

## **Supplementary Papers**

### **Planning Committee**

held in The Ridgeway, The Beacon, Portway, Wantage, OX12 9BY  
on Wednesday, 15 June 2016 at 6.30 pm

Open to the public including the press

8. **P16/V0246/FUL - Botley Centre, West Way, Botley, Oxford** (Pages 2 - 13)  
Attached is the officer's addendum report containing updates on this application.



**Planning Committee**  
**Wednesday 15 June 2016**

**Addendum Report**

## Item 8 – P16/V0246/FUL – Botley Centre, West Way, Botley ,Oxford

### Consultation Updates

#### Highway England

No objection.

#### Environmental Health Protection Team

Clarification on details for servicing & delivery times

*I have thought about the hours of deliveries further and consider that the best way to prevent disturbance to residents from deliveries to the site would be that no deliveries are made to and collections made from the site between the hours of 22:00 and 07:00 each day of the week. And that a scheme for the management and use of the service areas should be submitted and approved by the LPA. I would envisage that this could be covered by suitably worded planning conditions.*

#### Oxford Preservation Trust

Maintain an objection to the amended plans and consider the reductions in height do not go anyway near far enough to addressing the negative impact on the Oxford skyline and views.

#### Local residents

A further 11 letters of objection have been received raising issues covered in the original committee report.

#### Nicola Blackwood MP

A letter has been received from the MP and is **attached** at appendix 1 of this addendum.

#### West Way Community Concern

A further letter has been received raising various issues on the content of the original report. The full letter is **attached** at appendix 2 of this addendum. Your officers' response is set out below.

*Issue: apparent bias in the presentation of comments.*

WWCC consider the officer report is selective in the comments presented and allege it is therefore presenting an unbalanced comment which may limit the planning committee member's ability to make an informed and objective assessment.

#### Officer response

The report provides a summary of responses received and draws attention at paragraph 4.1 that all responses are available to view online.

The report draws attention to the overall objectives for the Botley SPD in paragraph 6.4 and highlights the key development principles.

The design panel's full comments are appended to the original report.

In response to non-compliance with all of the SPD principles, the SPD is guidance that offers a framework for development to support the emerging policy.

Overall, officers consider planning committee members have sufficient information to make an informed and objective assessment on the proposal.

*Issue: Economic benefits*

The economic benefits which would result from this development are not fully articulated in your report... There will be a lower level of economic activity than would be from the existing uses (mixed retail and offices)... The impact on existing businesses will be significant.

Officer response

This is considered to be addressed in the original report at paragraph 7.11.

*Issue: weight given to draft local plan*

The Inspector has now released his interim report on the draft Local Plan 2031 and ask whether the Inspector's report has any bearing on the comments made in the original report

Officer response

The inspector's report is interim guidance and therefore holds limited weight for the consideration of this application.

*Issue: retail impact*

The data used within this section are erroneous. The figures in 7.15 appear to have been drawn from different and incompatible sources, and the figure for additional retail floor space is derived from taking a difference between GEA and NIA figures.

Officer response

The 5,000sqm floor space figure in paragraph 2.3 is gross external area and includes the floor space of Elms Parade and storage areas.

The floor space figures in paragraph 7.15 are net internal areas.

*Issue: Referring back to the previous application*

Officer response

The previous application is a material consideration.

## **Report clarifications**

### *Paragraph 3.12*

The proposed parking across the site is as follows:

Lower deck – 100 (8 accessible)

Upper deck – 94 (0 accessible)

Block A – 34 (2 accessible)

Block D – 2 (2 accessible)

Elms parade / block E – 58 (2 accessible)

Block F – 33 (2 accessible)

Total: 321 (16 accessible)

### *Appendix 4*

West Way Community Concern have confirmed there is a typo in paragraph 2 of their Introduction

The line which reads: *.....meeting on 11<sup>th</sup> March 2016 (ca. 00 attendees) and comments received via email and personal communications*, should read.....meeting on 11<sup>th</sup> March 2016 (ca. 200 attendees) and comments received via email and personal communications.

## **Report Update**

### **Affordable Housing**

The applicant's agent has written to confirm agreement to a financial contribution of £2 million in lieu of providing any affordable housing on site.

By accepting a commuted sum, there will no longer be any starter homes on site and all 140 residential units will be general market properties.

The proposed £2 million commuted sum payment, equates to 13 affordable units (9% provision as opposed to 49 units at 35%). This is based on the property prices provided by the developer and will provide 11 rented units and two shared ownership units.

As the commuted sum will provide less than the policy requirement, officers consider an overage clause is required to capture any significant uplift in sales values / profits from that stated in the viability report.

The applicant has confirmed they do not accept such a clause is necessary or justified as the scheme is currently unviable and will be delivered over a relatively short period.

