

24<sup>th</sup> August 2015

The Planning Department  
West Oxfordshire District Council  
Elmfield  
New Yatt Road  
Witney  
OX28 1PB

Attn. Mr Phil Shaw (phil.shaw@westoxon.gov.uk)

Dear Sirs,

**Re: Outline Planning Application No. 15/02687/OUT for the development of land south of Witney Road (A4095), Long Hanborough: Erection of up to 169 dwellings and a GP Surgery-cum-Pharmacy**

1. Hanborough Parish Council (HPC) considers this proposed development unsustainable and objects to it for a number of reasons, as set out in this letter. Application 15/02687/OUT is a revised version of another very similar application (14/1234/P/OP) that was refused on 6<sup>th</sup> March 2015. In response to criticism of the earlier proposals, the applicant added elements that looked ameliorative but, on close scrutiny, were found to offer scant prospect of a practicable solution. HPC will argue that the current proposals still suffer from the presence of apparently insurmountable stumbling blocks, despite the applicant's claim to have addressed the reasons for refusal of application 14/1234/P/OP.
2. Application 15/02687/OUT breaks down the reasons for refusal of application 14/1234/P/OP in a Planning Statement dated July 2015, acknowledging the following issues and constituent parts:
  - a. *The scale of development in its own right and with other schemes;*
  - b. *Failure to address the education and healthcare implications for the village;*
  - c. *Failure to take the opportunity to create a locally distinctive development;*
  - d. *The coalescence of the settlements of Long Hanborough and Freeland;*
  - e. *The precedent for further encroachment into the open countryside around the village;*
  - f. *The proposed development represents a disproportionate addition that will damage the social and environmental character and sustainability of the village;*
  - g. *Urbanise the road between the settlements of Long Hanborough and Freeland with inappropriate ribbon development.*
3. The applicant has not accepted that reasons "a" to "g" were sound and justifiable, and has appealed against the decision West Oxfordshire District Council (WODC) set out in a letter dated 6<sup>th</sup> March 2015. Nevertheless, the applicant has implicitly accepted that there was room for improvement, as evidenced by small landscape design changes.

## **Scale of the proposed development**

4. The applicant disputes the context in which WODC considered the scale of the proposed development (refusal reason “a”) in its own right and with other schemes, and asserts that the evidence for the number of new homes required in West Oxfordshire “*has not been tested at Examination*” and hence “*should not be applied to constrain the Objectively Assessed Need.*” However, the applicant’s complaint seems to HPC to be blunted by an admission that the applicant had not “*interrogated the housing supply listed within the Housing Land Position Statement*” at the time of applying. It is difficult to see how this technical issue can be settled without a judgement from the Planning Inspectorate (who will be examining WODC’s *Local Plan 2031* and dealing with the applicant’s appeal regarding application 14/1234/P/OP in due course).

## **Failure to address the education implications**

5. Refusal reason “b,” failure to address the education and healthcare implications for the village, does not raise complex technical issues but rather, in the case of Hanborough Manor C of E Primary School, simple capacity issues (albeit complicated by an educational dilemma and a conflict of interests). The school is land-locked and there is no space for the 40 or so extra primary-age pupils that 169 houses would generate.
6. To free up space for new classrooms on the existing school site, the applicant has proposed relocating the school playing field to land within the applicant’s gift approximately 250 metres away (see letter of 17/02/15 to Mrs Wiseman, senior WODC planning officer). The original access route involved crossing a public right of way, necessitating two-way lockable gates to which Hanborough Playing Fields Association (HPFA) objected (because users of their leisure facilities would find their way barred). The latest access route would involve leading pupils down Riely Close and through a cluster of recently built houses. Staff at the school anticipate that either lesson time or organised sport and informal games time would have to be sacrificed in order to make this journey.
7. The creation of this dilemma is clearly unacceptable, as it would harm pupils’ interests one way or another, and yet it has not been highlighted by county education officers, the academy to which the school belongs or the school itself. This is not due to an oversight, but to a conflict of interests: county officers hope HPFA might eventually relent and give up their land for play space adjacent to the school; the academy is dominated by its secondary school and wants Hanborough Manor to feed it more pupils as soon as possible; whereas the primary school Headteacher has extolled the virtues of keeping classes organised in National Curriculum year groups.
8. The Headteacher has understandably avoided distancing herself from her superiors, but even the applicant’s simplistic language in paragraph 2.11 of their Planning Statement affords an insight into her preferred way of

