

APPLICATION NO.	P13/V2733/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	30.1.2014
PARISH	NORTH HINKSEY
WARD MEMBER(S)	Eric Batts Debby Hallett
APPLICANT	Doric Properties Limited
SITE	Botley District Centre West Way Botley
PROPOSAL	Demolition of a mix of existing buildings and the erection of mixed use development comprising retail, restaurants and cafes, offices/business starter units, hotel, student accommodation and ancillary facilities, 50 apartments, library, place of worship (Baptist Church), community hall, crèche, cinema, gymnasium, covered car parking and access, public square, landscaping and associated works, supported by an Environmental Impact Assessment, amended plans and further information.
AMENDMENTS	3 June, 5 September and 6 November 2014
GRID REFERENCE	448538/206053
OFFICER	Stuart Walker

1.0 EXECUTIVE SUMMARY

- 1.1 The planning application, seeks consent for the demolition of existing buildings and the erection of a mixed use development comprising retail, restaurants and cafes, offices/business starter units, hotel, student accommodation and ancillary facilities, apartments, library, place of worship, community hall, crèche, cinema, gymnasium, covered car parking and access, public square, landscaping and associated works. It was submitted in December 2013 and validated on 30 January 2014.
- 1.2 The scale of development requires an Environmental Impact Assessment and the application is accompanied by a detailed Environmental Statement.
- 1.3 Part of the application site is identified in the adopted Vale of White Horse Local Plan 2011 as a local shopping centre, where proposals for retail development will be permitted, and it is identified under Core Policy 11 in the emerging Local Plan 2031 Part 1 as a location suitable for retail led redevelopment. Limited weight is afforded to both the existing policy as it is not fully consistent with the National Planning Policy Framework and similarly the new policy due to its status in an emerging Local Plan. Thus greater weight should be applied to the National Planning Policy Framework in considering the application.
- 1.4 Since its submission, officers have assessed the proposal and been in negotiations with the applicant, resulting in amendments being submitted, which have been subject to the appropriate consultations.
- 1.5 This report seeks to assess the planning application details against the national and local planning policy framework where relevant and all other material planning considerations.
- 1.6 The application comes to planning committee due to the significant amount of public

interest and as the council has an interest as land owner, for part of the site.

- 1.7 The application is presented with a recommendation to approve the development.

2.0 THE APPLICATION SITE AND CONTEXT

- 2.1 The application site lies approximately 2km west of Oxford City centre and is the focal point for the wider predominantly residential suburb. The site lies within the administrative boundary of North Hinksey parish and extends to approximately 3.01 hectares in area. The western and southern boundary of the application site is delineated by residential garden boundaries of adjoining two storey dwellings. Properties along the southern boundary front onto Arthray Road. Along the north boundary with West Way the site steps in around the existing St Peter and St Paul Church. The raised section of the A34 trunk road runs parallel to the east boundary of the site, Westminster Way and the Botley interchange is approximately 650m from the site boundary.
- 2.2 The site currently comprises a range of uses and facilities and is seen as the commercial/shopping centre for Botley. The site is currently made up of the main shopping centre (West Way shopping centre / West Way House), offices, a community hall, a library, Botley Baptist Church, the vicarage to the Church of St Peter & St Paul, Elms Parade (13 retail units and 7 flats), Field House (age restricted accommodation comprising 62 flats and 5 bungalows), Vale House (6 flats) and three public car parks (Chapel Way, Church Way and Elms Parade).
- 2.3 West Way Shopping centre is located along the southern boundary of the site, with approximately 5,000sqm of retail space. The centre is anchored by a Co-op food store, with other national retailers including for example; Iceland, Tesco, Lloyds Chemist and Johnson's cleaners. It also contains ten flats, located above the retail units and approximately 1300sqm of office space in the four storey block known as West Way House, located above the Tesco store.
- 2.4 Elms Parade is a smaller retail shopping parade towards the north side of the site that contains approximately 693sqm of independent shops including for example; the local post office, a butcher, a delicatessen, café and bakery, a barbers, flower shop and newsagent. There are seven flats above. The parade is a typical example of a 1930s parade of shops designed in a classic Neo-Georgian form with Art Deco detailing including a central architectural embellishment, containing a clock.
- 2.5 Elms Court comprises approximately 1,300sqm of office space over four floors, two flats, with 325sqm of retail space and a 140sqm local library, on the ground floor. Immediately adjacent is the local Seacourt Community Hall and the Grant Thornton building, which is a three storey 1980s building with approximately 1,700sqm of office space over the upper two floors with undercroft parking at ground level.
- 2.6 Field House is an age restricted residential development managed by Sovereign Housing Association. It is a two storey building constructed in the late 1980s, containing 62 flats arranged around a communal garden. Vale House, comprising six general market flats adjoins Field House. In addition there are five bungalows to the south west of this building.
- 2.7 The townscape of Botley is principally a residential suburb. The wider area surrounding the site is essentially characterised by 1920s /1930s houses, which are predominantly two storeys. The majority of buildings are detached or semi-detached houses interspersed with more modern infill, including some three and four storey developments.

2.8 The application site topography falls from the south west corner to the junction of West Way / Westminster Way with an overall level change of around 7.5m between these two points.

2.9 A location plan is **attached** at appendix 1.

3.0 **THE APPLICATION**

3.1 The original scheme has been revised in response to concerns raised during the various consultation periods. The following therefore relates to the latest amended proposals.

3.2 The proposed development is a comprehensive redevelopment of the existing shopping centre and adjacent land that is retail led with other commercial uses supporting the retail offer, which essentially comprises three mixed use blocks, each varying in size, enclosing a raised piazza. A range of community and leisure uses are also proposed including a replacement library, replacement community hall, replacement Baptist Church, a gym, a 101 bed hotel, a six screen cinema and restaurants. In terms of residential uses, 50 replacement age restricted apartments are proposed along with 525 student rooms (215 studios (<18sqm), 87 premium studios (<27sqm) and 223 single en-suite rooms (14sqm) in clusters 5-8 rooms).

3.3 The breakdown of the proposed uses and respective new floor space is as follows:

<i>Town centre element</i>	<i>Land Use</i>	<i>Floorspace</i>
Foodstore	A1 – Food Superstore	8,181m ²
Building A	A class uses	2,194m ²
Pod	A class uses	55m ²
Building B	A class uses	2,241m ²
Local shops	A class uses	1,128m ²
Cinema	D2 – Multiplex cinema	Six screens / 882 seats
Gym	D2 – Fitness	497m ²
Office	B1 – Office	766m ²
Hotel	C1 – Hotel	101 bedrooms (4,054m ²)
Student accommodation	Sui Generis	525 bedrooms (17,661m ²)
Age Restricted housing	C2 – age restricted housing	50 units (4,388m ²)
Nursery / crèche	D1 – Non residential	112m ²
Community Hall	D1 – Community centre	400m ²
Library	D1 – Library	270m ²
Baptist Church and hall	D1 – Place of worship	424m ²

3.4 The proposed development aims to provide a sustainable, well designed mixed use development to rejuvenate the centre of Botley. It will bring forward a number of different operational uses that will result in a diverse range of employment opportunities on site. Overall, the development is forecast to bring forward approximately 596 additional full time equivalent (FTE) employment opportunities with a further 600 persons during peak construction of the anticipated three year construction period.

3.5 The central block (Block A) is located to the west of St Peter and St Paul Church and comprises the library, cinema, crèche and nine retail units. The main building is

approximately 40m wide and 63m deep with a varying height of between 12m to 12.8m along the West Way façade. The tallest part of the building is 19m high. Two retail units (1 and 2) and a lift to the piazza are located at ground level on West Way. At piazza level there are six retail units (3 to 8). Units 6 to 8 are located in a single storey projection running along the south side of the piazza measuring 60m wide by 23m deep and 6.8m in height.