Notwithstanding, your officers consider, should committee recommend the application for approval, an overage clause is included in the S106 agreement to aid further delivery of affordable housing should the financial situation improve.

## Contributions

The applicant has confirmed acceptance of the S106 Contributions requested in the original report and states:

*We accept that these contributions meet the tests set out in the Act in that they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.*



13 JUN 2016

HOUSE OF COMMONS

LONDON SW1A 0AA

Mr Stuart Walker  
Principle Planning Officer  
Vale of White Horse District Council  
Abbey House, Abbey Close  
Abingdon  
OX14 3JE

8 June 2016

*Dear Mr Walker*

Planning Application: P16/V0246/FUL

I am writing on behalf of a number of my constituents who have contacted me with their concerns about the proposed redevelopment of West Way, Botley. As you will know, I have been closely involved in the planning process on this for some time, making written and oral submissions at Planning Committee where previous proposals for this area have been brought forward.

It is clear to me that local residents do support the redevelopment of the shopping centre, which is in need of investment, however they want to ensure it is done so in a way that is in keeping with the character of this much loved local area and is sustainable for the future.

I have been contacted by a number of local residents about the proposals now submitted and have met with West Way Community Concern. I have set out the main causes for concern which remain outstanding below.

Traffic

I have always been clear in my discussions with the developer that traffic flow is a key concern for local people. Many are concerned that the increase in commercial properties will mean that there will be a large number of heavy goods vehicles creating a number of problems for residents during construction phase and for deliveries once construction is completed. This area is already very busy at certain points of the day and on Saturdays as the Planning Committee will know, and many of the surrounding roads are taken by residents to access local schools.

I am encouraged that the developer has now submitted a series of Technical Notes, additional information and modelling to address some of these concerns, and that Oxfordshire County Council have re-submitted stating that previous concerns regarding traffic had been discussed in depth and amended accordingly.



Oxfordshire County Council (OCC) have been clear in their revised submission that a series of conditions must be met by the developer and in coordination with the District Planning Authority in order to ensure the viability of this planning application. I would stress the importance of a comprehensive Construction Traffic Management Plan to be developed in consultation with OCC and approved before construction begins, as well as a robust Construction Delivery Plan to keep disruption to a minimum.

In terms of sustainable traffic flows, OCC have been clear on the need for a Framework Travel Plan, submitted to and approved by the District Planning Authority. Thereafter and prior to the first occupation or operational use of any individual use element of the site a Supplementary Travel Plan or Travel Plan Statement is necessary linking back to the targets and objectives in the main Framework Travel Plan. I agree with the County Council that these management plans are essential.

Specifically on traffic resulting from deliveries, OCC have stressed the need for a Comprehensive Servicing Strategy, including Delivery Management System, for the whole site to be submitted to and approved by the District Planning Authority.

I would urge the Planning Committee to ensure these conditions are acted upon as OCC has set out in considering the robustness of the application.

#### Parking

On a similar issue, many of my constituents remain deeply concerned that parking provision at the site will be inadequate. The developer has slightly revised down the number of car parking spaces it will provide, and current plans propose 324 car parking spaces. There are concerns that with increased shops, 122 bed hotel and large number of students this is not a large enough increase from the amount at West Way presently. Currently, existing parking is 152 public and 162 private spaces. In addition offices at the site are vacant and so there are in effect 315 spaces available now.

County Council had also voiced concerns that it was not clear what will happen if these spaces are full in their initial response, and have now requested a comprehensive Parking Management Strategy for the whole site substantially in accordance with the Technical Note 2. Thereafter the car parking within the site is to be provided and managed in accordance with the approved Strategy.

I am pleased that each new home will have a car parking space and we will have 170 extra spaces for the public, but many local people have emphasised to me that convenience of parking is essential at a development of this nature, otherwise consumers will go elsewhere, and so I would urge VOWDC Planning Committee to carefully consider the efficacy of current proposals here.

#### Character and Scale

A key concern of mine and many other locals when the previous application was submitted by Doric two years ago was the loss of Elms Parade, Field House and the vicarage of St Peter and St Paul Church. I am relieved, therefore, that in this proposal the area excludes these properties, and I know local people have welcomed these important changes.

Further, the decision to remove the top storey from Building B has also been welcomed by community groups. There are some outstanding concerns, though, with regard to the height and massing of the proposed development. Many have expressed their desire to ensure the building is in



keeping with that of the local area, which is surrounded by two storey buildings and the area is much-loved for its 'openness' and connection to nearby countryside.

### Infrastructure

#### **i. Flooding**

It is known that this area suffers with drainage issues. County Council's initial and revised submissions have highlighted the importance of a fully detailed foul and surface water drainage scheme to be developed, in coordination with the water authority, prior to the occupation of any dwelling to which the scheme relates, along with a fully detailed management and maintenance plan for the lifetime of the development.

