

P15/S3228/O

# PLANNING COMMITTEE SUBMISSION FROM MIND THE GREEN GAP

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## PART SIX

17th May 2016



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## PART SIX

This is the sixth and final document from Mind the Green Gap. It provides further sound planning reasons to support refusal of the Application on 18th May.

Previous mailings have demonstrated that this unplanned and speculative application should be refused for the following reasons:

1. The site is not allocated in any local plan: past, present or future.
2. The development would create coalescence between Didcot and East Hagbourne.
3. Inappropriate levels of density...
4. . ...Compromises good quality design and local distinctiveness.
5. Loss of Best and Most Versatile Agricultural land.
6. Severe harm to AONB.
7. Failure to secure infrastructure.

This document demonstrates that the Application fails to demonstrate that it represents **SUSTAINABLE DEVELOPMENT** under the tests set by the NPPF or under the CS1 of the 2012 Core Strategy.

Each of our submissions to the Planning Committee is available on the **Mind the Green Gap** website.

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## 8. UNSUSTAINABLE DEVELOPMENT

The High Courts have provided absolute clarity on the matter of the "presumption in favour". Justice Lang ruled,

*"The presumption in favour of sustainable development applies only to development which has been found to be sustainable."*

William Davis Ltd v Secretary of State for Communities and Local Government [2013] EWHC 3058 (Admin).

### UNSUSTAINABLE LOCATION

The first issue to settle is whether the location is sustainable.

OCC stated that:

*"The development site is considered to be in a location that offers a moderate level of transport sustainability being a significant walking distance to the centre of Didcot, albeit on an existing footway. A planning application would need to demonstrate that sustainability of the site is improved."*

The NPPF directs at paragraph 38

*"key facilities such as primary schools and local shops should be located within walking distance of most properties".*

Notwithstanding the prejudicial walk isochrones, according to the Applicant's own analysis, the only facilities within 800 metres of the front extremity of the site are: Croft Stores (450m), Ridgeways Fish & Chips (500m) and Golden Circle Chinese takeaway (500m).

The NPPF devotes an entire chapter to "promoting sustainable transport", advising that it has "an important role to play in facilitating sustainable development". This imperative is acknowledged by OCC in their pre-application advice.

*"The Council will require the provision of a commercially sustainable public transport solution for this location ... a residential development such as this would have access to a service operating twice per hour weekday daytimes and hourly evenings and Sundays ... an improvement to the current level of bus service must be made to provide residents with credible access to the Town Centre and Rail Station."*

Grainger plc  
Proposed Residential Development, Land at New Road, East Hagbourne  
Transport Assessment

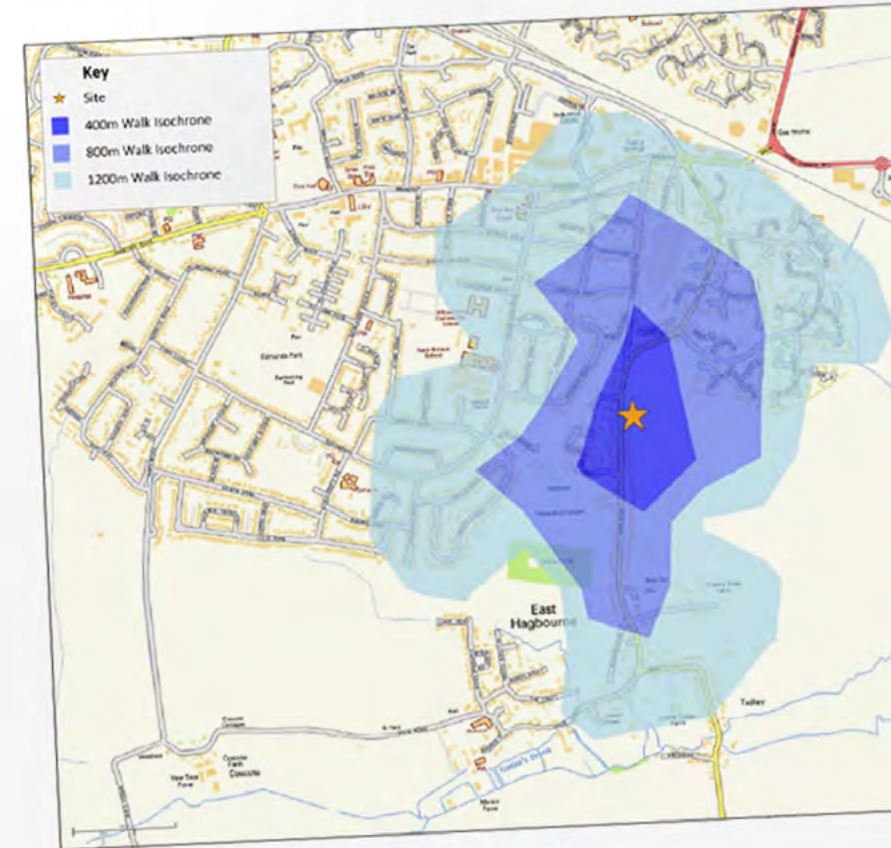


Figure 5.1: Walk Isochrones from Site

The bus service for this location is not being increased to twice per hour: it ceases to operate at all from July due to the removal of subsidies. There is some reference to a potential S106 contribution of £133,000 in relation to this Application. However, the Applicant has made no commitment to this. The Committee should also be made aware that the soon to be axed service was subsidised to the tune of £88,000 per annum, so it is unclear what such a contribution would realistically achieve.