organising pupils' education: *"The school is currently single form entry and although they said that they like the small size of the school, there is space for expansion should it be necessary."* A school's size influences how children are taught; it is important to understand that *"because of the way that the curriculum is organised, mixed age teaching is easiest to manage by keeping Years 1 and 2 together, Years 3 and 4, and Years 5 and 6. Mixing Reception and Year 1, or Years 2 and 3, is particularly difficult, as these years are in different Key Stages of the curriculum, and are taught in very different ways,"* as the County's Pupil Place Planning Manager explained in January 2015.

9. To facilitate continued optimal curriculum delivery, the school would have to be rapidly enlarged from 1.0 to 1.5 form entry; which would be over twice as big an increase in capacity than would be required for 40 or so extra pupils. As the same County Manager also explains, *"expanding a school by more than local population growth brings its own difficulties. Either the school fails to recruit as many pupils as assumed, undermining their budget, or they recruit pupils from further afield, undermining other schools' budgets, and adding to traffic. Moreover, as most funding available for new school buildings is directly linked to expected pupil numbers, there simply isn't sufficient funding to build more classrooms than justified by the forecast scale of growth."*
10. The applicant could not be expected to pay for several years' of surplus capacity and, in any case, there is no justification for disrupting existing pupils' education unnecessarily. Besides, the offer of a distal sports and games field is not only academic in the sense of having an adverse impact on children's education; it is also academic in the sense that it may never materialise. The field in question would extend beyond scrubland and across a heavily used permissive path into an arable field that contributes towards a farmer's livelihood. HPC would expect any application for change of use to fail, not least because of the field's proximity to Pinsley Wood.

### **Failure to address the healthcare implications**

11. The applicant's attempts to address the healthcare implications of the proposed development have gradually become more realistic: a modular building with fixtures and fittings and land with car parking are on offer with long leases. HPC believes these offers to be deliverable and we see no role for ourselves in further discussions about specifications; although we need to know for sure that an agreement is in prospect. That said, HPC continues to have reservations about the proposed relocation of the GP surgery-cum-pharmacy to a site so far from many residents' homes.

12. Residents who have previously walked to appointments or to collect medicines are more likely to drive instead. Church Hanborough residents who have previously travelled on the No.11 bus will also take to their cars if the No.11 service is withdrawn as expected. Currently 150 patients per day visit the surgery to see a doctor or nurse. The pharmacy dispenses 10,000 prescriptions per month, usually in batches of 4 to 5, which could mean up to another 100 visits per day. The number of vehicle movements, adding people who have previously walked or taken the bus to the occupants of 169 new dwellings, is certain to represent a substantial increase. Traffic impact will be looked at separately; here, the healthcare implication is difficulty with access to treatment, particularly for residents with limited mobility.

### **Failure to create a locally distinctive development**

13. Paragraph 7.12 of the applicant's Planning Statement highlights a "*new illustrative masterplan*" response to alleged failure to create a locally distinctive development; namely, the creation of "*a new pedestrian path and wooded planting which runs into the centre of the site from the eastern boundary, incorporating an extension of the existing wooded area north of Hurdeswell.*" This measure is supposed to "*result in both increased accessibility to the village by foot and extend the character of the village into the heart of the proposed development.*"

14. Unfortunately, paragraph 2.19 of the applicant's Planning Statement records the applicant's previous decision (after public consultation) to remove the footpath "*that would have provided a link through the wooded area to the north east of the site, as local residents stated that the area is a nature reserve and not suitable*" as a thoroughfare. This vacillation, combined with a dismissive remark about "*minimum landscaping, mimicking the existing development along Witney Road,*" makes HPC all the more sure that the applicant has not "*demonstrated a clear understanding of the existing local character*" and is not sufficiently committed to designing "*a scheme that reflects this.*" Refusal reason "c" therefore remains valid.