I am encouraged to see no objections from Thames Water on the issue of water management infrastructure capacity.

#### **ii. Local Schools**

It goes without saying that a development of this nature brings more residents to our local area. Many local people are concerned about the pressures this would place on our local health services and schools- Botley School in particular. I am encouraged to learn of the agreement between Oxfordshire County Council and MACE in the form of a Section 106 contribution, and of course this has been made possible now that the school has expanded. Residents who have contacted me do remain concern about the sustainability of this in the longer term, if more and more people are to come to Botley and the associated pressure on our schools.

As the developer have acknowledged, Matthew Arnold School is over-subscribed, and while I am encouraged to note that the developer would also be required to make Section 106 contributions for the expansion of this school, I would urge the Planning Committee to carefully consider the implications of this development on our local infrastructure in this regard. As the Planning Committee will be aware, there remain concerns by community groups that the large number of residents the development would produce is over and above what has been planned for. Again, I know local groups would be grateful for reassurances of thorough forward planning in this regard.

#### **iii. ii Housing (document)**

West Way Community Concern have come to me with their concern that the application includes the statement that; *'There is a clear risk in this case that if an unviable level of affordable housing is sought then this will prevent this development from coming forward. The viability of the development is finely balanced having regard to the mix of uses and policy requirements and therefore it should not be unnecessarily burdened, which will in turn prevent the redevelopment of this underutilised brownfield site.'* Further, an 'Affordable Housing Viability Statement' is referred to has not yet been made publically available.


As the Planning Committee will know, availability of affordable housing in our area, and indeed across the County, is of the utmost importance. It would be helpful to have the final figures for the percentage of affordable housing to be provided ahead of the Committee Hearing. In the interests of full transparency, I would also recommend that the Affordable Housing Viability Statement is made available.

Conclusions

I have outlined above the key concerns that have been raised with me by Botley residents, and I know the Planning Officers will take great care to read the individual submissions and those of Parish Councils.

Clearly, the redevelopment of this area is very important to local people and it is essential that we get this right. Any development must be in keeping with the character of the local area; infrastructure must be able to cope and traffic demands must be able to be met.

I trust that the Planning Committee will carefully consider the conditions and contributions as set out in Oxfordshire County Council's response, and ensure that these are fully implemented to provide much needed assurance to local residents.

*Law,*  


**Nicola Blackwood**

**Member of Parliament for Oxford West & Abingdon**

From: West Way Community Concern

To: Mr Stuart Walker  
Vale of White Horse District Council  
135 Eastern Avenue  
Milton Park  
Milton  
Oxfordshire  
OX14 4SB

14<sup>th</sup> June 2016

Dear Mr Walker,

**Proposed Redevelopment, West Way, Botley**  
**Application Reference: P16/V0246/FUL**

We have reviewed your report on the above application, which is being considered by the Planning Committee on 15<sup>th</sup> June, and wish to respond to a number of the points you have made.

While your report does discuss many of the issues which need to be considered in determining the application, we consider that, unfortunately your report is flawed in many respects, which we explain in more detail below.

***Apparent bias in the presentation of the comments***

You have been selective in the comments which you present in the report, which is therefore presenting an unbalanced comment, and may limit the planning committee members' ability to make an informed and objective assessment of the proposed development.

In your paragraphs 7.33 to 7.46 you present a number of aspects in which you consider that the proposed design meets the requirement of the Botley Centre SPD. This is a selective analysis, and fails to look at the overall objectives as set out in the SPD. If, for example, you were to refer back to the key development principles which you summarise in paragraph 6.4, you would note that the design and layout fails to meet around half of these; in particular *"dedicated service delivery access for Westminster Way", "vehicle access limited to a number and scale to those currently in use with access to parking and servicing areas via West Way Westminster Way"*. Within the SPD, there are a number of other statements which describe features that the development should include, which we discussed in our own comment. Assessment of this proposed development against the entirety of the SPD serves to highlight how removed the proposals are from the intentions set out in the SPD. This omission is repeated in para 7.79, with the failure to comment on the acceptability of access and delivery routes.

Para 7.41 includes one comment from the Design Review Panel report. The sentence quoted is followed immediately in the Panel's report with the statement *"However, we understand that the scale of this proposal has been a major issue in the public consultation and we would urge further careful consideration"*. The Panel's report summarises their conclusions as *"There are some aspects of the design which could benefit from further work and testing. These include parts of the public realm within the scheme, the architectural character and its relationship to suburban Botley, and the height and massing in places where it creates awkward relationships between buildings."* Failure to include these statements in your report is misleading the planning committee as to the level of criticism made by the Panel.

