

Land at Lower Road:

Further representations on APP/19/00427, October 2019.

1. Introduction.

- 1.1. This submission should be read in conjunction with
 - (i) The submission I made on the 15th June 2019 (listed on the 19th June).
 - (ii) The copy of submissions made on the Draft Local Plan on behalf of Bedhampton Heritage Alliance sent to you on the 6th June 2019 (listed on the 10th June).
 - (iii) The paper related to 'Bedhampton protection of heritage assets' sent to you on 16th October 2019 (not yet listed). {See paragraphs 2 to 7 & 9 to 11}.
- 1.2. The developers have chosen to submit this application for determination within the provisions of the adopted Local Plan 2026 and the Site Allocations Plan 2014 in which the land is not allocated for development.
- 1.3. Although work is progressing on the Draft Local Plan 2036 little weight can be attached to this, particularly since strong representations have been made regarding the detrimental impact that inclusion of this site would have upon the soundness and sustainability of the Plan and these inconsistencies and failings have yet to be considered by an Inspector at an Examination in Public (EiP).
- 1.4. NPPF identifies (paragraph 194(b)) that it should be wholly exceptional to incur substantial harm to the setting of Grade II* assets. The applicants consistently have failed to recognise that this is the status of The Elms and have provided no evidence, specific to this property, of what grounds they believe justifies the impact of their proposals here. Without this *clear and convincing justification for wholly exceptional* impact the local planning authority have no basis to consider any support for the application.
- 1.5. The HBC Senior Conservation Planner in her response to a resident's email on the 10th July 2019 missed this point (the specific harm to the setting of The Elms by increasing highway safety hazards within the immediate setting). She has also failed to recognise the substantial harm to Narrow Marsh Lane within the setting of the conservation area. (3rd July 2019).
- 1.6. As a departure, it is incumbent upon the applicant to demonstrate why the proposals should be allowed in the absence of any support for them within the Plan. In other words there is a presumption **against** development unless it can be shown that there are benefits arising.

- 1.7. The Site Allocations Independent Inspector set the bar very high when she concluded that she did not support efforts by the landowner to include part of the site within the Allocations for the development of 15 houses. She concluded that any benefits would not outweigh the harm to the Conservation Area.
- 1.8. Since that time physical circumstances have not changed. There have been no changes whatsoever to the existing village, the road layout and relationships with the surrounding land that would facilitate any development here contrary to her findings, especially to enable a proposal for over 3 times more dwellings.
- 1.9. Within the material supporting the application are a number of references to 'mitigation measures'. '*Mitigation*' does not mean '*elimination*'. It means that harm has been identified and measures are proposed to try to reduce this, **if possible**. There is no case presentation to show how **any benefits at all** of the proposals might bring to the Conservation Area or the setting of The Elms (Grade II*), which is immediately within the impact zone and consequently the most vulnerable.
- 1.10. Alternatively the term '*moderated*' has been used. This means efforts to reduce excessive impact or to strive for something middling in quality or quantity. This implies the applicant accepts that there is not just harm but such harm(s) could be considered excessive and the goal is simply a half and half reduction objective. Given the duty to safeguard the heritage assets, this is not something the Local Planning Authority should condone and/or accept.
- 1.11. There is now a greater awareness and appreciation of the heritage assets set within the site and its surroundings that complement the conservation area designation. The applicant's consultants did not identify some of this. It has come to light during the consideration of the application as a result of work done by a heritage consultant appointed to carry out a review of the conservation area and records uncovered by the local historic collection. The emerging findings have been supported by expert opinion. All of which has been shared with the Council. The applicant has yet to take full cognisance of the implications and their responsibilities in this regard.
- 1.12. I will refer to the different additional submissions/revisions that have been made and comment on those matters that concern me that I believe suggest that this application should be refused.

2. Highway and Safety Matters.

- 2.1. I have examined the submission made by I-Transport dated 11th October 2019 in conjunction with resident [REDACTED] and former

██████████ a resident with many years of professional experience in this arena and fully support their findings, which form separate submissions.