### **Coalescence of the settlements of Long Hanborough and Freeland**

15. The applicant says in Planning Statement paragraph 7.48 that their amended illustrative masterplan addresses this reason for refusal directly, by means of ensuring that the site's western and eastern edges would have "*a clear definitive boundary*" that "*preserves a gap of over 270m between the proposed development and existing linear development on Wroslyn Road, Freeland.*" This distance is no better than the one declared previously, and the comment made by the applicant's own landscape architects (Tim Lynch Associates) still stands: "*Views will be significantly changed from residential areas even if screened (a screen is not as valued*

as an arable countryside setting) and irreversible.” Refusal reason “d” therefore remains valid.

### **Precedent for further encroachment**

16. The proposed development as set out in application 14/1234/P/OP would have breached WODC’s ‘saved’ policies BE2, BE4(a) and H7 of the adopted plan, H2 and OS1 of the emerging plan and paragraphs 14, 56, 64 and 66 of the NPPF, according to the Notice of Decision dated 6<sup>th</sup> March 2015. HPC believes acceptance of application 15/02687/OUT would breach additional Local Plan 2031 policies; especially OS4, which stipulates that the character and quality of the surroundings should be enhanced and EH1, which requires proper measures (not just screens of hedging) to ameliorate injury to the landscape. The Parish Council can discern no serious attempt to “*enhance local green infrastructure and its biodiversity.*” Refusal reason “e” therefore remains valid.

### **Disproportionate and damaging to social and environmental character and sustainability**

17. The applicant suggests in Planning Statement paragraph 7.42 that design principles, such as east-to-west planting, “*will limit the perceived size of the proposed development*” when viewed from Witney Road, “*meaning that its physical size will also be of an acceptable nature.*” HPC finds this ‘smoke-and-mirrors’ approach to tackling the problems presented by development of a disproportionate size quite astonishingly out of touch with reality. Unless practicable solutions to the concomitant demands on supporting infrastructure can be found, as required by emerging policy OS5, the damage to Hanborough’s social and environmental character and sustainability would be severe if the applicant’s proposals were allowed. HPC considers the purportedly ameliorative measures advanced by the appellant to be superficial in relation to the provision of additional primary school places, transport and traffic. Refusal reason “f” therefore remains valid.

### **Urbanisation of the road and inappropriate ribbon development**

18. The applicant offers the following comment on this drawback of the proposals: “*It is the nature of any greenfield development that it will have an ‘urbanising effect’ on a field that is not currently developed.*” HPC takes this to be an acknowledgement of the inevitable, leaving refusal reason “g” to stand. We should now like to return to discussing traffic and transport on the road in question, even though they were not previously listed as reasons for refusal of application 14/1234/P/OP.

### **Traffic and transport**

19. The applicant has been dismissive about likely traffic impact, first describing it as “modest” (see Transport Assessment Addendum of 29/01/15) and later fudging the issue of whether it might be severe 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 (see letter of 17/02/15 to Mrs Wiseman, senior WODC planning officer). This differed from what the Leader of Oxfordshire County Council wrote to David Cameron, Hanborough's MP, in a letter dated 05/03/15. Attempting to defend his Local Highway Authority's use of a 5% threshold for determining whether traffic worsening could be described as "severe," he wrote: *"The officer did not use this as a legal definition of severe but as a benchmark, mindful of the need to demonstrate severe harm."*

20. The Highways officer concerned, who is now Oxfordshire's Principal Engineer, subsequently admitted to being minded to do what was expedient, i.e. withdraw his objection to application 14/1234/P/OP. On 6<sup>th</sup> February he wrote to a parish councillor (Niels Chapman): *"Whilst sympathetic to your argument I do not consider severe harm could be demonstrated and, therefore, I do not consider it justified or expedient to object to the proposal on highways grounds."* After prolonged agonizing over what he would finally say, he submitted the following half-hearted statement on the morning of the 2<sup>nd</sup> March 2015 Planning Committee meeting:
21. *"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."*
22. The Parish Council interprets this as a statement about the possible consequences of using the term "severe harm" which, according to the OCC Leader is *"a subjective phrase that is difficult to quantify"* (letter to David Cameron dated 05/03/15); it is not an evidence-based judgement that refers to data acquired independently of consultants hired by the applicant. OCC's Leader refused to fund an internally resourced transport assessment because it "would cost in the region of £15,000" (letter to David Cameron dated 05/03/15), despite David Cameron telling him "we should have the courage of our convictions to undertake studies, gather evidence and do our jobs – and not be pushed around by developers" (letter signed on 11/02/15).
23. Hence, traffic and transport remain major issues for HPC when considering application 15/02687/OUT, even though they did not feature among the WODC reasons for refusal of its predecessor. The applicant clearly recognises that the large *"quantum of traffic"* that would be generated by the latest development proposals threatens their claim to sustainability, since