- 3.6 The largest block of the development (block B) is located on the east side of the site and fronts onto West Way and Westminster Way. At ground level there are 13 shop units along West Way and a lift and staircase to the piazza level with the Seacourt Community Hall, entrance to student accommodation and the hotel lobby located along Westminster Way. At piazza level there is a food superstore, starter business units and three retail units (10 to 13). Some student accommodation is located at this level, but the majority of the student accommodation is above and across a total of six floors. The hotel occupies space alongside Westminster Way over five floors. The block is approximately 130m wide and 91m deep with a varying height along West Way of 17m to 20m and 18m to 24m along Westminster Way. The tallest part of the building is 27m high. Along the south boundary with properties in Arthray Road lies the raised access and service yard for the superstore.
- 3.7 The building on the west side of the site (block C) comprises 50 age restricted accommodation and the replacement Baptist Church. It is approximately 19.6m wide and 60m deep with a height of 12m. The church projection along West Way is 6m high. To the rear of the block there is a 50m two storey projection housing some of the new age restricted residential accommodation varying between 8m to 17m wide and 6.6m to 7.4m in high. The rest of the age restricted accommodation is located over four floors in the main part of the block.
- 3.8 It is proposed to provide three main accesses for car parking and servicing to the development. The first is on Westminster Way, with a dedicated access for car parking, with a right turn in lane and another dedicated access for servicing with controlled exit, leading to a raised shared service yard used by the foodstore. The third access is via a new signal controlled junction on West Way. The existing vehicular access from Arthray Road will be closed to traffic and used as a pedestrian only access. The construction of the development will result in the stopping up of both Chapel Way and Church Way. A range of off site highway works will also be undertaken, including a proposed widening of the Westminster Way / West Way Junction.
- 3.9 There is provision for 552 car parking spaces, 27 of which will be separate from the main car park for use by Sovereign Housing and the Baptist Church. The proposed car park will be designed to 'Park Mark' standards to enhance usability and safety. The applicants propose a car park management plan to efficiently manage the spaces available which will be provided once the main A1 foodstore has been let. The student accommodation is proposed to be car free and controlled through a tenancy agreement to legally bind students not to bring cars to the accommodation and not to park in the adjacent street, except registered Disabled. Such management schemes, similarly used elsewhere, have financial penalties and after the third infringement result in termination of the tenancy. Cycle parking is proposed at all entry points to the site (210 cycle spaces), together with separate cycle parking facilities (300 spaces) for the student accommodation.
- 3.10 The application is supported by an Environmental Statement (ES) and the following documents:
- Design and access statement (DAS)
 - Strategic design assessment

- Planning statement
- Transport assessment (TA) plus technical notes
- Retail and leisure assessment
- Acoustics report
- Air quality assessment
- Bat survey
- Tree survey
- Daylight/sunlight report
- Archaeological desk based assessment
- Flood Risk Assessment (FRA) and drainage report
- Historic building appraisal
- Contaminated land investigation report
- Habitat and species survey report
- Sustainability statement
- Student housing demand reports (3no. submitted) CBRE, Savills, JLL
- Student Management Plan and addendum
- Draft logistics and construction methodology
- Concept lighting design
- Statement of community involvement
- West Way Strategy (landscape, public realm and highway improvements)
- Proposed heads of terms for S106 legal agreement

All documents are available to view online.

- 3.11 The Environmental Statement (ES) and its addendum, describes the development and includes design evolution and alternatives and methodology assumptions and limitations on which the development has been assessed. It also sets out the policy context for the proposal. In terms of the assessment itself, the following areas of potential impact have been addressed: demolition and construction (including proposed phasing plans); landscape and visual impact assessment; transport; historic environment; ecology and nature conservation; water resources and flood risk; noise and vibration; air quality; socio-economic impacts and cumulative impacts. A non-technical summary has been provided.
- 3.12 The Design and Access Statement (DAS) and its addendum sets out the design principles and parameters for the development. It provides a contextual analysis of the site and explains the design evolution process that has led to the current development scheme under consideration. The vision for the development is to deliver a comprehensive redevelopment to improve the quality and convenience of a commercial/shopping centre, delivering a step change in the standard of facilities to enable Botley to become more self-sufficient. The applicants advise that the proposal will improve choice of retail/leisure provision for local residents. The DAS provides details on how the area is intended to be developed; the location of land uses; densities and scale; materials, landscape concepts; sustainability; access and movement; waste management and phasing.
- 3.13 Extracts of the application plans are **attached** at appendix 2. All detailed plans are available to view online.
- 4.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**
- 4.1 This section of the report provides an outline of the consultation/notification undertaken and a summary of comments received on the application. Copies of all responses are available to view online. Where appropriate, more detailed / full comments are attached as appendices to the report.

- 4.2 The scale of development requires an Environmental Impact Assessment under Part 10 of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the application is accompanied by a detailed Environmental Statement.
- 4.3 The application has been advertised as a major development, development not in accordance with the development plan and development affecting a right of way.
- 4.4 All the appropriate consultations/notifications have been undertaken on the original submission and amendments. The latest consultation/notification on further amendments expired 20 November 2014.

- 4.5 **North Hinksey Parish Council** - objection, summarised as follows:
- development is too large and out of scale
 - impact on character of area
 - traffic generation
 - Botley is a local service centre, not a district centre
 - unresolved issues with age restricted accommodation, car parking and access
 - loss of housing
 - provision and amount of student accommodation

A full copy of the parish council's latest representation in relation to the amended plans is **attached** at appendix 3. Earlier comments are available to view online.

- 4.6 **Cumnor Parish Council** – objection, summarised as follows:
- over development / out of scale
 - traffic generation
 - impact on residential amenity
 - provision and amount of student accommodation
 - need for six screen cinema
 - inadequate parking
 - size of supermarket / viability of development
 - loss of Elms Parade
 - loss of Field House
 - loss of vicarage
 - noise impact and air pollution

A full copy of their latest representation is **attached** at Appendix 4. Earlier comments are available to view online.

- 4.7 **Representations from local residents** –
- Prior to the application being formally submitted, a petition with 2205 signatures was submitted objecting to the proposals for the redevelopment of the West Way shopping centre and the surrounding area on the grounds that the proposed uses, scale and character of development are entirely inappropriate for the local community. As these comments were submitted prior to the submission of the application, it is inappropriate to accord any weight to the views made.

- 4.8 Following the validation of the application a total of 884 third party representations have been received to the initial round of consultation. 810 raise objection. 24 support the proposal and a further 50 letters of support were received via a link from the applicant's website. The objections are made on the following summarised grounds:

Design

- Scale and massing / over development
- Height of buildings is unacceptable
- Not in line with existing development
- Impact on character of area
- Replacement community halls inadequate
- Disability access problems
- Lack of public toilets
- Light pollution
- Impact on residential amenity – loss of privacy, outlook and light, over dominance
- Crime / safety concerns

Highways, parking and access

- Existing road network will not cope
- Increase in traffic generation
- On-site parking is inadequate
- Lack of parking for students
- Does not improve conditions for cyclists / pedestrians
- Impact on public transport

Retail

- Supermarket too big
- No identified operator for supermarket / viability of scheme
- Loss of local shops / businesses
- Loss of post office
- Retail impact on Oxford
- Lack of adequate facilities during construction

Other infrastructure

- Loss of Field House
- Loss of general market housing
- Impact on existing businesses and services
- Loss of existing businesses
- Impact on Brookes University leisure centre / gym
- Retail impact on Oxford
- Loss of vicarage
- Loss of community facilities
- Lack of affordable housing
- No need for medical centre
- Need for community halls

Flooding and drainage

- Will exacerbate flood risk
- Lack of drainage capacity in existing public sewer network

Ecology / landscape

- Impact on landscape
- Impact on wildlife
- Impact on Wytham Woods and Botley nature reserve

General

- Student accommodation – need and amount

- Student parking controls inadequate
- Elms Parade is a heritage asset
- Impact on setting of church
- No need for cinema, gym and hotel
- No petrol station is proposed
- Impact on neighbours – noise and light pollution, security
- Lack of cross authority working
- Contrary to local plan
- Contrary to NPPF
- Late Environmental Impact Assessment
- Lack of alternative designs
- Litter
- Air quality and noise pollution
- No need for larger library
- Development does not meet needs of local people
- Botley is not a district centre
- Council's conflict of interest / commercial interest in scheme
- Timeline of construction

4.9 Following the receipt of the environmental statement in June 2014, a further round of consultation was undertaken. 250 third party representations were received in response with 204 objections, 4 letters of support and 42 support responses via the applicant's website. The majority of objections reiterated previous concerns (listed above) but the following issues were also raised:

- Access feature staircase to West Way is inappropriate
- Environment Statement is deficient in analysing impact on business / social and night time economy
- Compulsory Purchase Orders
- Construction traffic impact / length of time for build
- Inadequate landscaping

4.10 Following the submission of amended plans in September 2014, another round of consultation was undertaken resulting in 410 third party representations. 358 raise objection, 6 support plus 10 round robin letters of support and 36 support responses via the applicant's website. New issues raised were:

- No youth areas / skate parks etc
- Size not reduced enough
- Amendments are superficial and cosmetic
- No low cost housing is provided
- Delivery vehicle access

4.11 At the Planning Committee meeting on the 20 October 2014 a petition with 946 signatures was submitted calling for planning committee members to reject the application.

