

APPLICATION NO.	P16/V0246/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	18.2.2016
PARISH	NORTH HINKSEY
WARD MEMBER(S)	Debby Hallett Emily Smith
APPLICANT	Mace Group
SITE	Botley Centre, West Way, Botley, Oxford
PROPOSAL	Demolition and redevelopment of existing shopping centre and adjacent buildings (but excluding Elms Parade) for new retail development (Use Classes A1-A5) at ground floor level, with development above comprising 140 residential units (C3), 123 bedroom hotel (C1) and 261 units of academic residential accommodation for university staff and students (sui generis). New community building (incorporating library) and replacement Baptist church (D1), small flexible office space (B1). Associated car parking and landscaping and altered vehicular accesses from West Way, Westminster Way and Arthray Road.(as amended by drawings and information accompanying agents letter dated 10 May 2016)
GRID REFERENCE	448583/206086
OFFICER	Stuart Walker

SUMMARY

The planning application, seeks consent for the demolition and redevelopment of the existing shopping centre and adjacent buildings (excluding Elms Parade) for a new retail development (Use Classes A1-A5) at ground floor level, with development above comprising; 140 residential units (C3), 123 bedroom hotel (C1) and 261 units of academic residential accommodation for university staff and students (sui generis), a new community building (incorporating library), replacement Baptist church (D1) and small flexible office space (B1). The scheme includes associated car parking, landscaping and altered vehicular accesses from West Way, Westminster Way and Arthray Road.

It was submitted on 29 January 2016 and validated 18 February 2016. It is an alternative scheme to one refused in December 2014.

The scale of development requires an Environmental Impact Assessment and the application is accompanied by a detailed Environmental Statement.

The majority 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. It is identified under Core Policy 11 in the emerging Local Plan 2031 Part 1 as a local service centre 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.

Since its submission, officers have assessed the proposal and negotiated amendments, which have been subject to the appropriate consultations.

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.

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.

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

1.0 INTRODUCTION

1.1 The application seeks consent for the demolition and redevelopment of the existing shopping centre with a mixed use development. It is an alternative proposal prepared in response to a previously refused scheme in December 2014.

1.2 The previous application was refused for the following four reasons:

1. *In the opinion of the local planning authority, the proposed development is not considered a sustainable development as it would result in a visually harmful and unneighbourly scheme, which is not compatible with or sympathetic to the character of the surrounding residential area by reason of the size, bulk, scale, height and massing of the proposed buildings. Furthermore the proposed development would adversely impact on views into and out of Oxford City by reason of its size, bulk, scale, height and massing. As such the proposal is contrary to policies DC1, DC9, NE8 and S1 of the adopted Vale of White Horse Local Plan 2011 and to core policies 11, 28, 32, 37 and 44 of the emerging Local Plan 2031 Part 1 and to advice contained in the National Planning Policy Framework.*
2. *The proposed development would be harmful to highway safety and operation due to its associated traffic generation, and inadequate on-site parking. In the opinion of the local planning authority, the local highway network cannot accommodate the additional vehicles without causing safety, congestion and environmental problems. As such, the proposal is contrary to Policies S1, DC5 and TR5 of the adopted Vale of White Horse Local Plan 2011 and to core policies 11, 28, 33 and 37 of the emerging Local Plan 2031 Part 1 and to advice contained in National Planning Policy Framework.*
3. *The proposed development would result in the loss of open market housing and older person's supported accommodation, which would have an impact on the local authority's supply of deliverable housing land. Therefore, the proposal is contrary to advice contained in National Planning Policy Framework, which seeks to boost the supply of housing.*
4. *Without the secured financial contributions to mitigate the impacts of the proposed development, the proposal would result in a detrimental impact on existing services and social infrastructure. Thus, the proposal is contrary to Policy DC8 of the adopted Vale of White Horse Local Plan 2011 and core policy 7 of the emerging Local Plan 2031 Part 1 and advice contained in the National Planning Policy Framework.*

1.3 The application site lies approximately 2km west of Oxford city centre and is the focal point for the wider predominantly residential suburb. The majority 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 the

whole application site is identified under Core Policy 11 in the emerging Local Plan 2031 Part 1 as a local service centre suitable for retail led redevelopment.

- 1.4 Following the refusal of planning permission in December 2014, the council has produced a supplementary planning document (SPD) for the site which was formally adopted in January 2016. The Botley SPD “*creates a flexible strategy to guide development that supports the existing and future local community and attracts investment to serve the wider district and meet local regeneration aspirations*” and seeks to ensure development on the site enhances the centre’s offering “*to better reflect its status as a local service centre in a key location on the western edge of Oxford*”.
- 1.5 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.

2.0 THE APPLICATION SITE AND CONTEXT

- 2.1 The application site lies within the administrative boundary of North Hinksey parish and is approximately 2.48 hectares in area. Its western and southern boundaries are 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, alongside Westminster Way, and the Botley interchange is approximately 650m from the site.
- 2.2 The site currently comprises a range of uses and facilities and is seen as the commercial/shopping centre for Botley. The redevelopment area consists of the main shopping centre (West Way shopping centre & West Way House), offices, a community hall, a library, Botley Baptist Church, and two public car parks (Chapel Way and Church Way).
- 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, and Lloyds Chemist. 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 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 under croft parking at ground level.
- 2.5 The previous application site included the vicarage of St Peter & St Paul, Field House and Vale House (to the west) and Elms Parade (a typical 1930s parade of shops located to the north). These are no longer part of the redevelopment proposal and will be retained.
- 2.6 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 4m between these two points.
- 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 A location plan is **attached** at appendix 1.

3.0 THE APPLICATION PROPOSAL

3.1 The application was submitted on 29 January 2016 and validated 18 February 2016. The application was formally amended on 10 May 2016 in response to comments received in the initial round of consultation and the following relates to the amended proposals.

3.2 The proposal is a comprehensive redevelopment of the existing shopping centre and adjacent land comprising 20 retail units and a food store with other commercial uses supporting the retail offer. A range of community and leisure uses are also proposed including a 123 bed hotel, replacement library, replacement community hall and replacement Baptist Church.

3.3 The proposal will also provide new residential uses. A total of 140 general market apartments are proposed comprising of 55 x one bed, 80 x two bed and five x three bed units. In addition, there will be 261 student rooms comprising of 225 rooms, 24 studio rooms, nine x one bed flats and three x two bed flats along with five flats for exclusive use by the Baptist Church.

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

<i>Town centre element</i>	<i>Land Use</i>	<i>Floor space (GEA)</i>
Food store	A1 – Food store	1,270.3m ²
Retail units	A1 – A5 Class uses	4,102m ²
Hotel	C1 – Hotel	5,167.7m ²
Residential	C3 - residential	12,774.98m ²
Student accommodation	Sui Generis	10,550.5m ²
Community Hall	D1 – Community centre	753.2m ²
Library	D1 – Library	380.2m ²
Business space	B1 – Office	380.2m ²
Baptist Church and hall	D1 – Place of worship	595.8m ²
Church accommodation	D1 – Place of worship	170.9m ²

3.5 The development essentially comprises six mixed use blocks of varying size arranged around a central public space and aims to provide a sustainable, well designed development to rejuvenate the centre of Botley with an integrated and complementary mix of uses that provide active frontages at street level with residential, student and hotel accommodation on upper floors.

3.6 Building A is located to north east corner of the site along West Way and Westminster Way and is a mixed use building comprising eight ground floor retail units of varying size fronting West Way, Elms Parade and the new street from Westminster Way with residential accommodation above (120 units in a mix of studio, one, two and three bed apartments), the local energy centre and parking spaces. The upper floors are arranged in C shape with stepped massing around a first floor level private communal garden for use by Building A residents. A smaller communal terrace is proposed on level seven. Access to the residential floors is taken from the corner of West Way / Westminster Way with a secondary entrance on the south side of the building. The

block is approximately 45m wide and 60m deep with a varying height of between 20.6m to 24m with a tall projection on Westminster Way of 29.2m high. The building will be constructed in brick, with metal clad balconies, mesh panels and slate roof tiles.

