
WYCOMBE DISTRICT

LOCAL PLAN EXAMINATION

MATTER 9: DEVELOPMENT FRAMEWORK: RURAL AREAS

For JSN Property Developments Ltd
(Response ID Number: 0948)

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Matter 9 – Development Framework: Rural Areas

Issue: Are the following allocations soundly-based and is there evidence that the development of the sites is viable and deliverable?

k) RUR11 – Heavens Above, 16 High Heavens, Marlow Bottom

Soundly Based?

- 1.1 In our Matter 1 Hearing Statement we set out concerns in relation to the inadequacies of the Sustainability Appraisal and the failure of this work to consider all reasonable alternatives. These concerns were raised in the context of legal compliance.
- 1.2 We believe the flaws in the Sustainability Appraisal are also relevant to the Matter 9 discussion, in so much as the Local Plan strategy, which makes provision for development on the Heavens Above site at Marlow Bottom, is not justified, and is not therefore soundly-based. The allocation of land at Heavens Above cannot in our view form part of the most appropriate strategy, when considered against the reasonable alternatives.
- 1.3 Our Matter 1 Hearing Statement addressed the poor performance of the Heavens Above site in the Sustainability Appraisal in absolute and relative terms. The reported performance of the Heavens Above site is poor, but as set out in our Matter 1 Hearing Statement, the assessment criteria mask an even poorer performance in reality, particularly in terms of accessibility to the day to day facilities available in central Marlow Bottom, and the higher order services available in Marlow.
- 1.4 Indeed, the Council's Green Belt Assessment Part 2 (Appendix GB1) clearly states on page 206 that the Heavens Above site is not a sustainable location for development.
- 1.5 Our Matter 6 Hearing Statement addressed our concerns in relation to the robustness of the Green Belt Assessment work. Indeed, despite raising the issue in our representations at the publication stage, at the start of the Examination hearing sessions, the Council had still failed to correct one of the photographs that purports to be of the Heavens Above site, but is actually of my client's site, land at Kingsley Drive (see page 206 of the Green Belt Assessment).
- 1.6 It is noted that this correction has now been made (as of 30th July 2018), but if there has been one Officer overseeing this work for more than two years, and part of that Officer's role is to have an oversight of the work of others (ensuring a consistent approach to the sites) it remains very difficult to comprehend how this error occurred in the first place. A cursory review of Appendix GB1 by an Officer who knew the sites sufficiently well to provide the necessary oversight, would have spotted the error.

- 1.7 Our representations at the Publication stage confirmed that the GB1 Assessment of the Land at Heavens Above was factually incorrect, with the land parcel containing less than between 10% and 20% built form (see page 202 of Appendix GB1). Further, we see no evidence that as reported in Appendix 1 of GB1, that the land at Heavens Above possesses an 'urban character'.
- 1.8 Using the Council's own scoring system, the land at Heavens Above contributes more to the purposes of the Green Belt than reported in Green Belt Assessment, a key part of the evidence base underpinning the proposed allocation of the Heavens Above site in the Local Plan.
- 1.9 Overall, we do not believe that the Heaven's above allocation is soundly based.

Viable and Deliverable?

- 1.10 We have no reason to believe that it would not be financially viable to develop the Heavens Above site.
- 1.11 We do however have concerns over the deliverability of the scale of development envisaged, given the character of the surrounding area (low development density), the location of the site (at the remote edge of Marlow Bottom) and the on-site development constraints.
- 1.12 Development of the Heavens Above site should take account of the distinctive character of the area in accordance with draft Policy CP9 – Sense of Place. An important defining feature of the area is the low-density development, fitting of the rural setting.
- 1.13 In terms of on-site constraints, a 15m buffer is to be retained along the entire length of the northern site boundary, as an off-set to the adjacent ancient woodland. Gardens are to be excluded from this 15m buffer. The mature woodland to the west and south will also require some form of offset, to respect the root protection areas, and to ensure that the gardens for the new properties (and the properties themselves) receive sufficient daylight and sunlight.
- 1.14 Further Policy DM34 (Delivering Green Infrastructure and Biodiversity in Development) requires that in all cases (therefore including on the Heavens Above site) a future canopy cover of at least 25% of the site area must be achieved.
- 1.15 An appropriate drainage strategy to manage surface water flood risk will also be required, which is likely to remove further developable area from the site. Surface water flood risk is clearly an issue in the area, given the local residents' representations (see response from respondent 0500):

<https://www.wycombe.gov.uk/uploads/public/documents/Planning/New-local-plan/Regulation-19-Local-Plan-representations/WDLP19-0500-A-Jackson.pdf>

- 1.16 Overall, it is considered highly unlikely that a scheme of some 20 units could be delivered on the Heavens Above site, given the draft planning policy constraints and on-site physical constraints.
- 1.17 A further concern is the availability of the land for development, given that the land was left in trust for use by St Tiggywinkles, Haddenham. The Bucks Free Press article copied below is from 26th September 1998 and provides the background:

ANIMAL lover Margaret Beer has left her £1m Marlow Bottom home and gardens to a charity devoted to caring for injured wildlife.

She has left the property in trust for the use of St Tiggywinkles at Haddenham.

Mrs Beer, who died last year aged 84, moved to Marlow Bottom with her husband Bill in 1952. She lived in the house called Heavens Above in High Heavens Wood.

Mrs Beer, originally a Geordie, was born in South Shields. She came south to work in London before the Second World War.

After the war, she and her husband moved to South Africa and then to Canada.

When she settled in Marlow Bottom, injured animals were often taken to her to be looked after. She also gave talks on wildlife to local schools and her knowledge, especially of moths and butterflies, led to several appearances on television's Blue Peter.

Mrs Beer told close friends before she died that she wanted the house and gardens to be left as she kept it and she set up a trust to make sure her wishes were followed.

The result has been the setting up of the Margaret Beer Wildlife Sanctuary.

Richard Jenks, a neighbour for 30 years, who is one of three trustees appointed to look after the house, said: "Everybody used to bring all their animals to her to be looked after by her. After her husband died, her main wish was to try to ensure this estate would remain as it was and not fall into developers' hands."

Mr Jenks said Mrs Beer's love of animals led to her introduction to St Tiggywinkles, a charity which looks after sick and injured wildlife in Haddenham.

He said: "During the last 20 years, she became involved with St Tiggywinkles. She hoped they would take the house over and keep it going more or less as she did when she lived in it."

"She has left the property in trust for the use of St Tiggywinkles as long as they want it."

St Tiggywinkles founder Les Stocker, who was a good friend of Mrs Beer, said: "She said when she died she wanted it kept as she left it. She left it to us to use it in perpetuity. We are using it for some of the animals that cannot be released. It will be a sanctuary not a hospital.

"She told me there was enough development around and she wanted it to remain as it is, a peaceful place for the animals to live."

- 1.18 It is clearly for the Council to confirm that given this background, whether the land is available for development and is therefore deliverable in some form.