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Stuart Walker  
Planning Services  
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Abbey House  
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Dear Mr Walker

**P13/V2733/FUL Botley District Centre, Westway, OX2**

We wish to OBJECT to this proposed development because:

- a) The developers themselves state that the development is only of local importance, 'not of regional or even district-wide significance'. Therefore we do not believe that the development provides the 'very special circumstances' that would justify the harm to the Green Belt or the 'substantial public benefit' that would outweigh the harm or loss to Oxford's nationally and internally important heritage.
- b) It would be too big for the site and out of character with its surroundings (as is now even more clear from the Environmental Statement [ES], though this fails to assess the possible visual impact on Botley cemetery)
- c) Although physically situated just outside the designated boundary, it would be visually intrusive on the Green Belt thereby significantly compromising its landscape and visual amenity and its role to preserve the setting of Oxford from unsuitable development - which the ES has not properly addressed.
- d) We believe its intrusiveness when seen as a large bulky building set against the western wooded hill-and-vale skyline, adding to the intrusion of existing pylons, would harm the setting of major Grade I listed buildings and Scheduled Monuments - notably St Georges Tower, Castle Mound and Grade II Carfax Tower as well as other, somewhat more distant Grade I buildings, from which visitors to Oxford appreciate their settings and the character of the central Oxford Conservation Area - a cumulatively significant effect that the ES has entirely failed to consider

- e) It is also likely that it would be visible as an intrusive element in the backdrop of views of the city's famous skyline as seen from South Park viewcone (see Oxford City Council consultation on viewcones) and the rolling hill-and-vale skyline that forms the topographic setting of Oxford - another issue that the ES has failed to address.

We note that the Seacourt Tower by contrast is nothing like as bulky nor breaks the horizon when seen from major viewpoints looking out from the City, and its slender outline has thus not harmed Oxford's setting.

So far these issues have not been adequately recognised as being significant, and the failure of the screening and lack of adequate scoping of the EIA to identify them as effects to be assessed - now compounded by the ES submitted - is a major omission. This is not helped by the highly questionable definition in the landscape and visual section of the ES of the area from which the development would be seen, which at the very least misses a number of key elevated viewpoints in central Oxford.

## GREEN BELT

With regard to the Green Belt, NPPF para 81 says that LPAs should seek to plan to *...retain and enhance landscapes, visual amenity...* of Green Belts. Paragraphs 87 and 88 further emphasise the importance of safeguarding the purpose and character of Green Belt in general terms - and it will be noted that unlike later, more specific paragraphs dealing with specific kinds of development, these general principles are NOT restricted to development physically within Green Belt land:

*'87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

*88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.....'*

Local Plan POLICY GS3 states:

"DEVELOPMENT (INCLUDING THE CHANGE OF USE OF LAND AND ENGINEERING AND OTHER OPERATIONS) WILL ONLY BE PERMITTED IF IT DOES NOT CONFLICT WITH THE PURPOSES OF INCLUDING LAND IN THE GREEN BELT AND IF IT PRESERVES ITS OPENNESS AND THE SPECIAL CHARACTER OF OXFORD AND ITS LANDSCAPE SETTING."

It is again important to note that this policy does NOT state that it applies only to development proposals physically situated within the Green Belt. Furthermore, after listing several kinds of small, non-intrusive development that will be allowed, the final paragraph of the policy specifically states:

"THE VISUAL AMENITIES OF THE GREEN BELT WILL BE PROTECTED FROM DEVELOPMENT WITHIN OR CONSPICUOUS FROM THE GREEN BELT WHICH MIGHT BE HARMFUL BY REASON OF ITS SITING, SCALE OR DESIGN." [added emphasis]

These proposals clearly WOULD be "conspicuous from the Green Belt" and also "harmful" by reason of its "siting" AND its "scale" AND its "design" and is therefore plainly contrary to this policy and the national policy framework of NPPF. As indicated below, this harm would not only be visually intrusive but also more specifically would cause significant harm to the setting of Oxford and its key buildings, the protection of which is - as stated in policy GS3 a major reason for the designation of the Oxford Green Belt.