- 3.7 Building B occupies the space to the south east and comprises a medium sized food store and energy centre at ground level, with accommodation above arranged in two linear blocks separated with terrace garden space in between. The block fronting Westminster Way is a new 123 bed hotel, with access off the north corner of the building. The second block provides 118 student rooms with access from the western side. The building is approximately 47m wide, 53m deep with a varying height between 15m and 18m with tall projections at 25.6m (student block) and 27m (hotel block). The building will be constructed in a mixture of tile and brick, metal panels and glass.
- 3.8 Buildings C and D are situated on the south side of the new public space. Building C provides 89 student rooms above two retail units and is approximately 15m wide, 10m deep with a height of 21.5m. Building D provides 54 student rooms above four retail units. Both blocks have external garden space for student use and external balconies and will be constructed in brick and render with recessed windows.
- 3.9 Block E is a three storey building located on the north side of the new public space, comprising of six ground floor retail units and 20 apartments above. It has been designed to act as a transition between Elms Parade and the new development, with a mirrored footprint creating a mews between to simplify servicing and facilities for both buildings. The block is approximately 76m long, 17m deep with a height of 13m and will be constructed in metal cladding, with recessed windows and curved balconies, the latter in reference to the area's suburban influences.
- 3.10 Block F is the community building located on the western side of the site. It comprises a community hall and lounge, the new library and business space, together with the replacement Baptist Church facilities. Following amendment, it also provides new public WCs. The three storey building will be constructed in brick and is 34m long, 22m wide and 14.6m high at its tallest point.
- 3.11 The site currently has access from Arthray Road, Westminster Way and West Way. It is proposed to stop up the existing Westminster Way access and create two new junctions to provide access to car parks. The existing accesses from Arthray Road and West Way will remain with the addition of a left in, in only, junction on West Way for service vehicles. A range of off-site highway works (as detailed in the county highway response) will also be undertaken.
- 3.12 There is provision for 321 car parking spaces, 5% of which will be accessible spaces and electric charging points will be provided at various locations throughout the site. The parking provision is not specifically allocated to any particular land use, and a car park management plan is proposed to efficiently manage parking spaces based on an initial two hours free and payment on departure for over stays, monitored with an automatic number plate recognition system (more detail is available to view online in the technical note 2 - parking management strategy document). In addition, the student accommodation is proposed to be car free and controlled through a tenancy agreement to legally bind occupants not to bring cars to the site and not to park in the adjacent streets (more detail is available in the technical note 3 - student management and the student management plan update). 124 external cycle parking spaces will be provided throughout the development with further secure cycle storage facilities (412 spaces) for new residents and students.
- 3.13 The proposed landscaping and public realm aims to provide public space at ground

level that is pedestrianised, primarily through a central street activated by the community building to the west and the retail space throughout the site. Where vehicle access crosses the public space, the intention is for the space to be shared. In addition it is proposed to provide new tree planting within the site and along West Way / Westminster Way together with new paving around Elms Parade. A new pedestrian crossing on West Way is also proposed that will be straight in design to replace the existing dog leg crossing.

3.14 The development is forecast to create approximately 55 new full time equivalent (FTE) jobs over a three year period during its construction with an additional 248 permanent (FTE) opportunities following completion.

3.15 The scale of development requires an Environmental Impact Assessment and the application is accompanied by an Environmental Statement (ES), a Regulation 22 update statement together with drawings and the following documents:

- Planning statement and letter update
- Design and access statement (DAS) and addendum
- Transport assessment (TA), addendum plus technical notes
- Statement of community involvement
- Landscape statement and addendum
- Student demand assessment
- Student management report and plan update
- Daylight / sunlight assessment and shadow study (in DAS addendum)
- Retail impact assessment
- Energy and sustainability report
- Service and delivery management plan
- Affordable housing viability statement and addendum
- Wind microclimate statement
- Tree survey
- Phase II geotechnical assessment
- Accommodation schedule

3.16 The Environmental Statement (ES) and Regulation 22 update statement, describes the development and includes consideration of alternatives, phasing, construction and implementation 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: landscape and visual impact; transport; historic environment; ecology and nature conservation; water resources and flood risk; noise; air quality; socio-economic impacts; cumulative effects and residual effects and mitigation. A non-technical summary has been provided.

3.17 The Design and Access Statement (DAS) and its addendum sets out the design considerations for the development. It provides a review of the site's immediate and wider context 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 provide 'a rejuvenated heart for the local community with extensive public space between a series of varied buildings'. The DAS provides details on how the area is intended to be developed; the location of land uses; heights massing and scale; materials, landscape concepts; along with working strategies for sustainability; access and movement; deliveries and waste management and phasing.

3.18 Extracts of the application plans are **attached** at appendix 2. All detailed plans and supporting technical documents accompanying the application are available to view online at www.whitehorsedc.gov.uk.

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 at www.whitehorsedc.gov.uk. Where appropriate, more detailed / full comments are attached as appendices to the report.

4.2 The application has been advertised as a major development, development not in accordance with the development plan and as EIA development. All the appropriate consultations/notifications have been undertaken on the original submission and amendments. The latest consultation/notification on further amendments expired 2 June 2016. Below is a summary of the received responses.

4.3 North Hinksey Parish Council	No objection. A copy of their latest representation is attached at appendix 3.
Cumnor Parish Council	<p>Objection. Their concerns can be summarised as follows:</p> <ul style="list-style-type: none"> • Scale of the proposal - grossly over-dominant in this location, and causing loss of amenity to neighbouring properties • Traffic congestion – the scheme if allowed, would cause greatly increased congestion with all the attendant problems of noise and pollution • Parking – inadequate to meet the needs of the proposal • Cycle parking – difficult to assess provision • Delivery vehicles – inadequate parking for delivery vehicles, particularly regarding articulated servicing, together with envisaged problems regarding the route exiting the site • Noise pollution – it is unjustifiable to place student accommodation so close to noise pollution arising from the A34 • Air pollution – there are serious concerns about the impact of increased traffic on levels of NO2, and particulate matter (PM 2.5 and PM10), so close to student accommodation • Residential units – no clear statement is made regarding whether this accommodation involves affordable homes or suitability for the elderly • Academic residential accommodation – concerns regarding the location of this accommodation, particularly as no demand is recognised • Hotel – not considered viable without dedicated parking • Foul waste – there are serious concerns about the capacity of the foul sewage system to cope with a development on this scale <p>Comments on amended plans</p>

	<ul style="list-style-type: none"> • Council acknowledges that amendments have been made to the height of some of the buildings, the cycle provision is better and some of the balconies have been glazed in recognition of the Environmental Health concerns relating to noise. These amendments are not sufficient to fully address issues and concerns raised when commenting on the original planning application which still stand. • It is still unclear whether the residential units would be 'to buy or let' or how many of the units would be affordable homes/disability housing, and Council would welcome detail of the number of these units. • Details regarding car parking spaces are still confusing and the figures do not add up. • Entry/exit arrangements of vehicles larger than 5m in length making deliveries between 18.00 and 10.00 are still unsatisfactory. • Concerns regarding foul water have not been addressed.
<p>Representations from Local Residents</p>	<p>A total of 376 third party representations have been received in response to the initial round of consultation. 349 raise objection, 20 support the application. The objections are made of the following summarised grounds:</p> <ul style="list-style-type: none"> • Scale and character • Traffic generation • Parking • Student accommodation • Air pollution / environmental problems • Noise • Impact / loss of existing shops • Contrary to local plan / town centre status • Overdevelopment • Design • Impact on residential amenity • Impact on St Peters & St Pauls church • Hotel • Viability of scheme / not sustainable • Does not meet local needs of residents • Access issues for pedestrians / cyclists • Flood risk / drainage • Construction phasing • Impact on community facilities • Lack of housing for elderly • Retail Impact on Oxford • Impact on potential future investment by leaseholders • Lack of public conveniences • Contrary to Botley SPD <p>A total of 117 third party representations have been received in response to the amended proposal consultation. 114 raise objection, three support the application. The majority of</p>

