

APPLICATION NO.	P17/V3298/FUL
SITE	Botley Centre West Way Botley Oxford, OX2 9LP
PARISH	NORTH HINKSEY
PROPOSAL	Variation of Conditions 2 and 4 of P16/V0246/FUL for the inclusion of amended plans (as amended by drawings and information received 19 March 2018 and 25 April 2018). <i>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.</i>
WARD MEMBER(S)	Debby Hallett Emily Smith
APPLICANT OFFICER	Botley Development Company Stuart Walker

RECOMMENDATION

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

1. The completion of a deed of variation to the S106 legal agreement of application P16/V0246/FUL.
2. The draft conditions attached at Appendix 1.

1.0 INTRODUCTION AND PROPOSAL

- 1.1 This application is referred to planning committee as at the time of submission, the council owned part of the site.
- 1.2 The application seeks to vary two of the planning conditions attached to planning permission P16/V0246/FUL for the redevelopment of Botley centre.
- 1.3 The proposal seeks to vary:

Condition 2 in relation to amending the approved layout and elevation plans;

Condition 4 in relation to site assembly.

1.4 A general summary of the changes proposed is as follows:

Block B – Elevational changes with minor repositioning of doors and windows, relocation of energy store, mezzanines introduced to accommodate plant, first floor podium reduced, glazed enclosure to hotel revised, changes to internal layout and cycle storage.

Block C – Elevational changes, with minor repositioning of doors and windows, relocation of energy centre, revised service arrangements, ground floor finished floor levels revised, change to design of balconies and terraces, changes to internal layout and student accommodation means of escape stair revised.

Block D – Ground floor footprint reduced, elevational changes with minor repositioning of doors and windows, change to design of balconies and terraces, revised service arrangement, changes to internal layout to accommodate two food stores and small storage basement introduced.

Block E – Lowering of block to remove service ramps to rear.

Block F – Elevational changes with minor repositioning of doors and windows, revisions to internal layouts for the Baptist Church, Community Hall & Library, introduction of bin stores, alterations to terraces, day room added and lifts taken to third floor level to ensure roof terrace is fully accessible.

Car Parking – Alterations to access, circulation, car parking arrangements, pedestrian links and car park accessibility. Introduction of wider landscape buffer and improved boundary treatment to decked car park.

Public Realm – creation of two separate levels in the central street, provision of service layby outside Block D, alterations to landscaping scheme.

1.5 Since its submission, officers have negotiated amendments, which have been subject to the appropriate consultations. The key change in the latest amendment has been the reintroduction of the car park ramps and provision of automatic number plate recognition cameras in place of vehicle control bollards. The latest ground floor layout plans are **attached** at Appendix 2. All plans and supporting documentation can be viewed online at www.whitehorsedc.gov.uk.

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 A summary of the responses received to both the original plans and the amendments is below. Full comments made can be viewed online at www.whitehorsedc.gov.uk.

North Hinksey Parish Council

Amendment 2

No objection, but request that the four car parking spaces in Church Way be removed and the reinstatement of the grass verges.

Amendment 1

No objection, provided the proposed operation of the bollards was for sensible hours and the means of operation agreed.

Original submission

No objection.

- Following further discussions between NHPC and the developers MACE, the NHPC's Planning Committee has decided to withdraw its objections to the application provided the developer has locked bollards and the VWHDC agreed suitable times (e.g. full access for emergency vehicles and only access between 6am to 8am and after 6.00pm for delivery vehicles) for vehicles servicing Block C from the front.

Initial objection

- Councillors noted that there were a number of proposed changes including access arrangements and the fact that Church Way and Arthray Road would be the main access to the upper floor of the car park and believed that the lift between floors of the car park needed to be bigger to meet the needs for disabled access. The committee supported the view that 6% (not the proposed 5%) of the parking spaces should be allocated for disabled parking. Concern was expressed about larger vehicles delivering goods to shops in Block C and the fact that no restrictions on delivery hours had been mentioned.
- It is clear that some of the construction traffic will use Arthray Road and as a result there needs to be a provision for the re-instatement/repair of any damage done to that road by the construction vehicles.
- Councillors UNANIMOUSLY AGREED to OBJECT to the planning application on the basis of the proposed delivery route to block C shops and asked that the other concerns were addressed.

Cumnor Parish Council

Amendment 2

No Objection.

Amendment 1

Objection.

- The area between the proposed Community Building and the main shopping centre was supposed to be a pedestrian area. The new plans propose to make the area a through route serving the upper car park from Arthray Road and West Way directions plus HGV's access for delivering to the Co-op, Tesco and Iceland meaning that nearly all deliveries / servicing would be carried out by vehicles passing through Church Way, thereby creating potential safety problems. The proposed changes set out to use Church Way and Arthray Road as the main access to the upper floors of the car park will inevitably result in a

greater amount of traffic using Arthray Road. This will impact on safety and amenity due to unacceptable traffic volumes placed on the residential roads for both deliveries and car park access by visitors to the new centre. The proposals are contrary to the Core Policy 11 (Botley Central Area) of the adopted Local Plan 2031: which states that the redevelopment will be supported provided that: 'It can be demonstrated that proposals will not harm the character or appearance of the local area, particularly West Way, Arthray Road, and Westminster Way' and 'Proposals for the site are prepared through a comprehensive master planning process providing an integrated solution to site access, traffic management, air quality management, servicing and sufficient car parking, whilst prioritising the pedestrian customer environment.' The internal ramps in the car park should remain as their removal appears to be the key factor in necessitating the proposed changes and the resulting overload on local residential roads.

