

Hanborough Parish Council's Proofs of Evidence for

Reference: APP/D3125/W/15/3129767 & 3139807

Background

Hanborough Parish Council (HPC) continues to object to planning applications 14/1234/P/OP (a housing estate) and 15/03341/FUL (a school sports field), the latter having been ancillary to application 15/02687/OUT (a slightly altered version of 14/1234/P/OP with the addition of an upgraded GP surgery-cum-pharmacy). 15/03341/FUL is now presented by the appellant as retrospectively ancillary to the original housing estate application 14/1234/P/OP, and this has persuaded the Planning Inspectorate to treat these separate antecedents as conjoined cases for the purposes of appeal against West Oxfordshire District Council's (WODC's) refusal of planning permission.

HPC supports WODC's reasons for refusal of the aforementioned applications and so it follows that we are opposed to appeals 3129767 and 3139807. All parties have had access to our Statement of Case¹ regarding No. 3129767 and also to our letter of objection regarding the proposed sports field and the text of my speech² summarising our objections to No. 3139807. For the sake of brevity, and hopefully clarity, I shall not attempt to provide Proofs of Evidence for everything: our Statement of Case already has its own reference documents attached and citations are shown in italics within the other papers.

I shall concentrate on evidence that HPC is particularly well placed to elucidate, including some that WODC has not relied upon due to the absence of sufficient backup from Oxfordshire County Council's (OCC's) internal advisors. The evidence relates to: the scale and proportionality of the proposed development; the likely severity of traffic impact and paucity of public transport provision; and, consequences for Hanborough Manor Primary School in the event of its having to sacrifice on-site play space in return for an off-site sports field.

Scale and Proportionality of Appealed Development No. 3129767

The appellant has repeatedly argued that: there is a considerable shortfall in the supply of housing land within the West Oxfordshire District; this weighs substantially in favour of granting planning permission; and, the Strategic Housing Market Assessment (SHMA) figure of 660 dwellings per year should be used in calculating five-year supply.³ However, paragraph 14 of the National Planning Policy Framework (NPPF) makes it clear that in order to invoke presumption in favour of sustainable development, appellants must be able to demonstrate that the adverse impacts of their proposed

¹ Document dated 1st October 2015. (All footnote items in *Attachments to HPC Proofs*, unless stated otherwise.)

² Documents dated 2nd November 2015 and 4th January 2016.

³ Letter dated 30th January 2014, from West Waddy to Hannah Wiseman of WODC.

development would not significantly outweigh the benefits. HPC does not believe the appellant passes this test.

The number of houses needed in West Oxfordshire has been overstated, according to the preliminary findings of the inspector examining WODC's Local Plan 2031. He thought it likely that the number would be "*between the recommended number in the SHMA (660 dpa) and that in the plan (525 dpa).*"⁴ Hence, the economic benefits of building 169 dwellings in Hanborough have been exaggerated. Even if West Oxfordshire were ultimately found to need 660 more dwellings per annum for 20 years (a total of 13,200) and took a 3,750 share of the 15,000 new dwellings needed by central Oxford (increasing the total to 16,950), this unlikely and shocking increase of 61.4% (from 10,500 to 16,950 dwellings) would still be proportionately less than is being asked of Hanborough.

According to West Oxfordshire's 2014 Strategic Housing Land Availability Assessment (SHLAA), 29 dwellings were completed in Hanborough between 1/4/2011 and 31/3/2014. 36 more have been built (or have received permission) since 1/4/2014. WODC anticipated 70 more in the 5-year period from 1/4/2019 to 31/3/2024. In fact, 50 of these will soon be listed for construction off Church Road in the 5-year period 1/4/2014 to 31/3/2019. No more were required in Hanborough for the final years of West Oxfordshire's Local Plan (previously due to end in 2029, now 2031). So, on that basis, we could expect a total of 135 houses for Hanborough over the 20-year life of the Local Plan.

