

FAO Aimee Peckham.

Further to our telecom on the 27th April 2023 here is my written representation on behalf of Bedhampton Heritage Alliance (BHA) together with relevant attachments to make ease of reference to the whole of BHA's representations possible. The Inspector will note that during the handling of the application there have been several changes of Case Officers which has meant some unavoidable duplication in the exchanges. I hope this approach helps. I will try to avoid repeating here the details of the material to be found in the attachments, including recent relevant findings and focus upon an overview of the situation.

### **Bedhampton Heritage Alliance Statement**

**Brief history:** The owner of the land put the whole ownership south of Lower Road forward for possible development (over 200+ dwellings) in response to the Call for Sites at the time of preparation of the Current Local Plan. The whole site failed the LPA's Sustainability Assessment (SA). The Inspector confirmed that the land was not suitable for sustainable development. She felt the harms outweighed any development benefits. The LPA and the Inspector showed **consistency** in their assessment that **any** development south of Lower Road would **not** be sustainable.

At the next Call for Sites the appeal land was again considered for development and again failed the SA, despite the bias towards the prospect of greenfield land being easier to develop quickly. The land to the east **was** included in the draft Local Plan (now abandoned).

A departure application for 50 dwellings on land to the east was granted on appeal (Ref APP/X1735/20/3259067). The Inspector referred to the NPPF and his view of the planning balance to justify his decision. Clearly, BHA accepts that Inspectors can exercise their own judgement but holds the view that this cannot make development on a location that fails the SA into *sustainable development*.

**The application:** The site lies outside the boundaries defined for development. It is a departure. Unfortunately, as an outline, it was registered as valid despite its proximity to the adjacent Conservation Area which should have required a detailed application. It contains too many unknowns. This has been confirmed by the many matters that have been raised during consideration of the application; some of which still remain unresolved.

**Highway matters and safety:** BHA identified that the Highway Assessment on the application to the east includes a probability analysis that is fundamentally flawed. The methodology adopted does not obey the 'laws' of statistics. Proper analysis of the many variables requires computer modelling. Fortunately, members of Bath University confirmed this and undertook an analysis for BHA. This showed that the occasions on which a pedestrian will be exposed to the greatest risk, by being faced with meeting two way traffic at the pinch point on the blind corners, will occur, not in many years (a lifetime, as suggested by the consultants) but every other day. {Resident [REDACTED] has provided much of the evidence on this}.

The consultancy (iTransport) did not take advantage of having access to this work nor have they accepted there is an error in their assessment. They have adopted the same flawed approach as before. The Highway Authority has also not challenged the consultants on their risk assessment. This shows little regard for safety here and a lack of professionalism.

The lack of recorded incidents does **not** make the area safe. Recent events on the bends include a cyclist on the bonnet of a taxi and, on the main road junction, the near side of a car being stripped

whilst waiting to make the right turn into Brookside Road. Some might argue that more traffic means safer conditions but this **also** means greater loss of amenity throughout the Conservation Area.

**Impact on heritage assets:** BHA commissioned a Conservation Area Review in full accord with the specifications of the LPA. The intention was to follow the recommendations of the chosen consultancy. They recommended, inter alia, a public consultation exercise to ascertain views regarding the protection of the setting of the CA along Lower Road and the ancient route here to Langstone Harbour that archaeologists believe could, as a result of its meeting point with east west movement along the coastal zone, have resulted in the original founding of the settlement. The LPA Policy Officer took the view that there needed to be a 'physical element' to justify inclusion within the CA and the area was 'devoid of structures'. This consultants' recommendation was not followed. This ignored the sense of space once occupied by the fertile salt marshes that sustained the settlement and the setting of the former farm buildings which the Planning Committee nevertheless decided should be included in the CA boundary. The appeal proposal will result in further irreparable harm to the last vestiges of this relationship with this part of the CA.

**Cumulative harm:** BHA made a deputation to the Planning Committee on 23rd February 2023. Part of this emphasised the need to consider the cumulative impact of the many harms that will result. BHA felt they should form the basis of a further reason for refusal. Officers were asked to comment and both the Development Manager (on planning related issues) and the Policy Officer (on heritage issues) responded. In doing so, they both advised that members would need to consider each element to determine whether **on their own** they would justify a material reason for refusal. No reference was made to this in the minutes.

This advice was **wrong**.

[When working for Newcastle upon Tyne in the early 1970's, I handled a case that was challenged in the High Court.

*"CWS v Newcastle upon Tyne: Town and Country Planning Act 1971 Section 42": Efforts by CWS to keep alive a very old outline consent by submitting reserved matters before/on the expiry deadline were considered to be not in pursuit of the outline approval. The outline, on a single sheet of paper, contained a small (4 inch square) coloured plan with a key that referred to heights, sizes, shapes and uses. On their detailed application, these had however been subject to some minor material changes that I identified and were described by the Court as having a **cumulative impact**. The CWS case failed and I believe was the **first** such piece of case law.]*

**Noise:** Since the application was considered by the Committee on the 23rd February 2023, The Havant Civic Society has published a paper related to traffic management that includes a review of the implications of this source of noise within the Borough. This shows that Defra will conduct a review of their "Noise Action Plan Important Area" in 2024. This includes the whole of the application site at Lower Road (page 3 of the attachment). This examination suggests this is possibly the worst possible location within the surrounding Borough to site any development. The harm created by transport noise should be added to the cumulative impact issues. The application does not show how this aspect will be dealt with nor assess how significant this will be to residential amenities throughout the undeveloped land within the site.

**Placemaking:** The applicants have failed to demonstrate how placemaking will be achieved. This is simply a suburban extension to a suburban extension. If similar housing designs are proposed to those used by the applicant to the east, the architecture will include gimmicks such as dummy window openings, dummy buttresses and dummy chimneys. In order to gain access, the location

chosen will bring harm to the immediate surroundings of the Conservation Area. The proposal will inflict a second example of irreparable harm. Two wrongs don't make a right.