Original submission

No response received.

Residents

Amendment 2

Seven letters of objection have been received and issues raised are summarised as follows:

- Good to see reinstatement of ramps – closure of Church Way is no longer necessary and will cut off Elms Parade and make vehicle access to the community building more difficult.
- There should be no parallel parking in Church Way.
- Parking spaces behind block E are not practical for use.
- The challenges of delivery access remain unresolved.
- The proposal has significantly reduced cycle parking and that provided is unsafe for use.
- There is insufficient secure cycle storage.
- No consideration has been given to dock less bicycle parking.
- Proposed landscaping is not fit for purpose.
- The provision of steps and ramps are inconvenient – the precinct should be level.
- No dog bins are shown.
- Public art proposals are awful.
- Development shows no commitment to sustainable forms of travel and should be refused.
- Pedestrian area is now a through route for HGVs.
- The changes will impact Elms Rise Estate and Arthray Road – traffic should go via West Way only.
- The location of the car park ramp is different to that previously approved, making the route to the upper deck inconvenient.
- An independent transport assessment is required.

Amendment 1

37 letters of objection were received and issues raised are summarised as follows:

- The use of bollards is not acceptable. The closure of Church Way reduces vehicle access and will undermine the centre's viability as people will travel elsewhere.
- The closure will make accessing the car park awkward.
- Traffic using Arthray Road will be greater and will create an adverse safety and amenity impact for residents of Arthray Road.
- The proposal is contrary to policy CP11 iv and v as it changes the character of Arthray Road.
- The closure means Elms Parade can only be accessed from West Way and is now isolated from the new development, reducing its viability.
- Internal car park ramps should be reinstated.
- Parallel parking is dangerous should be removed.
- The central area with steps and ramps is no longer accessible for all or pedestrian prioritised and should remain as previously approved.
- The West Way left in service only access must be made two-way and available for all traffic to use.
- Servicing arrangements will increase traffic in Church Way.
- No detailed servicing plan has been produced to prove it will work.
- The Transport Assessment incorrectly identifies Arthray Road as a high street.
- The proposed changes to Block E should be considered in this application.
- Swift boxes should be provided.
- Parking restrictions are required.

Original submission

15 letters of objection were received and summarised as follows:

GENERAL

- Application does not provide complete information and is selective in the description of changes proposed.
- The cumulative impact of the changes is significant and not minor changes to the scheme.
- The proposal is contrary to the SPD.
- No calculations have been provided to show the changes in floor space from the approved scheme.
- No information has been provided on how the centre will operate.
- The redevelopment offers little for residents.
- Impact on residents during construction.
- Loss of existing amenities.
- The development was not designed for 3 food stores and the resultant servicing will adversely impact the functioning of the development.
- The changes will have a damaging impact resulting from service access and deliveries through Church Way.
- The scheme is no longer viable given the amount of student accommodation permitted in the city.

- There is no provision made for dock less cycle parking.
- The Transport Assessment assumptions are too low / inconsistent.
- The West Way left in service access should be changed to a two-way access.
- There is no provision for keeping the chip shop.

CAR PARK CHANGES

- The removal of the ramps will lead to more traffic flows through the pedestrian area, Church Way and Arthray Road.
- The proposed changes are contrary to the SPD which was to reduce traffic from Arthray Road / Church Way and access via Westminster Way.
- Proposal will increase traffic.
- Lack of disabled spaces.
- Parallel parking spaces in Church Way are likely to lead to conflicting traffic movements and will be a danger to pedestrians / cyclists.
- Electronic signage is of no benefit - locals will ignore them and use other routes.
- There are no electric charging points shown.
- Lift between car park levels is too small.

BLOCK B CHANGES

- The changes result in expansion of the food store to the detriment of the block.
- Cycle parking at 1st floor level is inconveniently located and will not be used.
- Segregation of hotel / students.
- Accessible rooms in the hotel are too far away from entry points.
- The means of escape for students appears to imply exit is through Block C

BLOCK C CHANGES

- There is no rationale for changes to the energy centre.
- Block C has been changed to act as a buffer between food stores.

BLOCK D CHANGES

- The ground floor level is now 30cm higher than previously approved.
- It creates food stores on the western part of the site contrary to the SPD principle of seeking such activity to be located towards the east.

STREETSCAPE

- The levels in the main street have changed and introduce steps and ramps which are unsuitable for users with limited mobility.
- There is a lack of convenient cycle parking in the central avenue space.
- The proposed changes result in the loss of the communal space linking to block F – it will now be a road.
- The proposed changes result in a loss of soft landscaping.
- The proposed landscaping prevents criss-crossing of the central street.

SERVICING

- The servicing is materially different to the previous strategy.
- The proposed routing and parking of service vehicles / HGVs through the pedestrianised area is unacceptable and will cause a highway safety problem for pedestrians and cycle users.
- There are no dedicated service areas – all use public access areas.
- Delivery times are likely to clash with rush hour.
- There is no information on who will enforce delivery times and there is no restriction on small van deliveries.
- Servicing for Block E is no longer pedestrian priority.
- The bus stops on Westminster Way will block service traffic if in use at the same time.
- It will no longer be feasible to close the public square to traffic for community events.

One letter of comment was received requesting contributions towards cycle infrastructure improvements along the Eynsham Road / B4044.