51 out of 65 (29 + 36) given permission were built or in the process of being built by 31/3/2015. 3 dwellings were demolished. At least 50 more are to be built (off Church Road) in the current 5 years (up to 31/3/2019) = 98 net so far, leaving 37 to reach the total of 135 by 2031; i.e. just over 3 per year for the final 12 years of the Local Plan. Applying the West Oxfordshire worst case 61.4% increase to Hanborough, 135 would rise to 218 new dwellings during the life of the Local Plan 2031; 83 more than in the 2014 SHLAA, requiring the yearly building average to rise from 3 to 10 per annum for 12 years (37 + 83 = 120). The appellant is asking us to accept twice this already inflated increase (2 x 83 < 169).

Hanborough expects to accommodate all residents and people with a link to the parish who are eligible for affordable homes,⁵ within existing SHLAA 2014 projections for the building of new dwellings. We are already a net importer of people with no link who are seeking affordable homes, as previous social housing stock becomes available when residents move into new larger or smaller accommodation when their needs have changed. We estimate that our population has grown by about 100 since the 2011 Census found 2630 residents living in 1070 dwellings. We are proud of how newcomers have been supported and integrated, but adding hundreds more in one fell swoop (and one remote location) would over-stretch our capacity to reach those at risk of isolation

⁴ Paragraph 10.5, Part 1 of Inspector's Preliminary Findings, dated 15th December 2015, on WODC's website.

⁵ Planning and Strategic Housing, e-mail to Niels Chapman from Ffyona MacEwan (Housing Enabling Manager), 18th September 2015.

or dependent on help from volunteers. Such a large influx would be likely to cause material harm and change the dynamics of our community.

Likewise, our publicly funded services would be disrupted, in the ways described in our Statement of Case and our letters of objection to application No.14/1234/P/OP and its successor, No.15/02687/OUT.⁶

Traffic Assessment and Public Transport re: Appeal No. 3129767

As the Leader of OCC has said, *“Whilst officers are not naïve when considering developers’ transport assessments, authors of such documents are members of professional institutions and under the terms of their membership must not misguide or misinform deliberately.”*⁷ However, the authors of the appellant’s lengthy and shifting traffic assessments have not produced a convincing answer to the vexed question of whether the residual impact of development-generated traffic would be severe under the terms of NPPF paragraph 32. The appellant’s agent evades the question by saying *“there is no guidance which suggests that a ‘severe’ impact is in any way linked to proportional impact”* when it comes to assessing whether the traffic generated by a proposal would be sustainable.⁸

Fortunately, there is a precedent within a finding by Inspector Stuart Nixon (who is also an experienced highway engineer); he found that residual cumulative highway problems were liable to be counter to Framework Policy if they were *“destined to make the situation far worse, with the attendant dangers and delays and impedance to emergency vehicles and public transport.”*⁹ The A4095, which passes the proposed development site and bisects Hanborough, is a vital artery for the nearby ambulance station at Kidlington; moreover, it is part of a bus route operated by Stagecoach, whose business would be affected, *“not least should current very serious and chronic traffic congestion worsen.”*¹⁰

Unfortunately, the OCC Highways Authority engineer involved with appeal No. 3129767 felt driven to abandon his first position, which was:

*“The proposed development would increase traffic through the ‘mini-roundabout’ at the junction of Main Road (A4095), Church Road and store access, resulting in considerable queuing and delay to the detriment of the convenience of highway users and contrary to Oxfordshire Local Transport Plan 3 and the NPPF. It is noted that the subsequently submitted transport assessment fails to appraise properly the traffic impact of the development.”*¹¹

⁶ WODC Planning website, dated 26th September 2014 and 24th August 2015 respectively.

⁷ Page 2 of Ian Hudspeth’s letter, dated 5th March 2015.

⁸ Letter to H Wiseman, WODC Snr Planner, from West Waddy ADP LLP, 17th February 2015, section on *Traffic Impact*.