**Reasons for refusal:** The previous appeal Inspector, in conversation with the Rule 6 party (BHA), recognised that the residents had a number of concerns upon which he had listened to but he noted that they did not form part of the reasons for refusal and he therefore felt he had difficulty in considering them. At the time of that committee decision, members overturned the officers' recommendations and had to seek advice on the reasons for refusal that they might use. Despite a deputation from BHA earlier in the meeting raising the collective concerns, the same officers did not include the cumulative impact of the many residents' concerns in their suggestions.

In the light of the officers' mistaken response to members' questions regarding the cumulative impact issues, BHA are concerned that a similar situation might arise. They urge you to add that the cumulative harms outweigh any benefits to the reasons for refusal suggested by the LPA, which BHA supports.

Thank you for giving us the opportunity to provide this statement.

Sincerely,



**Key to attachments:**

1. Havant Civic Society Article: Noise
2. Nov 15th 2021 email Highway Matters
3. Nov 17th 2021 email Heritage, Social Housing, Access, Layout, Social Integration, Open Space, BioDiversity etc.
4. Nov 29th 2021 email Drainage
5. Apr 25th / May 3rd / May 4th 2022 email exchange Sustainable Development, Impact on Conservation Area
6. May 2nd 2022 email Reasons for Refusal
7. Sept 23rd 2022 email more Reasons for Refusal
8. Oct 19th / 20th 2022 email exchange Highway Safety, Market Conditions
9. Feb 27th / Mar 1st 2023 email exchange Highway Safety
10. BHA Deputation to Planning Committee Feb 23rd 2023

Working for Havant town centre residents and small business stakeholders to ensure their needs are considered as input to Havant Borough Council Regeneration Programme governance.

# The impact on residents of the absence of effective traffic management

APRIL 2, 2023 APRIL 2, 2023 ~ HCS EDITOR

Last week marked a significant anniversary of Dr Richard Beeching's report on 'The Reshaping of British Railways', a study which resulted in the loss of many of Britain's rural railway services. The Transport Users Consultative Committee had already condemned our own 'Hayling Billy' at a meeting in Havant Town Hall, now 'The Spring', in Dec 1962. It might have seemed like a good idea at the time but sixty years on we'd probably all agree that an electrified and traffic-free public transport route from Havant to West Town via Langstone would answer a great many of today's local transport questions.

It's worth reflecting on the relatively low impact that rail travel has on residential populations. Even those residents living within five minutes walk of Havant's mainline station are rarely troubled by noise from the railway as this fascinating display from the [England Noise and Air Quality Viewer](http://extrium.co.uk/noiseviewer.html#) (<http://extrium.co.uk/noiseviewer.html#>) shows:



The strategic noise maps shown in this post were generated as overlays on Google Maps using a web service provided by Extrium, a specialist consultancy providing support to UK government departments with regard to the Environmental Noise Regulations. Strategic noise maps and action plans are required by Defra to be produced every 5 years. They must be produced for *agglomerations* ([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/902825/strategic-noise-mapping-round3.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/902825/strategic-noise-mapping-round3.pdf)) with a population of more than 100,000 people; for major roads with more than 3,000,000 vehicle passages per year, and for major railways with more than 30,000 train movements per year.

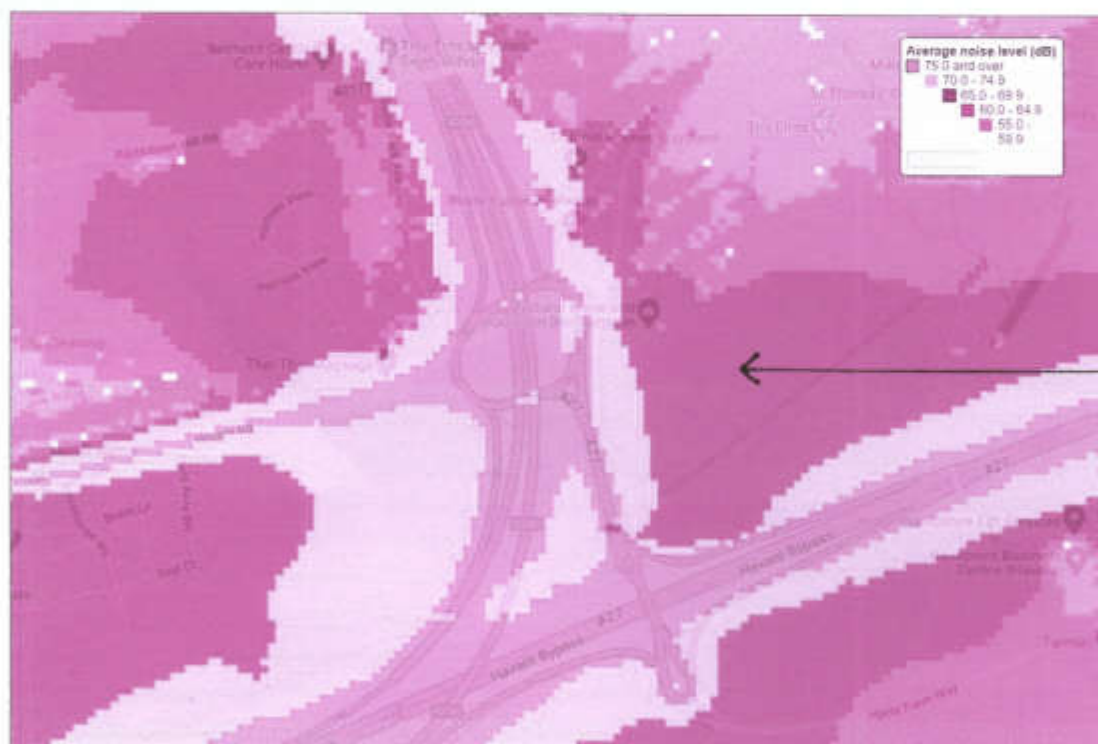
To put this map into context, look at the equivalent noise being generated by **road traffic** and consider just how much more of the residential population of Havant is significantly affected.



