



# **HANBOROUGH ACTION GROUP**

## **Revised Proof of Evidence**

Planning Inspectorate Public Inquiry

**Housing Development and  
New School Playing Field,  
Long Hanborough  
References APP/D3125/W/15/3129767 and  
APP/D3125/W/15/3139807**

19 April 2016

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## Proof of Evidence

### Planning Inspectorate Public Inquiry Housing Development and New School Playing Field, Long Hanborough

#### References APP/D3125/W/15/3129767 and APP/D3125/W/15/3139807

#### 1. Introduction

- 1.1. Hanborough Action Group (HAG) is a group of Hanborough residents concerned about the scope and scale of proposed developments within the Parish of Hanborough. Founded in July 2014, it held its first AGM on 13 July 2015, attended by 75 members of the public.
- 1.2. This inquiry relates to an **outline** planning application, 14/1234/P/OP, to erect up to 169 houses and the shell of a new doctor's surgery on agricultural land adjacent to the Witney Road, Long Hanborough. The WODC Uplands Planning Committee unanimously refused the application on 2 March 2015, a decision which the applicants are now appealing.
- 1.3. Following the refusal, the Applicant submitted an almost identical application for the same site with a modified illustrative layout and a commitment to provide an internally finished surgery, 15/02687/OUT. In a letter dated 19 October 2015, the applicant informed WODC that the proportion of affordable housing would be reduced from "up to 50%" to "up to 35%." WODC Uplands Planning Committee unanimously refused the application on 1 February 2016.
- 1.4. Subsequent to application 15/02687/OUT, the Appellant applied for **full** planning permission, 15/03341/FUL, to build a new replacement school playing field on agricultural land adjacent to Riely Close, Long Hanborough. The strategy is to release land on the main Hanborough Manor School site to construct extra classrooms to cater for the expected increase in the number of school age children consequent upon the proposed construction of 169 houses.
- 1.5. The Appellant has applied for the Planning Inspectorate to determine this latter application on the basis of non-determination. The interdependence of both applications, 14/1234/P/OP and 15/03341/FUL, has prompted the Planning Inspectorate to decide to consider both at this inquiry.
- 1.6. The inquiry was scheduled to begin on 16 February 2016 but at the request of the Appellant, it was adjourned on the day, to recommence on 17 May 2016.

- 1.7. Prior to the adjournment the Appellant confirmed that they would like the scope to be amended such that any decision would be based on the revised illustrative layout, the latest proposals for the new surgery and a reduction in the number of affordable homes from “up to 50%” to “up to 35%,” this being consistent with their second application to WODC, as revised by their letter to WODC dated 19 October 2015 (15/02687/OUT).
- 1.8. HAG has registered as a Rule 6 party and submitted a comprehensive Statement of Case concerning the initial application to build up to 169 houses prior to the planned start date for the inquiry, 16 February 2016. On 22 January 2016 HAG produced a Proof of Evidence based on this Statement of Case but also included details of grounds for objection to the playing field application.
- 1.9. As the scope of the appeal was modified at the inquiry prior to its adjournment on 16 February, HAG has revised their 22 January 2016 Proof of Evidence to include these changes.

## **2. Analysis of Public Comments**

- 2.1. WODC received 629 individual objections concerning the application 14/1234/P/OP to build 169 houses, and a further 385 objection letters to the very similar application 15/02687/OUT, making a total of 1014 objections to, in all intents and purposes, the same development.
- 2.2. In addition, WODC received 60 letters of objection, as well as a petition of 80 signatures, none in favour, to the playing field application.
- 2.3. HAG undertook a detailed analysis of the 629 objections to the housing scheme 14/1234/P/OP and this has been provided to the inquiry as part of HAG’s initial Proof of Evidence, submitted on 22 January 2016.
- 2.4. This analysis shows that the major issues highlighted were traffic on the A4095, the impact on services such as the village’s health centre and Hanborough Manor School, and the possible coalescence of the villages of Long Hanborough and Freeland.