Vale of White Horse District Council – Committee Report – 15 June 2016

	<p>objections reiterated previous concerns (listed above) but the following issues were also raised:</p> <ul style="list-style-type: none"> • Lack of affordable housing • Public spaces are too narrow • Contrary to design guide principles • Reduction in height is not sufficient to overcome previous concerns on scale and character • Development should be no more than five storeys • The reconfiguration of building B will cause even more overshadowing of Arthray Road • The development has a residential emphasis rather than a retail one • Insufficient parking provision • No clear traffic management strategy is provided • No clear waste management strategy is provided • No clear site management plan is provided
<p>West Way Community Concern</p>	<p>Objection, raising the following issues:</p> <ul style="list-style-type: none"> • Excessive height and massing • Contrary to local plan policies and SPD • Too dense • Inadequate parking arrangements • Traffic circulation safety issues • Impact on residential amenity • Overshadowing of public realm • No 3D model has been provided <p>Their latest response is <u>attached</u> at appendix 4.</p>
<p>North Hinksey Neighbourhood Plan group</p>	<p>Objection, raising the following issues:</p> <ul style="list-style-type: none"> • Height • Scale and character • Massing
<p>North Hinksey Parochial Church Council</p>	<p>Objection, raising the following issues:</p> <ul style="list-style-type: none"> • Height • Scale and character • Massing
<p>Councillor Debby Hallett</p>	<p>Objection raising the following issues:</p> <ul style="list-style-type: none"> • Inappropriate development for the site • Intended uses contravene local plan policy • The proposals in this planning application are neither compliant with our saved policies, nor the Botley SPD, nor with our Design Guide, nor the NPPF. <p>The councillor's latest comments are <u>attached</u> at appendix 5.</p>

Vale of White Horse District Council – Committee Report – 15 June 2016

<p>Councillor Emily Smith</p>	<p>Objection raising the following issues:</p> <p>I welcome the reduction in height that Mace have proposed and the addition of public toilets in their amended scheme.</p> <p>However my original comments about the application still stand:</p> <ul style="list-style-type: none"> • Excessive building height • Loss of sunlight and quality of public and amenity spaces • Insufficient parking provision • Traffic and road safety • Proposed uses of the site • Poor quality of the student accommodation • Sustainability <p>The councillor's latest comments are <u>attached</u> at appendix 6.</p>
<p>Councillor Dudley Hoddinott</p>	<p>Objection raising the following issues:</p> <ul style="list-style-type: none"> • Excessive height and scale • Car parking • Cycle parking locations • Loss of light / overshadowing • Lack of public conveniences <p>The councillor's latest comments are <u>attached</u> at appendix 7.</p>
<p>Councillor Judy Roberts</p>	<p>Objection raising the following issues:</p> <ul style="list-style-type: none"> • Scale and massing • Wind micro-climate • Daylight impact • Servicing and delivery times and conflict with pedestrian users • Noise and air pollution • Car parking • Phasing of construction • Cycle parking locations <p>The councillor's latest comments are <u>attached</u> at appendix 8.</p>
<p>County Councillor Janet Godden (North Hinksey Division)</p>	<p>Objection, raising the following issues:</p> <ul style="list-style-type: none"> • Size and scale of development • Air, noise and light pollution • Enforcing car free student accommodation • Traffic generation, congestion and highway safety • Parking • Drainage • Open space • Construction phasing

Oxford City Council	<p>Objection, raising the following issues:</p> <ul style="list-style-type: none"> • Scale and massing • Adverse visual impact on the setting of Oxford • Lack of model to assess proposal • Traffic generation <p>A copy of their latest response is <u>attached</u> at appendix 9.</p>
Oxfordshire County Council	<p>No objection. The latest response is <u>attached</u> at appendix 10</p> <p><i>Transport</i></p> <ul style="list-style-type: none"> • No objection, subject to conditions and contributions towards <p><i>Archaeology</i></p> <ul style="list-style-type: none"> • No objection, subject to conditions. <p><i>Economy and Skills</i></p> <ul style="list-style-type: none"> • No objection, subject to preparation and implementation of a community employment plan. <p><i>Education</i></p> <ul style="list-style-type: none"> • No objection, subject to contributions for primary school and secondary school expansion. <p><i>Property</i></p> <ul style="list-style-type: none"> • Support, subject to provision of replacement library. <p><i>Ecology</i></p> <ul style="list-style-type: none"> • No objection.
Highways England	<p>Holding objection, pending a review of traffic analysis data to assess the traffic impact on the A34.</p>
Oxford Preservation Trust	<p>Objection.</p> <ul style="list-style-type: none"> • Scale of proposal will have a serious negative impact on views of the city and the character of Oxford. • The proposal does not overcome the first reason for refusal and the current scheme would have a similar impact resulting in a visually harmful and unneighbourly scheme. • The scheme will impact on protected views from South Park – as set out in the Assessment of the Oxford View Cones, and on views from Oxford’s publically accessible towers. • Proposal is contrary to the Botley SPD. • The scheme will impact on the setting of important Oxford heritage assets and the city conservation area. • The scheme will harm the character of Botley and its historic interest and impact local views within North Hinskey.

Vale of White Horse District Council – Committee Report – 15 June 2016

Thames Water	No objection.
Drainage Engineer	No objection, subject to conditions.
Historic England	We have no comment to make in this instance.
Conservation Officer	No objection.
Urban Design Officer	Support, subject to conditions. The officer's comments are attached at appendix 11.
South East Design (review panel)	The detailed comments from the panel in relation to the initial plans are attached at appendix 12.
Tree Officer	No objection, subject to conditions.
Landscape Officer	No objection, subject to conditions.
Natural England	Standing advice applies.
Countryside Officer	No objection.
Housing Development Team	No objection.
Health & Housing Food Safety	No objection.
Health & Housing Contaminated Land	No objection, subject to conditions.
Health & Housing Air Quality	No objection, subject to conditions.
Health & Housing Protection team	No objection, subject to conditions.
Equalities Officer	No objection.
Young Person Coordinator	Support.
Waste Management Team	No objection, but raise concern the proposed development does not have sufficient bin store space to accommodate the required bin capacity to satisfy DC7 for a waste and recycling service provided by the district council. The bin store space needed for residential properties throughout the proposed site has been greatly underestimated.
Leisure Team	No objection, contributions requested.
National Planning	No comments received.

5.0 **RELEVANT PLANNING HISTORY**

5.1 **Planning applications**

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, and adverts. The most relevant applications in relation to this application are:

[P13/V2733/FUL](#) - Refused (05/12/2014)

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, 50no. 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.

[P14/V1687/PDO](#) – Works confirmed as permitted development (12/09/2014)

Change of use from office to 14 residential units including cycle storage and 24 parking spaces.

[P10/V1327](#) - Approved (07/04/2011)

Demolition of existing buildings. Redevelopment of site to provide new Baptist Church and associated facilities including community rooms, and cafe (Phase 1); two upper storey flats and student accommodation (16 units) (Phase 2). (Re-submission)

5.2 **Pre-application advice**

The applicant undertook pre-application discussions with officers in December 2015 and January 2016. The key matters discussed included:

- Planning policy context;
- Urban design principles and master planning;
- Height and massing;
- Landscape and visual impact;
- Access, highways and parking;
- Residential amenity;
- Proposed public realm and integration of Elms Parade

6.0 **POLICY & GUIDANCE**

6.1 **Vale of White Horse District Council Local Plan 2011**

The development plan for this area comprises the adopted Vale of White Horse local plan 2011. The following local plan policies relevant to this application were 'saved' by direction on 1 July 2009.