Next time you take the lovely walk down the Billy Track from the New Lane level crossing to the Langstone shore, consider the road roar as you approach and pass under the A27 between Lower Grove Road and Wade Court. At this point you're passing through a Defra 'Noise Action Plan Important Area', one of around 10,000 such areas in the country. The 'Important Areas (IAs)' highlight "hotspot" locations where the highest 1% of noise levels at residential locations can be found. The map below shows the current defined extent of that A27 IA which currently stops short of the *Warblington interchange* (<https://havantcivicsociety.uk/2021/01/21/the-final-southleigh-a27-junction-layout/>). The current Noise Action Plan was published by Defra in July 2019 and with a revision due in 2024, we would expect that area to increase, probably stretching to the east to cover the new, densely-packed Barratts' developments at Saxon Corner and the one *proposed at St Georges Avenue* (<http://at St Georges Avenue>).



To the west of the town, the A3(M) cutting at Bedhampton currently provides the other 'Important Area', expanded below. Once again, we would also expect this designated area to be revised, extending to include the Barratts' development at Harbour Place, the Bargate Homes' developments at Lower Road, and other recently approved housing developments east of Scratchface Lane and west of Hulbert Road (<https://havantcivicsociety.uk/2021/10/19/the-good-the-bad-and-the-ugly-444-homes-in-3-planning-applications/>) to the north.



As the charts show, traffic noise affects a large part of the wider Havant residential population. This week we've received notes from concerned residents living in both of these designated areas of importance, prompting this article.

To let us have your own comments on the topic of Havant's traffic, please just [click this link to email us](mailto:hcscoms@gmail.com) (<mailto:hcscoms@gmail.com>).

**Unfortunately, nobody in authority appears to care about the impact of traffic on Havant.**

As of 1 April, Havant Borough Council have disbanded the post of 'Traffic Manager', which was in any event a badly named part-time role essentially limited in scope to managing temporary parking restrictions and road closures. Despite the apparent importance of the role as a 'statutory consultee'

## APP/21/01071 Lower Road, Bedhampton

6 messages

Mon, Nov 15, 2021 at 10:43 AM

This email is copied to the case officer to serve as a representation on this proposal. It is sent as one topic addressed by the Bedhampton Heritage Alliance (BHA) that together with other submissions will represent an accumulation of objections to this proposal.

I have seen your comments on this application and understand the difficulties you have identified related to the nature of the application being in outline. Nevertheless, I believe there is sufficient here for you to make a professional assessment.

I see that there are two principal issues here; those onsite and those offsite.

**Offsite:** The generation of traffic and the impact this has on the amenity throughout the Conservation Area and more importantly the increased additional impact it will have on safety on the blind corners is a crucial consideration here. The analysis by iTransport that supported the previous application had a fundamental statistical error (a mathematical impossibility in the calculation of risk assessment). The increased traffic generated simply by site preparations on this development has confirmed that serious problems (3 serious incidents in one week) arise on the three blind corners that have no safe refuge for non vehicular users. These will happen every other day and not once in a lifetime as erroneously suggested by iTransport. (Residents relied upon computer interactive modelling of the key variables done by Bath University which is available should you wish to refer to it. BHA hope to re-run the model using the new data provided in the application).

The existing Lower Road has already exceeded its environmental capacity here. Fortunately recently recorded near misses and personal contact accidents have so far not resulted in hospitalisations. The additional 50 dwellings now approved may/will push this limit potentially beyond its current safety status. It does not have 'an impeccable safety record', as claimed by iTransport. Entirely safe operation is already not possible. It will be further aggravated by the approved proposal for 50 dwellings. Even more traffic from this proposal will further increase the serious risks here.

Lower Road is not the only place where this additional increased traffic will be detrimental. It will...

- (i) Erode the amenities of the Conservation Area as a whole.
- (ii) Create added dangers throughout much of the Conservation Area (Brookside Road, Bidbury Lane, Kingscroft Lane) especially where there are no footpaths and narrow road widths.
- (iii) Add to the numbers and associated dangers of backed up right turns into Brookside Road creating accidents on the mini roundabout.
- (iv) Add to rat running around Bidbury Mead if the proposed roundabout replacement with traffic lights fails to provide for right turns out from Brookside Road. (Development of a number of sites within Bedhampton and beyond will increase traffic at this junction and a satisfactory solution is yet to be found).

**Onsite:** The applicants have produced an illustrative layout to support their contention that the site and access is capable of accommodating 43 dwellings. Notwithstanding that this is illustrative, this shows...

- (i) That the whole of the proposal forms a tortuous extensive cul-de-sac with no escape/access route for emergency services.
- (ii) It will generate increased undesirable traffic through the majority of the approved layout on the adjacent site.
- (iii) The access link shows no footpath on the south side which is likely to prove the most desirable route to the proposed dwellings since the majority of them lie to the south of this access.
- (iv) That much of the proposed roads will have no footpaths.
- (v) That many of the houses, in addition to having no footpaths, have forecourt parking which provides no highway space for visitors.
- (vi) Some of the semi detached dwellings appear to have shared driveways. This does not work well in other parts of Bedhampton where conflicts arise between neighbours over their use and leads to cars left on the highway to avoid this.

Having raised these issues with you I hope you will revisit your comments on the application and consider whether the 'illustrative layout' does or does not demonstrate that 43 dwellings can be satisfactorily accommodated here. If you cannot make such an assessment you should recommend refusal based upon the present layout. It actually proves the site cannot satisfactorily accommodate 43 dwellings.