West Way Community Concern

The summaries of the group's responses are set out below. Their full detailed responses are available to view online.

Amendment 2

Objection

- The principal issues in this current application relate to: cycle parking and storage, the central boulevard, Church Way access restrictions, delivery scheduling, and consistency of documentation.
- The revised plans do not make the required provision of 261 secure cycle spaces for students, and should not be approved until appropriate spaces are provided within the plans.
- The proposed plans for a lowered block E and a two-level boulevard, with its associated landscaping, should be refused.
- The proposed access restrictions to Church Way are incoherent and will not protect pedestrian users.
- No coherent and workable scheme for scheduling deliveries has yet been produced by the developer.
- The draft Framework Transport Plan submitted with V0246 is no longer compatible and needs to be resubmitted.
- The CEMP submitted to discharge the conditions on V0246 should be included in the supporting documentation for this S73 application.
- Our objections to these features are developed in the following document, in the context of a brief history of the evolution of this proposal.
- The current proposals are not sustainable development and should not be approved. We conclude that the issues arise directly from over-development of the site, such that there is inadequate space and small changes produce a material change elsewhere.

Amendment 1

Objection

- The removal of the ramps in the car park and closure of the secondary access via West Way and Church Way together result in an unacceptable level of traffic on Arthray Road. We consider that the application to remove the ramps in the two-deck car park should be REFUSED.
- The proposed landscaping plans should be REFUSED, and the landscaping of the central street should remain as per the consented plans.
- No coherent and workable scheme for scheduling deliveries has yet been produced by the developer. There are challenging conflicts to be resolved in order to avoid danger to school children and users of the centre, and disturbance to residents in the centre and Arthray Road.
- The amended plans should not be treated as compliant with CP11, item v. while a satisfactory solution is still not forthcoming.

Original submission

Objection.

- The material changes which concern us relate to:
- (i) re-configuration of Block D; (ii) re-design of main car park, to remove the internal ramp between lower and upper decks; (iii) proposals within the new draft deliveries and servicing strategy (TN13).
- The developer tries to present these changes as minor, while in fact they would significantly change how the centre would operate, in terms of vehicle access, servicing and deliveries. A new limited transport assessment (TN12) is therefore provided with the application, and a new draft deliveries and servicing strategy (TN13).
- In providing an amended deliveries and servicing strategy, the developer is effectively requesting a change to one of the planning conditions on V0246 (condition 17). No application has been made for either amendment or discharge of that condition, but approval of the S73 application could be pre-determining the condition.
- The overriding reason for asking for refusal is that the changes cause increased concerns over public safety, over and above those which were identified when the original application P16/V0246/FUL was approved.
- The amended servicing strategy creates safety issues. This should be revised to minimise dangerous left turns, and all deliveries by large vehicles should avoid rush hours and school drop-off and collection times. HGVs should not use Arthray Road during night hours.
- The changes to the car parks mean that traffic through the centre of the site will be much greater than previously stated, changing the way in which a key central area can be used and reducing its safety.
- There are issues relating to disability and accessibility and security arising from bad design, which need to be addressed.

Councillor Debby Hallett

Amendment 2

I consider the following issues remain to be resolved:

- **Car and cycle parking.** Car parking figures aren't internally consistent, so it's not clear how many parking spaces are planned. It looks like cycle parking has been cut by approx. 90 spaces, or 20% of provision. What was previously cycle parking is now a plant room and basement entrance to Block D. Please could we have a definitive statement of car and cycle parking numbers and locations.
- **Traffic volumes.** The Botley Centre SPD (and good neighbourliness practice) put policy in place intended to minimise the impact of any new development on residents, particularly those who live in Arthray Road. We are concerned that the introduction of a service area in the shared community space on the western side of the site will lead to increases in traffic in local residential roads. There isn't agreement between the community expert and the Mace traffic consultant on this impact.
- **Independent traffic consultant.** I mentioned to you awhile back that I thought an independent traffic consultant would add value to this project, because so far, we have two views from the two experts on each side of the issue. What have county had to say about the traffic assessment for this application? What can council do to increase our understanding of the traffic data and work towards agreement and resolution?
- **No mention of dock less cycles.** This is quickly becoming a problem in Botley. Does this development need provision of space for them?
- **The parking spaces behind Elm's Parade.** Are the spaces between the back of Elm's Parade and Block E intended to be public parking spaces? How will the servicing and rubbish collection for the Elm's Parade shops be managed (it currently takes place from this area)?
- **New entrance off West Way (into Chapel Lane).** I thought County had insisted that this should be a left-in only access. The amended plans don't address this. What is to prevent vehicles from leaving via this access?
- **Accessibility:** emergency vehicle access between the retail blocks seems to be by jumping over or driving right through planters and ruining landscaping. Is that what's planned? Is the council's equalities officer satisfied with what's on offer for visibility impaired people, and other disabled people? Are backless seats adequate?
- **The Construction Management Plan.** A few things.
 - I realise this is a DIS of condition and so is a separate planning application. I'm including it here for convenience.
 - The CMP has re-introduced the controversial left turn into the construction site off West Way, when we had all agreed the construction traffic would access the site in a safer, clockwise direction, entering from Westminster Way and exiting (with a banksman at the road entrance) turning right onto West Way.
 - The Construction Management Plan doesn't include Block A on the corner of West Way and Westminster Way. Is this an oversight, or intentional?