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
NE8 - Landscape setting of Oxford
H10 - Development in the Five Main Settlements
H17 - Affordable housing
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 Local Plan 2031 – Part 1**

The draft local plan part 1 is not currently adopted policy. Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF. Whilst the plan has been through Examination the Inspector's report has not been received and objections to the plan remain unresolved. At present it is officers' opinion that the emerging Local Plan policies carry limited weight for decision making. The relevant policies are as follows:-

- 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
- 47 – Delivery and Contingency

6.3 **Supplementary Planning Guidance / Documents**

The following are considered relevant to this proposal:

- Botley Centre – January 2016
- Design Guide – March 2015
- South Oxfordshire & Vale of White Horse Hotel Needs Assessment – July 2014
- Section 106 interim guidance 2014
- Retail and Town Centre Study – March 2013
- Open space, sport and recreation future provision – July 2008
- Affordable Housing – July 2006
- Flood Maps and Flood Risk – July 2006
- Planning and Public Art – July 2006
- Oxfordshire Local Transport Plan (LPT4) – September 2015

6.4 **Botley Centre SPD – January 2016**

This SPD creates a flexible strategy to guide development that ‘*supports the existing and future local community and attracts investment to serve the wider district and meet local regeneration aspirations*’. It sets out context, issues and opportunities, a local vision for Botley centre underpinned by the following nine objectives:

- Deliverable improvements
- Respect the character and identity of Botley
- Create a distinctive place
- Appropriate scale and massing
- Strengthen the retail centre
- Transform the public realm
- Improve access, permeability and parking
- Enhance community facilities
- Provide a vibrant mix of use

These nine objectives translate into a development framework with key development principles which can be summarised as:

- Development should support Botley’s role as a local service centre.
- Provide a mix of appropriate uses which may include, retail units, food stores, business and office space, variety of residential units including on site affordable housing, student accommodation, accommodation for older people, a nursery, new community hub, leisure uses, cafes and restaurants and places of worship.
- Focus land uses with higher levels of activity to the east of the site.
- Improving pedestrian permeability through clearly defined north / south and east / west connections between West Way and Arthray Road and Westminster Way with movement along key retail routes.
- Improve the cycle environment on West Way and provide convenient cycle parking facilities.
- Sharing of parking between land uses through active site management and site planning.
- Dedicated service delivery access from Westminster Way and provision of a service and delivery plan.
- Alignment of pedestrian routes and bus stops with convenient road crossings.
- Improve quality of bus stop facilities.
- Robust assessment of traffic impact.
- Vehicle accesses minimised to a number and scale to those currently in use with access to car parking and service areas via West Way and Westminster Way.

- Provision of a series of public open spaces varied in character delineated with active frontages and uses at ground level, proportioned to relate to context, be human in scale with formal / informal seating and orientated to avoid overshadowing.
- Improving the setting of and relationship of Elms Parade.
- Retaining trees where possible and enhancing green infrastructure.
- Respond to existing scale and massing, through a framework for heights with higher buildings towards the east part of the site (up to eight storeys).
- Careful consideration of density to avoid over development and use of a mix of building forms to break up massing.
- Buildings fronting Westminster Way designed to limit level of noise and air pollution entering the area from the A34.
- Use of high quality materials and finishes for buildings and public realm.

6.5 *Design Guide – March 2015*

The following sections of the Design Guide are particularly relevant to this application:-

Responding to Site and Setting

- *Character Study (DG6), site context (DG7) and Site appraisal (DG9)*

Establishing the Framework

- *Existing natural resources, sustainability and heritage (DG10-13, 15, 19)*
- *Landscape and SUDS (DG14, 16-18, 20)*
- *Movement Framework and street hierarchy (DG21-24)*
- *Uses and Density (DG25-26)*
- *Urban Structure (blocks, frontages, nodes etc) (DG27-30)*

Layout

- *Streets and Spaces (DG31-43)*
- *Parking (DG44-50)*

Built Form

- *Scale, form, massing and position (DG51-54)*
- *Boundary treatments (DG55)*
- *Building Design (DG56-62)*
- *Amenity, privacy and overlooking (DG63-64)*
- *Refuse and services (DG67-68)*
- *Apartments (DG69-75)*
- *Building performance (DG83-87, DG89)*
- *Mixed use centres (DG90-93)*

6.6 **National Planning Policy Framework (NPPF)**

6.7 **National Planning Practice Guidance (NPPG)**

6.8 **Neighbourhood Plan**

Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF.

6.9 A neighbourhood plan area was designated 19 June 2015 and includes the application site. Although the neighbourhood plan is developing, it has not been submitted to the Council for Examination. Consequently very limited weight can be given to any policies that may be emerging in the draft neighbourhood plan.

6.10 **Environmental Impact**

This is EIA development. The application is accompanied by an Environmental

Statement (ES) and Regulation 22 update statement, and the following areas of potential impact have been addressed: landscape and visual impact; transport; historic environment; ecology and nature conservation; water resources and flood risk; noise; air quality; socio-economic impacts; cumulative effects and residual effects and mitigation.

6.11 Other Relevant Legislation

- Planning (Listed Buildings and Conservation Areas Act) 1990
- Community & Infrastructure Levy Legislation
- Human Rights Act 1998
- Equality Act 2010
- Section 17 of the Crime and Disorder Act 1998
- Natural Environment and Rural Communities (NERC) Act 2006
- The Conservation of Habitats and Species Regulations 2010
- Localism Act (including New Homes Bonus)

6.12 Human Rights Act

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

6.13 Equalities

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

7.0 PLANNING CONSIDERATIONS

7.1 The relevant planning considerations in the determination of this application are:

1. National policy and the principle of development
2. Employment & economy
3. Sequential test for town centre uses
4. Retail impact
5. Hotel need
6. Student accommodation
7. Residential accommodation
8. Affordable housing & viability of development
9. Design
 - Site, setting and framework
 - Spatial layout
 - Height, scale and massing
 - Public space and streets
 - Design quality
10. Landscape and Visual Impact
11. Landscaping
12. Residential Amenity
13. Relationship with St Peter & St Paul Church
14. Heritage assets
15. Flood Risk & Surface/Foul Drainage
16. Ecology & Biodiversity
17. Air quality
18. Noise & vibration
19. Contaminated land
20. Traffic, parking and highway safety
 - Access
 - Traffic generation

- Car parking
- Cycling and public transport
- Servicing and deliveries
- Off-site highway works

21. Local finance considerations
22. Phasing
23. Process – referral to Secretary of State
24. Contributions

7.2 National policy and the principle of development

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicated otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

- 7.3 The development plan currently comprises the saved policies of the Vale of White Horse Local Plan 2011. Other material planning considerations include the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), emerging Vale of White Horse Local Plan: Part 1 Strategic Sites and Policies and its supporting evidence base, and the adopted Botley Centre SPD (under Local Plan 2011).
- 7.4 The current Local Plan 2011 has some relevant saved policies (listed in section 6) that are partly or fully consistent with the NPPF. In assessing this proposal greater weight should be applied to the more up to date NPPF, supported by the PPG and SPD.
- 7.5 At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. For decision taking this means (unless material considerations indicate otherwise) approving development proposals that accord with the development plan without delay, and where the development plan is absent, silent or relevant policies are out of date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted (NPPF, paragraph 14 refers).
- 7.6 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 supports “*comprehensive retail-led redevelopment and upgrading of Botley central area*” providing that certain criteria are met. In addition, Core Policy 4 concerning meeting our housing needs, 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.
- 7.7 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 presently 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.