I hope you revisit your comments on both of these aspects of the application, onsite and offsite.

Stay safe, regards,

## APP/21/01071 Lower Road

1 message

17, 2021 at 9:49 PM

This is another representation regarding this application on behalf of Bedhampton Heritage Alliance (BHA). It is focussed upon the harm the proposals will generate and the unsuitability of this site for development. It has been copied to the ward councillors.

**Harm to heritage assets:**

The Planning Inspector for appeal ref: APP/19/00427 (paragraph 115) stated *"I attribute great weight and importance to the conservation of designated heritage assets, understanding that heritage assets are an irreplaceable resource. As such, I give great weight to the harm to the setting and significance of the Old Bedhampton Conservation Area."* The degree of harm inflicted upon the setting of the Conservation Area is similar here. In fact it can be argued that it is even greater in that it will destroy the sole remaining connection between Old Manor Farm buildings and the fields they were historically connected with. The local significance of the Old Manor Farm buildings were identified by the members of Council who universally agreed to their inclusion within the Conservation Area.

In approaching Old Bedhampton from the west, using the entry at the Broadmarsh Junction, the land is raised and affords a wide vista over the open land to the south of Lower Road, including the former farm buildings and framed by workers cottages on the north side of Lower Road. Lower Road itself is part of a network of ancient sunken lanes, remnants of which are still recognisable clues to its origins and significance. The immediate impression is of having arrived at a rural setting with historic significance; an experience that is unique within the Borough that evokes the origins of this part of the settlement. The proposals will destroy the remnants of this heritage. It will do irreparable harm.

Continuing along this route to the entry point to the approved Bargate site, walkers, joggers and cyclists will find ever increasing competition for the narrow road space as the movements generated by this development merge with movements from existing older dwellings in Lodge and Lower Roads. Users will experience a significant reduction in their amenity in using this road as their focus switches away from enjoying views of their surroundings to increased concerns about their safe passage amongst increased traffic as they negotiate the blind corners. Development of the application site will approximately double the volume of movements entering Lower Road at the Bargate site entrance.

The bends mark the entry to this part of the Conservation Area; a section that includes the most significant, Grade ii\* listed building, The Elms. The Manor Trust have worked hard to maintain a compatible use for this building to safeguard its future. The harm to this building's setting is likely to result in a reduction in its attractiveness and the consequent viability of its current use by the elderly. This part of the bends has increasingly become a potential accident blackspot and this proposal will add to this danger and harm the character and amenity of this part of the Conservation Area.

This concern is more than a 'recording of numbers and incidents exercise'. To be involved in one of the unrecorded incidents here is very frightening. They provide lasting harmful memories that detract from and harm the experience of the Conservation Area.

Leaving Lower Road takes you to the heart of the Conservation Area where movement splits between Brookside Road and Bidbury/Kingscroft Lane. Any additional movement in both routes will harm the relative tranquility, character and amenity. Both have limited footpaths and additional traffic is less and less likely to patiently wait for others to pass by. Both routes lead to highway problems at the junction of Brookside Road with Bedhampton Road and along the narrow sunken lanes around Bidbury Mead. The latter will suffer increasing 'rat running' if the mini roundabout is 'converted' to traffic lights and no right turn out of Brookside Road is provided, which seems likely. New developments in the surrounding parts of the Borough are expected to increase traffic at this junction.

Residents are currently drawn to Old Bedhampton from throughout its hinterland. They appreciate its benefits to their recreational health and well-being. The harm to these heritage assets will harmfully impact not only upon nearby residents but also these visitors from throughout the Borough.

**New social housing:**

The sustainability assessment related to the approved Bargate site identified that it is located close to the threshold for access to local services. This threshold location means that it is not an ideal location for social housing where car ownership/usage is likely to be restricted. This site is even further away and consequently even less sustainable. The site is adjacent to both road and rail sources of noise and fumes. Experience elsewhere suggests that it is the social housing that occupies the less attractive part of new developments. The Borough's Regeneration Strategy is focussed on providing more social housing in many readily accessible locations. The benefit of social housing provision here cannot be given the same weight as before in the planning balance.

**Access and layout and impact upon Social Integration and Open Space:**

Comment on much of this regarding access and layout has been set out elsewhere: the tortuous route through the layout and lack of any pedestrian access to the western end of Lower Road will provide poor linkages. This will detrimentally impact upon the social integration of the development with its surroundings. In particular, the open space proposed and its various uses is not likely to attract users from the surrounding community to contribute to their health and well-being. Little weight can be attached to these elements and any limited benefits must be offset against the harm to landscape character and visual amenity regardless of its heritage contribution to the setting of the Conservation Area.

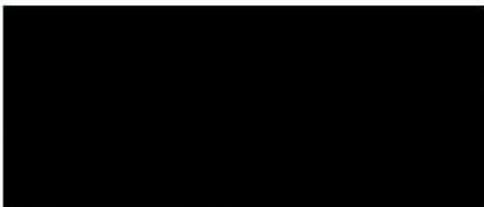
**Bio-diversity, habitats and ecology:**

Development will result in the loss of high grade agricultural land and will detrimentally affect the viability of farming activity on the remainder of the landholding here. This harm will be balanced by increasing the bio-diversity of the open space remaining. Presently the land has limited ecological value but nevertheless has potential to be used by protected Brent Geese and Bechstein Bats. A different cultivation strategy could increase this potential. The onsite reduction of approximately 50% in the current open land with the proposed remaining areas located around the periphery, where noise and fumes from road and rail will detrimentally impact, may limit future use of the area by these species. This is a swings and roundabouts scenario. Any limited benefits will be offset by harm.