- The Construction Management Plan refers to A34 as the Newbury bypass and a route to Salford, and that this construction is demolishing Seacourt Tower. It was obviously prepared by someone unfamiliar with the area and this actual project. The plan needs careful expert attention to correct such errors and ensure it is fit for purpose.

Amendment 1

Objection.

- My main concern is to do with the impact of the changes on the lives of residents in Arthray Road, who have been writing to me. Mace's traffic consultants (and Mace) try to reassure us that there will be no problem. Local traffic experts using the same data as Mace, claim there *will* be a problem. Each side has a dog in the fight and their interpretations support their own views. Could Vale get an independent traffic consultant to study what's proposed and estimate the effect of these changes on traffic in Arthray Road?
- Councils' Botley Centre SPD has something to say about minimising the effect on local residential roads. Planning decisions have been increasingly in contradiction of the policies in the SPD.
- Can you ensure the site visit includes a visit to Arthray Road, so members can imagine the number of HGVs, delivery vans (not only for the shops but for the 500+ residents living there) and private vehicles and the impact of that traffic volume on Arthray road residents.
- I think, as does West Way Concern, that the approved plans are better for residents. The intention was to have the main traffic entering the site via Westminster Way. Now that there is no connection between the two parking areas, there is a reliance on the entrance off Arthray Road for a big percentage of the traffic. That's not what was intended either by Vale policy or the original plans.

Original submission

Objection.

- The full response is **attached** at Appendix 3.

Councillor Emily Smith

Amendment 2

No further response received.

Amendment 1

Objection.

- I am concerned about the loss of the ramps between the two levels of parking and the additional car movements particularly along Arthray Road that will result. Arthray Road is effectively a one lane road because of parked cars along the stretch from Church Way to Westminster Way. Adding more traffic to this residential road is not helpful for local people driving out of Botley in the morning rush hour, or for residents living on Arthray. This is contrary to the SPD for Botley Centre.

- I am also concerned about the lack of turning space in the parking at the front of Elms Parade. It is quite tight getting in and out of these spaces already, so removing access from one end of the front carpark. I have mixed feelings about the bollards across Church Way. I am pleased there is a solution to protect pedestrians from traffic in the mixed-use area in Church Way, but this needs to be balanced with any increased traffic in Arthray.

Original submission

No response received.

County Councillor Judy Roberts

Amendment 2

No further response received.

Amendment 1

Objection.

- A section of Church Way has now been made into a pedestrian / cyclist area by the introduction of raised lockable bollards. I welcome this addition as this area is opposite the Community facilities block (F) and also the narrowest area for school children to navigate. The closing of Church Way will make it more difficult to park and obstruct the roadway opposite the access point to Elms Parade where vehicles currently park illegally to use the ATM. The main disadvantage of this addition is that it will double the amount of traffic accessing the upper car park from Arthray Road. This road is a residential one with resident parking on both sides so not suitable for this level of traffic. The access times for the various delivery routes should be stipulated at the planning approval stage as an enforceable condition, not at the TCMP stage and I agree with the suggested times of NHPC. I think the 8 parking bays for Block D along the Church Way access from Arthray Road will cause obstruction for vehicles accessing the upper car park especially as large transit vans will be used as an
- in hours alternative for many of the units. It will make this already busy area hazardous for cyclists and pedestrians. The proposed use of this space for parking just shows how critically low parking provision is in this scheme. I suggest that bike parking racks are substantially increased(doubled) as has happened at Oxford Parkway and the Westgate shopping area to encourage non- car use. Since the east end of Elms Parade is no longer a through way, could the end section be remodelled to have the same number of parking bays but a turning circle incorporated into the design using the space shielded by the planters.

Original submission

Objection.

- The S73 application raises concerns over public safety and the way in which the approved development was designed to flow. Church Way was designed as a primarily pedestrian area, but will now accommodate a greater number of vehicles of all types including many

HGVs per day. This raises concern over public safety, especially school children accessing Botley Primary, and also goes against the SPD.

- The change to Block D creates two new larger food stores out of the four smaller ones that were approved. This conflicts with the SPD where the new food stores in block D will create a high activity area at the western end rather than the eastern end of the development. The new Deliveries and Servicing document, TN13 is materially different from TN4 in as much as it: a. Trebles the number of articulated lorries through the West Way junction and
- along Church Way. b. Introduces a delivery bay for such lorries on Church Way. c. A new servicing route 3 which accesses the main pedestrian route through the development. This would mean that the shared space idea for Church Way is not viable and will require a separate pedestrian route. If route 3 is approved there will have to be restricted outside retail use hours as there should be for service route 5.
- The access between the upper and lower car park decks by lift must be of a sufficient size to take mobility vehicles and wheelchairs. Also, the access points between Blocks B and C and Blocks C and D are very narrow and have some steps so not suitable for DDA. Technical note 12 now expects the Car Parking spaces to be 99% full at peak times which does indicate that there is insufficient car space available.

Oxfordshire County Council

Amendment 2

Objection.

Transport.

- The full response is **attached** at Appendix 4.

Amendment 1

No objection.

Transport.

- The Local Highway Authority (LHA) does not have an objection to this application, subject to changes made in relation to service delivery and access. These changes were requested in previous consultation responses. If these changes are not made to the satisfaction of the LHA, the recommendation will revert to one of 'Objection'.

Original submission

No objection.

Transport

- While this response does not constitute a formal highway objection, there are a number of reasons why the proposals are not considered to be favourable or beneficial. Consequently, the highway authority is not supportive of the application.