- 7.8 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 as it is negatively worded (will not permit) and does not reflect the importance that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability (NPPF, paragraph 23). Greater regard therefore must be given to the NPPF, which is the more up to date policy.
- 7.9 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.
- 7.10 The NPPF defines areas specified 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 development incorporating a wide mix of uses, on a previously developed site in this location is, in principle, consistent with the NPPF.
- 7.11 **Employment & Economy**
As a result of the redevelopment of this site several existing businesses will be affected. However the proposal is for a mixed used scheme and a number of the proposed uses on the site will create new jobs both during the construction and operational phase of the development. The redevelopment of this site is also considered to support the economy of the town centre and will encourage people visiting the town to spend money within it.
- 7.12 **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"*.
- 7.13 Part of the application site (the current Baptist Church premises) lies outside the defined town centre area of Policy S1. The 'town centre' uses proposed on this part of the site are the hotel and approximately half of the floor space for the new food store. Officers consider this part of 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. As such it is considered these uses fall within edge of town centre and officers 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.

7.14 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 the most recent evidence on retail need. This document states there is scope for new retail development within the district and forecasts 519sqm of additional floor space will be required at Botley over the plan period, based on constant market shares. The study states that "*Redevelopment proposals for the Westway Shopping Centre if permitted and implemented are likely to accommodate projected growth in Botley*". The study also confirms "*It is important to maintain a range of non-retail uses within centres, and where there are deficiencies, plan to improve the overall offer of the centre. In Wantage and Botley, there is a need for additional non-retail (Class A3-A5) uses, in order to complement the retail focus of the centres.*"

7.15 The proposal will create 1,270sqm of food store space and 4,102sqm of commercial floor space to be used flexibly within use classes A1 – A5. The existing buildings to be demolished currently provide a total of 3,874sqm, which will result in an increase of 1,498sqm of commercial floor space on the site.

7.16 The redevelopment proposal exceeds the Botley retail capacity projection of 519sqm. However, the retail and town centre study 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.

7.17 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 floor space 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....*"

7.18 The applicant has submitted a retail impact assessment which concludes the proposed development will not have any negative impact on any planned public or private sector investment within any defined centre in the wider area, and the proposal will not result in any unacceptable impacts as a result of an unsustainable level of trade diversion from any defined centre. The assessment also considers the proposed development is commensurate (in retail terms) with the scale, role and function of Botley as a 'town centre'.

7.19 Officers consider the retail impact assessment to be fair and reasonable and have no contrary evidence to disagree with its overall conclusion that, notwithstanding the proposed floor space provision, the proposed development '*will not have a significant adverse impact upon the overall vitality and viability of any defined centre*'. The proposal addresses the projected retail needs identified in the retail study and will help to promote and enhance the local retail offer. In turn, this will help increase the vitality and viability of Botley centre. The retail impact of the proposal is, therefore, acceptable.

7.20 Hotel 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.

Policy T1 of the adopted Local Plan 2011 is generally permissive of hotel development in the built up area of Botley.

7.21 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 hotel within the redevelopment of the site.

7.22 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 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.

7.23 Residential accommodation

One reason for refusal on the previous scheme related to the loss of existing housing from the site and the associated impact on the council's supply of deliverable housing land. To address this the proposed development now includes 140 apartments, which results in an increase of 128 units on the site.

7.24 Policy H16 of the Adopted Local Plan requires 50% of houses to have two beds or less. However, as stipulated in paragraph 47 of the NPPF, this policy is out of date as it is not based on recent assessments of housing need. The Oxfordshire Strategic Housing Market Assessment 2014 (SHMA) is the most recent assessment and estimates the following open market dwelling requirement by number of bedrooms (2011 to 2031) for the District:

	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms
SHMA	5.9%	21.7%	42.6%	29.8%
Expectation	8	30	60	42
Proposal	55	80	5	-

7.25 It is clear the mix departs from that which the council would normally seek. However, officers consider the proposed apartment accommodation located above retail units in a mixed use redevelopment, is more suited to one and two bed units than family accommodation. The variation from the SHMA mix also needs to be considered against the economic, social and environmental benefits of the proposed development which are considered to outweigh the limited conflict with the SHMA. The council's housing team are satisfied with the amended proposal in terms of mix. Overall, officers conclude the mix is acceptable for a redevelopment proposal in a town centre and the previous reason for refusal on loss of residential use from the site is overcome.

7.26 Affordable housing & viability of development

Policy H17 of the adopted Vale of White Horse Local Plan 2011 requires 40% affordable housing on all sites where there is a net gain of fifteen or more dwellings.

Core Policy 24 of the emerging Local Plan Part 1, 2031 seeks 35% affordable housing on all sites capable of three or more dwellings. A tenure mix of 75% social rented and 25% intermediate housing will normally be sought. Any change to tenure mix or the percentage of affordable housing will need to be supported by a viability assessment.

- 7.27 To comply with Policy H17 this proposal would need to provide 56 affordable units (42 rented and 14 shared ownership). Core Policy 24 would require 49 units (37 rented and 12 shared ownership). The applicant, however, has offered 14 one bed starter homes (with a sales value at 80% of open market value) as an alternative on grounds of viability which is discussed in more detail below.
- 7.28 The NPPF (para 173) states that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision taking. Plans should be deliverable and sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns and ensure the development is deliverable.
- 7.29 The applicant has produced a viability report to appraise the development proposal. The report is a residual appraisal which assumes present day values and costs, so reflects the viability of the development if it were built out and sold in current market conditions. It identifies the land assembly costs of this proposal are high due to the value of existing uses and indicates the developer's return will be below competitive benchmark rates. As a result the viability appraisal shows that the scheme is unable to be delivered if affordable housing is provided in accordance with Policy H17.
- 7.30 The viability report has been independently reviewed by an external viability consultant on behalf of the council (as local planning authority) who confirms the assumptions and inputs used are fair and reasonable, and that the existing site with a mix of commercial uses has a considerable existing value. The consultant also acknowledges this is a large and complex scheme which carries a higher level of risk and concludes the applicant's justification for replacing the affordable housing requirement with Starter Homes has been appropriately and robustly justified.
- 7.31 Notwithstanding the comments above, officers (at the time of writing the report) continue to challenge the applicants regarding the provision of affordable housing either on site or through a commuted sum for off-site provision. In this instance a commuted sum would be appropriate to assist with the council's need for affordable family accommodation. The proposed development consists of leasehold small units above shops, which would not be suitable family accommodation. Following negotiations officers understand that an offer of £2,000,000, as a commuted sum towards off site affordable housing will be confirmed, and (if necessary) with an overage clause. An update will be given on this matter at the committee meeting.
- 7.32 Local concern has been expressed that due to the scale of development, there is a risk that elements (such as the student accommodation for e.g.) could fail and thus it should be refused. However, the viability appraisal demonstrates the development could be delivered as proposed. Should it be the case that an alternative scheme comes forward, or that any future change of uses are proposed once the development has been completed, such matters would be subject to a fresh planning application and considered on its own merits. As such it would be unreasonable to withhold permission on such grounds.

7.33 **Design**

The NPPF provides that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (paragraph 60). It gives considerable weight to good design and acknowledges it is a key component of sustainable development.

7.34 A number of local plan policies seek to ensure high quality developments and to protect the amenities of neighbouring properties (Policies DC1, DC6, and DC9). In March 2015 the council adopted its design guide, which aims to raise the standard of design across the district. Further design guidance is contained in the adopted Botley SPD and the assessment below is set out in sections similar to those in the design guide and SPD.