**Conclusion:**

The above analysis demonstrates the cumulative harm that will arise from any development here. Harm that will not be offset by significant benefits arising from the development. The Planning Balance is not tipped in favour of development by any of the above topics. Elsewhere examination has shown that the situation has now changed significantly. It indicates that a refusal of consent will not follow the same path as before. Should the applicant appeal, the timing of any future Inquiry will be set within a very different national and local policy context and an improved housing delivery picture.

—  
Stay safe, regards.



**Lower Road APP/21/01071**

1 message

Sun, Nov 28, 2021 at 3:38 PM

[REDACTED]

Further objection:

I note that the "Illustrative Layout Plan" makes no provision for the collection of surface water drainage unlike the adjacent site where a substantial area is devoted to this.

The applicant has thus failed to demonstrate that 43 dwellings can be accommodated at this site.

—  
Stay safe, regards.

[REDACTED]

**APP/21/01071 Outline application for 43 dwellings.**

3 messages

2:24 PM

Dear Rachael, Jade and Julia,

I am looking at the latest material on this application and have some questions that you may be able to help with. Unfortunately, I have been unable to make telephone contact with any of you.

**Sustainable development:** I note that Jade identifies that there are no exceptions for housing that would apply here but she then raises the presumption in favour of sustainable development (NPPF para 11d) and suggests that 43 dwellings should be afforded great weight in the overall planning balance. I am not clear whether the balance applies at all if the proposal fails to show that it is sustainable. The iTransport Technical Note confirms that (unlike the earlier development) the location is **not** sustainable with regard to access to employment sites, supermarkets, further education facilities and the town centre. The location oversteps the recommended distance limits. With regard to sustainable housing design, the absence of a detailed application means that there is no evidence to demonstrate how the proposal will conform or deal with issues such as this and noise protection.

My question is "If the evidence confirms that the location is unsustainable, does the planning balance come into play at all?"

**Impact upon Conservation Area:** I can find no reference in Rachael's advice to the impact of the proposed means of vehicular access. The current situation arising from the consent for 50 dwellings is that the Old Manor Farm buildings will lie adjacent to a cul de sac with a landscape buffer softening the detrimental impact of this relationship. The proposal radically changes this relationship. It introduces 7.5m of highway works, yet to be approved by the Highway Authority, and brings all of the traffic generated by the proposed 43 dwellings through this sensitive gap. I consider this amounts to substantial harm.

My first question is "When considering the impact of the proposal on the setting of the Conservation Area, has great weight been given to the asset's conservation in reaching a conclusion on the degree of harm inflicted by the proposals? My related second question is "Given the potential harm, what steps have been taken to explore alternative, less sensitive, means of access that would result in less substantial harm to the setting of the Conservation Area?"

I look forward to your response. I appreciate that time has now become critical.

Kind regards,

Tue, May 3, 2022 at 4:22 PM

Dear Mr Tate,

Thank you for your question about sustainable development. I am able to respond as follows.

It is important to differentiate between the planning balance and the presumption in favour of sustainable development. In making any decision on a planning application, the relevant decision maker must weigh up the benefits of the application versus the harm that it causes – this is typically referred to as the planning balance. Nonetheless, there are circumstances where the National Planning Policy Framework indicates that there is a

presumption in favour of sustainable development (paragraph 11). Paragraph 11 of the NPPF indicates that this means:

*"c) Approving development proposals that accord with an up-to-date development plan without delay; or*

*d) Where there are no relevant development plan policies which are most important for determining the application are out of date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

Paragraph 11 d) of the NPPF applies where the Council is not able to demonstrate a five year supply of deliverable housing sites. This ultimately changes the planning balance from essentially a balanced assessment of benefits versus harm to a tilted balance whereby the permission be granted unless specific circumstances apply. The NPPF sets out that where the 'tilted balance' under paragraph 11 d) ii. of the NPPF is engaged: this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The NPPF indicates that sustainable development should be achieved through economic, social and environmental objectives which are independent and should be pursued in mutually supportive way (paragraph 8). The accessibility of local facilities and services is a material consideration and part and parcel of assessing whether the development contributes towards social and environmental objectives, but it is not the only consideration in determining whether the development proposal would achieve sustainable development. That would be part of the officers' assessment of the scheme in the overall planning balance, alongside all of the other material considerations which are relevant.

I have copied Leanne Richardson as the case officer for the application. [REDACTED]

Best wishes,

Jade

Jade Ellis

**Principal Planning Policy Officer** | 07918 582775 |  Contact me on Teams  
**Planning Services**, Havant Borough Council, Public Service Plaza, Havant, PO9 2AX

**Advance notice of leave** – 23 May – 1 June 2022, returning 6 June 2022

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More details at [www.havant.gov.uk/nitrogen](http://www.havant.gov.uk/nitrogen)

& <https://www.planningawards.com/finalists/warblington-farm-nature/>

Dear Jade,

Thank you for your prompt response to my question.

I have spent a little time in a darkened room trying to get my head around how and why the absence of evidence of a 5 year housing supply make sites that lie outside the urban boundary, beyond the recognised limits of accessibility, without any planning policy support or case for exception become transformed from unsustainable to sustainable.

The evidence on housing numbers is purely statistical. It does nothing to contribute to improving the sustainability of this location; a material consideration. Any housing provided in this location will forever suffer from poor accessibility with a permanent detrimental impact upon its social and environmental amenities. This must surely impact upon the weight to be attached. It cannot be good planning to *afford great weight* to the provision of **any** housing in such an isolated location surrounded by noise and fumes from the adjacent road and rail systems.

There is virtually nothing in the application to indicate what sort of housing will be provided. It remains guesswork. What there is demonstrates a very alien urban character with shortcomings in the layout and drainage. At the very least, this must reduce the degree of weight afforded to the housing.