Archaeology

- There are no archaeological constraints to the variation of Conditions 2 & 4 of P16/V0246/FUL.

Highways England

Amendment 2

No further response received.

Amendment 1

No objection.

Original submission

No objection.

Drainage Engineer

Amendment 2

No further comment received.

Amendment 1

No further comment received.

Original submission

No objection, subject to conditions.

- Condition 34 of P16/0246/FUL, related to drainage of the site and the approved FRA of Jan 2016, and should be repeated for this.

Historic England

Amendment 2

No comment.

Amendment 1

No comment.

Original submission

No comment.

Conservation Officer

Amendment 2

No objection.

- The amended plans do not alter my previous comments on the impacts to wider heritage assets. The return to bollard-free traffic management near to Elms Parade is not considered to be harmful to the setting of the non-designated asset.

Amendment 1

No objection.

- The amended plans do not alter my previous comments on the impacts to wider heritage assets. The use of bollards near to Elms Parade is not considered to be harmful to the setting of the non-designated asset.

Original submission

No objection.

- There is no heritage objection to this application to vary conditions 2 and 4.

Tree Officer

Amendment 2

No further comment received.

Amendment 1

Holding objection.

- The recently submitted landscape details demonstrate that my earlier concerns in respect of the provision of trees, based on the available layout plan, were largely unfounded. The scheme does seek to provide sufficient tree cover and, by and large, is designed to achieve a proportionate and satisfactory balance between the built environment and the provision of trees.
- These amendments to the proposed variation of conditions 2 and 4 have little bearing on the available landscape areas but I remain concerned that the design of the southern end of Church Way does not allow for sufficient tree planting or present a suitable species where trees are proposed. The visual character of the development at this location is important and was a feature in the very early presentations of the design ethos. A tree-led scheme was championed from the outset so it is disappointing to now see the feature planting significantly scaled-back and effectively dominated by linear parking. It is far from a gateway to the development yet it is likely to see an increase in usage given the omission of the internal parking ramps.

Original submission

Holding objection.

- The proposed variation of Conditions 2 and 4 appear to be beneficial to the provision of landscaping along the Arthray Road boundary. As an advocate of securing as an appropriate level of mitigation planting as possible, I am pleased that the scheme is now heading to a position where the proposed landscape treatment along the southern boundary could be realised. This increased optimism is tempered by the knowledge that, despite numerous meetings and exchanges of views with the landscape consultants in regard to the landscape scheme across the site, the mitigation for the removal of all of the mature trees is not close to being realised.
- Whilst there are no landscape plans submitted with this current application, the layout appears to show a continued lack of space for tree planting. Given that, from the outset, the applicant lauded their intention to compensate the loss of protected trees with replacement trees of such quantity and distinctive character that the loss would be outweighed by the environmental gain and creation of a sustainable landscape, I remain concerned that the availability of space for tree planting is diminishing.

- I have previously sought substantial tree planting along the south end of Church Way and have been rebuffed due to concerns with services and footway widths. I note that parking spaces are now shown on the layout at this location and this gives rise to concerns at both the loss of space for landscaping and the detriment to the visual character of the scheme at this point. The layout also shows the loss of trees within the pedestrian areas, the relocating of landscape spaces and the containerisation of trees that are proposed along West Way. I have previously voiced my concerns in this regard and would advise that the current layout has not addressed any of them. The landscaping remains unresolved and the layout plan submitted with this application should not pre-determine the space available for landscaping that incorporates replacement trees.

Landscape Officer

Amendment 2

No objection, subject to further detail.

- I welcome the proposed amendment of vehicle movements so they are restricted from the central community space as per the original application.
- Also, the amendment to reduce the amount of parking on Church Way. It would be our preference that there is no parking on the southern entrance to the site, as per the original scheme.
- There are a number of detailed issues which need addressing and clarified and I submitted comments on these under the P18/V0120/DIS application. However, I note that many of these issues and comments have not been addressed in the revised information submitted as part of this application.

Amendment 1

Holding objection.

- The proposed restriction of vehicles into the central community space between the community building and the main shopping street addresses my main issue of concern about the usage of the site.
- I have commented on the details of the site under application P18/V0120/DIS. However, I note the restriction of vehicle movements through the centre of the site will mean that signage will be required to direct cars to the car park accessed from Church Way from the Westminster way/ Arthray Road route and therefore the proposed signage plan does not seem to address the different routes required to access the upper or lower floors of the carpark now that they are not linked.
- I also note the proposed parking along the Church Way entrance from Arthray Road changes the character of this entrance, reducing the number of tree proposed at this location and reduces the attractiveness of this entrance.

Original submission

No response received.

Natural England
<u>Amendment 2</u> No comment.
<u>Amendment 1</u> No comment.
<u>Original submission</u> No comment.
Countryside Officer
<u>Amendment 2</u> No comment.
<u>Amendment 1</u> No comment.
<u>Original submission</u> No objection. <ul style="list-style-type: none">• The proposed variations do not give rise to any additional ecological impacts and I have no comments.
Health & Housing Food Safety
<u>Amendment 2</u> No objection.
<u>Amendment 1</u> No new comment.
<u>Original submission</u> Comments on requirement for compliance with food safety legislation.
Health & Housing Contaminated Land
<u>Amendment 2</u> No objection.
<u>Amendment 1</u> No objection.
<u>Original submission</u> No objection.
Health & Housing Air Quality
<u>Amendment 2</u> No further response received.
<u>Amendment 1</u> No objection.

