

West Way Community Concern

Objection to planning application ref P13/V2733/FUL

November 2014

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Summary

1. West Way Community Concern (WWCC) is an organisation set up to ensure that the views of local residents are taken into account in the redevelopment of the centre of Botley. Since July 2013 we have represented the community at discussions convened by councillors and officers of Vale of White Horse District Council, including the Development Forum held in October 2014.
2. WWCC have submitted three prior objections to the proposed development (application P13/V2733/FUL): in March 2014 in response to the original plans; in June 2014 in response to the Environmental Statement; and in October 2014 in response to first amendment to the plans. This document summarises our objections as they still stand and takes account of new information arising from the latest amendments to the plans.
3. Reflecting what we understand to be the majority view of local people, WWCC is in favour of sympathetic redevelopment of a scale and character appropriate to the West Way area's status as a local centre in a residential area. However **we remain strongly opposed to the amended plans put forward by Doric Properties for the following reasons:**
 - The proposal is **not sustainable development**, as defined in the National Planning Policy Framework. It fails on each of the criteria of economic, social and environmental sustainability.
 - The proposed development is **contrary to planning policy**: the saved policies of the current local plan, the National Planning Policy Framework NPPF, and the emerging local plan.
 - It will lead to a **significant and severe increase in traffic** on the already congested local roads and the A34, with associated increase in pollution (including in Botley Air Quality Management Area) and noise.
 - It represents a massive **overdevelopment of the site** in a predominantly suburban, low-rise residential area. The uses proposed, particularly the large student accommodation block, are not compatible with the requirements of the area or Oxford City. The resultant design is over-dominant, over-dense, and visually intrusive, resulting in material harm to neighbouring properties (e.g. reduced daylight and sunlight).

Unsustainable overdevelopment

4. Sustainable development was originally defined as development that meets the needs of the present, without compromising the ability of future generations to meet their own needs.
5. Para. 7 of the NPPF stresses that all new development should be economically, socially and environmentally sustainable, and describes how these roles are to be interpreted.

Economic sustainability

6. The **economic sustainability** of this development depends, according to the applicants, on the 8100 sq.m. superstore. (For context, this is double the size of the main Waitrose supermarket in Abingdon town centre.) This store has been repeatedly described as an essential 'anchor store' for their whole plan.
7. However food shopping behaviour is currently in flux, with commentators using phrases such as 'sea change' to describe it. The move away from large superstores is apparent.
8. The average size of recent supermarket proposals across England is less than 3000 sq. m., and there are serious questions about the future viability of new stores of the size proposed here. All the large supermarket chains have stated to us in writing that they are no longer pursuing interests in this site.

9. While this issue may be seen as one for the applicants to resolve, to give planning permission for a development at high risk of economic failure, which will harm the current local economy of mainly independent traders, would be failing local people and those who live here in years to come.

Social sustainability

10. The **social sustainability** of this plan must include consideration of Vale and Oxfordshire housing needs. A major development such as this could provide housing to meet the needs of present and future generations. However Doric's proposal would see a loss of general and age-restricted housing on this important site.
11. The current housing within the proposed development site is in total 93 homes including the vicarage of St Peter and St Paul Church. Of these, 27 are private sector rental and 65 are age-restricted. The proposed development includes just 50 age-restricted units. There will therefore be a net loss of housing provision, particularly in rented accommodation. At a time of serious housing shortage in this region any such loss should be opposed.
12. The applicants wish to claim that the inclusion of student accommodation will release homes in the area. This is not supported by the 2011 Census data or enquiries with local estate agents, which show a minimal number of houses (4 or 5) occupied by students. The student accommodation proposed would not offset the loss of general housing. (See our section 10 of WWCC's June 2014 objection for detailed evidence.)

Environmental sustainability

13. In terms of **environmental sustainability**, the catchment area required economically to sustain the services and facilities proposed in the development would be several times larger than the current local catchment (defined clearly in policy as the two immediate parishes of North Hinksey and Cumnor). Travel to Botley from this wider catchment would mainly be by car.
14. Several experts have submitted objections which show how the calculations used in the Transport Assessments are flawed. The development would see large increases in traffic accessing the site from the A34, up to 30% increase in traffic on local roads, with speeding up and slowing down for traffic calming and congestion adding significantly to emissions. This is inconsistent with **Policy S1 of the VOWHDC Local Plan**.
15. The proposed development would be within 300m of two Air Quality Management Areas, both of which would receive more traffic as a result of the development. **Many of the 525 students and the hotel residents would all be subjected to air pollution levels nearing the legal maximum for NO₂**.
16. Noise levels in the area, already high due to the A34, would become even higher as a result of the additional traffic, the reflection of the noise from the tall buildings built adjacent to West Way, and from the 'evening economy'. This is inconsistent with **para. 123 of the NPPF**. The Environmental Statement submitted by the applicants severely underestimates the likely noise from the development.
17. VOWHDC's own climate change action plan which seeks to reduce emissions in line with national government policy goals talks of the need for "on-site renewable energy deployed to offset operational CO₂ emissions for all developments over 10 houses". Despite there being ample opportunity for such measures on this development, nothing has been done to mitigate the major increased in CO₂ emissions that will result from this proposal.
18. Finally **the scale and character of the proposals are out of keeping with the local character**. The west side of the A34 is a residential area characterised by two storey 1930s housing set back from the road. The proposed development is for up to eight storeys immediately adjacent to the road. The site will impact on various historic views across Oxford as shown in detail in the evidence submitted by Oxford Architectural and Historical Society. This is thus wholly inconsistent with **para 61 of the NPPF** which calls for "the integration of new development into the natural, built and historic environment", and **VOWHDC Local Plan Policy DC1** which calls for new development to "take into account local distinctiveness and character". **While the office blocks in the current site are not in keeping with this, there is no**