I note you advise that the 'tilted balance' must have regard to the policies in the NPPF as a whole. These include safeguarding wildlife habitats, protecting heritage assets and providing a safe means of access. All of these considerations have a cumulative and collective impact deserving of appropriate weighting against any benefits. In particular, the adverse impacts of the proposal to locate the proposed access link immediately adjacent to Old Manor Farm buildings in conflict with the views of the appeal Inspector may, on its own, justify a balance of harm that is significantly and demonstrably against any benefits.

You will see that I have copied this to Rachael.

[Quoted text hidden]

**APP/21/01071: Land south of Lower Road; Outline application for 43 dwellings.**

3 messages

Mon, May 2, 2022 at 11:07 AM

FAO Julia Mansi,

I refer to your letter dated 7th April 2022 advising that a new deadline has been set for the determination of this application. This response is on behalf of the Bedhampton Heritage Alliance having reviewed the further details that have been submitted. It is supplementary to the representations made by email on the 15th November 2021 which remain valid.

It is clear that the Planning Policy Team will have assessed the suitability of this location for development in the early stages of drafting the Land Allocations. (The landowner promoted all of their land in the previous local plan assessments. This resulted in the Inspector concluding that to develop any of the land would result in greater harm than benefits.) Thus the site is **outside** the draft plan, **outside** the settlement boundary and **"none** of the exceptions for housing would apply here". So, if the location is **not** sustainable, do the provisions of the NPPF apply?

The applicant has chosen to submit an outline application and restrict the amount of detailed support they have provided. They may be simply trying to get consent 'on the cheap' or they may recognise the weakness of their proposal and their exposure to risk and costs. Whatever the circumstances, the authority has to deal with what has been provided. With an outline application, the onus is on the applicant to demonstrate that the number of dwellings proposed is achievable in an acceptable manner. It is not the responsibility of the local planning authority to apply guesswork to fill in the missing gaps. The additional material added to the website clearly shows that insufficient material has still not been provided to do this. Indeed, what has been provided demonstrates the shortcomings.

The issue of drainage is not resolved. The previous consent shows that substantial land is needed to accommodate swales and water storage. The concept layout does not provide these.

The site suffers from intrusive noise and fumes and no detailed work has been provided to show how these aspects will be resolved by the orientation, design and layout of the housing. To attempt to deal with this by way of planning conditions is open to speculative guesswork.

Failure to demonstrate how 43 dwellings can be satisfactorily provided is reason enough to **refuse consent**.

The planning balance, if applicable, assumes development is sustainable. The applicant has now conceded that the location of the site is some distance from critical facilities. Distances that, unlike the previous consent on land to the east, are **not sustainable**. They critically and significantly include employment sites, the town centre, supermarkets and further education facilities. iTransport have also confirmed that peak hour rail services from Bedhampton Halt are infrequent (46 minute gaps).

The unsustainable location is reason enough to **refuse consent**.

Hampshire County Council, as Highway Authority, are clearly concerned about the arrangements to connect the site to the previous approved development. The proposal will create another pinch point bend of conflict between vehicles and other road users including pedestrians. This is at a critical location vis a vis the Conservation Area (see below). HCC also appears to be using this application to revisit the approved access arrangements to Lower Road. Unsympathetic revisions that will inflict further detrimental harm to the ancient sunken lane character of this road and the ancient hedgerow. They have provided no clear guidance on how they see these issues "can be secured through the planning process". The cart is before the horse.

Failure to resolve these issues and rely upon 'an act of faith' is reason enough to **refuse consent**.

The proposal will result in significant detrimental changes to the setting of the Conservation Area. In support of the earlier approved scheme, much was made of the proposed distance between Old Manor Farm buildings and the proposed new dwellings. A quiet landscaped buffer zone was approved on the basis that 'less than substantial harm' would arise. The proposal radically alters/destroys this setting and amenity. It introduces **all** of the traffic movements generated getting to and from the proposed development into this zone in a manner that the Highway Authority have concerns about. It appears that **no** efforts have been made to explore less intrusive solutions.

This is **far** from "*less than substantial harm*" and sufficient reason alone to **refuse consent**.

The adjacent industrial complex on the Lower Road frontage has been the subject of enforcement action. This secures the open aspect of the eastern section of the compound and thus the setting of the Conservation Area. The application proposes a radically different relationship with the Conservation Area. South of the industrial compound it blocks the continuation of the open aspect of the setting of Old Manor Farm. This is **not** "*less than substantial harm*".

This alone is sufficient reason to **refuse consent**.

Nowhere has the applicant provided design details of the proposed housing to enable the relationship to the Conservation Area to be assessed. The authority cannot be sure that the proposal will result in "*less than substantial harm*". To protect the character, setting and appearance of the Conservation Area this alone is sufficient reason to **refuse consent**.

You will see that there are 3 stand alone reasons to refuse consent to prevent harm to the heritage assets. Taken together, these provide a cumulative reason to **refuse consent**.

In the event that the committee is recommended to approve the application, the Alliance would wish to make a deputation.

Kind regards,



# APP/21/01071: Further representations

1 message

3, 2022 at 11:27 AM

Dear Sir/Madam,

I have had a look at the material posted on the 30th Aug and the Policy update posted in May and here are some further representations on behalf of the Bedhampton Heritage Alliance (BHA).

There are some key recognitions within the Policy Team update:

\* There should be 'no automatic permission'.