The Committee will recall that the Officer at the refused Application at Tetsworth concluded:

*"There is a bus service but the current service is infrequent. The applicant has submitted a letter in support from a local bus operator Red Rose Travel who state that they would be prepared to adjust their service ... However buses run on a commercial (and sometimes subsidised basis) and the highway authority consider that amount of subsidy to increase the frequency of the service to an acceptable level (hourly) is large. Arguably this is disproportionate to the amount of development proposed. The development is therefore unsustainable and contrary to the NPPF and Development Plan policies."*

In this instant there is no bus service, no letter of support from a local bus operator, no secured S106 contribution. Therefore the imperative to refuse is even more overwhelming.

The inevitable and unavoidable consequence of the inability of residents to walk to services and facilities and the total withdrawal of the bus service is that it increases the reliance on journeys by car.

OCC has confirmed to MtGG that the Applicant has underestimated the volume of journeys that will be generated by car by 60%. Further, the Applicant's TA is materially out of date as it includes projections of journeys by public transport that is no longer available to potential residents. The Committee will recall that Officers at both Stadhampton and Tetsworth recommended refusal for Applications

that were "heavily reliant" and "highly dependent" on the private car. With over 80% of all generated trips to be private car this is most certainly the case here. And this at a location where as OCC confirm the roads are already over congested.

The NPPF is clear on how such development should be determined, as Applications should give

*"people a real choice about how they travel... "Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion." (para 29, 30).*

This Application does neither and should be refused on the basis its location is unsustainable.



Service 94 from Didcot to the Hagbournes and Blewbury will cease to operate in July 2016

## UNSUSTAINABLE DEVELOPMENT

The NPPF specifically calls out three dimensions of sustainability: economic, social and environmental.

### Social Role

The Applicant's Planning Statement includes the following comment:

*"The social merits of the proposal cannot be disputed, with the delivery of the proposal aiding in meeting one of the Council's key priorities of delivering more affordable homes".*

However, the merits can absolutely be disputed.

Members will be aware that the Inspector at Shiplake gave little weight to the delivery of affordable houses as part of a development as it was no more and no less than a function of complying with a minimum deliverable of policy. It would only be indisputably beneficial if the Applicant had chosen to deliver additional affordable homes. In fact, Members will be aware that currently there is no binding obligation in place to ensure that any affordable homes are delivered.

Perhaps most importantly, the NPPF promotes "development that reflects the vision and aspirations of local communities" (para150) and directs developers to

*"work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Applicants will be expected to Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably." (paragraph 66).*

The Applicant has manifestly failed on both counts with this speculative and unplanned proposal. The Application thus fails the social dimension.

### Economic Role

Justice Parker instructs decision makers to "follow the cost/benefit analysis in NPPF 14". Colman [2013] EWHC 1138 (Admin). That is to present an economic statement to support the claim of economic sustainability. There is nothing presented here that an economist would recognise as an economic statement.

All Committee Members have been given is an assertion of employment creation and a passing reference to loss of agricultural business. However, there are no numbers. No quantification. No economics. As a consequence, there can be no sustainable development.



## Environmental Role

The environmental role of this site is so self evident that there is no need to labour it again. The site has significant amenity value for local residents, the proposals will inflict significant harm to the AONB, and the plans will create coalescence between the town of Didcot and the village of East Hagbourne. And NPPF paragraph 143 champions *"safeguarding the long term potential of best and most versatile agricultural land"*. There can be no doubt that this Application fails the environmental test of sustainable development.

## CONCLUSION

The NPPF at paragraph 8 then goes on, crucially, to instruct decision makers on how to conclude the results of the assessment of sustainability.

*"These roles should not be undertaken in isolation, because they are mutually dependent ... Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system."*

One dimension does not trump another. All dimensions must be sustainable. There is *"presumption"*: but there is no inevitability. There is no *"development"*: there is only *"sustainable development"*. There is *"favour"*, but this can only be applied after sustainability has been established beyond doubt. No reasonable person could conclude that the Applicant has in any way satisfied this obligation. Therefore the Applicant must expect no favour from the Planning Committee and the Application must be refused.



# SAVE THE GREEN GAP



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Published by Mind the Green Gap on behalf of  
Didcot and East Hagbourne residents.  
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