

desirability of preserving or enhancing the character or appearance of the Conservation Area.

The Courts have held that the effect of this statutory duty is to apply a presumption against development that will cause harm to the significance of a Conservation Area.

The Applications if approved will result in a fundamental change in the essential character of South End. From a "small and quiet" lane, South End will become the sole busy access road for a major new development. In heritage terms this will result in irreparable harm to the character of the Conservation Area.

It is, important to note, that access from the other side of the railway line would not give rise to such harm as the character of that area is very different to that of South End

10. Conclusion

In accordance with Section 38(4) of the Planning and Compulsory Purchase Act 2004, the Council is required to determine the Applications in accordance with the provisions of the adopted development plan unless material considerations indicate otherwise.

The Council's own adopted SPD specifically identifies the limitations on the use of South End and that it is simply not capable of accommodating any material increase in traffic generation.

As explained above, the relevant technical reports comprised within the Applications contain a number of important errors and omissions which undermine the overall conclusions reached, particularly in respect of the level of additional traffic generation and the resulting impacts in terms of highways safety, traffic congestion, noise and air quality upon residential amenity.

There is an inherent and unavoidable conflict between the constraints associated with access from South End and the scale and nature of the development proposed.

There is no doubt that the Applications will give rise to a series of unacceptable and detrimental impacts upon the amenity of existing residential properties in South End and surrounding streets. For this reason, the Applications should be refused.

The only way that a development of the nature and size proposed could work at the site is if an alternative vehicle route is found and the South End access is confined by physical constraints to pedestrians only.

We would be grateful if you would kindly acknowledge receipt of this letter.

Yours faithfully,



RICHARD MAX & CO