\* Given the adjacent Conservation Area, the application should have been a detailed application. I can find no statement as to why an outline application was accepted. **This provides one single overriding reason for refusal.**

\* As submitted, the layout can only be for illustration. Any decision will consequently be based upon **guesswork!** **Another reason for refusal.**

\* The illustrative layout has not changed. It still indicates that the principal access route leads to a road with no footpaths flanked by a continuous succession of forecourt parking bays. This does not enhance the setting of the Conservation Area. "Proposals would be expected to address nearby heritage assets and their setting, and how they conserve and enhance them". They do **not** do this. They obscure it. In order to gain access they directly encroach on the 'buffer zone' (see below). **Another reason for refusal.**

\* There are **no** exceptional circumstances (as referred to in the adopted local plan) here which would apply to housing. **A fourth policy reason for refusal.**

Turning to the other material.

iTransport have written in response to a HCC holding **objection** but the Highway response is not yet known. The access is through the current development site where the point of access now has more hard landscape with more footpaths and a swale not yet fully designed. The 'green buffer' to the CA is reduced to narrow verges. No justification has been provided on why this point of access has been selected. **A further reason for refusal (5).**

At the Appeal Inquiry, the inclusion/provision of the green buffer was accepted by the Inspector to be a mitigating factor for the harm to the setting of the Conservation Area. It follows from this that the proposal will do **unmitigated harm** to the setting of the Conservation Area. **A further reason for refusal(6).**

We have yet to see **any** acknowledgement by iTransport that their risk assessment is deeply flawed and consequently misleading (dangers on the shared bends {opposing vehicles meeting at the same time and place as non vehicle users} will arise every two days not once in a lifetime). Nor have we seen any challenge to this by HCC as Highway Authority. Statistics related to probability **cannot** be the product of multiplication of three or more variables. This is a very basic statistical fact that should be known by the people dealing with this. It requires extensive computer modelling. The Committee needs advice that is correct. This is contained in the submission by BHA.

Unfortunately safety concerns were not included in the reasons for refusal pulled together at the Development Management Committee to overturn the officer recommendation: **an oversight**. The Appeal Inspector acknowledged the safety concerns of the Rule 6 parties but determined that he was prevented from its inclusion in the 'planning balance'. Nothing will prevent the Committee from including it in their judgement of harm versus benefit.

Clearly, additional development on the site and the added increased pedestrian and non motorized vehicular, cycles and scooters, usage of Lower Road by residents at 40 Acres will inevitably increase the probability of conflicts. This is likely to result in a higher volume of am peak hour when human nature is likely to lead to regular 'bunching' of groups with the same destinations, schools and public transport; making such groups even more vulnerable. The committee needs to know when the potential extra volume results in too much? Access to the computer analysis has been offered without any take up. **Absence of this is another reason for refusal(7).**

Drainage: This is a major obstacle to any support from LLFA. It is not clear yet if the LLFA agree to the present proposals, which do not contain any storage area unlike the present development. It seems that the applicants are

relying upon the formation of a Management Company to maintain the SUD arrangements but what if they don't work? A detailed application would address this. **The absence of a clearly demonstrable workable solution now is another reason for refusal (8).**

**Habitats:** It is noted that comprehensive surveys/research have led to a reduction in the protected status of the land. The site formed part of the case for mitigation on the previous proposal. The proposal will significantly reduce the area. Accessible Green Spaces are now recognised as having multiple benefits. The site marks the edge of the urban fringe and acts as a buffer to the A27/A3M and railway line. More than just retaining the setting of the Conservation Area, it has a number of potential long term uses that could serve the local area and outweigh any benefits from housing. These should be explored through the new Local Plan. It should be **refused as being premature (9).**

All the above reasons for refusal contribute to the prevention of cumulative harm. They result in the 'planning balance' being **against** the proposals.

Kind regards,



**Appeal W/22/3305704 Lower Road**

4 messages

ed, Oct 19, 2022 at 10:56 AM

Dear Steve,

Now this is going to appeal, I guess HBC will be asked what their decision would have been and why. With this in mind I think there are some things that add to the balance and reason for refusal. Yes, I am in danger of teaching my grandmother. My apologies, if I am.

**Safety:** You know that this was omitted from the reasons for refusal before, which meant that although the Inspector acknowledged the concerns of residents he felt unable to take this further. We have now had several months of experience with site traffic which has relied upon the banksman to maintain a degree of safety and when, for any reason, he has been absent we witness the problems that arise. The industrial unit at the end of Lower Road now generates significant flows of commercial traffic that was not included in the original transport assessment and now adds to the mix. This is not under Bargate's control. Once occupation starts we will see the volume of site traffic replaced by uncontrolled traffic from new residents and their deliveries. So there will be two sources of additional traffic to include before considering that arising for any proposed development of 43 dwellings.

**Statistical error in the risk assessment:** We have yet to see an acknowledgement that the iTransport calculation is based upon an incorrect application of statistics and not a modelling of the many variables...traffic in and out by vehicle sizes, non traffic movements in and out including pedestrians, dog walkers, joggers, cyclists, scooters, ramblers, riders, motorised and non motorised wheelchairs, also taking in account those using the wrong side of the lane.

**Market conditions:** Part of the justification for the non planned 50 dwellings was the lack of a 5 year housing supply. Market conditions have now changed and will impact immediately upon the demand for housing with a forecast of an extended recovery time . A reassessment is needed. Moreover the new Local Plan will address this and this supports the case for the application now being treated as premature.

I hope this is timely and helpful.

—  
Kind regards,

THANK YOU

Thu, Oct 20, 2022 at 10:59 AM

Dear Ron

Thank you for your email which I am referring to the Highways Authority for comment. I am assuming that you would wish your concerns to be published as a representation on the application in the normal way; in which case they will be summarised in the officer report on the application in due course? If not please advise by return.

Kind regards

Steve Weaver

Development Manager

Planning Services

Havant Borough Council, Public Service Plaza, Civic Centre Road, Havant PO9 2AX

Tel: (023) 9244 6512

WORKING PATTERN – Monday, Tuesday, Wednesday, Thursday, Friday.