4.12 Following the submission of amended plans in November 2014, a final round of consultation was undertaken resulting in 109 third party representations at the time of writing the report. 103 raise objection, 6 support with responses received via the applicant's website. The majority of objections wish all previous comments (listed above) to be taken into account. New issues raised were:

- Traffic impact will be severe and thus is contrary to NPPF
 - Challenges the data and findings of the transport assessment addendum in particular the modelling methods and assumptions used and the resultant effect of traffic on surrounding junctions and the wider network
 - There remains no clear or practical regime for preventing students from parking on street
 - Potential use of a controlled parking zone to mitigate impact is not acceptable
 - Proposed community hall is inadequate, has no natural light, kitchen is too small and the height is compromised by the fire escape corridor of the supermarket
 - The student cycle store on the first floor is not practical, inconvenient and will lead to cycles being left elsewhere
 - Proposed crèche is too small
 - Lack of open space for crèche and community hall facility
 - Loss of sunlight / daylight to properties in West Way
 - The wider tree belt will not compensate the adverse impact arising from the service yards adjoining residential properties
 - Proposed phasing is inadequate and construction will cause noise and disruption to residents of Field House
 - Proposal is contrary to the European Landscape Convention
- 4.13 **West Way Community Concern** - objection on grounds of over development, contrary to adopted and emerging policy, scale and provision, design and character, traffic impact, environment and amenity, housing, heritage asset impact, student accommodation, financial viability, short term impacts and process. Their original detailed responses are available to view online. Their most recent comments are **attached** at Appendix 5.
- 4.14 **East Oxford Residents Association Forum** – objection on grounds of impact of scheme on South Park skyline.
- 4.15 **Harcourt Hill Residents Association** – objection on grounds of scale, impact on character, traffic impact and provision of student accommodation.
- 4.16 **The Governors of Botley School** – objection on grounds of inadequate provision for safe access through and around the site for pupils attending the school.
- 4.17 **Parochial Church Council of North Hinksey** – objection on grounds of adverse impact to church of St Peter and St Paul through overshadowing / loss of light / privacy and to loss of vicarage.
- 4.18 **Parochial Church Council of St Frideswide Osney with St Margaret Binsey** – objection on grounds of adverse impact to Church of St Peter and St Paul, loss of vicarage, scale, traffic impact, flood risk, loss of community facilities, open space and loss of local businesses.
- 4.19 **Oxford Diocesan Board of Finance** – objection on grounds of adverse impact to Church of St Peter and St Paul through overshadowing / loss of light / privacy and to loss of vicarage.
- 4.20 **Botley Baptist Church** – no strong views
- 4.21 **Councillor Debby Hallett** – objection. A full copy of her latest representation is **attached** at appendix 6.

- 4.22 **Councillor Dudley Hoddinott** – objection. A full copy of his latest representation is **attached** at appendix 7.
- 4.23 **Councillor Judy Roberts** – objection. A full copy of her latest representation is **attached** at appendix 8.
- 4.24 **County Councillor Janet Godden, North Hinskey Division** – objection. Her latest representation is within the county council’s response **attached** at appendix 11.
- 4.25 **Nicola Blackwood MP for Oxford West and Abingdon** – objection on the following grounds:
- The scale, density and appearance of the development;
 - The impact on local businesses and Elms Parade shops
 - The amount of student accommodation and 101 bedroom hotel
 - The impact on Field House and its residents
 - Ability of the local infrastructure to cope with increased traffic and parking to the area
- Her latest response is **attached** at appendix 9.
- 4.26 **Layla Moran - Liberal Democrat Parliamentary Candidate for Oxford West and Abingdon** – objection to loss of vicarage, scale of development, traffic impact, potential for crime, impact on local business and community.
- 4.27 **Oxford West and Abingdon Liberal Democrats** – a petition with 635 signatures demanding that the district council drops the current proposal for the redevelopment of West Way has been received via the local Oxford West and Abingdon Liberal Democrat office.
- 4.28 **Oxford Preservation Trust** – objection on grounds of potential adverse effects on the local character of Botley and on views into and out of Oxford.
- 4.29 **Oxford Architectural & Historical Society** – objection on grounds of scale, form and massing, harm to setting of Oxford and the loss of non designated heritage assets.
- 4.30 **CPRE Oxfordshire** – objection on grounds of scale, impact on character, harm to Oxford green belt, visual setting of Oxford and its heritage skyline.
- 4.31 **Oxford City Council** – objection on grounds of role of Botley in retail hierarchy, scale of development, cinema and retail impact, traffic generation. Their latest response is **attached** at Appendix 10.
- 4.32 **The Co-operative Food (Midcounties Co-operative)** – objection on grounds of scale, impact on character, that the scheme is over ambitious and unlikely to be viable with no justified need for size of foodstore or cinema, new food store will undermine existing retail offer and viability of existing businesses and concerns over continuity of trading during construction.
- 4.33 **Iceland Foods Ltd** – objection on grounds of proposal undermining existing retail provision, the loss of their store and concerns over continuity of trading during construction.
- 4.34 **Local retailers** – six local businesses raise objection on grounds of scale, traffic impact and loss of business, loss of Elms Parade and continuity of trade during construction.

One local business has no objection, subject to a replacement unit being available in a prominent location.

- 4.35 **Trustees of Elms Parade** – objection on grounds of scale, design, traffic impact, loss of elms parade; confirming no intention to sell the parade and do not consider the scheme can be delivered in the current economic retail climate.
- 4.36 **Oxford Association of Hotels and Guest Houses** – objection on grounds that the hotel is not needed and will destroy the existing local guest house market in Botley; traffic impact and guests will arrive by car and the proposed development has inadequate parking allocated for the hotel.
- 4.37 **Oxfordshire County Council** – objection on highway grounds. Their officer technical advice is **attached** at Appendix 11.
- 4.38 **Highways Agency** – no objection.
- 4.39 **Conservation Officer** – no objection. Comments are incorporated in the planning considerations section of the report.
- 4.40 **Countryside Officer** – no objection, subject to condition requiring Construction Environmental Management Plan (CEMP).
- 4.41 **Landscape Architect** – no overall objection. Comments are incorporated in the planning considerations section of the report.
- 4.42 **Tree Officer** – no objection, subject to conditions. Comments are incorporated in the planning considerations section of the report.
- 4.43 **Urban Design Officer** – no objection, subject to conditions to mitigate the impact of the design of specific features. Comments are incorporated in the planning considerations section of the report.
- 4.44 **Health and Housing – Environmental Protection Team** – no objection, subject to conditions being attached to protect the amenity (noise) of nearby residents as well as any future occupants of the proposed development.
- 4.45 **Health and Housing – Contaminated Land** – no objection, subject to a phased contaminated land assessment condition being imposed to ensure that any ground contamination identified is adequately addressed to ensure the safety of the proposed development, the environment and to ensure the site is suitable for the proposed use.
- 4.46 **Health and Housing – Air Quality** – no objection.
- 4.47 **Health and Housing – Food Safety** – no objection, but advise the applicant of the need to comply with the Food Safety Act 1990 and all relevant regulations on completion including registering premises with the council.
- 4.48 **South East Regional Design Review Panel** – The detailed comments from the panel are **attached** at Appendix 12.
- 4.49 **English Heritage** – no strong views
- 4.50 **Natural England** – no objection.

- 4.51 **Drainage Engineer** – no objection, subject to a condition requiring detailed sustainable schemes for foul and surface water drainage to be submitted and approved prior to development commencing and such details to be based on the Flood Risk Assessment report of 2 Oct 2013, Issue 2, (as incorporated into the current submission as Appendix 11.1 of the Environmental Statement).
- 4.52 **Environment Agency** – no objection subject to conditions, without which the development poses an unacceptable risk to the environment.
- 4.53 **Thames Water Development Control** – no objection.
- 4.54 **Waste Management Team** – no objection, comments on details of bin stores and requested further details are provided by condition.
- 4.55 **Shared Equalities Officer** – no objection, comments on details of accessibility. Her full comments are available online.
- 4.56 **Arts Development Officer** – As a large development, it would be good to explore both on and off site possibilities for Public Art work. The opportunities for art within the site could be within the public open spaces, street furniture, and signage or welcome features. The opportunities off site could be the proposed refurbishment work to the A34 underpass as detailed in the West Way strategy documents.
- 4.57 **Housing Development Team** - no objection. Comments are incorporated in the Planning considerations section of the report.
- 4.58 **Sovereign Housing** – objection to original plans based on the loss of Field House. Their comments on the amended proposal are awaited and an update will be given at the committee.
- 4.59 **Bike Safe** – objection on grounds of no investment in sustainable travel beyond the site, contrary to county council’s local transport plan to develop and increase cycling. The group seek funding for the B4044 cycle path to address this.
- 4.60 **Oxford Pedestrians Association** – objection on scale of development, transport impact, inadequate parking and pedestrian access leading to inconvenience to pedestrians.
- 4.61 **Health and Safety Executive** - No strong views
- 4.62 **Thames Valley Police Design Advisor** – no objection, subject to development securing secured by design accreditation (‘Park Mark’).
- 4.63 **County Archaeologist (VWHDC)** – no objection, subject to a scheme of archaeological investigation (watching brief) during construction.
- 4.64 **National Planning Casework Unit** - no strong views
- 5.0 **RELEVANT PLANNING HISTORY**
- 5.1 The site is large and covers many planning units. As such the history of the site is extensive but mainly involves retail and service related developments, adverts and permissions for Field / Vale House. The permissions that are considered relevant are **attached** at Appendix 13.