- It would be helpful if additional information could be provided to indicate that air quality impacts from the relocation of the energy centre have been considered and if there are any such impacts that have been mitigated where necessary.

Original submission

No comment.

Health & Housing Protection team

Amendment 2

No objection.

Amendment 1

No objection.

Original submission

No objection.

Equalities Officer

Amendment 2

Holding objection.

- Feathered steps and slope – I am still very concerned about the design as although the slope is wide, having the feathered steps either side feels very unsafe for the user. We would be adding a barrier and trip hazard for wheelchair users and visually impaired people that doesn't exist in the current centre. Which as we are building from new doesn't feel acceptable. It is so close to being considered a ramp i.e. a gradient of 1:20 would be a ramp that requires a resting place at 10 metres, with handrails. There is also the margin of error danger due to 1:21 being so close.
- I suggest further discussions with the landscape architect to look at options that would make the use of the slope safer for wheelchair user and visually impaired people.
- If any element of the steps must be kept. I would recommend colour contrasting between the steps and the slope to help people with visual impairments identify the level changes /avoid trip hazards.

Amendment 1

No response received.

Original submission

Holding objection.

- Accessible parking not in accordance with Part M (lower deck).
- Lack of accessible spaces.
- Query size of lift – is it big enough for mobility scooters?

Waste Management Team

Amendment 2

No comments.

Amendment 1

No new comment.

Original submission

No objection.

- No comments regarding changes because the developer will be arranging a private waste collection from this site as previously agreed.

National Planning Casework Service

Amendment 2

No further response received.

Amendment 1

No comment.

Original submission

No response received.

3.0 **RELEVANT PLANNING HISTORY**

3.1 The site is large and covers many planning units. As such the history of the site is extensive but mainly involves retail and service related developments, and adverts. The most relevant applications in relation to this application are:

[P17/V1507/FUL](#) - Approved (05/10/2017)

Temporary planning consent for a period of 3 years for the change of use, relocation and addition of units at Botley Local Centre. Works also include alterations to access and egress arrangements, provision of 43 (39 plus 4 disabled) car parking spaces, partial demolition of Grant Thornton House and Seacourt Hall and installation of a portacabin (A1 use) (as amended by plans and information received 21 July 2017). As amended by plans and information received 4 September 2017.

[P16/V0246/FUL](#) - Approved (16/09/2016)

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)

3.2 **Pre-application History**

None.

3.3 **Screening Opinion requests**

None.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 A section 73 application is considered a new application for planning permission under the 2017 Environmental Impact Assessment Regulations. The 2016 application was EIA development and the applicant has provided an addendum to the Environmental Statement (ES) submitted with that application.

4.2 The addendum confirms that the key development components of the project remain unchanged from a EIA perspective. The only assessments in the original ES that have the potential to be materially affected by this application is the landscape and visual assessment chapter and the transport chapter. These chapters of the ES and the relevant part of the Non-Technical Summary have therefore been updated to reflect the changes to the plans. All other chapters remain unchanged.

4.3 The landscape and visual assessment confirms the inherent design mitigation approach remains unchanged and that the proposed elevational changes do not result in any change in the assessment.

4.4 The transport chapter confirms the overall traffic impact during operation remains negligible.

5.0 **MAIN ISSUES**

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

1. The principle of varying conditions
2. Condition 2
3. Design
 - a. Changes to buildings
 - b. Height, scale and massing
 - c. Public space and streets
4. Landscape and visual impact
5. Landscaping and trees
6. Residential amenity
7. Heritage assets
8. Traffic, parking and highway safety
 - a. Traffic generation
 - b. Access
 - c. Car parking
 - d. Cycle parking
 - e. Servicing and deliveries
9. Condition 4
10. Other technical matters

5.2 **The principle of varying conditions**

When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. New issues may arise after planning permission has been granted, which require modification of the approved proposals, and under Section 73 of the Town and Country Planning Act 1990 an application

can be made to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

5.3 **Condition 2**

This condition agreed drawings / plans by which the development would be implemented. Following more detailed work for construction, it is proposed to revise the drawings to align them with this more recent work. The changes are assessed below.

5.4 **Design**

Changes to buildings

The elevational and internal layout changes to the buildings are acceptable. However, further detail is required on the appearance of the energy centre external flue in Block C. This can be secured by condition.

5.5 *Height scale and massing*

The height, scale and massing of the development remains largely unchanged. There is a slight increase in height of block F resulting from taking the lift to the third floor. This is acceptable.

5.6 *Public space and streets*

The layout form remains as previously approved.

5.7 Overall the changes in terms of design are acceptable. The proposed development is in accordance with the development framework strategy of the adopted Botley SPD, relevant principles of the design guide and policy CP37 of the adopted local plan.

5.8 **Landscape and visual impact**

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.

5.9 The changes sought under this application are not considered to materially alter this conclusion and consequently officers consider the changes are acceptable in terms of visual impact on the wider landscape and the setting of Oxford.

5.10 **Landscaping and trees**

The landscaping scheme proposed for the development has changed due to the proposed changes to the blocks. Whilst details are to be approved by condition, officers requested inclusion of the proposed landscaping concept with this application to allow wider public consideration.