justification for not taking the surrounding area as the character to which the proposed development should respond. The community of Botley has produced an assessment of the character of the area (Annex 3 of the WWCC Objection, March 2014), using the RTP1 award-winning Oxford Character Appraisal Toolkit and facilitated by a planning professional, which provides information on the character and setting of Botley against which the proposals can be assessed.

Planning policy context, Existing and emerging policy

19. This section sets out the relevant planning context for this proposal, including the NPPF, the currently adopted Local Plan, and the emerging Local Plan 2031. It identifies a number of areas where the proposal fails to meet provisions of saved policies and the NPPF.
20. The emerging local plan is set out in the “Local Plan Part One 2031”, which is currently open for consultation following an earlier stage of consultation in 2013. Core Policy 8 in the 2013 draft (now Core Policy 11) for the development of the West Way site was subject to significant objection, which is likely to be reiterated in the current consultation as the fundamental grounds for objection were not resolved. The **NPPF (para 216)** states that the weight to be applied to policies in emerging plans should be subject to “*the stage of preparation of the emerging plan*” and “*the extent to which there are unresolved objections to relevant policies*”.

National Planning Policy Framework

21. The NPPF contains some statements about hierarchy of centres which are open to ambiguous interpretation, especially in relation to the use of sequential test. However, **NPPF para 23** states that the “*network and hierarchy of centres*” should be defined through the preparation of Local Plans. **The VOWHDC existing and draft Local Plans define Botley as a Local Service or shopping centre**; lower in the hierarchy than the market towns. Botley is most certainly lower in the hierarchy than Oxford City centre, which is nearer than any other centre in the area. **Para. 24** of the NPPF states that local planning authorities should require “*applications for main town centre uses to be located in town centres, then in edge of centre locations...*”. **The proposed development is clearly designed for major ‘town centre’ use in its height and density. It is inappropriate for a suburban location like Botley.**
22. The VOWHDC’s Retail and Town Centre study 2013 notes that development at West Way would “*alter shopping patterns increase the inflow from outside the District .. increase the market share ... partly by clawing back expenditure.. in particular from Oxford ... and Abingdon*”. Therefore, the requirement of **NPPF para 26** is not met; since the development would have a significant adverse impact on “*existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal*” and on “*town centre vitality and viability, including local consumer choice*”.
23. The applicants’ assertion that “Botley is the centre on which the sequential test should be focused” is erroneous in terms of both needs assessment and adopted and emerging local policy; it conflicts with **adopted policy L6** and **emerging Core Policy 2**. Permission should not be granted in the absence of a complete sequential analysis of alternative sites to meet the identified needs. Oxford City Centre, Abingdon and Witney would all contain more appropriate locations for the retail and leisure provision proposed on the application site, in terms of the sequential test.
24. The applicants also use the Rushden Lakes judgement to attempt to argue that there is no need for a sequential test, as they claim that Botley comes under the definition of a ‘town-centre’. As such, they also argue that no impact test is required. However, the scale of the development is such that it fails on the over-riding consideration of sustainability, as described above.
25. The inherent inflexibility of the proposal, based on a large superstore model that is failing in the current retail climate, is also contradictory to **NPPF para 14** (the presumption in favour of sustainable development).

26. It also remains counter to **NPPF para 34** which states that “*Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes can be maximised*”. This development will only function by drawing in trade from a very wide area, which, because of the geographically constrained nature of the local area, will nearly all come by car along already busy roads.
27. The proposed development does not comply with the requirements of **NPPF para 120** (noise pollution; **para 124** (air pollution) and **paras 129, 131 and 135** (historic environment). In addition, VOWHDC have not complied with their duty to cooperate on planning issues that cross administrative boundaries (as required by **NPPF para 178**).

Adopted policies of the Local Plan 2011

28. The proposal is clearly contrary to the saved policies, principally **DC1** and **S1**

DC1: The proposed development would adversely affect those attributes that make a positive contribution to the character of Botley (e.g. low rise, suburban houses, spacious layout with greenery and open space and the local heritage asset of Elms Parade). It does not take into account local distinctiveness, instead inserting a collection of standard elements (superstore, cinema, hotel, etc.) that are typically found in a completely different urban setting.