Para 7.43. The principle that there is an optimal relationship between heights of buildings and separation is well established in the urban design profession. It is unsatisfactory therefore that the Vale's Urban Design Officer should make a statement in contradiction of this principle. In the full comment from the Urban Design Officer, the Shambles in York is presented as an example where these principles do not apply. The Shambles is a medieval shopping street and a tourist attraction. Botley is the neighbourhood's main shopping and social centre.

Similar selectiveness is found concerning the comments raised by other statutory consultees. Coverage of objections by all but Cumnor Parish Council and Oxford Preservation Trust simply mentions the topics raised rather than the material aspects of those topics. The space given to comments by members of the public is cursory.

### ***Economic benefit***

The economic benefits which would result from this development are not fully articulated in your report but it is clear that greater economic benefit could have been achieved by a different mix of uses than those proposed within the application.

A number of construction jobs will be created, and some employment within the retail and hotel. However, opportunity for local businesses will be much reduced from present, and the opportunity for office employment, which is suitable for the local community, will be lost. There will be a lower level of economic activity than would be from the existing uses (mixed retail and offices).

The impact on existing businesses will be significant, most of whom will be unable to trade during the redevelopment, and others who will be unable to take on the higher rents that we expect to be realised in the new development.

### ***Social benefit***

A significant change in the retail mix and loss of local services will increase the need for people to meet everyday needs outside of the area. This will be a social harm to the community as will the creation of a residential mix which is not typical of the local area. Any contributions made to local infrastructure will be those required to ensure that there is no loss in amenity as a result of the development. This cannot be taken as a positive benefit; it will be neutral at best.

The conclusion reached from this assessment must be that the development is both contrary to policy and would result in no significant economic or social benefit, but potentially harm.

We contest your conclusion that these small or non-existent benefits outweigh the adverse environmental impacts and the failure to meet acceptable design principles.

### ***Weight given to the draft Local Plan***

As you know, the Inspector has now released his interim report on the draft Local Plan 2031. We ask whether the Inspector's report on the draft Local Plan has any bearing on the comments made your report in paragraph 7.7 and the discussion in paragraphs 7.14 to 7.16.

### ***Retail impact***

You introduce a discussion about the retail offering, and whether it is appropriate. This discussion refers to the Retail and Town Centre study, 2013, which was produced as part of the evidence base for the draft Local Plan 2031. The Inspector comments on "*the lack of any indication in the policy or its supporting text of the amount of retail floor-space which would be required at Botley Central Area to meet the objectively-assessed needs*", so we question whether this comment has any bearing on the use of this document in assessing this application.

The data used within this section are erroneous. The figures in 7.15 appear to have been drawn from different and incompatible sources, and the figure for additional retail floorspace is derived from taking a difference between GEA and NIA figures.

Botley is a local shopping centre serving the local community. The arguments about clawing back expenditure "leaking" to Oxford and Abingdon are misplaced. They are both higher order retail centres which need to attract greater levels of expenditure. This vital issue is misrepresented in the report.

### ***New information to be brought forward at the planning committee meeting***

We understand that new information will be presented at the planning committee meeting, namely an offer with respect to the developer's obligations for affordable housing. We understood that all relevant documents should be available for the public to comment on, and that committee members should have the information prior to the meeting itself.

### ***Referring back to the previous application***

This is a completely new application, the previous one having been refused, and no appeal having been validated. We understand that it should, therefore, be considered entirely on its own merits, and on the basis of information included in the application itself. Instead, you follow the developers' line of argument, referring back on a number of occasions to this previous application, and make comment as to whether the objections have been overcome.

However, it comes down to one question – the known short-comings of the development, and non-compliance with policy documents, and whether these can be off-set against other benefits that the development will bring.

The first reason for rejection of the previous plan was size, bulk, scale, height and massing. You state that "*scale, height and massing of the new development remains a key, if not the main, issue of concern from local residents*", and you should add that other consultees, including Oxford City Council have objected for the same reason. Economic benefit was not deemed to justify giving permission to the previous application. With lower economic benefit generated from this development, your conclusion that "*taking all of the above into account, officers consider this development proposal has overcome the first reason for refusal*" does not follow at all.

### ***Conclusion***

As stated above, our main concern is that your report shows lack of balance, with a strong bias towards approval. Instead of robust argument, in many cases, statements that 'officers consider' are used as a reason for ignoring the comments made by experts or consultees.

We have copied this letter to the members of the Planning Committee, as we consider it to be important that they are aware of the above strong concerns about the development and the flaws we have identified in your report. We have no doubt that the objections constitute valid reasons for refusal and we are confident that such a refusal would be upheld on appeal. The proposed development cannot be considered a sustainable form of development under the terms of the NPPF just because it supports economic growth. To approve the scheme would be wrong for very many planning reasons.

Yours sincerely

West Way Community Concern co-chairs and committee