- 5.11 The proposal involves two key changes; a) the creation of an increased landscape buffer along the Southern edge of the site which also allows light and ventilation into the lower level of the car park; and b) the provision of a split level central avenue.
- 5.12 The changes to the southern boundary are acceptable. However, much local concern has been raised over the two levels in the central avenue, particularly from the introduction of ramps and steps.
- 5.13 The proposal has been assessed by the equality officer and landscape officer. Whilst the concept of steps and ramps is acceptable to officers, further revisions are required to ensure the public realm remains accessible for all. In addition, minor revisions are required to tree and plant species, tree pit details, street furniture and hard landscape features. Officers are content these matters can be resolved through the discharge of condition application P18/V0120/DIS which remains undetermined, pending the outcome of this S73 application.
- 5.14 **Residential amenity**
The proposed changes 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 is addressed elsewhere in this report. Overall, officers consider the proposal is acceptable in amenity terms and accords with policy DC9 and the NPPF.
- 5.15 **Heritage assets**
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.
- 5.16 The Elms Parade is considered as a non-designated heritage asset meriting consideration in planning decisions. In terms of its setting, the conservation officer raises no objection. It is therefore considered the proposal is acceptable and accords with policy CP39 and the NPPF.
- 5.17 **Traffic, parking and highway safety**
Traffic generation
The scale of development and associated traffic generation is not significantly different from that originally consented. Officers consider any impact to be negligible in this context.
- 5.18 *Access*
The proposed points of access remain as approved. 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.

5.19 Concern has been raised over the lack of a second exit for vehicles from the car park to the front of Elms Parade and there is local support to change the left in, in only, service vehicle access to a two-way junction. The highway authority however has been very explicit in requiring that the eastern end of the Elms Parade car parking to be physically and permanently closed off to prevent the incorrect and unauthorised use of the ‘service vehicle only’ access point by other vehicles, to the extent they raise an objection to the proposal on this point as the submitted plans do not show the detail on how the service access will be restricted.

5.20 The original application required these details to be agreed by condition in consultation with the highway authority. Officers therefore consider this matter is no different to that considered under the original application and the original condition can be re-imposed. The use of the condition therefore overcomes the highway authority’s objection.

5.21 *Car parking*

Concern has been raised that the revised car parking provision is inadequate to meet the needs of the development. The permitted scheme included a total of 321 parking spaces across the site. The current proposal is for 322 parking spaces across the site as follows:

	Approved	Proposed
Elms Parade – Front	40	38
Elms Parade – Rear	21	29
Block A	34	34
Decked car park – lower	97	86
Decked car park – upper	94	98
Decked car park – total	191	184
Community area	33	33
Church Way	-	4
Total	321	322

The revisions to the decked car park will provide seven less spaces than previously approved. To compensate, four new spaces are provided in Church Way and the parking provision to the rear of Elms Parade has been increased by eight spaces through reconfiguring the space and by the lowering the floor level of Block E.

5.22 As previously approved, 5% will be accessible spaces and electric charging points will be provided at various locations throughout the site. Similarly, there is no change to the previous proposal of parking provision being unallocated across the site. A car park management plan is proposed and can be secured by condition.

- 5.23 The ramps in the car park have now been reinstated and it is anticipated traffic movements will be no different to that anticipated in the approved application. Further concern has been raised over the ramps location away their position on the approved scheme. The highway authority raises no objection to their revised location within the car park.
- 5.24 Concern has been expressed by locals, North Hinksey Parish Council, the tree officer and landscape officer that the provision of the four spaces in Church Way adversely impact on the proposed landscaping scheme and introduce conflicting traffic movements. Officers consider the removal of these spaces would not materially harm the parking provision across the site, but would improve the public realm and streetscape of the proposal. A view has been sought from the highway authority and an update will be given at the meeting.
- 5.25 *Cycle parking*
A total of 525 cycle spaces, made up of 1/unit for the student and residential use (401) and 124 public spaces will be provided. Despite local concern, officers consider the proposed development provides sufficient cycle parking on site to meet the needs of public users and student residents. In relation to dock less cycles, officers consider any issues arising from bikes being discarded can be controlled by the landowner as the centre will remain private land.
- 5.26 *Servicing & deliveries*
Much concern has been raised over service vehicle / HGV access through Church Way, and the provision of a service bay adjacent to block D. Concern is also raised that these changes are contrary to the adopted Botley SPD which seeks to direct service traffic away from public areas and minimising vehicle movements on residential streets.
- 5.27 The highway authority confirms the proposals for servicing are not considered to be well devised and is not supportive of the proposals. However, the highway authority does not object to the proposed service arrangements and officers are mindful servicing arrangements are not significantly different to that considered and agreed as part of the original application.
- 5.28 In the original application, service vehicle access through Church Way was accepted as part of the approved scheme. Vehicles servicing Blocks C and D were to use the car park to the rear, but they would have accessed the car park via Church Way. Vehicles servicing Blocks A and B were proposed to drive through the site along Church Way, along Arthray Road and then back up Westminster Way.
- 5.29 The key change is the formation of a dedicated service bay in Church Way and the inference service vehicle activity will be more intense through HGV use servicing the two food stores in Block D, in turn leading to conflict with pedestrians and other users of the centre.
- 5.30 The applicant's servicing and delivery technical note confirms the main part of the centre would operate on a shared surface area basis, but to minimise

conflict it will be necessary for restricted servicing hours to be in operation. In addition, officers have sought through amendment to restrict car park access through Church Way to reduce the level of vehicle activity during the day to service vehicles only.

5.31 In the absence of a formal objection from the highway authority, officers consider on balance that the proposed servicing and delivery arrangements are acceptable, subject to further details on how it will operate. These can be secured by condition and a similar condition for a management plan for servicing and delivery was imposed on the original permission.

