- S.15. Overall, the worst-case effects arising for 'View 1' are judged to be 'minor adverse' at year 1 and year 15. The harm arising is extremely localised, the receptors are experiencing the change at the immediate settlement edge and, views to the wooded hilltop remain intact.
- S.16. In terms of 'Vista 11', the Council originally agreed that there would be notable changes from this location and the local residents of properties along Station Road would experience 'moderate' adverse effects, as established in the LVIA. However, they also noted that the proposed mitigation measures reduced this impact.
- S.17. My evidence is consistent with that judgement. It established that the overall sensitivity for the transient users of Station Road and Godsons Hill (pedestrians and drivers) in the location of 'Vista 11' were considered to be 'medium', but for thoroughness and given the close proximity of the adjoining houses, residential receptors were also considered. They were also assigned a 'medium' sensitivity classification.
- S.18. In terms of the predicted magnitude of change, from the photographic location of 'Vista 11' as contained in the Neighbourhood Plan, it is considered as being 'medium', as there will be a noticeable change to some outward views. However, the scheme parameters have sought to restrict built development from the eastern portion of the Site, ensuring that the views out are not occupied completely by the proposed development. As illustrated on the verified visualisations, the height parameters also enable glimpsed views of the distant wooded skyline and distant views also remain west along Station Road. Furthermore, a significant portion of the view is already occupied by residential development, including the houses at Pipistrelle Drive. The backdrop is also to contain the consented development at the Kyngs Golf and Country Club.



- S.19. Overall, the worst-case effects arising for 'Vista 11' at year 1 and year 15 are judged to be 'moderate adverse'. The change wouldn't represent a major and visually uncharacteristic element to the views and, the changes would only affect a highly localised geographical area.
- S.20. Regarding the Council's claim that there has been a failure to appropriately consider the predicted effects upon surrounding residents and transient users of Station Road, my evidence has demonstrated full and transparent consideration of both. In terms of residents, it is correct to note that they do not have a right to a view. Also, as agreed there will be no harm to residential amenity and the Council nor their appointed experts (LUC) never made any request for a residential amenity assessment to be undertaken as part of the submitted LVIA. Notwithstanding that, 18 properties were assessed in association with Station Road and Godsons Hill.
- S.21. In these locations, it is important to note that the susceptibility of the private properties and associated sensitivity was judged to be 'medium'. Approximately 12 of the 18 receptors are single storey bungalows, outward views are blocked by garden boundaries and associated vegetation and, some have oblique orientations and limited views from habitable windows. For an edge of settlement location, this represents a limited number of visual receptors.
- S.22. It is accepted that the LVIA could have provided an additional assessment upon the three private dwellings that are located to the east of the Appeal Site, but neither the Council nor their expert advisors (LUC) requested the need for the consideration of these private properties. In any case, those properties (Godsons Hill Farm, Woodlands and Spinney Cottage) adjoin the western boundary of the Appeal Site but are elevated and located in large plots. To the south, Spinney Cottage sits within a heavily wooded context with limited inter-visibility with the Appeal Site. To the north of that, Woodlands is located closer to the Site boundary and does experience some inter-visibility. Further north and beyond the boundary of the Site is Godson Hill Farm. That has a main elevational orientation to the north-west and vegetation along its southern curtilage filters views back towards the Appeal Site.
- S.23. For residents on Station Road and Godsons Hill, the magnitude of change is considered as being 'medium', as there will be a noticeable change to some outward views, although the change is often experienced from ground floor windows and filtered by garden vegetation. In some cases, the views out are already framed by other houses and the scheme parameters have sought to restrict built development from the eastern portion of the Site, ensuring that the views out are not occupied completely by the proposed development. For the three elevated properties to the east, where views are available the development will be seen at a lower level in the foreground but retaining the distant views out to the wider countryside beyond.
- S.24. The level of effect upon residents is judged to be 'moderate adverse' at year 1 and year 15, as the proximity to the proposed development will not diminish. It would be clearly visible and with some prominent elements but would not be uncharacteristic. Given the Council dispute this judgement, it can only be assumed that they would place the level of effect at the very top of the hierarchy (major adverse). On that basis, logic would determine that even



if the development were of a greater scale or had not incorporated the mitigation measures as suggested, that the resultant effects could be no worse. That is incorrect in my opinion, as another development option could have terminated all outward views or introduced uncharacteristic height parameters for example.