6.0 **POLICY & GUIDANCE**

6.1 **Vale of White Horse Local Plan 2011 saved policies**

- GS1 - Developments in Existing Settlements
- S1 - New Retail Provision
- S12 - Policies for local shopping centres
- DC1 - Design
- DC3 - Design against crime
- DC4 - Public Art
- DC5 - Access
- DC6 - Landscaping
- DC7 - Waste Collection and Recycling
- DC8 - The Provision of Infrastructure and Services
- DC9 - The Impact of Development on Neighbouring Uses
- DC10 - The Effect of Neighbouring or Previous Uses on New Development
- DC16 - Illuminated Advertisements
- DC20 - External Lighting
- CF1 - Protection of Existing Services and Facilities
- CF2 - Provision of New Community Services and Facilities
- L6 - Major Leisure and Entertainment Facilities
- NE8 - Landscape setting of Oxford
- H10 - Development in the Five Main Settlements
- H19 - Special Housing Needs
- T1 - New tourist related development
- TR5 - The National Cycle Network
- TR6 - Public Car Parking In the Main Settlements

6.2 **Emerging Vale of White Horse Local Plan 2031 Part 1 Core Policies**

- 1 – Presumption in favour of sustainable development
- 3 – Settlement hierarchy
- 4 – Meeting our housing need
- 6 – Meeting business and employment needs
- 7 – Providing supporting infrastructure and services
- 8 – Spatial strategy for the Abingdon on Thames and Oxford Fringe Sub-Area
- 11 – Botley Central Area
- 22 – Housing mix
- 23 – Housing density
- 24 – Affordable housing
- 26 – Accommodating current and future needs of the ageing population
- 28 – New employment development on unallocated sites
- 30 – Further and higher education
- 31 – Development to support the visitor economy
- 32 – Retail development and other main town centre uses
- 33 – Promoting sustainable transport and accessibility
- 34 – A34 Strategy
- 35 – Promoting public transport, cycling and walking
- 36 – Electronic communications
- 37 – Design and local distinctiveness
- 38 – Design strategies for strategic and major development sites
- 39 – The historic environment
- 40 – Sustainable design and construction
- 41 – Renewable energy
- 42 – Flood risk
- 43 – Natural resources
- 44 – Landscape
- 45 – Green Infrastructure

46 – Conservation and improvement of biodiversity

6.3 Supplementary Planning Documents/Guidance (SPD/SPG)

Residential Design Guide – December 2009

Design Guide – November 2014 (consultation document – limited weight)

Sustainable Design and Construction – December 2009

Open space, sport and recreation future provision – July 2008

Affordable Housing – July 2006

Planning and Public Art – July 2006

Oxfordshire Local Transport Plan, April 2012

Retail and Town Centre Study – March 2013

South Oxfordshire & Vale of White Horse Hotel Needs Assessment – July 2014

Section 106 interim guidance 2014

6.4 National Planning Policy Framework (NPPF) – March 2012

Paragraph 7 – three dimensions of sustainable development

Paragraph 9 – seeking positive improvements in quality of built, natural and historic environment, as well as in people's quality of life

Paragraph 14 – presumption in favour of sustainable development

Paragraph 17 – core planning principles

Paragraph 19 – economic growth

Paragraphs – 23, 24 & 26 – ensuring the vitality of town centres

Paragraphs 32, 34, 36, 37 & 40 – promoting sustainable transport & encourage minimised journey length to employment, shopping, leisure, education and other activities

Paragraph 50 – plan for a mix of housing to create sustainable inclusive and mixed communities

Paragraphs 56, 57, 60 to 66 – requiring good design, promote local distinctiveness and integrate development into the natural, built and historic environment

Paragraphs 69, 70 & 73 – plan positively for community facilities and opportunities for sport and recreation, guard against unnecessary loss of valued facilities and services and ensure established shops, facilities and services are able to develop and modernise in a way that is sustainable for the benefit of the community

Paragraphs 99 & 103 – flood risk assessment

Paragraph 109 – contribution to and enhancement of the natural environment

Paragraph 111 – encourage the effective use of land

Paragraph 118 – conserve and enhance biodiversity

Paragraphs 120 to 125 – risks from pollution

Paragraphs 128, 129, 131 & 135 – protection of heritage assets

Paragraphs 186 & 187 – positive and proactive decision taking

Paragraphs 196 to 198 – determining applications

Paragraph 216 – emerging plans

6.5 Planning Practice Guidance (NPPG) – March 2014 in particular guidance on:

'Ensuring the vitality of town centres'

'Air Quality'

'Design'

'Conserving and enhancing the historic environment'

'Noise'

'Transport assessments in decision taking'

'Viability'

7.0 **PLANNING CONSIDERATIONS**

7.1 *National policy and the principle of development*

Section 38(6) of the Planning & Compulsory Purchase Act 2008 requires that planning applications be determined in accordance with the development plan unless material considerations indicated otherwise. The current Local Plan 2011 has some relevant saved policies (listed in section 6) that are partly or fully consistent with the National Planning Policy Framework (NPPF). In assessing this proposal greater weight should be applied to the more up to date NPPF, supported by the Planning Practice Guidance (NPPG).

7.2 At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF is clear that councils should grant planning permission where the development plan is absent, silent or out of date. This is unless any adverse impacts would so significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies of the NPPF as a whole (Para 14 refers).

7.3 Under paragraph 216 of the NPPF, decision-takers may also give weight to relevant policies in emerging plans from their day of publication. Emerging planning policy in the draft Local Plan 2031 Part 1 supports the intensification of use on the application site. In particular, proposed Core Policy 11 (previously Core Policy 8 from the February 2013 draft consultation) in the published November 2014 version of the Local Plan 2031 Part 1 supports “comprehensive retail-led redevelopment and upgrading of Botley central area” providing that certain criteria are met. In addition, Core Policy 31 concerning development to support the visitor economy, and Core Policy 32 concerning retail development and other main town centre uses, support such development in designated town centre areas or local service centres.

7.4 Whilst the draft Local Plan 2031 Part 1 is not currently adopted policy, proposed Core Policy 11 does reflect a longstanding aim of the council to support comprehensive redevelopment of the West Way shopping centre and Elms Parade which was first identified in the 2009 Core Strategy Preferred Options document. However, due to the high level of objections, which remain unresolved with respect to this emerging policy and its supporting text, the policy has limited weight as per paragraph 216 of the NPPF. Greater regard therefore is to be given to the NPPF in line with paragraph 14 and where relevant, the saved policies where they are consistent with the NPPF contained within the existing Local Plan 2011.

7.5 Although Policy S1 (Local Plan 2011) defines the town centre hierarchy of the district and supports proposals for new retail development within the designated local shopping centre at Botley consistent with the NPPF, part of the policy is not consistent with the NPPF as it is negatively worded (will not permit) and does not reflect the needs of main town centre uses which are to be met in full and not compromised by limited site availability. Greater regard therefore must be given to the NPPF, which is the more up to date policy.

7.6 The NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity, and ensuring that the planning system does everything it can to support sustainable economic growth. Therefore significant weight should be placed on the need to support such growth through the planning system. The NPPF also recognises town centres as the heart of the community, with positive planning policies to support their viability and vitality, to promote competitive town centres that provide customer choice and a diverse retail offer and that it is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability.

- 7.7 The NPPF defines areas on local plan proposals maps (i.e. policy S1 – designated shopping centre), including primary shopping areas and predominantly main town centre uses within or adjacent to the primary shopping area as 'town centre'. The NPPF excludes small parades of shops under this term. Thus Botley, in the context of the NPPF, is a town centre. As such the proposal to locate a major retail led development, incorporating a wide mix of uses, on a previously developed site in this location is, in principle, consistent with the NPPF.
- 7.8 *Sequential test for town centre uses*
Paragraph 24 of the NPPF states that *“local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres then in edge of centre locations... When considering edge of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale”*.
- 7.9 The applicants have submitted a Retail and Leisure Assessment. The assessment identifies that the only 'town centre' uses which fall outside the currently defined Local Shopping Centre are the cinema, the hotel and some A2/A3 elements and states that *“the areas [of the application site] which fall immediately outside of the town centre boundary cannot rationally or viably be located anywhere else”*. Officers consider this to be a fair and reasonable assessment. The development is a minor incursion beyond the current designated town centre of policy S1 and the development either as a whole or disaggregated could not be accommodated elsewhere on an alternative town centre site in Botley. The site itself is accessible, well connected to the current existing town centre and is in a highly sustainable location. In officer's view these uses fall within edge of town centre and accept there are no suitable alternative locations to accommodate the uses any closer to the existing shopping centre. Thus the requirement of the sequential test has been met.
- 7.10 *Retail Impact*
The council's retail and town centre study March 2013 and its October 2014 addendum, produced as part of the evidence base for the emerging local plan, provides up to date evidence on retail need. This document states the centre currently does not adequately cater for main and bulk food shopping trips. The study recommends that the proposed redevelopment of the centre to provide a food superstore would address this qualitative deficiency and would also help accommodate additional comparison goods sales floorspace. It also confirms that the redevelopment proposals for the Westway Shopping Centre, if permitted and implemented, are therefore likely to accommodate growth for Botley up until the end of the Local Plan period (2031).
- 7.11 The study highlights that the redevelopment proposals include 3,510sqm of comparison sales floorspace which exceeds the Botley capacity projection of 599sqm at 2031, based on constant market shares. However it also confirms that, as a relatively high proportion of comparison goods spending is currently attracted to Abingdon, the improvements to the comparison offer of Botley would adjust these patterns and retain more spending in Botley. The proposals would also reduce the level of expenditure leaking to Oxford City.
- 7.12 Paragraph 26 of the NPPF states that local planning authorities should require an impact assessment for applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date local plan, where the proposed floorspace is over 2,500sqm. *“This should include assessment of the impact*

of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal and the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area.....”

