

From: West Way Community Concern

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

14th June 2016

Dear Mr Walker,

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

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

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

Apparent bias in the presentation of the comments

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

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

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

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

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

Economic benefit

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

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

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

Social benefit

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

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

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

Weight given to the draft Local Plan

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

Retail impact

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

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

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

New information to be brought forward at the planning committee meeting

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

Referring back to the previous application

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

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

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

Conclusion

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

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

Yours sincerely

West Way Community Concern co-chairs and committee