## **3. Transport**

### **Bus Services**

- 3.1. Hanborough is served hourly by the No. 11 bus, which runs from Oxford to Witney, and the No. 233, connecting Woodstock and Burford. At the time of writing, Oxfordshire County Council has decided to withdraw its bus route subsidies and both services may be under threat.
- 3.2. Currently, there is no bus service out of the village in any direction before 06.23 or after 18.53; no buses operate on Sundays. It is therefore

questionable for the Appellant to state in their Travel Plan that Hanborough is “well served by buses.”

### **Rail Services**

- 3.3. Although Hanborough Railway Station passenger numbers have grown rapidly in recent years, with commuters driving from far and wide to the station to continue their journey by train, the train service has limitations in terms of destinations and timings. Parking facilities are under pressure even though First Great Western added another 191 spaces to the car park in 2013. The station car park is invariably full on weekdays.
- 3.4. In a recent application to erect up to 120 dwellings and provide a class D1 building on land close to Hanborough Station (15/03797/OUT), the officers report to the Uplands Planning Committee meeting of 29 February 2016 discussed the likelihood of extending the station car park, improving station facilities and increasing capacity. In their clause 5.64, it was stated that WODC were not aware of any firm, strategic plans that were funded and scheduled. The implication was that any such plans were, at this stage, “aspirational.”

### **Road Traffic**

- 3.5. The A4095 runs right through the whole length of Long Hanborough carrying traffic to Witney in the west and through Bladon to Woodstock, Banbury, Bicester and Oxford in the east. At peak times it is heavily congested; 91% of the objections received by WODC in the period up to 29 December 2014 identified this as an issue.
- 3.6. In their Transport Assessment, dated August 2014 (WODC IDOX 14\_1234\_P\_OP— 292220), the Appellant stated that the Co-op junction in the centre of the Long Hanborough operates below capacity at both the morning and evening peaks. This assertion was based on a “recalibration” of the capacity relationship in the model used to predict the future traffic impact of the development on traffic flows. The finding that the A4095 operates below capacity contradicts the conclusions of a similar study by Cole Easdon for the Church Road housing scheme 14/1102/P/OP, approved on 27 April 2015.
- 3.7. The Officers’ briefing paper to the WODC Uplands Committee meeting on 3 November 2014, when application 14/1234/P/OP was first considered, stated that Oxfordshire County Council Highways objected on the basis that: “*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.*”
- 3.8. When Geoffrey Arnold, Senior Engineer and Transport Planner, OCC, sent in his note concerning their above objection (3.7) he commented that: “*The*

*model used to assess the junction has been calibrated to provide greater capacity as the transport assessment contends observations of the junction show steady movement without heavy queuing. This does not concur with my experience of this junction at peak times.... I do not agree with the increased capacity assumed at this junction and consider the queues and delay has been further underestimated.”*(Note to WODC Planning dated 24 September 2014).

- 3.9.** Subsequent to the meeting of the WODC Uplands Planning Sub-Committee on 3 November 2014, the Appellant revised their Transport Assessment, concluding that the A4095 did indeed operate above capacity at peak times but that their development would add less than 4% to traffic flows (WODC IDOX 14\_1234\_P\_OP—Technical Note298843.pdf, dated 11 November 2014).
- 3.10.** 4% is below the threshold of 5% that OCC use as a benchmark to judge significance (Appendix ST9, Appellants Transport Proof of Evidence). Having received further justification from the Appellant, OCC accepted the Appellant’s revised Transport Assessment and withdrew their objection in a communication to WODC dated 10 December 2014. This decision was confirmed in an email from Geoffrey Arnold, subsequently Principal Engineer, OCC Transport Development Control, sent to WODC Planning at 09.58 on 2 March 2015.
- 3.11.** Notwithstanding this decision, there is significant public disquiet regarding the robustness of the revised study and the experimental error within the 4% figure, particularly as this figure was derived from computer modelling studies, and as such may have a degree of error.
- 3.12.** It is instructive to note officer’s comments on an application to build 120 dwellings and a class D1 building on land south east of Pinsley Farm, Long Hanborough (15/03797/OUT). This application proposed an access onto the A4095 close to the railway station. The officer’s briefing notes to the Uplands Planning Committee that refused the application on 29 February 2016 reported verbatim comments from OCC Highways that *“it must be pointed out that where junctions are operating close to or over capacity, the prediction of the likely impact of further traffic increases by traffic models is known to be less than robust.”* The reader is referred to 5.42 of that document for the full text.
- 3.13.** A comparison of modelling predictions for the 68 home Church Road application (14/1102/P/OP) and the present application provides something of a justification of this latter comment. Studies in support of the present application predicted that the 169 homes would generate on average a total of 700 trips in the twelve hour period beginning at 07.00h which can be compared with a similar trip prediction of 443 trips for the 68 home development. Based on the relative sizes of the two schemes, these results appear inconsistent. Rush hour trip predictions are similarly difficult to reconcile with around 70 trips per hour for 169 homes contrasting with a prediction of around 50 trips per hour for the 68 home development.