No evidence is submitted by the applicants to support the claim that the proposals are in line with DC1, nor do they demonstrate any understanding of the character and local distinctiveness of the area.

DC9: The development would unacceptably harm the amenity of neighbouring properties, particularly in terms of dominance or visual intrusion.

S1: The development would not be in keeping with the scale and character of Botley and would create unacceptable traffic problems, owing to the large numbers of people required from outside the immediate area to make the proposal economically viable.

S12: The development would cause demonstrable harm to the function and character of the Botley local service centre, redefining it as a much larger centre that is dependent on car-borne patrons from outside the area and no longer offering the ease and convenience of smaller-scale day-to-day shopping.

L6: The proposal includes a major commercial leisure facility in the form of a six-screen cinema. The need for this to be located in Botley has not been established. The applicants have not demonstrated that there are no suitable locations for this facility in the larger centres of VOWH, e.g. Abingdon or Wantage, which do not benefit from the cinema facilities of Oxford City to the same extent as Botley does, and which would be preferable town centre locations.

T1: While provision of a hotel in Botley might be viable, the current proposal for a five-storey hotel is not in keeping with the current scale and character of this low-rise area.

29. All of the above Saved Policies from the Local Plan 2011 are fully consistent with the NPPF.

Emerging Local Plan 2031

30. The proposal is contrary to the fundamental policy **Core Policy 1 (Sustainable Development)**, for reasons covered above.
31. A proper application of **Core Policy 11** of the Local Plan 2031 Part One, **should result in refusal of this proposal** under criteria (i) “*taken as a whole, the proposals support and are appropriately scaled to the role and function of Botley and a Local Service Centre ... to meet the day-to-day shopping needs of the local area*”; (ii), “*effective and proportional use is made of development potential ...*”; (iv) “*it can be demonstrated that proposals will not harm the character or appearance of Botley central area, and will not cause unacceptable harm to amenities of nearby residents, for example by noise pollution for late night opening*” and (v) “*proposals for the site are prepared through a comprehensive master planning process ... integrated solution to site access... prioritising the pedestrian customer environment*”.

32. The proposal also fails to meet the provisions of policies **Core Policy 2** (Settlement Hierarchy) “*Local Service Centres .. with a level of facilities and services and local employment to provide the next best opportunities for sustainable development outside the Market Towns*”; **Core Policy 37** (Design) “*All proposals for new development will be expected to be of high quality design, such that the ... mass, height ... and relationship to context make a positive contribution to the character of the locality*”, (amongst others).
33. While there is some contradiction and lack of clarity in Core Policies 3 and 32, **Core Policy 11** (Botley Central Area) is clear in that it intends Botley to be redeveloped to meet the needs of the local area; it should not be a drive-to destination. Such a development would be contrary to **Core Policy 34**, since it would add congestion and inhibit the A34 as a strategic route supporting other developments in the Vale.
34. **Core Policy 11** specifies that Botley will remain a local service centre, “*providing a well-integrated mix of shops and services to meet day-to-day shopping needs of the local area*”. The proposals for a step-change in scale and function of Botley would create, in effect, a sub-regional district centre.
35. The two definitions could overlap, and a district centre could provide the needs of a local service centre. However, an actual reduction in the number of ‘local shops’ (from 38 to just 13) and reduced competition is unlikely to provide a viable provision for the local community. This goes against the fundamental policy of Core Policy 11, without any justification. If this development is permitted then it would undermine the credibility of the emerging local plan.

Scale of provision

36. The applicants refer to the ‘quantum of uses’ as being essential to the viability of the overall project, and mention it being an ‘expensive project to develop’. This suggests a very fragile financial model, and a significant risk of failure at any stage in the development project.
37. The large-format anchor **superstore** proposed is anomalous to the geographically constrained context west of Oxford, and to known trends in food shopping. Its size is not justified by the population resident in the area. The applicants have not yet confirmed a supermarket for this anchor superstore, undermining the viability of the development.
38. There is no demonstrable need for a cinema in Botley. **Botley is already well-served by cinemas in Oxford**, and outlying areas by cinemas in Witney and Didcot, while Abingdon and Wantage are poorly served. The applicants seek to justify the cinema on the basis of a study of demand generated by the whole of VOWH district, but the location only serves a tiny proportion of that district. The six-screen multiplex format is the business-model preference of the identified operators, rather than a reflection of local need. VOWHDC’s own ‘Retail and Town Centre Study’ suggests that a cinema would be better located more centrally within the district.
39. The applicants seek to justify the number of food and drink outlets (A3/A4/A5) solely in terms of a proportion of non-retail floorspace considered to be appropriate to support other ‘town centre’ uses, such as retail and the cinema; there is no identified need or demand independent of the other uses that justifies this provision.
40. Similarly for the gym, the applicants attempt a justification on the basis of demand arising from the whole VOWH District. Again, this facility would be better provided more centrally to the District. Residents of Botley already benefit from sports and fitness provision at Harcourt Hill, including a swimming pool which is used by school children. The viability of this existing facility would be undermined by an additional gym in Botley.
41. This is one very large single development. It will be hard to modify this structure to meet changing needs due to the way in which it has been designed around the superstore, covered car park and cinema.
A smaller development of separate but linked buildings would allow for more flexibility in the

future, as indicated in the comments by Design South East (see below). This is neither an attractive nor a future-proof design.