- 7.13 The Retail and Leisure Assessment also considers impact in this regard and has been independently assessed by the council's retail consultant. Our retail consultant confirms the robustness of the evidence base and assessment is fair and reasonable, that the introduction of a large foodstore would reinforce the role of Botley as a shopping centre and the pattern of trade indicates there is scope to support a store of the size proposed without adverse retail impact to other centres, including recent planned development in Oxford. Overall, officers consider the proposal will help to promote and enhance the Botley shopping centre and reduce trips by local residents to other centres. The scheme addresses the needs identified in the retail study and will help increase the vitality and viability of Botley. The retail impact of the proposal is, therefore, acceptable.
- 7.14 *Hotel and Cinema need*
The NPPF seeks to focus leisure and tourism development in town centres in support of economic development, business growth and the expansion of the visitor economy. Saved planning Policy T1 of the adopted Local Plan 2011 is generally permissive of hotel development in the built up area of Botley and policy L6 supports leisure development in this location.
- 7.15 The Oxford Strategic Partnership has identified a need to increase in the number of quality hotel rooms in and around Oxford City as a key priority. The council's Hotel Needs Assessment states that “given the strength of the Oxford hotel market, the frequent shortages of hotel accommodation in the city and the lack of available hotel development sites in Oxford, there could be market potential for new hotel development in those parts of the Vale of White Horse that surround Oxford, given suitable hotel sites in these locations. This could be in terms of budget hotel development, e.g. the budget hotel that is proposed as part of the Botley District Centre redevelopment.” As such there is no objection to the inclusion of a 101 bed hotel within the redevelopment of the site.
- 7.16 Officers also consider that a cinema use would be appropriate in this location as part of the new town centre. However, concern has been expressed over the need for and size of the proposed cinema. The March 2013 retail and town centre study states that there could be a requirement for two screens and around 400 seats to meet future cinema demand in the District. In addition, the study confirms that the likely full catchment area for a cinema based in Botley, is likely to extend beyond the District. Thus the proposal for a six screen cinema with 882 seats would serve this wider catchment and also reflect the cinema viability, where fewer screens would not generate enough revenue. On balance officers consider the provision of six screens is acceptable, especially when assessed against the requirement to place significant weight on supporting economic growth in the NPPF. Furthermore the requirement of the sequential test for both uses has been met (see paragraph 7.9).
- 7.17 *Viability of development*
Concern has been expressed that due to the scale of development and the lack of named operators, there is a risk that it is not viable and thus should be refused. However, Planning Practice Guidance confirms that decision-taking on individual applications does not normally require consideration of viability, except where the deliverability of the development may be compromised by the scale of planning obligations. The obligations requested have been agreed in principle by the applicants

as workable within the costings of the development. Notwithstanding this view, officers have raised the matter of unnamed operators with the applicants who maintain the scheme is commercially viable and deliverable. The cinema and hotel operators have already been confirmed as Cineworld and Premier Inn and, whilst not in the public domain at the time of writing, it is understood there is significant interest in the retail units including the superstore.

7.18 A site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken. Officers consider therefore that despite the lack of named operators for the retail units to-date there is no evidence that the development is unviable, and a refusal based on such grounds would be indefensible on appeal.

7.19 *Design*

Requiring good design is a key aspect of sustainable development and the NPPF is explicit in seeking high quality development. Through saved Policy DC1 of the adopted Local Plan 2011 the council seeks to ensure that the scale, mass, height and layout of development and the materials used do not harm the character and appearance of its surroundings and that wherever possible new development will enhance the local area. Policy S1 of the adopted local plan supports new retail development in Botley, "...provided they (the proposals) are in keeping with the scale and character of the centre or area concerned and would not create unacceptable traffic or environmental problems". Furthermore, Guidance in the NPPG and the emerging Local Plan 2031 require development to create successful places that are safe, integrated and connected, accessible, legible and sustainable. The draft Vale of White Horse Design Guide SPD also seeks to raise the standard of all new development within the district through contextual design. However, limited weight can be applied to this emerging document.

7.20 The comprehensive master planning of the site is welcomed, as is the mix of community, retail, leisure and residential uses. The approach whereby the supermarket and car parking is wrapped with active frontages, enabling the creation of a 'high street' on West Way and Westminster Way is supported. The high proportion of active frontages and narrow grain has the potential to create a lively and interesting street that should provide a comfortable and secure environment for pedestrians, provided that the public realm enhancements suggested in the 'Vision for West Way' document are implemented. The creation of a public space at the heart of the development is also a positive attribute of the proposals. It is important to recognise that this proposal provides a step change in the scale of development which will change the character of this part of Botley. It is crucial, therefore, to examine the design components to assess their planning merits.

7.21 *Height, scale and massing*

The principal concern from local residents has been about the scale, height and massing of the proposal. The recent Design Review (South East Regional Design Panel Feedback Report, dated 18 June 2014) questioned the height and emphasis of the north-eastern corner in the original scheme but did not object in principle to the maximum 27m height shown. West Way is substantially wider than most conventional streets and Westminster Way has a single sided development fronting onto large scale infrastructure; A34. The junction of the two roads is a wide expanse that is not pedestrian in scale. The height is also mitigated by top floors being set back from the building edge to reduce the perception of height from ground level at close proximity. The Urban Design Compendium recommends that an appropriate ratio between building height and the cross section of the street is 1:3 – 1:1.5. The highest buildings are just in excess of this guidance. These factors mean that accommodating building

heights of up to 20m and 24m on West Way and Westminster Way respectively pushes the boundaries, but this is not harmful in isolation and on balance is considered acceptable.

- 7.22 Responding to the change of scale on the southern boundary where the site backs on to conventional two storey housing is more challenging. The upper levels of the student accommodation have been stepped back and away from the boundary with the existing housing on Arthray Road to reduce their impact. However, the rear elevation of the supermarket and enclosure to the student gardens rises to approximately 10m – 14m above the back gardens for a distance of over 80m, and will be obvious in gaps between and above the buildings on Arthray Road. This unbroken line draws the eye to emphasise the length of the block; creating a plinth in contrast to the domestic scale of the surrounding housing. While the proposed additional landscaping softens this linear form to a degree, it will not screen it and further consideration of materials and/or articulation will be required to visually break it up and mitigate its visual impact. This can be managed through planning conditions.
- 7.23 While building heights may be considered, on balance, appropriate in response to their immediate context, the combined height and scale does give rise to an overtly urban character and form that is more reminiscent of a city centre than this suburban location. The scale and massing of the overall development will be apparent from public vantage points in surrounding streets at some distance from the site. However, in design terms, the amended proposals better articulate the separate student blocks and allow some views through at high level between the gaps in the blocks.
- 7.24 NPPG advises that the successful integration of all forms of new development with its surrounding context is an important design objective and Paragraph 61 of the NPPF confirms that *'it is proper to seek to promote or reinforce local distinctiveness'*. It is undeniable that the overall revised scheme remains a very significant development that represents a step-change from the existing character of the area. While Local Plan policy DC1 states that proposals must not adversely affect those attributes that make a positive contribution to the character of the local area, the location of the site, the width and character of West Way and Westminster Way and the proposed district centre use present opportunities to increase existing scale and massing beyond that of the surrounding housing and the existing on-site development.
- 7.25 Officers consider the impact of the proposal has been mitigated relatively successfully when the scheme is broken down into its component parts. When considered as a whole, however, the scale and massing of the overall development is less convincing in this suburban context. Set against this, paragraph 65 of the NPPF states that *"Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with the existing townscape, if those concerns have been mitigated by good design"*. Thus on balance, officers are of the opinion that the successful design mitigation of the scheme's component parts should take precedence.
- 7.26 *Wider visual impact*
Concern has been raised regarding the visual impact on the development in respect of both the local landscape and views of the historic skyline of Oxford. A landscape and visual impact assessment was produced as part of the ES which assessed a range of viewpoints to examine the effects of the development on the landscape and visual amenities. The assessment concludes that whilst there would be some effects arising in the construction stage and early years post completion, overall the development would not have a significant landscape or visual impact.

