

## **OXFORDSHIRE COUNTY COUNCIL'S RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL**

**District:** Vale of the White Horse

**Application no:** P13/V2733/FUL - 4

**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 no. 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 submitted on 5th September 2014 & 6th November 2014.

**Location:** Botley District Centre, West Way, Botley

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**This report sets out Oxfordshire County Council's updated view on the proposal.**

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### **Overall view of Oxfordshire County Council:**

The county council **objects** to this application

### **Comments:**

The response is an addendum to the county councils consultation submission on 13<sup>th</sup> October 2014 following receipt of further transport information received from the applicant.

This new information has addressed the concerns of potentially unrealistic assumptions in respect of new traffic generation. The new information has enabled an assessment of an accepted worst case scenario.

As previously stated, in principle the county council supports the redevelopment of West Way shopping area in Botley. We support positive regeneration and development throughout the county, but only development that is sustainable and which delivers the infrastructure and improvements necessary to make them acceptable.

In this instance, and as the proposal stands, we are raising an objection for two reasons:

- That there is no demonstrated, enforceable regime proposed for ensuring the student accommodation remains car free;
- That there is no evidence of how employee parking will be accommodated in the development. This is likely to result in overspill parking on street which we regard as unacceptable.

In addition, the detrimental impact of the development on the transport network, is substantial and remains a concern, and in our view is a result of the fact the development is too large.

The detailed response with any additional conditions and requirements are set out in the Transport response below.

**Officer's Name:** Paul Fermer

**Officer's Title:** Locality Manager – Science Vale / South & Vale

**Date:** 24 November 2014

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### **Transport**

#### **Recommendation**

#### **Objection**

#### **Key issues & Headlines**

1. An interim response supplied by OCC to VOWH in April 2014 refers.
2. OCC's response of 13 October 2014 also refers.
3. There is no demonstrated regime for keeping the student accommodation car free.
4. OCC is concerned at the likelihood and impact of development generating on-street parking, and that it may not be politically possible to introduce a controlled parking zone.
5. A sensitivity test to model a worst case pass by traffic scenario has been received and demonstrates a significant adverse effect on the surrounding road network;
6. In the absence of clear criteria under NPPF guidelines it is difficult to argue that this level of deterioration could be defined as severe. Regrettably OCC therefore withdraws this reason for objection, but remain very concerned about impacts on the wider road network due to the scale of development.
7. The development will have an adverse traffic impact on surrounding junctions and only very limited mitigation is offered which is very disappointing given the scale of development proposals.

#### **Legal Agreement required to secure**

See previous response.

## **Conditions**

See previous response.

Mitigation measures to address the identified network constraints in the vicinity of the development and in particular at the A420 / Botley / West Way junction.

## **Informatives**

See previous response.

## **Detailed Comments**

Also see previous response.

A revised scheme together with supporting documentation relating to OCC's previous objection to the scheme was received by OCC on 7 November 2014. The supporting documentation relevant to this response is as follows:

- RPS Technical Note dated 5 November 2014;
- Student Management Plan Addendum, Julian Philcox Planning, 6 October, 2014;
- Letter from Ashurst LLP, 30 October 2014.

## **Traffic Impact**

Reference is made to the previous Transport Assessment (TA) and Transport Assessment Addendum (TAA), and OCC's response dated 13 October 2014.

The RPS technical note presents a revised development schedule together with revised trip generation estimates and a sensitivity test of traffic impact assuming only 10% pass by trips for the retail component of the development. The sensitivity test is carried out for the PM and Saturday peak hours for the following junctions which were the subject of OCC's previous objection:

- A420 / West Way / Botley Road;
- West Way / Westminster Way.

The assumption of only 10% pass by patronage for the retail component of the development is considered by OCC to be a reasonable worst case traffic generation scenario. Under this scenario the introduction of the development is demonstrated to have a significant adverse effect on the surrounding road network. In general terms the degree of saturation on a number of junction approaches deteriorates as does the overall practical reserve capacity. It is noted that these deteriorations occur in locations where the network is already at or over capacity. We therefore have a serious concern that the impact is not successfully mitigated.