7.35 *Site, Setting and Framework*

The design and access statement includes a character study, context appraisal and site appraisal as required by principles DG6-DG9 of the design guide. The applicant has identified planning designations and considered the physical aspects of the site, including topography, existing natural features, and access points in order to identify the key constraints and opportunities. The development proposal responds to this.

7.36 *Spatial Layout*

The layout form is based around a central pedestrianised street activated by the community building to the west and the retail space throughout the site, with a focus of activity towards the east of the site (such as the food store and hotel). The proposed layout has been derived from the principles of the Botley SPD in terms of access, linkages and legibility and the principles for public space and streetscape. It is considered to meet the Botley SPD requirements in respect of layout and principles DG31, DG32 - DG36, DG38 and DG91 of the design guide, and is acceptable.

7.37 *Height, scale and massing*

Through Policy DC1 of the adopted Local Plan 2011 the council seeks to ensure that the scale, mass, height and layout of development do not harm the character and appearance of its surroundings. 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*". A number of principles in the design guide reference density, scale and mass and the Botley SPD also requires new development to relate to the scale and massing of the area and "*create a varied and integrated roof scape, which contributes positively to the visual amenity, balanced with recognition and reflection of the existing character of Botley.*"

7.38 The previous application was refused in part because it would result in a visually harmful development "*by reason of the size, bulk, scale, height and massing of the proposed buildings*" and it remains important to recognise that this new proposal will provide a step change in the scale of development which will change the character of this part of Botley. As such scale, height and massing of the new development remains a key, if not the main, issue of concern from local residents.

7.39 A framework for heights in the Botley SPD has been established in a Scale and Massing Diagram. This indicates heights going up to eight storeys towards the north eastern corner where the corner could provide the opportunity for a visual landmark that "*signals arrival, invites people into the area and creates a positive first impression*".

7.40 The proposed development reflects the framework requirements of the Botley SPD in locating the highest buildings (eight storeys) on the Westminster Way side of the site

with heights reducing further west towards Elms Parade and the residential suburb to the south. However, the building strategy differs slightly from the Botley SPD as the tallest parts of the development are midway along Westminster Way rather than at the north east corner. Officers consider this differentiation is acceptable and are overall content with the proposed height of the development in the context of scale and massing.

- 7.41 In terms of scale and massing, the proposed development has been broken up into a series of blocks of varying heights which helps reduce the overall impact of the development and creates a more varied and interesting roof scape and building lines. The design review panel commented *“this location in a district centre is appropriate for a higher density development with the scale that comes with it”*. Officers consider the scale and massing proposed is appropriate to its context. Notwithstanding that the scale and mass of the development will be apparent from public vantage points in surrounding streets and in views at some distance from the site, officers consider this is not harmful. The proposal is, in contrast to the previously refused scheme, now more broken up and articulated with a varied roof scape and integrated with the public realm.
- 7.42 *Public space and streets*
The Botley SPD is clear that public open spaces should be in proportion to human in scale and to take account of solar orientation to avoid overshadowing. The design panel has commented there are some awkward relationships between buildings and overshadowing that needs to be assessed to establish whether the main space is a suitable place to sit. Concern has also been raised that public spaces between buildings are too narrow. West Way Community Concern cites the development does not comply with ‘height to width’ ratios between buildings and streets outlined in ‘By Design’ Urban design in the planning system: towards better practice.
- 7.43 In response to these concerns the applicant has provided an assessment of wind effects and a shadow study. Whilst the potential wind effects are unlikely to exceed recommended criteria for pedestrian comfort, the shadow study indicates the main pedestrianised space will be in shade for most of the day. The urban design officer has assessed the proposal and advises *“I am satisfied that the close proximity of buildings and their heights will not result in an unacceptable sense of overbearing impact”* but *“it is clear that there will be less sunshine in the central public space as a result of this proposal... and this may affect the success of it and the attractiveness to people visiting the centre and seeking to enjoy the public spaces.* The urban design officer also comments *“There will be however, be other locations within the site that will not be in the shade at the time that the central square is and these include part of the community square to the west, part of the passageway between Blocks A and B adjacent to Westminster Way and part of the front of Elm’s Parade. The site will therefore offer choice of spaces in and out of the shade.”* Notwithstanding the concerns raised, officers consider the public space between buildings and the resultant microclimate and shadowing within the development is acceptable when balanced against the economic benefits of the scheme.
- 7.44 *Design quality*
The Botley SPD is clear that building and public realm materials and finishes should be of the highest quality to create a cohesive environment. It also confirms that where appropriate and practicable, development should seek to minimise energy consumption and aspire to achieve BREEAM excellent on non-residential development.
- 7.45 The proposed materials (as detailed in section 3) are acceptable and with careful control on detailing of both buildings and hard surfaces through conditions, the development will result in a high quality finish and public realm. The development is

proposed to achieve a 25% reduction in carbon emissions through the use of renewable technologies including the use of combined heat and power units and photovoltaic panels.

7.46 Overall the design of the proposal is acceptable. The proposed development is in accordance with the development framework strategy of the adopted Botley SPD, relevant principles of the design guide and officers consider the proposal will result in a high quality development.

7.47 Landscape and visual impact

Concern has been raised again regarding the visual impact of 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.

7.48 It is clear that the proposed development has a scale height and mass that will be more prominent and visible in wider views from the surrounding area than the existing site. However it is considered that 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.

7.49 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”.

7.50 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’ 2015 – a 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 these 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 consequently, 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 outweighed by the potential economic and social benefits of the proposal.

7.51 Taking all of the above into account, officers consider this development proposal has overcome the first reason for refusal.

7.52 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.

- 7.53 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.
- 7.54 The application seeks to provide a landscape scheme to mitigate this tree loss and to soften the visual impact of the development by enhancing the landscape within the site and for users and residents of the surrounding roads. However, as currently proposed the landscaping scheme requires further refinement. Whilst landscaping along West Way accommodates the space around Elms Parade and will allow for continuity of tree cover, the least effective area for landscape provision, and consequently replacement trees, remains 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 the number, species type and available planting area will need to be improved to ensure that the landscape is enhanced on this boundary (visibility splays and hard surfacing notwithstanding).
- 7.55 In addition, the southern boundary presently relies on poor quality off-site trees from private gardens to soften the visual impact of the development for residents on Arthray Road. To address this a new boundary planter along the south edge of the car park will offer ornamental planting and climbers to hang over its edge. Whilst the planter will soften the edge of the development, it is considered there is not sufficient room to provide vegetation that will offer height and depth. Officers consider a suitable scheme can be achieved within the site and further refinements to address these issues can be secured by condition.
- 7.56 **Residential amenity**
Adopted local plan policy DC9 seeks to prevent development that would result in a loss of privacy, daylight or sunlight for neighbouring properties or that would cause dominance or visual intrusion for neighbouring properties and the wider environment. Protecting amenity is a core principle of the NPPF. Design principles DG63-64 of the Design Guide pertain to amenity, privacy and overlooking
- 7.57 The development would not have any material 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. Servicing and delivery arrangements will be controlled by condition. For nearby residents of the site, their view and outlook from their properties will change, however the development is not considered to have a detrimental impact on their amenity. Issues of scale and massing have been addressed elsewhere in this report.
- 7.58 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, some ground floor rear windows on Elms Parade will receive slightly less daylight and sunlight. These windows are already recessed due to the overhanging walkway. Some secondary windows at 26 – 28 Westminster Way and a rear window at 6 Arthray Road will also receive slightly less daylight. 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. Officers consider the proposal is thus acceptable in amenity terms and accords with policy DC9 and the NPPF.

7.59 Relationship with St Peter and St Paul Church

Concern has been raised over the impact of the development on St Peter and St Paul Church. Officers consider the proposal would not have a harmful impact in terms of loss of light and the privacy of the memorial garden will be maintained.

7.60 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 schedule ancient monument are present within the application area. The county archaeologist has 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.