- 7.27 Officers acknowledge that the proposed development has a bulk, height and mass that will be more prominent and visible in wider views from the surrounding area than the existing site and overall this will have a limited impact from a number of locations that cannot be mitigated or softened by proposed planting. Notwithstanding this concern, officers consider the potential economic and social benefits of the proposal outweigh this limited visual harm to the local landscape when assessed against the requirement to place significant weight on supporting economic growth in the NPPF (see paragraph 7.6).
- 7.28 With regard to the impact of the proposed development on the wider setting of Oxford, its historic skyline and views obtained from heritage features within the city, saved Policy NE8, the setting of Oxford is relevant. This policy states “The conservation of Oxford’s landscape setting will take priority in considering proposals for development in areas within view of the city.
- 7.29 The site is not located within an identified view cone in the Vale’s adopted Local Plan 2011, but officers have reviewed the landscape and visual impact assessment and the Oxford City Council’s document ‘Assessment of the Oxford View Cones’ – a draft document that the City Council, Oxford Preservation Trust and English Heritage have worked in collaboration to produce. Existing taller buildings on the application site can currently be seen, but they are difficult to isolate due to the distance and they do not break the skyline. Views are also predominately obtained either from an elevated viewing point such as a city centre tower or across the city centre from elevated ground such as South Park. The nature of the views is classified as sensitive as they are public, viewed by people involved in recreation and the views are in relation to the setting of heritage assets. However the distance, the main focus of the view, the expanse of the view and the location of the proposal in the background have an impact on the magnitude of the visual impact. Whilst the proposals are greater in height and scale than existing buildings and thus more prominent, the magnitude of this impact is reduced when viewed at a distance. Officers, therefore consider the impact on the wider setting of Oxford and its skyline is limited and when balanced against the requirement to place significant weight on supporting economic growth in the NPPF, any harm is outweighed.
- 7.30 *Landscaping*
There are 79 individual trees on and immediately adjacent to the site. 19 of these trees were assessed and included within a Tree Preservation Order, served in 2013 to ensure that not only would they be retained whilst subsequent development applications were considered but also to give weight to the quality of landscaping and tree replacement if they were to be lost as part of the re-development.
- 7.31 The tree officer is in broad agreement with the applicant’s assessment of the trees, in that their age, form and condition are variable across the site. The better quality trees are those toward the east of the site, particularly at the West Way/Westminster Way junction and along Westminster Way such that some could have provided maturity and scale for the forthcoming development. However, it is recognised that it is not possible to retain these trees within the site in order to allow a comprehensive and viable development.
- 7.32 The mitigation for the direct loss of trees that currently provide some visual amenity is accommodated, by the requirement for a substantial landscape scheme that will sufficiently soften the impact of the development as a whole. The least effective area for landscape provision, and consequently replacement trees, is the eastern boundary adjacent to Westminster Way. There are a number of access points that make continuity of tree cover difficult in this location, but the absence of trees for a lengthy

stretch along this road belies the importance of the contribution that the existing trees currently make to the visual amenity of the area. The tree officer therefore considers every effort should be made within the detailed landscape scheme for the accommodation of new trees at points along this side of the development (visibility splays and hard surfacing notwithstanding).

7.33 The southern boundary has several off-site trees that will contribute to the softening of the visual impact of the development. In addition, the amount of space made available for the provision of an effective landscape screen has been increased, through the latest amendments, to between 5 and 8 metres, which is sufficient to visually break up the otherwise dominating plinth of the development and offers a better chance of successful establishment and the consequent development of a continuous tree canopy. The specification and planting densities for the proposed trees can be conditioned and officers are satisfied that a suitable scheme can be achieved to provide a varied vertical and horizontal break up of the southern elevation.

7.34 The western boundary of the site currently has an effective screen growing within 91 West Way and the tree officer suggests any landscaping on the application is retained if the current party wall is to be retained. Other boundaries with adjoining properties are proposed to be retained / maintained and boundary treatments can be conditioned.

7.35 *West Way Improvements*

West Way is a busy and wide arterial route into the centre of Oxford that experiences commuter congestion. Increasing traffic flows on this route is likely to increase the perception of the road as a barrier to pedestrians and cyclists, when it is important to maintain if not improve links between the site and the school and doctors' surgery (north of West Way). It is therefore imperative that any planning permission is subject to public realm enhancements such as those proposed in the 'Vision for West Way' to stitch the two sides of the road together and encourage non-vehicular modes of transport. The Vision provides a unified and cohesive scheme to improve the quality of the environment, which would also provide an important setting for the development, helping to integrate the scheme into the existing urban structure and suburban character of the area. These works can be secured through conditions and agreement (highway works)

7.36 *The Piazza*

This public space is welcomed at the heart of the development and it is important to allow a wide a range of uses at this level to increase activity throughout the day and evening. This is particularly important given the limited visibility of the piazza from West Way. The piazza largely comprises hard landscape with a few trees contained within larger planters, which is acceptable in principle due to the car park underneath. The Pod unit has been reduced in size and fronts onto the public realm on all sides. Its refuse storage and servicing therefore will need to be internalised so that it does not detract from the environment. This can be covered by condition.

7.37 In respect of other on site landscape proposals, the scheme provides roof gardens for the student accommodation. These areas consist of a mixture of hard landscape, street furniture and artificial grass with little soft landscaping. This is acceptable when the structural loading, drainage and wind shear are considered. Overall, officers consider a complete and robust landscaping scheme can be obtained through conditions.

7.38 *Impact on the residential amenity of neighbouring dwellings*

A core principle of the NPPF is to always seek to a good standard of amenity for all existing and future occupants of land and buildings. Saved Policy DC9 confirms that

development will not be permitted if it would unacceptably harm the amenities of neighbouring properties and the wider environment.

- 7.39 The development would not have any harmful impact in terms of light pollution, general noise and disturbance, or loss of privacy to properties in both Arthray Road and West Way that adjoin the site, especially given existing day to day commercial activities that occur in the locality and issues of scale and massing have been addressed elsewhere in this report.
- 7.40 The applicant has undertaken an assessment of the impact of the proposed development upon daylight and sunlight access to the windows of surrounding buildings. The report is based on BRE good practice guidance and concludes that the majority of surrounding dwellings will still receive enough daylight and sunlight in excess of BRE guidelines. However, 62, 64, 66 and 68 West Way will receive slightly less daylight to their ground floor windows and “these properties may notice a slight reduction in daylight”. Some of these properties already have mature trees which currently limit daylight and this additional factor has not been taken into account by the applicant’s assessment. Officers consider overall that any harm arising is limited and when balanced against the overall economic and social benefits of the scheme, such harm is outweighed. The limited daylight / sunlight impact on some neighbouring properties is therefore acceptable.
- 7.41 *Relationship with St Peter and St Paul Church and Hinksey Court*
Concern has been raised over the impact of the development on St Peter and St Paul Church. The application site area excludes the church and the Barclays Bank/Hinksey Court building. Officers consider that there is a difficult relationship between the proposed piazza at first floor level wrapping in a u-shape around these buildings and memorial garden; where privacy should be maintained. However, officers consider the revised proposals have reduced the impact on the setting of these buildings, to an acceptable level. It is important that the two areas are tied together by the unified treatment of the public realm; materials and planting. This can be covered by condition.
- 7.42 *Student accommodation*
There has been a significant amount of objection to the provision of student accommodation. Students are defined in the adopted local plan as a special housing needs group under saved policy H19. This policy, fully consistent with the NPPF, states that in the built up area of Botley grouped accommodation for defined groups such as students will be permitted. Student accommodation is therefore acceptable in principle. In relation to the amount of student accommodation proposed, issues of scale and massing and transport impacts have been addressed elsewhere in this report.
- 7.43 *Loss of Field House*
The loss of field house has resulted in a significant amount of concern from local residents in particular to the original plans where the replacement accommodation only provided 33 new units compared to the existing 67 units. Following discussions between officers, Sovereign Housing and the applicants, the scheme now provides 50 units to a design that reflect Sovereign’s operational needs. Although there is a shortfall in the number of units, the new accommodation will result in an overall improvement in the amount and quality for occupiers. The new accommodation meets modern space standards with an average 65m² per unit compared to the existing 39m²). The overall benefit of the new accommodation outweighs the net loss of units.
- 7.44 Another major issue of concern from the outset has been the importance of a single move for current residents of Field House rather than a need for an interim decant to

property elsewhere until completion of the new scheme. A phasing plan has been agreed detailing a staged approach to both the demolition of Field House and the construction of the new scheme. This will enable existing residents to remain in Field House until their new homes are ready. This is considered acceptable.

- 7.45 At the time of writing this report, Sovereign Housing has a holding objection to the proposals, but has indicated that the ongoing dialogue with Doric has moved them to a position where the principle of redevelopment is now accepted and supported. Botley is a relatively popular location for affordable housing and provision of high quality, self-contained accommodation for older people is important for this area. Overall, the proposed redevelopment of Field House will result in significantly improved homes for older residents. Officers consider the concerns raised on this issue have now been satisfactorily addressed.
- 7.46 *Loss of general market housing*
The redevelopment of the site will result in the loss of 25 general market flats together with the vicarage to St Peter and St Paul Church. Officers fully acknowledge that this loss of housing runs counter to reducing the current shortfall in general market housing within the district. However, this loss is outweighed by the wider economic benefits of the scheme and through the provision of student accommodation which provides an alternative form of housing to offset that which is lost (student accommodation counts towards our supply of housing).
- 7.47 Officers understand that the applicants are in discussion with the diocese to secure alternative accommodation elsewhere in the locality that will be better suited to meet the needs of the parish, especially as the vicar is responsible for churches in addition to St Peter and St Paul Church. Subject to alternative provision in the locality being secured, officers consider the loss of the vicarage from the site to be acceptable. This can be captured by condition.
- 7.48 *Heritage Assets*
The NPPF states that account should be taken of the desirability to sustain and enhance heritage assets and the positive contribution that conservation of such assets can make to sustainable communities (paragraph 131). The setting of heritage assets within Oxford City has been addressed elsewhere in this report. The site and surrounding area are not within a conservation area and there are no listed buildings on site or in the immediate vicinity. There is also no evidence that features that are demonstrably of equivalent importance to a scheduled ancient monument are present within the application area. The county archaeologist has however requested an archaeological watching brief is imposed if permission is granted as elements of the original Elms Farm may survive and such features will require recording.
- 7.49 A significant amount of objection has been received in relation to the loss of Elms Parade. This building has been assessed by officers who consider, based on the evidence supplied, including the architectural qualities of this substantially altered building and an examination of its features, that any special interest it may have possessed has been compromised to such an extent that it does not meet the criteria for national listing. However, based on the evidential historical, aesthetic and communal value set out in both the West Way Community Concern's response to the application and the applicants' heritage statement, the building is of sufficient significance to be considered as a non-designated heritage asset meriting consideration in planning decisions.
- 7.50 Paragraph 135 of the NPPF states that in respect of "...non designated heritage assets, a balanced judgment will be required having regard to the size of any harm or loss and

the significance of the heritage asset". Whilst Elms Parade is a pleasant product of its time and is a building valued by the local community, there are numerous examples of Neo-Georgian buildings with Art Deco detailing. Its significance is therefore considered to be limited, especially when considering the extensive alterations made to the building and lack of attribution to an architect of significance.