5.32 Overall, it is considered that the proposal is acceptable in terms of its implications for traffic, parking and highway safety. The application therefore accords with the expectations of policies CP33, CP35 and DC5 of the adopted local plan and the NPPF.

5.33 **Condition 4**

This condition sought a confirmatory deed to bind all legal and equitable interests for each respective phase by the obligations covenants and undertakings secured under the Section 106 Agreement. It was imposed at the time as the applicant did not have complete ownership of the application site.

5.34 The applicant initially sought to vary the phasing plans for this condition, but as they now have taken ownership of the site, condition 4 and the relevant clauses of the s106 are no longer necessary. It is therefore suggested that condition 4 is removed from the new planning permission and the s106 agreement is amended accordingly through a deed of variation. This is considered acceptable.

5.35 **Other technical matters**

Technical matters of retail impact, affordable housing, viability, flood risk, drainage, ecology & biodiversity, air quality, noise & vibration and contaminated land were assessed in detail on the previous application and were considered acceptable (subject to relevant conditions). Officers consider the changes to the plans under this application do not result in any material change to these matters to warrant refusal on such grounds, subject to relevant conditions being imposed (see appendix 1).

6.0 **CONCLUSION**

6.1 The application has been assessed against relevant policies in the adopted local plan, the NPPF, PPG, adopted SPD and all other material planning considerations.

6.2 The application has been assessed against relevant policies in the adopted development plan, adopted SPD, National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) and all other material planning considerations. In considering the application, due regard has been given to the representations received from statutory and other consultees and residents. These have been taken in to account in assessing the overall scheme.

- 6.3 The application site is identified in the adopted Local Plan as a town centre redevelopment site. The changes to the conditions sought will aid delivery of the site and are considered acceptable. There are no technical concerns with the application, subject to the recommended conditions and the ES addendum is considered robust and fit for purpose in assessing the proposal.
- 6.4 Overall, the proposed development amounts to sustainable development and should be approved.

The following planning policies have been taken in to account:

Vale of White Horse Local Plan 2031 part 1 policies:

- CP01 - Presumption in Favour of Sustainable Development
- CP03 - Settlement Hierarchy
- CP04 - Meeting Our Housing Needs
- CP07 - Providing Supporting Infrastructure and Services
- CP08 - Spatial Strategy for Abingdon on Thames & Oxford Fringe Sub-Area
- CP11 - Botley Central Area
- CP22 - Housing Mix
- CP23 - Housing Density
- CP24 - Affordable Housing
- CP26 - Accommodating Current and Future Needs of the Ageing Population
- CP31 - Development to Support the Visitor Economy
- CP32 - Retail Development and other Main Town Centre Uses
- CP33 - Promoting Sustainable Transport and Accessibility
- CP35 - Promoting Public Transport, Cycling and Walking
- CP36 - Electronic communications
- CP37 - Design and Local Distinctiveness
- CP38 - Design Strategies for Strategic and Major Development Sites
- CP39 - The Historic Environment
- CP40 - Sustainable Design and Construction
- CP42 - Flood Risk
- CP43 - Natural Resources
- CP44 - Landscape
- CP45 - Green Infrastructure
- CP46 - Conservation and Improvement of Biodiversity

Vale of White Horse Local Plan 2011 policies:

- DC3 - Design against crime
- DC4 - Public Art
- DC5 - Access
- DC6 - Landscaping
- DC7 - Waste Collection and Recycling
- DC9 - The Impact of Development on Neighbouring Uses
- DC10 - The Effect of Neighbouring Uses or Previous Uses on New Development
- DC12 - Water Quality and Resources
- DC20 - External Lighting
- TR5 - National Cycle Network

HE1 - Preservation and Enhancement: Implications for Development
HE9 - Archaeology
HE10 - Archaeology
HE11 - Archaeology
CF1 - Protection of Existing Services and Facilities
CF2 - Provision of New Community Services and Facilities
S12 - Policies for Local Shopping Centres

Vale of White Horse Local Plan 2031 part 2:

A publication draft of the Vale of White Horse Local Plan 2031 Part 2 has been subject to public consultation, and will likely be examined in the Summer. Until examination, this Local Plan remains at an early stage of preparation and accordingly its policies have limited weight at present. Notwithstanding, the following policies are material to the consideration of this application:

DP8 - Community Services and Facilities
DP11 - Community Employment Plans
DP16 - Access
DP17 - Transport Assessments and Travel Plans
DP18 - Public Car Parking in Settlements
DP20 - Public Art
DP21 - External Lighting
DP23 - Impact of Development on Amenity
DP24 - Effect of Neighbouring or Previous Uses on New Developments
DP25 - Noise Pollution
DP26 - Air Quality
DP27 - Land Affected By Contamination
DP28 - Waste Collection and Recycling
DP36 - Heritage Assets
DP39 - Archaeology and Scheduled Monuments

Neighbourhood Plan

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.

Adopted guidance

Vale of White Horse Design Guide SPD – March 2015
Botley Centre SPD – January 2016

National Planning Policy Framework (NPPF)

Planning Practice Guidance (NPPG)

Other Relevant Legislation

- Planning (Listed Buildings and Conservation Areas Act) 1990
- Community & Infrastructure Levy Legislation
- Section 149 of the Equality Act 2010

Vale of White Horse District Council – Committee Report – 30 May 2018

- Provisions of the Human Rights Act 1998
- 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)

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