

Peter Weatherhead Planning

Development Management
 Aylesbury Vale District Council
 The Gateway, Gatehouse Road
 Aylesbury
 Bucks HP19 8FF

For the attention Jason Traves

6 January 2018

Dear Mr Traves

PLANNING APPLICATION 17/02280/AOP

LAND WEST OF CHURCHWAY AND NORTH OF ROSEMARY LANE, HADDENHAM OBJECTION SUBMITTED ON BEHALF OF THE ROSEMARY LANE ACTION GROUP

I am writing on behalf of the Rosemary Lane Action Group to object to the amended planning application for 239 dwellings at the above site. The objection is based on a number of grounds. In particular I consider that this site is unsuitable for development in principle and also that there are a number of site specific objections to the application.

The Rosemary Lane Action Group has already objected to the site's allocation in the Vale of Aylesbury Local Plan and I consider that granting planning permission for any development in advance of the Local Plan examination in public would be premature and completely inappropriate, undermining public confidence in the integrity of the planning system.

Conflict with the Haddenham Neighbourhood Plan

A site selection exercise was undertaken as part of the preparation of the Haddenham Neighbourhood Plan. This assessed the suitability of residential developments on 21 specified sites. The exercise concluded that site HNP004 (a site which is slightly larger than the application site) was unsuitable and was ranked only 11th. Although the housing chapter in the Neighbourhood Plan was quashed after a legal challenge because, amongst other issues, the scoring of one of the sites was incorrectly transposed between documents, the site selection exercise undertaken by consultants, URS, remains a robust and valid exercise.

The site selection exercise assessed the site as being "not very well" located in relation to surrounding uses. The assessment judges that development on the site would have a significant impact on views into and/or the setting of the Haddenham conservation area. The assessment

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also notes that the site is adjacent to or in the setting of four listed buildings and a locally listed building. The site is classified as grade 2 (very good) and 3A (good) agricultural land. The land scores poorly on accessibility to both community amenities and facilities and leisure, sports and recreation facilities.

The outcome of the site selection exercise was that what is now the application site was judged to be unsuitable for development. There is no sound basis for setting this judgement aside.

Impact on Heritage Assets

The Council's site assessment exercise as background work for VALP was undertaken by consultants, Lepus Consulting. Their VALP Assessment of Reasonable Alternatives notes the proximity of what is now the application site to the Haddenham conservation area and a scheduled ancient monument. The report states that development of the site "may affect the setting of the conservation area or adversely affect archaeological features. The assessment notes that site is not well screened, unlike other sites that were assessed and the landscape is of "moderate sensitivity".

The planning application was supported by a Heritage Assessment by JP Heritage. Although it seems to be accepted that there is the potential for harm to heritage assets there is no assessment as to whether that harm is substantial or less than substantial (National Planning Policy Framework, paragraphs 133 and 134). The Heritage Assessment simply offers the opinion that the impact on the significance of heritage settings is minimal. The Council has a statutory duty under S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the desirability of preserving or enhancing the character and appearance of the conservation area. S66 of the same Act requires special regard to be paid to the desirability of preserving the setting of a listed building. Recent case law has emphasised that the decision maker should give considerable importance and weight to the desirability of preserving the setting of listed buildings. The inspector's decision in East Northants DC, English Heritage and the National Trust v SSCLG and Barnwell Manor Wind Energy Ltd (2013) was quashed because he had treated harm to the setting of a listed building as just one of a number of considerations rather than giving it special regard.

This decision was followed by R (on the application of the Forge Field Society) v Sevenoaks DC (2014) which relates to housing development in a field between listed buildings in a conservation area. The decision to grant planning permission was quashed because although the harm was less than substantial the planning officer had failed to have regard to the strong presumption against permission in such circumstances.

The Haddenham Conservation Area Appraisal describes the various heritage assets in Rosemary Lane and bordering the application site, including the witchert wall which runs along a significant stretch of the allocation site's southern boundary. Witchert walls also bound the five heritage assets in Rosemary Lane and are an integral part of the character and appearance of the conservation area. Indeed along the southern boundary of the allocation site the witchert walls form the boundary of the settlement and their setting will be fundamentally adversely affected by any development on the application site. In this regard I do not accept the judgements of the submitted Heritage Assessment which I consider has failed to properly assess harm as required by the National Planning Policy Framework.

Landscape Impact

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The Assessment of Reasonable Alternatives document accepts that the site has moderate landscape sensitivity. It notes that there is an Area of Attractive Landscape north of Haddenham “which may be affected by development” at what is now the application site.

In the committee report on planning application 17/01225/AOP for 72 houses on the land on the opposite side of Churchway to the allocation site the officer has a fundamental concern with development of the site because it is a green field site in the open countryside which is highly exposed on three sides. The same comments equally apply to the application site.

The application site is not well screened and provides open views towards the Haddenham conservation area from the north. It is a green field site in the open countryside which contributes to the rural setting of Haddenham and does not relate well to the remainder of the settlement.

The Landscape and Visual Impact Assessment submitted in support of the amended application notes that the application site is in the A418 Ridge Landscape Character Area which has a number of key characteristics, one of which is long distance and expansive views to the north and south. In my opinion the Assessment wrongly asserts that the application site does not have expansive views which must raise doubts about the other judgements which it makes.

Sustainability Impact

The site would need to take its vehicular access from Churchway but there is a public right of way linking it to the south between houses in Rosemary Lane. This right of way is relatively narrow and also has access to garages for houses fronting Rosemary Lane, giving rise to safety concerns.

However, the site is somewhat detached from the shops and services at Haddenham and scores poorly on this aspect of sustainability in the Neighbourhood Plan site assessment exercise. There is no direct footpath or cycleway link to the Airfield site that is currently being developed, the business park or Parkway station which emphasises the allocation’s relative isolation.

In addition, I note that the Council’s Parks and Recreation Team conclude that the amended application is unacceptable because of the site’s distance from local open space of around 2ha. The proposed allocation is not well related to the settlement and would form an unsustainable addition to the built-up area.

Loss of Best and Most Versatile Agricultural Land

As mentioned above, the site is grade 2 and 3A agricultural land which is considered to be the best and most versatile agricultural land. National Planning Policy Framework paragraph 112 advises local planning authorities to take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.

Waste Water, Water Supply and Flooding

There are unresolved issues in relation to the adequacy of water infrastructure and flood risk which also make the proposed development unacceptable.

Thames Water, a consultee on the amended planning application, has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Thames Water

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further comments that the existing water supply has insufficient capacity to meet the additional demands of this development.

Local residents have submitted photographs and documentary evidence of the flood risk associated with this site which will inevitably be exacerbated by the proposed development. The submitted Flood Risk Assessment by Glanville Consultants asserts that there are no reports of groundwater flooding, surface water flooding and that historic records only indicate one flooding event some 150m from the site. The FRA concludes that there is a low risk from all sources of flooding. The Rosemary Lane Action Group know this is not consistent with the bitter experience of local residents which throws doubt on the FRA's conclusions.

The County Council's Strategic Flood Management Team objected to the original planning application on flooding grounds. I believe that this objection should be maintained.

Conclusions

The amended planning application is unacceptable in principle because of harm to the significance of heritage assets, loss of best and most versatile agricultural land, adverse landscape impact and the unsustainability of the site. There are also deliverability issues relating to water supply infrastructure and flooding. For all of these reasons planning permission should be refused.

Yours faithfully

Peter Weatherhead

On behalf of the Rosemary Lane Action Group