7.61 A significant amount of objection to the previous scheme related to the potential loss of Elms Parade. This building was assessed to be of sufficient significance to be considered as a non-designated heritage asset meriting consideration in planning decisions. The proposed development now proposes the retention of the Elms Parade of shops as part of the West Way frontage to the development site. In terms of its setting, the conservation officer raises no objection to the proposal but considers it is important to ensure the proposed hard and soft landscaping around Elms Parade is consistent with the rest of the site to ensure that it is integrated into the whole scheme. The applicant proposes a continuity of shared surface finishes. Further details on the hard surfacing will be controlled through conditions.

7.62 Flood Risk and Surface/Foul Drainage

The NPPF provides that development should not increase flood risk elsewhere and should be appropriately flood resilient and resistant (paragraph 103). It states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution (Paragraph 109).

7.63 Adopted local plan policy DC9 provides that new development will not be permitted if it would unacceptably harm the amenities of neighbouring properties or the wider environment in terms of, amongst other things, pollution and contamination. Policy DC12 provides that development will not be permitted if it would adversely affect the quality of water resources e.g. as a result of waste water discharge.

7.64 The application is supported by a Flood Risk Assessment and Drainage Strategy (contained within the ES). The site is located within flood zone 1, land with a low probability of flooding. The site itself 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 raise no objection subject to further constructional drainage details being submitted prior to commencement of development. Subject to the suggested drainage conditions, the proposal is acceptable in respect of flood risk and drainage.

7.65 Ecology and Biodiversity

Paragraph 117 of the NPPF refers to the preservation, restoration and re-creation of priority habitats, whilst Paragraph 118 sets out the basis for determination of planning applications. Paragraph 118 states that “...*if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...*”

- 7.66 The applicant has assessed ecology and nature conservation within the ES and the surveys undertaken provide a good picture of the current ecological status of the site. Updated bat surveys of the buildings have been completed. 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 significant populations of 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 or priority habitats arising off site as a result of the proposals. Overall, the proposals would not lead to a net loss in biodiversity in the local area and the countryside officer raises no objection to the application.

7.67 Air quality

The NPPF states that the planning system should contribute to and enhance the natural and local environment by, for example, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution (paragraph 109).

- 7.68 The development site is not within an Air Quality Management Area (AQMA) but lies relatively close to an AQMA adjacent to the A34 in Botley and to the Oxford City AQMA. Details on air quality are covered in the ES and the regulation 22 update statement. The assessment has used local monitoring and modelling to predict the impact on air quality of the proposed development. These impacts have included impacts during both the construction and operational phases and the impact of the proposed CHP plant. The modelling has followed appropriate guidance and the authors have stated that the modelling results are conservative and represent a worst case situation.

- 7.69 The modelling indicates that none of the new proposed residential development will be exposed to nitrogen dioxide levels above the air quality objective. The only predicted exceedances of the objective are outside the development site where at a few sites a slight to substantial adverse impact is predicted. It is noted that at these sites the air quality objective is currently already exceeded.

- 7.70 In terms of mitigation, measures have been included within the air quality assessment to offset the additional air quality impacts associated with the proposed development. These include the creation of a travel plan and incentives to encourage cleaner vehicles and/or alternative transport options, provision of electrical vehicle recharging points, public transport subsidies and contributions to wider schemes aimed at reducing emissions.

- 7.71 Dust is likely to be the principle issue of concern during the construction phase

principally for demolition and moving earth and building materials. It is considered the potential impact of dust can be effectively managed by adherence to recognised dust control methods as part of a Construction Management Plan (to be secured by condition).

7.72 Environmental Health has assessed the submitted information and raise no objection, but do query the provision of the proposed CHP plant which is predicted to have a negative impact on the Air Quality Management Area. Such a plant would have benefits in terms of efficiency and carbon emissions but will introduce new nitrogen dioxide emissions into an area where nitrogen dioxide levels are already elevated. As part of the air quality mitigation it is proposed to review the CHP boiler to minimise emission rates and impacts. Subject to the proposed mitigation measures, as there is usually a technical solution (to be secured through conditions), the impact on air quality is acceptable.

7.73 **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.

7.74 **Contaminated land**

The Phase II Preliminary Geotechnical and Contaminated Land Ground Investigations report has 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.

7.75 **Traffic, Parking and Highway Safety**

Adopted local plan policy DC5 requires safe access for developments and that the road network can accommodate the traffic arising from the development safely. It also requires that adequate and safe provision is made for the parking of vehicles, loading, unloading, circulation and servicing. Policy S1 supports proposals for new retail development provided it would not create unacceptable traffic or environmental problems.

7.76 The NPPF (Paragraph 32) requires plans and decision making to take account of whether:-

- Opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

Paragraph 32 of the NPPF goes on to state: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development*

are severe.”

7.77 Highway issues, along with parking, have again 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.

7.78 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.

7.79 *Access*

The site will be accessed from West Way, Westminster Way and Arthray Road. It is proposed to stop up the existing Westminster Way access and create two new junctions to provide access to car parks. The existing accesses from Arthray Road and West Way will remain with the addition of a left in, in only, junction on West Way for service vehicles. The proposed points of access are acceptable.

7.80 *Traffic generation*

Local concern has been expressed that the proposal would cause traffic congestion especially due to existing problems with the local road network. The development is expected to generate 384 two-way movements in the morning peak hour (an increase of 169 above existing predictive levels), 532 two-way movements in the evening peak hour (an increase of 114) and 623 in the Saturday midday peak (increase of 342). It is considered this level of traffic generation will have no significant impact on the highway network and is a level significantly less than the previous scheme. The proposal has been assessed by the highway authority who raise no objection on traffic generation grounds stating “*it is concluded that the proposed development would not result in a severe traffic impact at any of the junctions other than West Way/Westminster Way which will be mitigated*”. At the time of writing, a holding objection has been received from Highways England who wish to further review the traffic data in respect of the potential impact of the development on the A34. It is expected, this will be resolved prior to the committee meeting, and subject to confirmation, this part of the previous reason for refusal will have been overcome.

7.81 *Car parking*

Concern has been raised that the proposed car park levels are inadequate to meet the needs of the development. There is provision for 321 car parking spaces, 5% of which will be accessible spaces and electric charging points will be provided at various locations throughout the site. The parking provision is not specifically allocated to any particular land use and a car park management plan to efficiently manage these parking spaces is proposed. In addition, the student accommodation is proposed to be car free and controlled through a tenancy agreement to legally bind occupants not to bring cars to the site and not to park in the adjacent streets.

7.82 The highway authority consider that the proposals for car park management are acceptable and would provide a suitable level of control. The highway authority also consider the proposals for the management of the car-free student accommodation are acceptable and would provide a suitable level of control in respect of car parking. However, the authority has expressed concern that some pressure for on-street car parking within the vicinity of the site could occur as a result of the on-site car-free policy and this could lead to the need to implement a Controlled Parking Zone within the neighbourhood. Accordingly the highway authority has requested a financial contribution be made towards the cost of designing, promoting and implementing a

Controlled Parking Zone should it be required once the development is complete. The Applicant has indicated a willingness to enter into such an obligation. Officers, therefore consider the previous reason for refusal in relation to parking has been overcome.

7.83 *Cycling and public transport*

The proposed development provides sufficient cycle parking on site to meet the needs of the general public and student residents. 124 external cycle parking spaces will be provided throughout the development with further secure cycle storage facilities for new residents and students. The highway authority considers the overall provision (536 spaces) to be acceptable but has expressed concern regarding the high incidence of road traffic accidents on West Way involving cyclists and the potential for the development to substantially increase the number of cycle movements along West Way. A financial contribution has therefore been requested towards the provision of safety improvement measures to enhance cyclist safety.

7.84 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.