- 2.2. I believe that these submissions show that the location of the site has relatively poor access and, given the likely reliance upon private transport, is unsustainable. This analysis will provide material for potential evidence for the forthcoming EiP. Had it been done at the time of the draft allocation a great deal of effort might have been avoided. This provides a further reason for attaching little weight to the Draft Local Plan 2036.
- 2.3. The author claims (paragraph 2.2.2) that the modelling shows 'vanishingly small impact' (whatever that means!) and that 'there are no other measurable impacts arising'. I find this surprising and arrogant. For example, from the outset residents have expressed concerns (in the public domain) about the inevitable increase in right turns into Brookside Road that could give rise to accidents on the mini roundabout.
- 2.4. Clear evidence has been given to the Council that in the evening peak a queue of 3 waiting vehicles could wait for as much as 1 minute before being able to enter Brookside Road. This issue was raised at the Allocations EiP when the Highways Agency expressed their concerns that any accident here could impact upon the A3M. They wanted HBC and HCC to act on their behalf should this prospect re-emerge. So, why hasn't the applicant been asked to investigate this by HBC/HCC?
- 2.5. Paragraph 2.4.5 provides some confirmatory indication of the likelihood of this problem arising. Using the consultant's figures, 15 vehicles, added to the present volume turning right, could result in bunching. It is unlikely there will be an orderly 4-minute timing gap between their arrivals but, even if there was such an arrangement, the extra vehicle could arrive when others are queuing for some time.
- 2.6. This situation could arise regularly each and every weekday when the increase in westbound traffic will make finding a gap for right turns more and more difficult.
- 2.7. Throughout these highway considerations there is a clear divergence between the day by day experiences of many residents over many years and the numbers derived by the consultant's forecasts where averages are presented as the norm with no account for the unusual such as bunching, breakdowns, weather conditions and so on. The randomness of the situation on Lower Road could result in the greatest safety issues arising out of peak hours or weekdays.

- 2.8. HBC have commissioned a study of the whole highway network to see if additional development throughout the Borough can be accommodated or whether some adjustments need to be made. This has concluded that it may be necessary to change the junction to traffic lights. The study did not look at consequential impacts upon the local network.
- 2.9. Such a change would prevent right turns for vehicles exiting Brookside Road heading eastbound. A one-mile diversion would be needed through four sets of lights, with associated queues, around the A3M Broadmarsh junction. Such traffic will make 'rat run' journeys through the single carriageway limited passing places sunken lanes of Bidbury and Kingscroft Lanes with associated detrimental impact upon the character and safety of this part of the extended Conservation Area.
- 2.10. I am very surprised to see in paragraphs 2.4.7 : 2.5.2 & 5.1.bullet 4 that i-Transport suggest that HBC take the responsibility for resolving any outstanding highway problems. This is not my understanding of how the planning control system operates, or should. Each proposal should resolve its own problems. This occurs again at paragraph 3.9 when HCC are expected to pick up the task.
- 2.11. Paragraph 3.7 refers to the use of footpath 107. Living near this footpath, I can confirm that it is an unattractive long narrow passage particularly unsuitable at night and in wet weather when even using an umbrella proves difficult.
- 2.12. The present lighting provision was installed some years ago at my neighbours' request after a woman was molested. It has since been reduced in intensity by energy saving alterations. Shadow pockets created by vegetation in neighbouring gardens also impact on the attractiveness of this route. When my car was broken into the unwanted contents were found in the passage. Two blind corners provide hiding opportunities. The applicant's forecast use of this route is likely to be unfulfilled, which means greater use of the blind corners of Lower Road by either pedestrians or vehicles.
- 2.13. Widening the site access junction to accommodate occasional large vehicles will result in greater hedge loss and yet more harm eroding the character of Lower Road.
- 2.14. i-Transport have referred to the '*impeccable safety record*' of Lower Road. On the 4th July this year a resident witnessed a collision between a cyclist and car. Fortunately there was no serious injury requiring medical attention. It is unlikely that this incident, like many, here will appear upon any formal record but the existence of such a blank entry does not make this road safe. HCC have already accepted there are safety issues here and have recently introduced road markings to try to influence driver behaviour.