Urban design and character

42. The extremely poor quality of design is a result of endeavouring to fit too much into the site and a failure to acknowledge the character of the area. **The proposal amounts to gross overdevelopment and no amount of tinkering with details of design, layout or materials can overcome this fundamental objection.** A satisfactory design solution, given these tensions, is all but impossible.

Comments by the South East Regional Design Review Panel

43. Design South East (D:SE) prides itself in giving impartial expert design advice and is well respected for its independent stance. It is regrettable therefore, that their comments could be seen to be partial, in favour of the development, and indeed are being interpreted as such by the applicants. **Their comments are based on mis-information given to them at the design review meeting** which suggested that Botley is part of the area proposed for a massive increase in housing; that it is part of the development of the Science Vale City Deal; that there is a need for a major superstore and cinema, and that students are taking up valuable housing which would otherwise meet local needs. **None of this is true.** The Panel's questions seeking a justification for the principle of the development and the scale proposed were not honestly answered.
44. Notwithstanding this, D:SE made some comments which sought to improve design and mitigate the worst impacts of the scheme.
- 'We would also recommend simplifying the architectural treatment, perhaps drawing more on the present day character of Botley ..'
 - **'We wonder whether the large size of the store in relation to the size of the site, together with the extent of other uses proposed is restricting flexibility in the design'**
 - **'More thought needs to be given to the impact of the current design proposals onto the backs of the houses on Arthray Road, ensuring that there is a very significant improvement to the existing arrangements'**
 - 'There is a particular opportunity to enhance the setting of the church of St Peter and St Paul ..We are not convinced by the relationship with the car park as currently shown.'
 - 'If Elms Parade is to be demolished, we believe its successor should be of at least equal architectural merit.'
 - **'Because of the large size of this urban block, particularly in relation to its context, there may be a case for breaking the development into smaller, quite simple discrete blocks.'**
45. The amended plans pay lip service to these comments; nothing significant has been changed. The design remains poor in scale, massing, functionality, materials and details. The predominant design feature of Botley (see the Character Assessment of the area) is the pyramidal roof forms of the houses on either side of the centre. No attempt has been made to give any context; there is not a traditional roof in the design.

Scale and design of development

46. The proposed development is severely out of scale/mass with its location, and hence is contrary to the **Local Plan policy DC1**, and to **NPPF para 61** "*planning decisions should address the connections between people and places and the integration of the new development into the natural, built and historic environment*".

Transport

47. **The Transport Assessment (TA) submitted with the application was not fit for purpose. The methodology used was fundamentally flawed**, and the conclusions demonstrated a lack of understanding of how the local road and public transport networks actually operate. After criticism from the County Council and others it was extensively re-modelled but produced very similar results, having used different, but still fundamentally flawed assumptions. It seems apparent that it was the desired answer of no severe impacts that drove the methodology, rather than a truthful assessment of likely impacts (in both cases).
48. Overall, the estimates for additional traffic levels are considered to be significantly understated, and the applicants' claim that they represent a "worst case" scenario is unsubstantiated. The Travel Plan suggestions would not make any significant difference, mainly because the proposed development would not be viable without a large influx of vehicle traffic.
49. There are inconsistencies between the conclusions of the Retail Impact Assessment and the TA in terms of where retail and leisure customers would be drawn from and how they would travel. The second TA produced in September only made these issues more unclear. Vehicle trips from the very local area are vastly over-estimated, which downplays the likely level of traffic from elsewhere.
50. Assumptions on the amount of traffic that would use the site without adding to traffic on local roads and junctions use very 'optimistic' assumptions. Added together they grossly underestimate extra traffic. In the November amendment they alter one of these figures to show that impacts would still not be severe, but have not altered the other faulty assumptions, or explained how they got to the final figures shown.
51. **It is likely that there would be significant impacts on the A34/A420 junction**, which is contrary to specific policies in the adopted and emerging Local Plans, the Local Transport Plan, and Highways Agency recommendations. Traffic would increase to unacceptable levels on Westminster Way (part of which is a designated Air Quality Management Area).
52. Existing pedestrian and cycle routes across the site will effectively be removed, and **accessibility for wheelchair users and families with pushchairs etc will be severely impeded by changes of level within the site. The proposed combination of a ramp and steps appears to be unworkable and unsafe.**
53. There is inadequate provision for bicycles, especially for users of local shops, with no cycle parking in the piazza for cyclists from the main area of local housing. Student cyclists would have no advance stop area to help them get out of Westminster Way. **In the latest plans the student cycle store has been moved to the second floor. A cycle lane along West Way would also be the preferred unloading space for local shops.**
54. Similarly there is inadequate provision for pedestrians and bus users. The pedestrian crossing of Westminster Way at the traffic lights would be removed, and the Westminster Way bus stops would disrupt traffic attempting to access the main car park.