Advance notice of leave: Wednesday 19<sup>th</sup> October; 31<sup>st</sup> October – 4<sup>th</sup> November inclusive



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To: Weaver, Steve <Steve.Weaver@havant.gov.uk>  
Subject: Appeal W/22/3305704 Lower Road

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Thu, Oct 20, 2022 at 11:41 AM

Dear Steve,

Thank you for your prompt reply. Yes, I would like these recorded as representations.  
The issue of highway safety is not simply a matter of highway capacity...how much can we add? When will the pips do more than squeak? It affects the ambiance and character of the Conservation Area.  
The modelling shows there is a much greater impact than suggested by iTransport. The HA have been taken in by the error and members (LPA) need to know this in order to advise the Inspector.

Thanks again.

[Quoted text hidden]

**APP/21/01071**

3 messages

Mon, Feb 27, 2023 at 2:51 PM

FAO Chris Hirst.

I am writing on behalf of the Bedhampton Heritage Alliance (BHA).

At the HBC Planning Committee on the 23rd Feb the officers made reference to the HCC in house safety officer without naming him/her. I also note that your letter dated 7th Sept 2022 did the same.

Could you please let me have contact details for this officer? BHA would like to check if the results of the modelling by Bath University were included in the analysis. This showed a marked difference in probabilities and how vulnerable non vehicular users are and the frequency this will happen.

BHA remain also concerned that the many local experiences of non recorded incidents are given no acknowledgment (e.g. teenage cyclist on the bonnet of a taxi, white van overtaking a group of ramblers and forcing oncoming car onto verge, cyclist travelling east unable to take first corner on own side of carriageway fortunate to have oncoming car driver able to move over enough to create a gap for rider on their near side, just to record a few known to me).

BHA will wish to attend the forthcoming Hearing (9&10 May) and raise their safety concerns with the Inspector together with a cumulative range of objections.

Thank you for your help with this.

Kind regards,

Wed, Mar 1, 2023 at 9:32 AM

Dear

Thank you for the email.

The road safety auditor who has been providing advice on the applications at Lower Road is who is CC'd into this email.

Please feel free to contact him directly with your queries.

Kind Regards,

**Chris Hirst**

**Senior Transport Planner**

0370 779 0563

Chris.Hirst@hants.gov.uk

**Highways Development Planning**

Hampshire County Council

2<sup>nd</sup> Floor Elizabeth II Court West

The Castle Winchester SO23 8UD

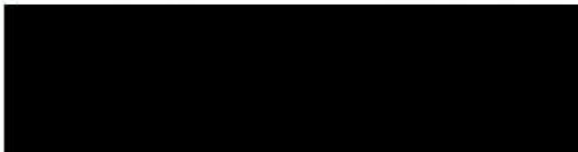


**Hampshire**  
County Council

**Hampshire County Council operates a pre-application highway advice service for developers.**

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Pre-Application guidance for developers



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Wed, Mar 1, 2023 at 2:44 PM

ts.gov.uk>

Thank you for your prompt reply, Chris.

I have copied this to [redacted] who provided the link [redacted]. I hope he will be able to liaise with Steve to ascertain on what basis he did his safety assessment.

Regards



## Deputation from Bedhampton Heritage Alliance (BHA) re APP/21/01071.

BHA appreciate the comprehensive officers' report and support refusal of the application. Nevertheless, there are outstanding concerns that together cumulatively tip the "Planning Balance" suggesting additional reasons for refusal.

The failure to follow recommendations for a full application adjacent to the Conservation Area means that **guesswork** is needed to determine how, and if, the application delivers **quality placemaking**.

Confusion exists whether the layout will have a rural or urban character. On the initial entry road, the illustration shows continuous double bay parking spaces on the forecourts either side and no pavements ... a very hostile urban character for pedestrians.

The Conservation Officer considers the harm to heritage is "*less than substantial*". Whilst there is no direct harm to the Conservation Area itself, entry from Phase 1 drives through the approved buffer zone which forms part of the Phase 1 mitigation measures to protect the Conservation Area from harm. This exposure, together with the loss of the remainder of the rural setting to the west, without any mitigation, means the harm to heritage assets is **significant**.

House types are not yet known. Phase 1 demonstrates a range of gimmicky architecture including false chimneys, buttresses, and infill brick panels. BHA believe Bedhampton does not want more of the same placemaking?

More current significant unknowns include that the proposal does not meet the SPD requirement for visitor parking and the drainage and flood protection solution(s) which may require on site storage. The provision for both these elements may reduce the area available for houses.

The conclusion **must** be that...

The applicant has **failed to demonstrate** that the size of the development proposed (43 dwellings) can be satisfactorily accommodated at the site in a high-quality design without harm to the heritage assets and the amenities and environment of the area. This should form **a further reason for refusal**.

BHA continue to have concerns regarding safety on the blind bends of Lower Road. In particular, the applicant's misleading claim that these have "*an impeccable safety record*". Residents have years of experiencing regular encounters and near misses that are **not** recorded. Safe passage during construction is currently dependant on the presence of a banksman.

The approval of Phase 1 was based upon a mistaken analysis. The applicant's risk assessment was based upon probabilities that were wrongly combined to produce a statistically incorrect result. They claimed that two opposing vehicles will arrive at the same place (the narrow unpaved section within the middle of the bends) and time as a non-vehicular user is there once every 56,000 times the user passes along this section.

Members of Bath University confirmed this is based upon a statistical error (multiplying 3 probabilities together). By modelling the applicant's Phase 1 data, they showed this situation could occur **every other day!**

This finding was shared at the time but ignored by the parties concerned.

BHA believe this frequency clearly reinforces their safety concerns **and** provides a better appreciation of the detrimental impact upon amenity within the Conservation Area. This proposal will result in even more additional movements around the bends and through the heart of the Conservation Area adding to the harm.

Together these provide a measure of how much **more weight** should be attached to these impacts in the Planning Balance.

This aspect should be the subject of an additional **reason for refusal** or be added to the previous issues where *the cumulative impact of harms will not be outweighed by any benefits arising from the development.*