7.85 *Servicing & deliveries*

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 and a management plan for servicing and delivery can be secured by agreement.

7.86 *Off-site highway works*

To mitigate the impact of the development a number of off-site highway works in West Way and Westminster Way are proposed. The current proposals have been assessed by the highway authority and require revision. These works are off-site, in the control of the highway authority and can be covered under the S278 procedure.

7.87 Overall, it is considered that the proposal is acceptable in terms of its implications for traffic, parking and highway safety subject to conditions. The application therefore accords with the expectations of Policy DC5 of the adopted local plan and the NPPF and the previous reason for refusal has been overcome.

7.88 **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 PPG 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.

7.89 Notwithstanding this, the council could currently receive New Homes Bonus on both the

residential and student accommodation which is material. However, it is considered that this matter carries very limited weight in this case.

7.90 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 businesses. 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.

7.91 Process – referral to Secretary of State

As the proposal exceeds 5,000sqm of 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 (England) 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.

7.92 Contributions

The NPPF advises that planning obligations should only be sought where they meet all of the following tests (paragraph 204):

- i) Necessary to make the development acceptable in planning terms;
- ii) Directly related to the development; and
- iii) Fairly and reasonably related in scale and kind to the development.

Policy DC8 of the Adopted Local Plan provides that development will only be permitted where the necessary physical infrastructure and service requirements to support the development can be secured.

7.93 The PPG provides further guidance on how to apply the tests mentioned above and notes the following:

1. Planning obligations assist in mitigating the impact of development which benefits local communities and supports the provision of local infrastructure.
2. Planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms.
3. Planning obligations must be fully justified and evidenced. Where affordable housing contributions are being sought, planning obligations should not prevent development from going forward.

7.94 The County Council have identified that the development will increase pressure upon existing community infrastructure. Therefore contributions have been requested towards increased school places and public transport improvements. These are considered to be fair and reasonable. The County Council has also sought financial a contribution of £4,224 towards the expansion and improvement of Adult Day care in Oxford Options, based on generic costings. No evidence has been provided to justify this figure and officers do not consider the request is reasonable or necessary to make this development acceptable.

7.95 District provision include contributions towards public art and sport pitch provision. The additional population will increase pressure on existing sport facilities in the locality. It is reasonable to request contributions towards their improvement as no on site

Vale of White Horse District Council – Committee Report – 15 June 2016

provision is being made as part of this proposal. The sums requested are set against planned and costed schemes for new facilities in the locality. The amounts sought are proportionate to this development. On site waste bin provision will be provided direct by the developer through a private refuse service.

7.96 The following contribution amounts have been requested.

Vale of White Horse District Council	<i>Proposed Contributions</i>
Public art - £300 per residential unit	£42,000
Closes Field football pitch improvements	£23,757
Cumnor cricket ground pitch improvements	£11,619
Oxford RFC rugby pitch, pavilion and floodlighting improvements	£17,154
Administration and Monitoring	£1,390
Total	£95,920
Oxfordshire County Council	<i>Proposed Contributions</i>
Framework travel plan monitoring	£1,240
Supplementary travel plan monitoring	£5,760
Amendment to traffic regulation order	£1,000
New bus shelters and information units on West Way / Westminster Way	£52,000
Implementation of Controlled Parking Zone	£87,000
Signalised crossing maintenance	£36,305
A420 cycle safety improvements	£180,000
Expansion of Botley Primary School	£228,384
Expansion of Matthew Arnold Secondary School	£212,424
Administration and Monitoring	£3,750
Total	£807,863
Overall Total	£903,783

7.97 Officers consider the contributions are fair and proportionate and should be subject to a legal agreement should permission be granted. However, these contributions may change as a result of ongoing discussions on viability and it may be necessary therefore to include an overage clause in any agreement. An update will be given on this matter at the committee meeting.

8.0 **CONCLUSION**

8.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicated otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material

considerations.

- 8.2 The application has been assessed against relevant saved policies in the adopted local plan, the NPPF, PPG, adopted SPD and all other material planning considerations.
- 8.3 The majority of the application site is identified in the adopted Vale of White Horse Local Plan as a local shopping centre, where proposals for retail development will be permitted. It is identified under Core Policy 11 in the emerging Local Plan 2031 Part 1 as a local service centre suitable for retail led redevelopment. Limited weight however is afforded to both the existing policy as it is not fully consistent with the National Planning Policy Framework and the new policy due to its status in an emerging Local Plan. Thus greater weight has been applied to the National Planning Policy Framework in considering this application.
- 8.4 The NPPF states that sustainable development should be permitted unless the adverse effects significantly and demonstrably outweigh the benefits. The NPPF also states that there are social, economic and environmental dimensions to sustainability and that conclusions must be reached taking into account the NPPF as a whole.
- 8.5 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 and other main town centre uses are met in full and are not compromised by limited site availability.
- 8.6 The proposed development for a major mixed use scheme in this location would perform an economic role by providing additional housing, new commercial uses and will help promote and enhance the existing centre. The development 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.
- 8.7 The scheme would have a social role as it will provide additional housing and enhance the existing town centre. Other social benefits will arise through the contributions to local infrastructure identified including towards local facilities.
- 8.8 The proposal will have some adverse environmental implications in terms of visual and landscape impact. However these impacts are considered to be outweighed by the wider social and economic benefits of the development.
- 8.9 Overall the proposed development amounts to sustainable development and the previous reasons for refusal have been overcome.

9.0 **RECOMMENDATION**

- 9.1 **It is recommended that authority to grant planning permission is delegated to the head of planning subject to:**

1: Highways England confirming no objection.

2: Referral to National Casework Unit.

3: A Section 106 agreement to deliver the infrastructure package under the following broad headings:

- i. Highways and transportation.**
- ii. Community infrastructure.**
- iii. Phasing.**
- iv. Student management.**
- v. Car park management.**
- vi. Servicing and delivery management.**
- vii. Overage clause (if required).**
- viii. Delivery and monitoring.**

4: The following key conditions (others may be added or removed):

- 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. Construction Environmental Management Plan (CEMP).**
- 13. Hours of construction.**
- 14. Scheme of acoustic insulation.**
- 15. Fixed mechanical plant.**
- 16. Service areas delivery times.**
- 17. Service and delivery management plan.**
- 18. Waste management plan.**
- 19. Details of all external plant and machinery.**

20. Details of external lighting.
21. Details of kitchen extract systems to be used on A3, A4 and A5 use premises including noise and odour control.
22. Advert and signage strategy to be submitted and approved.
23. Details of lift overshoots to buildings.
24. Site security management plan.
25. Details of CCTV cameras and ANPR to be submitted and approved, including their locations, swept areas covered and design.
26. Archaeological written scheme of investigation submission.
27. Archaeological written scheme of investigation implementation, monitoring and reporting.
28. Site access details.
29. Vision splays.
30. Car parking laid out in accordance with approved drawings.
31. Cycle parking details.
32. Framework travel plan to be agreed prior to occupation.
33. Details of West Way bus stop improvements.
34. Details of Westminster Way bus stop improvements.
35. Details of West Way service access.
36. Drainage details (foul and surface water).
37. Sustainable drainage scheme.
38. Development carried out in line with Flood Risk Assessment.
39. Contaminated land investigation.
40. Employment and Skills Plan (ESP).

APPENDICES

1. Site location plan
2. Extracts of application drawings

Vale of White Horse District Council – Committee Report – 15 June 2016

3. North Hinksey Parish Council response
4. West Way Community Concern response
5. Councillor Debby Hallett's response
6. Councillor Emily Smith's response
7. Councillor Dudley Hoddinott's response
8. Councillor Judy Roberts' response
9. Oxford City Council response
10. Oxfordshire County Council response
11. Urban Design Officer's response
12. Comments from South East Design Panel review

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