#### HERITAGE

There are places in the Vale where such a development might be outside the Green Belt yet very intrusive on its character and visual amenity where the setting of Oxford would not be a direct issue; but in this case, Oxford's landscape setting IS relevant and this raises an additional major statutory consideration. Under the 1990 Planning (Listed Buildings and Conservation Areas) Act local planning authorities must pay special regard to preserving the setting of Listed Buildings and preserving or enhancing the character or appearance of Conservation Areas, a requirement that the Courts have repeatedly stated means they must give '*considerable importance and weight*' to such considerations.

This development would be very visible from several key buildings within Oxford from which visitors pay to obtain views across the city to appreciate its other buildings and the landscape setting of the City - and of the individual buildings concerned. The appearance of a bulky new building breaking the western skyline would significantly add to the existing intrusiveness of the electricity pylons, cumulatively urbanising the character of what historically was a rural outlook - which, because of the screening effect of trees in amongst low rise buildings and the absence of any breaking of the skyline is still the predominant impression. This would therefore cause significant harm to the setting of the City and its constituent heritage assets, contrary to saved Local policies HE4 and NE8.

#### JUSTIFICATION AND SUSTAINABILITY

NPPF para 14 which sets out a presumption in favour of development that is sustainable specifically states that where the development plan is absent, silent or relevant policies are out-of-date, this means granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.*

(Note 9 states that this includes Green Belt and Heritage policies.)

In this case, relevant local plan policies have been saved and reviewed as still being valid, as well as both the other considerations above also being applicable.

The Government has recently issued very clear statements emphasising the importance of the Green Belt, as does the NPPF. In an open letter to the Planning Inspectorate, the Planning Minister Nick Boles stated: *"we were always very clear that we would maintain key protections for the countryside and, in particular, for the Green Belt. The National Planning Policy Framework met this commitment in full."*

NPPF paragraph 88 goes on to state that  
*"'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations"* (added emphasis)

NPPF paragraphs 132-3 state a similar principle in relation to heritage assets:

*"132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification...."* (added emphasis)

*"133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss."*

The Courts have stated that *considerable importance and weight* must be given to the conservation of designated built heritage assets of any grade, where some degree of harm is likely to arise, and thus a very high level of *clear and convincing justification* is required for the public need for development to outweigh harm that in this case would arise in relation to the setting of major nationally- and internationally-important heritage assets.

In their comments on the screening process, the need for the development has been summarised by the developer as follows: *"This development is considered to be of only local importance, in the context of Botley's urban area and is not of regional or even district-wide significance"*.

([http://www.whitehorsedc.gov.uk/java/support/dynamic\\_serve.jsp?ID=273157020&CODE=D00E60A9219F9EC6532AB49491E8D4EC](http://www.whitehorsedc.gov.uk/java/support/dynamic_serve.jsp?ID=273157020&CODE=D00E60A9219F9EC6532AB49491E8D4EC) p5).

It is thus self-evident from the applicant's own statement that the development is only of local, not even district-wide, importance, whereas Oxford's heritage and green Belt is of national - and indeed international importance. As such the development proposals clearly do **not** provide the *'Very special circumstances'* required to justify harm to the Green Belt or the *'substantial public benefits that outweigh that harm or loss'* in the case of the harm to Oxford's nationally and internationally important heritage that the Green Belt and statutory Heritage designations seek to protect.

## CONCLUSION

On both Green Belt and heritage policies this would NOT be sustainable development which, as defined by NPPF, must include safeguarding landscapes and heritage settings of special importance. If the development were to be approved it would create a precedent of an unsuitably bulky high building within the western setting of Oxford for which the Vale is responsible. It would drive a coach and horses through policies explicitly designed to safeguard the function of the Green Belt to protect the setting of Oxford and the very high heritage significance that it retains.

The application should therefore be REJECTED on these grounds alone, as well as any others that may also apply.

Yours sincerely

A handwritten signature in black ink that reads "Helen Marshall". The signature is written in a cursive style with a light blue shadow effect behind the text.

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