⁹ Article by Christopher Young, *Raising the Bar*, www.No5.com.

¹⁰ Letter from Nick Small of Stagecoach to Catherine Tetlow, WODC Snr Dev Control Officer, 15th November 2015.

¹¹ OCC officer’s briefing paper for Uplands Planning Committee, 3rd November 2014, on WODC’s website.

Instead, obviously feeling vulnerable without the protection of an independent traffic assessment,¹² he took a second position:

“Finally I have received comments suggesting the County Council is taking a legally risk adverse (sic.) view, it has not been my intention to do so, albeit I am mindful of the financial risks of an appeal and the possibility of an award of costs. However, in forming my response I am fully aware that to sustain a refusal of planning permission I must be able to demonstrate severe harm which, given the findings of submitted transport assessment and addendum, my own appraisal of the proposal and the very light criticism of Mode Transport Planning, I do not consider probable.”¹³

Out of 600+ objectors to the proposals, 93% gave traffic as a reason for refusal; yet it has been virtually ignored as a reason for refusal, even though the appellant's consultants admit: *“The existing issue for Long Hanborough is that the A4095 is supporting significant volumes of through traffic from Witney at an overall rate of 1 vehicle every three seconds during the morning peak. As such any variance in flow will lead to wider perturbations and delay.”¹⁴* The key mitigation offered is unlikely to unlock much in the form of public service resources. Indeed, Stagecoach describe the prospect of enhanced bus services in ambiguous terms that could be interpreted as a warning of possible cuts.¹⁵ Pessimism would seem to be justified, given that OCC has now written to invite parish councils to meetings to *“scope out route options”* for bus services at risk from subsidy withdrawal.¹⁶

Consequences of Appealed Development No. 3139807

Hanborough Manor Primary School would suffer an unsustainable setback in the event of its having to sacrifice on-site play space in return for an off-site sports field. The proposed field is referred to as *“a replacement”¹⁷* for the existing grassed play area on the school site; however, it soon becomes clear that although bigger, the sports field could not afford like-for-like usage due to its being a quarter of a kilometre away.

This arrangement would mean that children were only taken to the pitch for *“formal sports”* and that they would have far less grass to play on whilst back at school, since much of what is there now would have been built upon. The existing grassed play area is barely adequate for 200 pupils during breaks and dinner times, so the Parish Council

¹² See Rt. Hon. David Cameron MP's letter of 11/02/15 to Cllr Ian Hudspeth and latter's reply (at footnote 7).

¹³ OCC officer's briefing paper for Uplands Planning Committee meeting, 2nd March 2015, on WODC's website.

¹⁴ Transport Assessment for Pye Homes Ltd., David Tucker Associates, 8th July 2015, Section 6.1, page 27, on WODC's website.

¹⁵ See Niels Chapman's response letter for HPC to Nick Small, dated 23rd November 2015.

¹⁶ Letter to parish clerks, dated 6th January 2016, from Supported.Transport@Oxfordshire.gov.uk

¹⁷ Appellant's Planning Statement, dated September 2015, by West Waddy ADP LLP, on WODC's website.

does not understand the County's relaxed stance regarding the prospect of a far smaller area with 50 extra pupils.

Paragraph 74 of the NPPF stipulates that existing sports and recreational land should not be built on unless *"the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location."* Application No. 15/03341/FUL fails to comply because the field would not be in a suitable location and therefore it could not replace the grassed area currently enjoyed throughout the school day. HPC's detailed reasons for objection are set out in our letter to WODC.¹⁸

Conclusion

HPC respectfully asks for interdependent appeals 3129767 and 3139807 to be refused, because the evidence suggests that they involve unsustainable developments contrary to the requirements of the NPPF and in damaging excess of local housing need.

¹⁸ Letter of 2nd November 2015 to WODC Planning, re: Application No. 15/03341/FUL