Local amenity

Issues arising from the latest amendments

55. The latest amended plans include the relocation of the community hall on the ground floor along Westminster Way. Owing to the inflexibility of the overall design (which is constrained by the size of the superstore), this shift has only created further difficulties rather than resolving them.
56. The placement of the community hall under an imposing 8-storey building, with its entrance facing the development's main entry route for both cars and service vehicles, is far from ideal. The main hall has no windows and seems to back on to the building's main bin store. There is no provision of green space or

play areas that other community halls in the area (e.g. Dean Court and West Oxford Community Centres) enjoy.

57. A knock-on effect of the community hall's relocation is the movement of an indoor cycle store for students from the ground to the second floor. It is reached only by a small 1.25m lift, even though cycles average 1.7m in length. This is an inconvenient and potentially dangerous arrangement that will do little to encourage cycling to the site.
58. The updated Daylight and Sunlight report, which should have accompanied the updated ES in September but which was only submitted at this last stage of consultation, clearly demonstrates that the proposed development would have significant material harm on neighbouring properties from 60 West Way to 76 West Way as well as St Peter and St Paul Church.
59. The applicants claim that neighbouring properties "would not be significantly affected" by the development. In fact, the data included in the appendices of their report shows that both **daylight and direct winter sunlight would be reduced to below the acceptable levels** recommended by the Building Research Establishment (BRE).¹
60. All these properties have ground floor windows that would get less than the target 27% of Vertical Sky Component and less than 80% of their current daylight values, which BRE says will lead to a 'more gloomy' appearance within the properties requiring more electric lighting more of the time.
61. The amount of direct sunlight during winter months would be reduced to approximately 50-60% of current values for the West Way properties, with the west-facing windows of the church failing to get even the minimum 5% of Annual Probable Sunlight Hours, well below BRE's recommended threshold. This unacceptable level of harm stems directly from the extreme height and dense massing of the proposed development.

Ongoing unresolved issues

62. General impacts upon the local amenity have been understated or ignored by the applicants at all stages of the process.
63. The multi-level layout continues to impede easy access to the development for pedestrians, particularly anyone with restricted mobility, and bicycles.
64. The proposal will introduce significant **late-night activity** through its cinema and food and drink outlets, to the detriment of local residential amenity. This is justified on the basis of "enhancing the night-time economy", but no evidence has been produced that this is desired or justified locally. In fact, it seems to be directly linked to the anticipated student accommodation.
65. No mention is made by the applicants of the impact of their proposal upon the local **Air Quality Management Area**, nor of how their proposal responds to poor air quality.
66. While the harmful impacts of demolition and construction are not generally accepted as considerations material to the determination of a planning application, **the impacts of a development of this scale on a relatively small community will be proportionally greater than most developments.** Implementation of the proposal will have significant social, environmental and health impacts that are unacceptable in terms of the need for the development in this location (loss of essential services e.g. food shop, pharmacy, Post Office).

¹ A full comment on the Daylight and Sunlight report has been submitted by WWCC

Housing

67. The proposed purpose-built student accommodation responds to a spurious assessment of need in Oxford and to a misinterpretation of Oxford Brookes University's plans for the future of the Harcourt Hill site. **No Oxford Higher Education institution has expressed support for this facility**, the impacts of which would be detrimental to local amenity.
68. The student accommodation contravenes Oxford City Council policies on student accommodation. The Vale of White Horse District Council has no policy on the need for, or management of, student accommodation in the Vale.
69. The proposal **reduces the existing provision of relatively low-cost private rented housing on site**, for which there is an identified and credible local need. **This is contrary to NPPF para 7.**
70. The proposal **reduces the provision of age-restricted social accommodation for older people** from 65 to 50 units, which is contrary to acknowledged local need. Serious concern has been expressed about the psychological and physical distress that the development will cause to the residents of Field House, which would be demolished.

Heritage

71. The proposal will result in the demolition of the highly-valued **local heritage asset, Elms Parade shops**, which is a defining element in the character of the area. Its demolition would not only be an unnecessary loss of an attractive and interesting building with local historical associations, it would also be to the detriment of the character of Botley as a whole. The applicants fail to recognise that current national policy affords a level of protection to significant buildings that are not statutorily listed or scheduled, and their justification for this destruction is simply that, to retain Elms Parade in previous versions of the scheme "squeezed" their proposed layout. **This is contrary to NPPF para 141.**
72. Oxford Archaeological and Historical Society and Oxford Preservation Trust have both submitted strong objections to the proposed development, both on the grounds of the loss of Elms Parade and also on the impact on the historic views of Oxford.