- 2.15. The government's "Inclusive Transport Strategy" focuses on ensuring people with disability are provided with appropriate access. In the case of Lower Road this means safe passage for those in wheelchairs and disability scooters but also those with limited mobility. Failure to do so could be in breach of The Equality Act 2010. This is particularly relevant with The Elms and The Lodge both catering for the elderly within the stretch of Lower Road concerned. The underlying message in this strategy is to provide priority care for people ahead of traffic.
- 2.16. You will see that the evidence previously gathered by residents regarding existing traffic movements is at variance with and higher than that provided by the applicants. Nevertheless using the consultant's assessment and ignoring any mathematical errors in their submission they seek to justify a low peak hour volume by suggesting a higher volume of non-vehicular movements, which is likely to increase the risk of safety conflicts. For every increased child that is taken to school by car, e.g. on wet days, there is the prospect of two additional peak hour car movements for those parents returning home. This pushes the volume close to the 100vph threshold guideline in Manual for Streets when a shared street becomes unacceptable, especially one that contains 3 blind corners: a position that could soon be exceeded during the life of the development.

3. Landscape Appraisal and Proposals:

- 3.1. Undated comments provide by the Borough Council's Landscape Architect contain a concluding contradiction. He refers to a 'successful integration' being achieved by using screening to 'detach the site from the landscape character of Bedhampton'. It therefore does **not** integrate it creates a visual intrusion into the setting of the Conservation Area.
- 3.2. He makes no mention of the overall harmful impact upon the historic landscape surrounding the conservation area. Nor does he take account of the sunken lane character of Lower Road and the harm to the historic hedgerow: a loss of 11.5m for the access and 30m 'lost' at the eastern end.
- 3.3. The latest landscape drawings (1860-TF-00-oo-DR-L-1005) show a grassed footpath as the replacement for Narrow Marsh Lane. Much of the issues regarding the harm to Narrow Marsh Lane has been dealt with elsewhere (see paragraph 1.1.(iii) above) but this proposed surface treatment bears no resemblance to the present historic character of the Lane.
- 3.4. There are also errors on the layout plan that suggest that the author has not even visited the site or examined the survey produced by

MJA Consulting. This shows that there is **no** 'existing hedging retained' south of the Old Manor Farm buildings. The survey rightly identifies brambles and nettles here!

- 3.5. It is proposed to remove the alien shelterbelt. The position of this line of trees has no historical significance. It was planted within living memory to serve a temporary use of the land. Its early removal for safety reasons makes sense. It will, at least in the short term, restore the open coastal setting of the conservation area and reinforce the case against any development here.
- 3.6. However to replace it with a line of trees further to the east for the purposes of screening the proposals will put some distance between these trees and the development they are intended to screen with public access in the space in between. This space might also be increased in order to retain the whole of Narrow Marsh Lane in its historic location.

4. Heritage Assets:

- 4.1. The author of the Consultant's Heritage Statements issued by Terence O'Rourke Ltd would appear to be an archaeologist; member of the Chartered Institute for Archaeologists. Whilst he might be forgiven for overlooking the archaeological significance of Narrow Marsh Lane in the original heritage statement, there seems to be no reason whatsoever why he has failed to identify this in the addendum given the amount of material now available in the public domain regarding this as a result of the Conservation Area Review.
- 4.2. As a Chartered Archaeologist the starting point of his duty is to protect such remains and to explore every avenue to do so to ensure that they are not needlessly destroyed. This he has singularly failed to do.
- 4.4. Paragraph 3.4 of the addendum asserts

"The layout of the development has been amended from that originally submitted to ensure the alignment of the historic track is wholly within the open landscape area and is left free of development. Although not presently a public right of way the amended site layout ensures that this section of the historic route is preserved."