another of several traffic/transport assessment documents was produced on 8<sup>th</sup> July 2015. In paragraph 6.1 the 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.”*

24. This admission seems impossible to reconcile with the assertion in paragraph 5.6.1 of the same document, that *“there will only be minimal increases in delay and queuing and that overall the cumulative impact cannot be deemed to be severe.”* One of the consultants (David Tucker Associates) has explained how they can deny a discrepancy, using the analogy of toothpaste being squeezed through a tube. Only so much can get through at a time, no matter how much pressure is applied, but it can all get through eventually. Translating this back into our traffic situation, snapshots of peak times will show worsening up to a point, but the true impact of extra volume must also be measured in terms of how peak level traffic is prolonged.
25. Turning to public transport instead, the applicant has offered a modest short-term contribution to public transport, mainly aimed at the No. 233 and No.11 bus services; however, we have just been warned that far from enhancing bus frequency, Stagecoach is almost certain to withdraw the No.11 completely, regardless of the prospect of contributions offered by developers. As for travel by train, one resident has described her peak hour journey as unsafe and uncomfortable, standing wedged in the carriage coupling and toilet areas; although First Great Western say this should start improving from May 2017, when new trains will come into service. The requirements of emerging policies T1 and T3 cannot be satisfied if these circumstances prevail.
26. Traffic congestion in Hanborough has to be reduced, if buses are to be enabled to run on time and become commercially viable. A development alongside the A4095 would not only produce its own increase of vehicles from 169 new households and a sizeable proportion of the 250 patients who visit the surgery/pharmacy daily; it would also deter existing commuters along the Witney-Woodstock route from taking the No.233 bus to Hanborough Station and would drive them back into their cars. The damage to our local environment and economy would translate into a setback for Oxfordshire’s Local Transport Plan 2015-2031 as regards its vital north-western corridor; the Plan seeks to *“ensure development is located where it can be well served by public transport and where short-distance journeys can be made by walking or cycling.”*

## **Conclusions**

27. The scale of the proposals in application 15/02687/OUT is far in excess of any development Hanborough could reasonably be expected to sustain. Even if the objectively assessed need for new houses in West Oxfordshire is reassessed as a result of advice from the Planning Inspectorate, any

increase for Hanborough would be a fraction of the 169 dwellings proposed by the applicant. Planning permission for 50 dwellings off Church Road has recently been given, in line with the 2014 SHLAA, in addition to 18 affordable homes made available on a rural exception site at the end of Riely Close in May 2015. 'Windfall' house building has also been substantial in Hanborough; 9 dwellings are currently being built on the Myrtle Farm site.

28. If realised, application 15/02687/OUT would damage Hanborough's social and environmental character and sustainability by dint of inadequate solutions to the demands on supporting infrastructure (contrary to the requirements of emerging policy OS5). HPC considers the purportedly ameliorative measures advanced by the applicant to be superficial in relation to the provision of additional primary school places, transport and traffic. Making the school use a distal sports and games field is at best impracticable and at worst impossible (without planning permission for change of use). Taken together, worsened and prolonged traffic congestion amounts to a *severe detriment*, as described in the NPPF. The promise of more buses rings hollow in the context of service cuts.

29. The applicant has failed to design a locally distinctive development that avoids urbanisation and coalescence with Freeland, and that represents a proportionate addition to the village that would not damage its social and environmental character and sustainability. For all these reasons, as set out above, HPC respectfully asks WODC's Uplands Planning Committee to refuse planning permission for application 15/02687/OUT.