- 7.51 In contrast, there are substantial public benefits that will accrue from the proposed development, including an additional 596 jobs and a new replacement parade of shops along West Way. As highlighted by English Heritage on its website public benefits in this sense will most likely be the fulfillment of one or more of the objectives of sustainable development as set out in the NPPF, in particular paragraphs 8 and 9. Officers consider, therefore, that such public benefits outweigh the loss of this non designated heritage asset and a refusal based on the loss of this building would be difficult to justify under the NPPF tests of balanced judgement.
- 7.52 *Drainage*
The site is considered large enough to deal with surface water sustainably without causing surface water run-off problems and this could be controlled through a planning condition. In respect of foul drainage, the development would be connected to the main sewer, which is acceptable. The drainage engineer, Thames Water and the Environment Agency raise no objection.
- 7.53 *Ecology*
The applicant has assessed ecology within the ES and the surveys undertaken provide a good picture of the current ecological status of the site. Bat surveys of the buildings have been completed including emergence and dawn re-entry surveys. No bats were found to be present or roosting on the site and bat activity generally was found to be very low. There are no important habitats within the site and there are no other protected species which are likely to be impacted by the proposed development. There are also no expected indirect impacts on nationally and locally designated sites. The countryside officer raises no objection to the application, subject to a Construction Environmental Management Plan (CEMP) being submitted.
- 7.54 *Air quality*
Details on air quality are covered in the revised ES. The modelling of air quality impacts has been undertaken again to take account of the new layout and revised traffic flows. The modelling has included impacts on both existing properties and properties to be built as part of the development. The modelling has been undertaken following correct guidance and the predictions of the modelling indicate that the development will have a negligible impact on air quality.
- 7.55 *Noise and vibration*
The ES also considers the environmental impact of the construction and operation of the scheme in terms of noise and vibration. The assessment concludes that effects are either negligible or minor adverse. Construction effects can be reduced to an acceptable level with the specified mitigation and post completion effects from noise arising from traffic, plant and activities within the service yards can be reduced to an acceptable level with appropriate mitigation. Environmental Health has assessed the submitted information and raises no objection subject to conditions to protect the amenity of nearby residents from noise as well as any future occupants of the proposed development.
- 7.56 *Highways*
Highway issues, along with parking, have been the subject of much local concern. This stems from the view that the local highway network will be unable to cope with the extra

traffic generated by the proposal and that insufficient parking space is proposed.

- 7.57 Policy S1 supports proposals for new retail development provided it would not create unacceptable traffic or environmental problems. Saved Policy DC5 confirms that proposals will only be permitted where the road network can accommodate the traffic arising from the development without causing safety, congestion or environmental problems and that adequate and safe provision is made for the parking of vehicles, loading, unloading, circulation and servicing. The NPPF is however clear at paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.58 The application is accompanied by a full transport assessment which forms part of the ES. It has assessed the traffic impact arising from the proposed development including cumulative impact with other large development sites in the locality. Its findings and methodology have been assessed by OCC, as highway authority.
- 7.59 OCC state that, in principle, it supports the redevelopment of West Way shopping area in Botley but only on the basis that development is sustainable and which delivers the infrastructure and improvements necessary to make them acceptable. OCC considered that the original transport assessment that accompanied the planning application had significant shortcomings which pointed to an outcome more favourable than that which may actually prevail. As such an objection was received.
- 7.60 In response a transport assessment addendum (TAA) was submitted. OCC consider this new information has addressed the concerns of potentially unrealistic assumptions in respect of new traffic generation and the new information has enabled an assessment of an accepted worst case scenario.
- 7.61 OCC considers the proposed development is in a location where there is already congestion at peak times during the week and for long periods of the day at the weekend. As such the detrimental impact of the development on the transport network, despite some proposed mitigation, is substantial. Furthermore OCC considers the sensitivity test to model a worst case pass by traffic scenario demonstrates a significant adverse effect on the surrounding road network as a result of additional trips generated. However, OCC does not consider the impact to be severe in the context of the NPPF and thus withdraws its objection on this ground. In the light of this, officers consider it would be difficult to refuse the application on traffic impact based on the technical evidence available and where the Highway Authority does not object. However, OCC are requesting further measures are investigated and implemented as part of the development scheme to mitigate its impact, in particular at the A420/Botley/West Way Junction. This can be covered by a legal agreement.
- 7.62 *Car parking*
Concern has been raised that the proposed car park levels are inadequate to meet the needs of the development. Furthermore, OCC has serious concerns regarding the potential for overspill parking from this development onto the immediately surrounding streets. This concern stems primarily from the student accommodation and additional employees who are likely to generate additional demand and the fact that traffic modelling indicates more cars may access the development than previously suggested.
- 7.63 The student accommodation is proposed as car free and the Student Management Plan Addendum submitted by the applicant sets out details of a restrictive covenant which students would be required to sign preventing them from keeping a car in the area. The management plan also sets out details of punitive measures for transgressing this restrictive covenant. Notwithstanding this, OCC does not consider

an effective set of monitoring and enforcement procedures can be introduced to mitigate the potential impact.

- 7.64 An option to address this concern, as proposed by the applicant, is through a controlled parking zone (CPZ) and OCC acknowledges that if one were introduced in the local area, this would go a long way to addressing its concerns by preventing undesirable on-street parking. However, there is no guarantee of a controlled parking zone being implemented in mitigation, as it is subject to a separate legal process following public consultation and thus OCC's objection remains.
- 7.65 In response to this, officers have sought independent highway and legal advice. Both advisors consider a restrictive covenant in the tenancy agreement would be considered by a planning inspector to be sufficient to address the issue. Furthermore the highways consultant advises that an inspector would acknowledge that the parking stress survey demonstrates ample spare capacity in nearby streets to accommodate any overspill parking from the development. As such a refusal on this ground will be difficult to defend at any subsequent appeal.
- 7.66 *Linkages and Movement*
Saved Policy DC5 refers to the need to provide safe and convenient access both within the site and to and from the adjoining highway network for all users including those with impaired mobility, and for all modes of transport. The existing site has a number of pedestrian routes across the site and the routes through the site from Arthray Road and Westminster Way are relatively direct and assessable with no excessive changes in level which require the use of ramps, lifts or steps. One of the failings identified with the function of the existing centre is the conflict between pedestrians and the service areas and delivery vehicles. To avoid this situation being replicated in the access road between blocks A and C, it is important that improved conditions for pedestrians and cyclists are sought through the implementation of a scheme of enhancements to the public realm.
- 7.67 It is considered key routes through, and off site, link the scheme into the surrounding urban structure and aid its integration. It is however recognised that the pedestrian route through the site between West Way and Arthray Road has to use steps, a ramp or a lift (24hr). While levels have been mitigated by the feature staircase (with zigzag ramp) and lifts brought forward onto West Way, it has not been possible to accommodate a suitable level route with an accessible ramp through the development. On balance, officers consider linkages and movement within and through the site are acceptable.
- 7.68 *Cycling and public transport*
The proposed development provides sufficient cycle parking on site to meet the needs of the general public and student residents. Concern has been raised that the cycle storage area for the student accommodation is located on the 2nd floor, and therefore potentially limiting convenience of use. However, students can access this cycle parking space from the street (Westminster Way) as well as from the main circulation lobby of the student accommodation at level 02 and officers consider this is satisfactory.
- 7.69 Offsite improvements to cycle network have been requested by OCC and Bike Safe. The applicant is proposing a range of cycleway improvements in the immediate vicinity of the site with improved cycle lanes from the Junction of Eynsham Road through to the entrance to Seacourt Tower. Bike Safe also seeks funding for the B4044 cycle path to Eynsham. Officers however consider a further contribution to the B4044 cycle path project would not meet relevant CIL tests set out elsewhere in this report.