Environmental Impact Assessment

73. Overall, the EIA fails to address several key issues, and is shown by our expert advisers to be flawed in many respects. It was written after the design was completed, with the intention of justifying the development, rather than as an objective assessment of the likely environmental impacts. Throughout, the EIA misrepresents its own scheme, and hence over-states the perceived benefits of the development. No proper proposals for mitigation are offered. No consideration or assessment has been undertaken of a smaller scale of development, which would be less environmentally damaging in all respects.
74. We disagree with the statement that the development would have a 'slight beneficial impact' visually on the area. The photo montages demonstrate that there will be a **massively damaging visual impact** on the area, from wherever it is viewed. The EIA seriously understates the severity of the impact of the development, both in terms of its scale and its architecture.
75. The EIA does not even consider transport impacts because the faulty Transport Assessment concluded no roads would see a traffic increase of over 30%. We dispute these traffic estimates (see paras 47 to 51).
76. **The increase in air pollution has been underestimated in the EIA**, as it is related to the traffic analysis, which omits the increase in traffic on Westminster Way, the effect of traffic speeds and stop-start traffic. **With two AQMAs within 300m of roads which would see traffic increases**, the effects could be serious.

77. The development would prevent sustained compliance with EU limit values. **It would be against the NPPF, in that it would be building new homes in an area of poor air quality.**
78. The permanent loss of general and age-restricted housing in the area must be considered as **major adverse**. The 'Major beneficial' effect of student accommodation cited in the EIA is disingenuous; the Savills report commissioned by the applicants shows that there are almost no students currently living in Botley and thus very little potential for 'freeing up' local family housing.

The flawed process

79. There are a number of aspects in which the process of consultation has raised concerns:
- The applicants' claims that they have "consulted broadly and widely", and that their proposal has evolved in response to local concerns, do not stand up. This is evidenced by the unprecedented number of objections received to the plans at all stages of the consultation.
 - The Environmental Statement was submitted as a retrospective justification of the scheme, rather than an objective consideration of the impacts, and any mitigation of these impacts.
 - The Development Forum held recently occurred very late in the process and did not seem to follow any accepted protocol. Speaking times and the number of representatives present were heavily in the applicants' favour; stakeholders such as local businesses were excluded; and questions put to the developers remain unanswered in spite of promises of written replies.
 - There has been no public presentation of the plans, only promotional displays by the applicants and their publicity company. The only paper copies on display with anyone available to discuss them were supported by the community themselves.
 - WWCC also consider VOWH District Council's contractual relationship with the applicants to be potentially prejudicial to its impartial consideration of the proposal.
 - The last stage of consultation was extremely short, even though some quite complex supporting documents (updated transport assessment and daylight analysis) were included in this last stage.
 - The extensive amendments made in three iterations and the number of obvious inconsistencies which remain in the plans makes it difficult to know which are the actual plans for consideration. The final version of the plans appears not to have been subject to a final check before their release, either by the applicants or the Planning Authority.

Conclusion

80. On the basis of the reasons given above, **WWCC consider that the VOWHDC should refuse planning permission for the proposed development.**
81. Botley/North Hinskey/Cumnor is an area of extremely low deprivation and low crime. The existing shops and services function well as a local centre meeting local needs. The Local Plan refers to the West Way Centre as in need of refurbishment. There is no case for 'regeneration'. The three-year development will cause permanent loss of the area as a local provision, with the proposed temporary facilities being totally inadequate.
82. **WWCC recognise the benefits of a sensitive refurbishment of the West Way site, including some redevelopment and intensification**, consistent with its defined role as a local service centre. **WWCC remain committed to positive engagement with the Council and with developers in order to achieve this goal.** We call for the current proposal by Doric Properties to be refused, in order that meaningful collaboration towards a more appropriate and viable development may ensue.

The latest Daylight and Sunlight report is dated 13th October 2014. This report should have accompanied the updated plans and Environmental Statement submitted in September, however it was only made available to the public during the last 2-week consultation on planning application P13/V2733/FUL, from 7th November 2014.

Reduced amount of daylight to neighbouring properties on West Way

The figure for the amount of daylight that a property receives through specific windows is the Vertical Sky Component (VSC). Page 9 of the report gives the guidance on adequate levels of daylight by the Building Research Establishment:

“If the VSC with the new development in place is both less than 27% and less than 0.8 times its former value occupants of the existing building will notice the reduction in the amount of skylight. The area lit by the window is likely to appear more gloomy and electric lighting will be needed more of the time”. (BRE 2011, ‘Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice’)

Appendix A (p. 19-20) of the Daylight and Sunlight report shows that **the new buildings lead to inadequate daylight for properties between 60 West Way and 76 West Way** (with numbers 62, 64, 66, 68, 70, and 72 the worst affected). All of these properties have ground floor windows that would get less than the target 27% of VSC, with the worst affected properties also failing to get enough daylight through first-floor windows.

All of these 9 properties would get less than 80% of their current daylight values on account of the new buildings, which BRE says will lead to a **‘more gloomy’ appearance within the properties requiring more electric lighting more of the time.** This is a perceptible and material harm to neighbouring properties caused by the planned development.

The **three stained glass windows at the western end of St Peter & St Paul Church** are even worse affected, with VSC levels below 18% and only half the amount of daylight in comparison to current levels. Figure 10.7 from the report shows how intrusive the new Block A (cinema block, in blue) is in comparison to the existing Field House building (green). It is not acceptable that a public place of worship should be so badly affected by the inappropriate height and massing of a new commercial development.