- S.25. In terms of the transient users of Station Road, 8 viewpoint locations were provided within the submitted LVIA and that was accepted as being proportionate. No additional viewpoint locations or specific receptors were requested as follow-up to the submission of the planning application or during the extended consultation and determination period.
- S.26. My evidence confirms that potential visibility of the Appeal Site can be seen over a liner distance of approximately 425 metres, although it is intermittent in places as filtered by the existing sections of roadside vegetation. Vehicle users and those travelling either towards or away from Market Bosworth will be well aware of the settled context. For vehicle uses, the Site and the adjoining settlement will be largely experienced through peripheral vision, with central focus being on the road ahead.
- S.27. It is accepted that for pedestrian users and vehicle users alike, that there will be a change as they pass the Appeal Site, albeit experienced at different speeds and with a different focus on the view. The LVIA establishes that the magnitude of change for users would be 'medium' (i.e. a noticeable alteration to the view over a short-medium distance). The proposed development would be seen as a sequential component of the settled approach to Market Bosworth and scheme parameters have been established specifically to set development back from the road frontage in excess of 17 metres and responding to the alignment of the 'View 1' as shown in the Neighbourhood Plan.
- S.28. The approach into Market Bosworth from west to east will remain largely unchanged until the summit of the railway bridge and at that location, the proposed development will form a small part of a much wider panorama. The existing mixed vernacular is an evident part of that view and pedestrians can clearly see the industrial commercial development to the south (such as the J.J. Churchill buildings) and the residential development at Pipistrelle Drive to the north. Views will remain north along the railway line to the open countryside and with the proposed development parameters, the wooded hilltop to the east will remain visible as part of the transient approach.
- S.29. Further along Station Road as pedestrians get closer the Appeal Site itself, the development will of course become more visible, albeit set back and beyond a new boundary hedgerow. As already indicated in relation to 'View 1', forward visibility remains along Station Road and the tapered development parameters have been designed to retain visibility up-slope towards the wooded hilltop. The consented development and the existing access to the Kyngs Golf and Country Club are also a component part of these views.
- S.30. The level of effect is judged to be 'minor adverse' at year 1 and year 15, as the proximity to the proposed development will not diminish; however, receptor adjustment will occur over time as users become more familiar with the development context and, the boundary landscaping will mature, but be managed to enable views across the Site to the wooded hilltop beyond. The development would be visible and cause some visual intrusion at close proximity but is not considered incongruous and visually uncharacteristic given the



settlement edge location. It is also important to note that users of the pavement along Station Road will also be able to access the newly proposed recreational routes within the Site itself and appreciate the wider views out across the countryside to the north from the elevated area of public open space to the west.

- S.31. The Council's stance must be that the impact on the transient users of Station Road would see a development that would be substantially uncharacteristic, highly prominent and would disrupt fine and valued views into and across the area. Based on my evidence, the submitted LVIA and the agreement reached with LUC, I suggest the Council have overstated the effects and not considered the overall sequential experience of travelling along Station Road, as the harm is extremely localised and the receptors are only experiencing change on one side of the road and even then, against the backdrop of the consented Kyngs Golf and Country Club development.
- S.32. Finally, as set out in the Landscape SoCG, the Council have suggested that the proposed development would result in 'major' adverse effects that would cause significant harm.
- S.33. That does not accord with the findings of the LVIA and the Council themselves within the Officers Report confirmed that the proposal would only have a 'major' adverse landscape effects on the Appeal Site at the construction phase. That impact would be temporary and would reduce to 'moderate' adverse effects at year 1 occupation. LUC did raise a concern that 'major' adverse effects could arise, but only for 'Vista 11' and not the transient users of Station Road. However, there was an error within the LUC observations on the submitted LVIA. In relation to 'Vista 11' they incorrectly cited the residents on Godsons Hill and Station Road as 'high' sensitivity receptors, whereas the LVIA assigns a 'medium' sensitivity judgement. That error would have affected their overall judgement and the associated effects.
- S.34. In my opinion, the changes arising as a result of the proposed development would not represent a major and visually uncharacteristic element in the landscape and, the changes would only affect a highly localised geographical area. The vast majority of the identified ordinary features will be retained and enhanced and, the proposed mitigation and enhancements will mature, and landscaping will result in greater assimilation of the development into the local landscape over time. On that basis, the changes arising, and the operational effects would not sit at the highest end of the assessment hierarchy as judged by the Council.
- S.35. Furthermore, the submitted LVIA was not undertaken as part of an EIA and therefore not required to establish whether the effects arising are or are not significant. However, the wording of Neighbourhood Plan (NP) Policy CE3 uses the term 'significant harm', so a subjective judgement has been made based on my evidence. In my opinion, the changes predicted are not significant as the proposed development parameters demonstrate that mitigation has been incorporated to reduce the overall effects, including the provision of an improved vista location. So, whilst some harm will arise, it is highly localised and does not result in an irrevocable and uncharacteristic intrusion or unacceptable disruption of the finest views into and across the area.



- S.36. In terms of the other relevant planning policy, my evidence has determined that when considering the criteria of DPD Policy DM4, the harm arising as a result of the proposed development would not be significant and would be limited and highly localised. Similarly, in relation to NP Policy CE5, and the landscape considerations set out in the final sentence, I am satisfied that the Appeal scheme does not conflict with those policy objectives.
- S.37. Overall, the proposed development also responds positively to the relevant landscape policies as set out within the National Planning Policy Framework (the Framework). My evidence has demonstrated that the Appeal scheme protects and enhances the local value of the Site and also recognises the intrinsic character and beauty of the countryside.
- S.38. For the reasons set out in my evidence, I respectfully submit that there are no grounds for refusing this Appeal with reference to landscape and visual matters.