Under prevailing NPPF guidelines the test to determine whether this level of deterioration should prevent the development proposals from being implemented is as follows:

*“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe”.*

The NPPF guidelines do not offer any methodology or criteria by which impacts can be determined as severe or not.

The RPS technical note asserts that:

*“None of these increases could be classed as severe when the test within the NPPF is applied...”*

However, the RPS technical note does not quote any grounds for this assertion. In the absence of any methodology or criteria it is not possible to be definitive about whether or not this transport impact is severe. However, the 10% pass by scenario is considered a worst case with the reality likely to fall somewhere between this level and the 40% put forward in the TAA. Under this worst case scenario, the worst deterioration is an 8% reduction in practical reserve capacity at the junction of A420 / West Way / Botley resulting in a negative practical reserve capacity of -12% in the Friday evening peak period. In the absence of clear criteria OCC believe it would be difficult to argue that this level of deterioration could be defined as “severe”. OCC therefore reluctantly withdraws this reason for objection.

However, the Transport Assessment and revised technical note recognises that the transport network is already congested with junctions operating at capacity. It is demonstrated that the development will have a substantial detrimental impact on the network as a result of additional trips generated because of the development. This is particularly the case for the junction of A420 / West Way / Botley Road where no mitigation is proposed. This absence of mitigation is very disappointing given the scale of development proposals and remains a concern. Consideration of mitigation measures such as below to address these network constraints in the vicinity of the development should be considered and required by condition if the development is to be approved:

- Bus Lane Slip at Eynsham Rd onto the B4044;
- Continuation of bus Lane past Seacourt Tower Junction; and,
- Inclusion of additional Left turn lane (eastbound) at A420 / West Way / Botley Road junction.

### **Student Accommodation**

Reference is made to the previous Student Management Plan, and OCC’s response dated 13 October 2014.

The Student Management Plan Addendum sets out details of a restrictive covenant which students would be required sign preventing them from keeping a car in the area. It also sets out details of punitive measures for transgressing this restrictive covenant.

The letter from Ashurst LLP sets out a number of planning conditions and obligations under which the restrictive covenant and its punitive measures can be made part of the legal framework within which the development is delivered.

OCC has never been in any doubt that such a legal framework can be put in place. However, serious doubts remain about whether such a regime can be practically monitored and enforced. This position was set out in OCC’s interim response to VOWH and in its subsequent response. However, no information has been received that demonstrates that an effective set of monitoring and enforcement procedures can be introduced.

For the avoidance of doubt, OCC would need to see a clear set of practical procedures that could be executed on the ground that would guarantee that residents transgressing the terms of their lease by owning or operating cars would be detected, apprehended and the case against them proven. Only with such a system in place would the restrictive covenant and its punitive measures have the necessary deterrent effect.

### **Car Parking**

OCC still has serious concerns regarding the potential for overspill parking from this development onto the immediately surrounding streets. It is believed that this could realistically occur for the following reasons.

- The RPS technical note demonstrates that with a lower pass by factor applied in the modelling more cars may access the development than the previous modelling suggested.
- There is no effective set of monitoring and enforcement procedures to prevent students resident at the student accommodation from owning cars and parking them on-street.
- According to the application form there will be some 530 additional full time equivalent employees. These are likely to generate additional demand for parking which is unlikely to use the paid car park on site, and therefore is likely to park on the surrounding streets.

If a controlled parking zone (CPZ) were introduced in the local area, this would go a long way to addressing OCC's concerns by preventing undesirable on-street parking. However, the introduction of a CPZ requires a formal consultation process and a political decision on the proposal in the light of the feedback received during the consultation. It is entirely possible that a CPZ would not be agreed at the relevant committee meeting. This would then leave the local streets unprotected and open for development related parking. OCC is not willing to take this risk.

**Officer's Name** : Chris Nichols  
**Officer's Title** : Transport Development Control  
**Date** : 21 November 2014

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