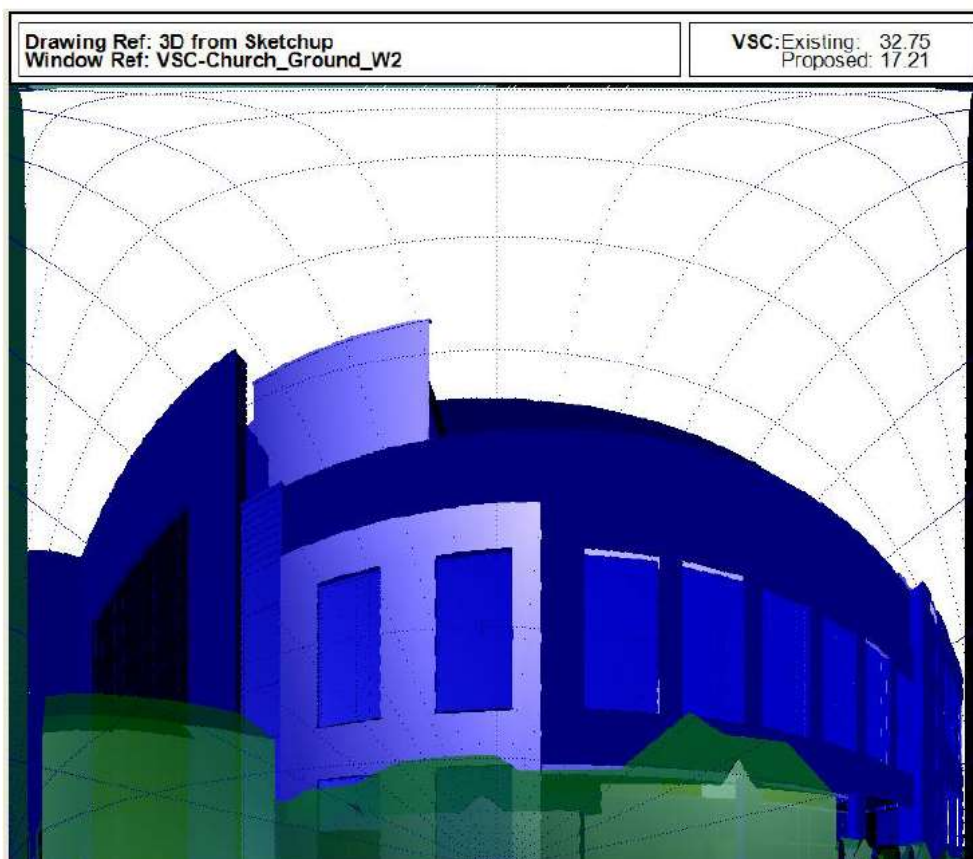


Fig 10.7: Waldram diagram for the central stained glass window of the church

Reduced amount of direct sunlight to neighbouring properties

The other measure calculated is the Annual Probable Sunlight Hours (APSH), which is a percentage of hours of direct sunlight that a property receives, in comparison to the theoretical number of hours of direct sunlight that it could receive if there were nothing obstructing the sun's path.

The BRE recommendation on sunlight, summarized on p.9 of the report, are: **“at least a quarter of annual probable sunlight hours (represented as 25% in the results tables) should be received annually, including at least 5% of annual probable sunlight hours during the winter months, between 21 September and 21 March. Any reduction in APSH (annual or winter) should be kept to a minimum and not less than 0.8 its former value or the occupants will notice the loss of sunlight.”**

Appendix B (p. 29-30 of the report) shows that direct sunlight is noticeably reduced for properties from 60 West Way to 76 West Way, especially during the winter months. The APSH figures for all of these properties are listed as 'PASS', in that they are above the annual and winter thresholds of 25% and 5%, respectively. However, **all of these properties fail the test when the proposed amount of direct sunlight is compared to the current levels.**

Annually, these 9 properties would receive around 80% of their current sunlight levels – just at the threshold of where residents would be able to notice a difference. But **during winter months the levels of direct sunlight fall well below the acceptable threshold, with front windows at these properties getting between 46% (No. 64) and 64% (no. 60) of their current levels.** These windows correspond with sitting rooms and main bedrooms for most of these properties.

The diagram below (p. 39 of the report) shows how the sun's path would be significantly blocked by the new buildings in winter. This image also shows the visual intrusion of the very high new development (blue) in comparison to the existing buildings (green).

The sun-paths below are shown for No.66 West Way.