- 3.14. Concerned that OCC was using the traffic survey of the Appellant to assess their application, HAG raised this issue with David Cameron, MP for the Witney Constituency, and the two letters exchanged between him and Ian Hudspeth, Leader of OCC, have been supplied with HAG's original Proof of Evidence, dated 22 January 2016.
- 3.15. In summary, the Appellant's assertion that the development will have no significant impact on the A4095 is based on a series of modelling studies that have been contradictory and the results, at best, borderline. In the context of other conflicting studies, modelling uncertainties and especially the large number of other proposed developments along the A4095 corridor (Witney North, North Leigh, Freeland, land close to Hanborough Station and Woodstock East), such an ambiguous, questionable result does not provide a sound basis for the Appellant's conclusion.

#### **4. School and Playing Field**

- 4.1. Hanborough Manor School currently has a single form entry. OCC believe that in order to meet the local need arising from the new development, the school would have to move to a 1.5 form entry, thereby raising the yearly admission number from 30 to 45 (WODC IDOX 14\_1234\_P\_OP\_LETTER\_SETTING\_OUT\_AMENDMENTS-312559.pdf). It is estimated that three new classrooms would be required.
- 4.2. The original application (14/1234/P/OP) assumed that expansion of the school could be achieved by extending into the adjacent recreation ground, part of the Parish's amenities, managed by the Hanborough Playing Fields Association. This approach however, has not proved possible.
- 4.3. The Playing Field application that forms the second part of this inquiry is an attempt to remove this obstacle. It concerns an area of land in the Appellant's ownership, approximately 250m from the school, which could be used as a school sports field. It is proposed that providing a new playing field on this land will release sufficient land on the main school site to build the extra classrooms.
- 4.4. The school's capacity and roll will be increased substantially but the size of the play area on the main school site would be much reduced. Where will children run around and play at break times?
- 4.5. The capacity of the school's communal facilities, in particular its hall and kitchen is also a concern, a concern expressed by the headmistress in a meeting with the Appellants on 4<sup>th</sup> September 2015 (Appendix 10, Appellants Proof of Evidence).
- 4.6. In the Appellant's playing field application, it is suggested that pupils could reach the playing field using public roads and pathways through the adjacent housing estates. This is not a satisfactory solution due to the distance between the school and the proposed new sports field site and the route

would be potentially hazardous for groups of small children. Disabled access is problematic, because of the public roads, vehicle movements and parking on pavements.

- 4.7.** Most importantly, the application clearly does not meet the exemptions provided for in the National Planning Policy Framework, Paragraph 74, that stipulates existing sports and recreational land should not be built on unless, *“either an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements or 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.”*
- 4.8.** A playing field that is remote from the school raises not only issues of child safety, but also concerns regarding the pupil and teacher experience, the potential disruption to the school timetable, and the amount of school time required to organise and conduct the transfer of a significant number of small children between sites.
- 4.9.** The application is for full permission to build a large wire mesh enclosure, 2.1 metres high, protruding into open countryside between Kents Bank and Pinsley Wood, an ancient woodland, one of few remaining parts of the Wychwood Forrest and a county wildlife site. Kents Bank, a recent development of affordable homes, has been sensitively designed to have an open aspect. This will be destroyed and views from various parts of Long Hanborough towards Pinsley Wood lost. Walking from Church Hanborough to Long Hanborough on the public footpath, the wire mesh compound will be an eyesore.
- 4.10.** In the Appellant’s Urban Design Proof of Evidence, clause 5.31 finishes with the words “it is not accepted that harm would arise from this application (i.e. the new playing field) that could outweigh the huge benefits provided to education, sport and community enrichment through the provision of this state of the art playing field.” Similar sentiments are expressed elsewhere in the Appellant’s documentation. It should be noted that OCC Transport have stated in their comments that they require a planning condition such that use of the playing field should be restricted to the school. Thus it is not a community asset.
- 4.11.** Although the Appellant has referred the new school playing field application to the Planning Inspectorate on the basis of non-determination, the Uplands Planning Committee discussed the application at their meeting on 4 January 2016. After due consideration they unanimously voted that, had they been in a position to determine the application, they would have refused it. The reader is referred to the papers and minutes of that meeting for the proposed reasons for refusal.
- 4.12.** In addition, a larger school will place pressure on parking in the immediate area around the school, particularly in Riely Close. The present school car park has space for 9 vehicles, used only by staff. With the necessary increase in employees required by a larger school, some would have no alternative but