- 7.70 In respect of public transport, there are a number of bus routes that serve the site and West Way is an extremely important bus corridor into Oxford. Existing bus stops are well used and increasingly will continue to be used by residents and users of the development. OCC has therefore requested contributions to improve public transport infrastructure and these are agreed by the applicant to be acceptable. This can be secured by agreement.
- 7.71 *Servicing*
The proposed service arrangements and location of service yards are acceptable in respect of highway safety and convenience. Issues of amenity impact are addressed elsewhere in the report.
- 7.72 *Crime and safety*
Concern has been raised over crime and safety, in particular to the provision of the underground car park. The applicant has confirmed the car park has been designed to achieve 'Park Mark' standards – an initiative aimed at reducing both crime and the fear of crime in parking facilities and the successor to 'Secure by Design'. Despite this, the area around the public toilets to the rear of the stairs to the piazza relies on activity within the car park to create a safe environment and further detail needs to be given to ensuring this area has sufficient passive surveillance. This can be secured through a planning condition.
- 7.73 To improve legibility, the main entrance to the age restricted housing has been relocated from the rear of the block and is now situated beneath the under-croft where the entrance is now overlooked by the reception area. This not ideal as the overhang means that the quality of natural light is likely to be poor while the structure and potential landscaping could impede views from the street. Furthermore, the amenity space around the residential block is not defensible and clear boundaries need to be defined between the public realm, resident's private space at the back of the car park and adjacent to the service yard to comply with Local Plan policy DC3 (designing out crime). It is considered these issues can be addressed through further details submitted by condition.
- 7.74 The police crime prevention design advisor has assessed the proposal overall and raises no objection subject to the development securing 'secured by design' accreditation (i.e. 'Park Mark'). As such, officers consider issues on crime and safety have been satisfactorily addressed.
- 7.75 *Contaminated land*
The Phase II Preliminary Geotechnical and Contaminated Land Ground Investigations provided have not identified any significant sources of ground contamination on site. However, Environmental Health recommend further investigation of the site is undertaken as areas of the site become clear via decommissioning and demolition. Should planning permission be granted, a condition to ensure that any ground contamination identified is adequately addressed will need to be imposed to ensure the safety of the proposed development, the environment and to ensure the site is suitable for the proposed use.
- 7.76 *Local finance considerations*
Section 143 of the Localism Act 2011 amended Section 70 of the Town and Country Planning Act 1990 and confirms that local finance considerations can be a material consideration in determining planning applications. Section 70 defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown, or sums that a

relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. The NPPG states that whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms and it would not be appropriate to make a decision on the potential for the development to raise money for a local authority or other Government body. The Council's land interest in this scheme therefore is not material to the consideration of the application.

7.77 Notwithstanding this, the council could currently receive New Homes Bonus on the student accommodation which is material. However, it is considered that this matter carries very limited weight in this case.

7.78 *Phasing*

The proposed phasing of development as set out in applicant's phasing plans is acceptable. It is anticipated the development can be delivered without detriment to the continued trading of local business and to residents occupying Field House. The phasing can also be controlled either by condition or within the S106 agreement by requiring the phasing strategy to be submitted and updated during the lifetime of the development.

7.79 *S106 / infrastructure package and CIL compliance*

The Community Infrastructure Regulations 2010 came into force in April 2010. The effect of the regulations is that the tests for the use of S106 obligations now have statutory force and that when they do they can be a reason for the grant of planning permission. Otherwise such offers of payment are disregarded. The three tests are that each S106 contribution is:

- 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.

7.80 The District and County Council has put together a package of S106 contributions which they consider meet the three statutory tests and are CIL compliant under the following broad headings set out below should permission be granted.

- i. Highways and transportation
- ii. Community infrastructure
- iii. Green infrastructure
- iv. Local economic development support
- v. Phasing
- vi. Delivery / monitoring costs

The likely heads of terms are **attached** at Appendix 14 and at the time of writing, officers are working with the applicant to finalise this.

7.81 *Process*

As the proposal exceeds 5,000sqm of net retail floor space and part of it lies outside the designated centre identified in the current local plan, it is covered by the town and country planning (consultation) direction 2009. As such, should committee wish to approve the application, it must be referred to the National Casework unit who will consider whether the Secretary of State's intervention is needed and if necessary, prepare a submission summarising the planning issues for the Secretary of State to decide whether to call in the planning application.

7.82 In considering the issues raised by this planning application and in preparing this report, officers have had regard to the rights of persons set out in the Human Rights Act

1998, in particular those in Part I, Article 8 (the right to respect for private and family life) and Part II, Article I (protection of property).

8.0 CONCLUSION

- 8.1 The proposal to locate a major retail led development incorporating a mix of uses, on a previously developed site, in Botley has been assessed against the National Planning Policy Framework (NPPF) and relevant saved policies in the local plan.
- 8.2 The NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity, and ensuring that the planning system does everything it can to support sustainable economic growth. Therefore significant weight should be placed on the need to support such growth through the planning system. The NPPF recognises town centres as the heart of the community, with positive planning policies to support their viability and vitality, to promote competitive town centres that provide customer choice and a diverse retail offer and it is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability.
- 8.3 The proposal for a major retail led mixed use scheme in this location will help promote and enhance the existing centre and is considered to meet the retail sequential test in the NPPF. The scheme addresses the needs identified in the council's retail and town centre study and the retail impact on other centres has been assessed as being acceptable.
- 8.4 The scheme has been designed to a high standard and its incompatibility with existing townscape, its wider visual impact and other impacts on a non designated heritage asset and the amenity of neighbours are outweighed by the economic and public benefits of the scheme.
- 8.5 The development will have an adverse impact on the highway network, but this is not considered to be severe in the context of the NPPF. Notwithstanding this, OCC consider the scheme lacks sufficient parking to meet the needs of the development to the detriment of the locality and safety and convenience of other road users. However, based on our independent highway consultant technical advice, suitable traffic management measures can be secured to mitigate these concerns to the extent that it would not be a sufficient reason for refusal.

9.0 RECOMMENDATION

- 9.1 **To grant planning permission, subject to the following conditions:**

1: Referral to National Casework Unit.

2: A section 106 Agreement to deliver the infrastructure package under the following broad headings (more details in appendix 14):

- i. Highways and transportation**
- ii. Community infrastructure**
- iii. Green infrastructure**
- iv. Local economic development support**
- v. Phasing**
- vi. Delivery / monitoring costs**

3: The following list of conditions:

- 1. Time limit.**

- 2. Approved drawings and documents.**
- 3. Development carried out in line with the mitigation measures in the Environmental Impact Assessment.**
- 4. Schedule and sample of the materials to be used in the proposed development, including sample panels erected on site.**
- 5. Building detailing and construction details.**
- 6. Shop fronts and fascia details.**
- 7. Hard and soft landscaping scheme for the site.**
- 8. Landscaping scheme for roof gardens and green roofs.**
- 9. Landscape operational management plan to be maintained for 25 years.**
- 10. Boundary treatments.**
- 11. Slab levels.**
- 12. No development to begin until phasing strategy and construction methodology agreed.**
- 13. Full details of West Way improvements including implementation delivery plan.**
- 14. Construction Environmental Management Plan (CEMP).**
- 15. Hours of construction.**
- 16. Scheme of acoustic insulation.**
- 17. Fixed mechanical plant.**
- 18. Service areas delivery times.**
- 19. Service and delivery management plan.**
- 20. Waste management plan.**
- 21. Details of all external plant and machinery.**
- 22. Details of external lighting.**
- 23. Details of kitchen extract systems to be used on A3, A4 and A5 use premises including noise and odour control.**
- 24. Advert and signage strategy to be submitted and approved.**
- 25. Details of lift overshoots to buildings.**
- 26. Site security management plan.**

27. Details of CCTV cameras and Automatic Number Plate Recognition to be submitted and approved, including their locations, swept areas covered and design.
28. Archaeological written scheme of investigation submission.
29. Archaeological written scheme of investigation implementation, monitoring and reporting.
30. Access details, including vision splays to be submitted and approved.
31. Car parking laid out in accordance with approved drawings.
32. Car park management plan to include details on specified allocation for Baptist church and Sovereign Housing, monitoring and enforcement measures.
33. Cycle parking details.
34. Student cycle parking management plan.
35. Framework travel plan to be agreed prior to occupation.
36. Detailed design of the main highway adjoining and nearby to the site to ensure buses are protected from any adverse impact of this development on bus journey speeds, including specific improved bus priority measures.
37. Details of improved bus stop infrastructure.
38. Details of a new location for the existing northbound Westminster Way bus stop.
39. Cycle infrastructure options improvement plan.
40. Details of service yard barriers / enclosures and vision splays.
41. Restriction on occupation of student accommodation until management plan / tenancy agreement details have been approved.
42. All student tenancies to only be let on terms approved by LPA.
43. Student management plan to be implemented upon first use of building and maintained in perpetuity.
44. Drainage details (foul and surface water).
45. Sustainable drainage scheme.
46. Development carried out in line Flood Risk Assessment.
47. Contaminated land investigation.

48. Employment and Skills Plan (ESP).

49. Fire Hydrants.

4: Delegate to the Head of Planning to switch between the use of planning condition or obligations within the Section 106 Agreement and to add other conditions or obligations as necessary to achieve the required infrastructure and outcomes in line with this decision.

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