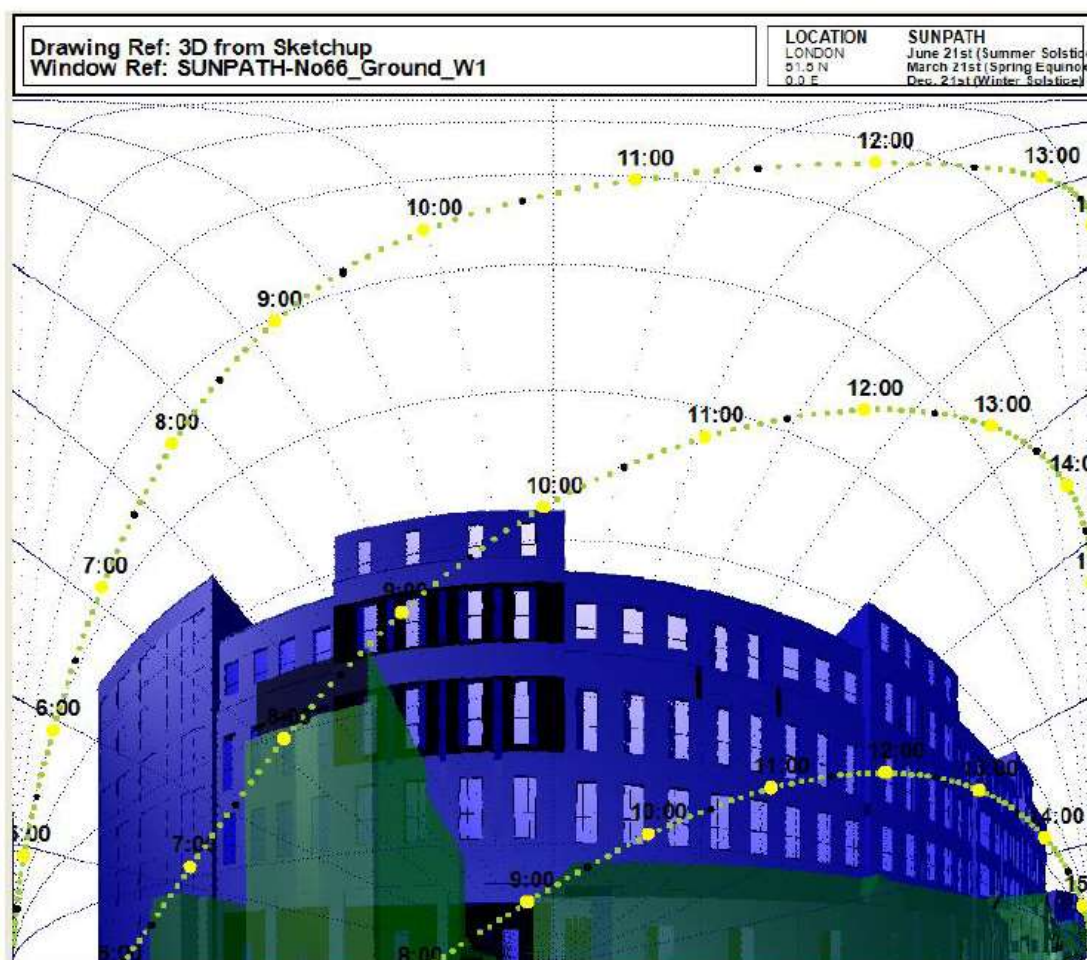


Fig 13.2: Sun path diagrams for No. 66 West Way

The three stained glass windows of St Peter & St Paul Church fail the test for direct sunlight outright, with APSH levels at just 2% during winter months and less than 50% of their annual current levels (less than 25% of current levels in winter). The applicants acknowledge these negative effects of the development (p. 18) but attempt to dismiss it by saying that ‘these results are significantly better than those proposed for the previous scheme of December 2013’. The fact that this is somehow an improvement over the previous plans is irrelevant; **a fail is a fail, and this development should not be permitted when it would cause such clear and perceptible harm to neighbouring buildings.**

Conclusions:

The proposed development would have significant material harm on neighbouring properties from 60 West Way to 76 West Way and on St Peter & St Paul Church.

Both daylight and direct winter sunlight would be reduced by significant level because of the new development, enough to be noticed by residents. According to BRE the level of change in comparison to the current levels is enough to make the properties appear gloomier and to require the extra running of electric lighting. This level of harm to neighbouring properties is unacceptable.

The falseness of the applicant’s claims that neighbouring properties ‘would not be significantly affected’ by the development is apparent in the report. On p. 17 they write that ‘all of the windows analysed in the residential accommodation receive a VSC in excess of the 27% recommended by the BRE guide (there is a small percentage which are within 8% of this figure).’ In fact, as shown in Appendix A, **windows for 9 properties – half of the properties assessed – fail to meet both BRE criteria for daylight** (not less than 27% and not less than 0.8 times its former value).

The overarching objection to this proposal has always been about its inappropriate scale, in terms of both height and density of the buildings. The updated Daylight and Sunlight report confirms through objective data what many residents already knew: that the visual dominance of the new buildings will be severely adverse, enough to cause material harm to existing buildings and to reduce public amenity for all.

Finally, p. 13 of this report provides a visual representation of the significant change in scale and massing that would result from this development. **It is clear that this proposal amounts to severe overdevelopment of the site and should be refused.**

Dr Caroline Potter

Co-chair, West Way Community Concern



Fig 6.1 Model of existing



Figure 6.2 Model of proposed