to park in Riely Close. There would be yet further demand for parking in nearby roads by parents/guardians delivering or collecting their children.

## **5. Health Services**

- 5.1.** The Eynsham Medical Group's surgery in Long Hanborough is used by many residents of Hanborough and the surrounding villages. Of the 629 objections analysed by HAG, 80% of respondents noted surgery capacity as a reason for objection to the application.
- 5.2.** The present surgery is conveniently located in the centre of the village, within easy walking distance for elderly and disabled residents. Moving it to a new location, over half a kilometre from the current surgery, and beyond Hanborough's present western boundary, will significantly increase car usage and present problems for elderly and disabled patients.
- 5.3.** The surgery also incorporates a pharmacy that dispenses many thousands of prescriptions a month.
- 5.4.** The Appellant proposes that the new surgery would need only 27 car parking spaces. This is totally unrealistic due to the combined demand of patients, doctors, nurses, and all the teams associated with running the surgery and pharmacy. At present there are around 25 staff working from the surgery.
- 5.5.** It should be noted that, at the time of writing, the only document produced by the Appellant that has been signed on behalf of the Eynsham Medical Group (EMG) and the Appellant is a non-binding letter of intent whereby the Appellant will grant a one year option period to EMG. This option is to negotiate a 125 year lease of the proposed surgery. In the event that the lease negotiations are successful then the Appellant would construct a doctor's surgery to a specification to be agreed by EMG. Thus there is no firm commitment in place.

## **6. Affordable Housing**

- 6.1.** The Appellants have identified one of the major benefits to be the provision of affordable homes but, in order to preserve their financial returns, their letter to WODC dated 15 October 2015 proposes a reduction in the proportion of affordable homes from "up to 50%" to "up to 35%," a potential loss of 25 affordable homes.
- 6.2.** This letter justified the reduction as compensating for the cost of constructing a new surgery and a new school playing field.
- 6.3.** HAG questions the underlying principle of maintaining developer's returns whilst trading affordable homes for community improvements.
- 6.4.** In the last 5 years, 42 affordable homes have been built and are now occupied in Long Hanborough with another 18 affordable homes due to be built as part of a 50 home development on Church Road. This is a total of 60

affordable homes already built or soon to be constructed. In addition, there is other social housing in the village.

- 6.5. Once built, then based on WODC housing data, it can be reasonably anticipated that, with the 18 affordable homes on the Church Road development, the needs of village residents who might meet the criteria and have not yet found suitable accommodation, will be satisfied assuming that at least two do not qualify and/or their application is outdated or they refuse the offered accommodation.
- 6.6. Although Hanborough is well served, HAG recognises there is a wider need for such housing. However it would be unwise to establish large numbers of affordable homes disproportionate to the size of any settlement.
- 6.7. Affordable housing, introduced in a balanced way, in addition to providing much-needed homes is beneficial to an established community, often introducing young families, bringing vitality to a settlement and having an economic impact.
- 6.8. For this reason HAG believes it is sound policy to spread affordable housing throughout the district in numbers that can be assimilated by the settlement.
- 6.9. Nevertheless should service provision be improved within Hanborough there is scope, in the right location, for an increase in affordable housing for key workers. In this event HAG considers that the opportunity to live in a decent home should be available to everyone and would question the justification of the drastic reduction from "up to 50%" to "up to 35%" affordable homes proposed by the Appellant