- 4.5. [REDACTED]
[REDACTED] The survey drawing (5992:PO1 B) makes clear that the proposed footpath is much narrower than the historic public thoroughfare Lane and much of it (50%) does not fall within the boundaries of the Lane.
- 4.6. A similar misrepresentation is contained in Luken Beck's letter dated 27th September 2019

4.7. I have supplied an extract of this drawing to the case officer (delivered by hand) on which I have shown the above variations that confirm that 2/3rds of the Lane will not be preserved.

4.8. No mention is made of compliance with NPPF paragraph 189 related to archaeology that states that,

"Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

4.9. I have set out in my paper 'Bedhampton protection of heritage assets' (1.1.(iii) above) that I do not think this can be appropriately dealt with by planning condition linked to a consent for a layout that detrimentally impacts upon the asset and prejudices its safeguarding.

4.10. The setting to the west of the Old Manor Farm buildings is described (paragraph 3.3) as remaining in agricultural use. A site visit reveals that this is currently derelict land following unauthorised use. So no part of these buildings retain their link with the land with which they were once associated. No account has been taken of the HBC decision to create a satellite conservation area here which should have its own setting to protect and enhance. This is not being done.

4.11. Paragraph 4.4 of the addendum suggests that the Planning Design and Access Statement includes consideration of the public benefits of the proposals. No changes have been made to the PDAS and it does not contain anything to this effect.

5. The amended proposals.

5.1. I can see no reason why there is a need for a farm access through the site to gain access to land to the west when an access can already be gained from Lower Road to this land. It is an unsustainable use of a significant amount of land. It also poses an intrusive safety threat to the users of the play area and open space.

5.2. Removal of the farm access will provide an opportunity to provide more planting, acceptable to National Rail, to screen the backs of the dwellings to views from the railway. An alternative would be to re-orientate the dwellings to face outwards as part of a revised layout.

5.3. A revised layout is needed to better respect and protect the heritage asset of Narrow Marsh Lane and the setting of the Old Manor Farm buildings.

- 5.4. The layout is meant to reflect the existing layout of dwellings on the north side of Lower Road. These are however close knit with few small gaps. They screen development behind them. The proposal has intentional gaps to allow views into the site. Thus the visual impact and intrusion will be increased especially in the panorama when approaching down Lodge Road.
- 5.5. The house types are unimaginative. They are not innovative. They provide no real contribution to place making. Their design adds nothing to the setting of the Conservation Area. Their style dates from the mid 20th Century not the 21st. They are made up of simple box shapes with little adornment or variation. Adornment is limited solely to bracketed or post supported canopies. Windows with 'mock Georgian' window bars are a dated solution that has no relationship with the scale and proportions of the dwellings.
- 5.6. They compare very unfavourable with the architecture of recent developments elsewhere in the Borough. One house type even has a chimney on the opposite side to the lounge (Type HA). This sloppiness and a lack of existing site appreciation suggests a lack of attention to detail.
- 5.7. There are significant areas of common spaces and planting to be maintained. Management companies are proving to be an unsatisfactory way to undertake this task. If this fails here the surrounding existing development is likely to experience a deterioration in the visual intrusion created by the development as a result of the screening and hedge maintenance regime being neglected.
- 5.8. Other than providing some housing there are no other benefits arising from this proposal, which may explain the lack of any attempt to identify them in the PDAS.
- 5.9. There are however likely to be many harms arising: Entry to Brookside Road, Traffic through the Conservation Area, Traffic and safety issues through the blind bends and impact upon The Elms, rat runs through Bidbury and Kingscroft Lanes, erosion of the Lower Road hedgerow, the loss of Narrow Marsh Lane, designs that are dated in concept and execution.

6. Conclusion.

- 6.1. Nothing in the revised submission convinces me to change my mind in support of the development. Indeed there is much to further convince me that this development should be refused.
- 6.2. Following refusal I believe that the Local Planning Authority should review the suitability of this location for development and remove it from the Draft Local Plan.