## **7. Housing Site**

- 7.1. HAG fully endorses the comments made in sections 5.19 to 5.23 of the Officer's report to the 2 March 2015 meeting of the Uplands Planning Sub-Committee (Applications for Development briefing paper).
- 7.2. The site was not adopted in the current WODC (2011) plan and has not been included in the new WODC (2031) local plan currently under review.
- 7.3. A significant concern for residents is the removal of much of the spatial gap between the villages of Long Hanborough and Freeland.
- 7.4. The "illustrative" site plan also shows that the proposed layout provides potential options to extend the development towards Freeland.
- 7.5. As this appeal is for outline permission, this illustrative plan is non-binding on the Appellant and thus subject to amendment once the principle of housing on this site is established.

- 7.6. Urbanisation and the coalescence of Long Hanborough and Freeland were major reasons for the refusal of the application by the WODC Uplands Planning Sub-Committee at their meeting on 2 March 2015.
- 7.7. It should be noted that the Appellant considers the 210m between the Old Police House (which if this development proceeds will mark the edge of the village) and Freeland an acceptable separation distance between two villages, yet the 250m from the Manor School to the new school playing field is a “short walk.”
- 7.8. The urbanising effect of the proposed development would be compounded by the highway modifications and bus stops/laybys shown in the Appellant’s approved site access plan (ST5) with the addition of a Toucan crossing as required by OCC Highways (ST9).
- 7.9. There is a well-used footpath to the north of this site. Should the appeal be allowed, current countryside views to the south will be significantly obscured at all times of the year.

## 8. Summary

8.1. In determining the appeal on the Witney Road housing scheme and the associated application to provide a new playing field for the Manor School, the Appellant has to address two fundamental, interrelated questions:

- Do the benefits outweigh the impacts as required by NPPF 14?
- WODC refused the residential housing application on the basis of site related issues such as urbanisation and coalescence, the failure to address education and healthcare implications, a failure to create a locally distinctive development and that this would be a disproportionate addition, damaging the social, environmental and sustainability of the village and the surrounding area it serves.

Neither question has been addressed in a satisfactory manner for the following reasons:

8.1.1. In 6.48 and 6.49 of the Planning Policy Proof of Evidence, the Appellant considers the main benefits of the scheme to be new market housing, affordable housing (although the proportion has been significantly reduced, apparently to pay for other community benefits), a new surgery (see 8.1.5 below), enhancements to biodiversity and landscaping (see 8.1.6 and 8.1.7 for uncertainties), improved routes to the village (unnecessary unless appeal granted), local construction employment (short term), increased population of working age (difficult to ensure), new homes bonus payments (government money not specific to this development), increased council tax receipts and expansion of the school with a new playing field (see comments 8.1.3 and 8.1.4).

- 8.1.2.** Traffic on the A4095 – although not identified in the reasons to refuse, this remains a local concern.
  - 8.1.3.** Hanborough Manor School – space on the main school site is restricted. It has not been shown how the facilities can be expanded without impacting on the quality of the education provided in terms of facilities.
  - 8.1.4.** New school playing field - a new detached playing field will be less convenient and the impact of the proposed fenced, angular playing field compound on open countryside is severe.
  - 8.1.5.** Health services – based on the information provided, no binding agreement is in place with the local surgery. Irrespective of such an agreement, the proposed parking is inadequate, bearing in mind the rural area the surgery serves, and its location on the edge of the village will prompt increased car use and poses access problems for those without transport.
  - 8.1.6.** The site masterplan is illustrative and will be subject to change. Thus evidence on urban design and landscape has limited significance.
  - 8.1.7.** Site issues relating to urbanisation, coalescence and the potential for further encroachment into open countryside.
- 8.2.** The principle of maintaining developer's returns whilst trading affordable homes for community improvements sets an undesirable precedent (6.1).

It is therefore concluded that WODC's reasons for refusal remain and that the perceived benefits advanced by the Appellant, apart from additional housing, are a range of compromises, unsatisfactory solutions and non-binding commitments offered in an attempt to mitigate the development's impact on the community. The benefits are outweighed by the adverse impacts and hence the requirements of NPPF 14 have not been satisfied.