

Objection to Planning Application number (P13/V2733/FUL) – WestWay, Botley – Vale of White Horse

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This is a diatribe, but I think a necessary one.

I am staggered, amazed and appalled by the scale, concept and lack of quality of this planning application.

It seems so bad in so many inter-related ways, that it seems only a massive objection **in great detail** can do it 'justice': all aspects have to be made explicit.

There is a lot of **argument included** to head off objections against the admissibility of certain types of objection.

Any low-quality editing reflects the massive scale, and lack of infinite time.

Its conclusion:

No planning authority can countenance so many faults of quality in one scheme.

The application needs to be rejected, withdrawn, and re-thought from zero.

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a) Who is the objector?

| Fact | Advantage / qualification | View |
|--|---|---|
| 1) Citizen of Oxford , not of the Vale. | a) Gives the objector a fair outside view . b) Objector is expressing the necessary care for / feedback from / the illustrious and immediately contiguous neighbour . Being an outsider, he adds a voice that cannot be accused of NIMBY. | Botley is within the aesthetic 'sphere of influence' of Oxford: any errors in Botley will reflect on Oxford. |
| As a resident of Oxford , I am against weak quality polluting its <i>immediate environs</i> – Oxford's character being of great – possibly worldwide – importance. And if a high percentage of objections come from people in Botley – (opening the argument that the opposition is NIMBYs) – then a single outside observer adds validity. | | |
| 2) A user of Botley . | My dentist is in Elms Parade. I became involved only now, late, as I now spend much less time abroad. | Perception that Elms Parade is a normal, functional environment . |
| 3) Planning experience * | Ancient experience in large-scale town planning disputes <i>may</i> indicate some bona-fides as an expressor of opinion, or reporter of views researched... Hence I list it below | |
| 4) Volunteer researcher | Recently I spent numerous days hearing views of many local people at the site. | The result was a view, from outside , of an approximate cross-section of local opinion – reported below. |

* (3) – **Planning experience:** Before living abroad, long ago, this objector was involved in town planning in Central London:

| | | Function | Activity | Result | Summary |
|----|--------|---|--|--|---|
| a) | 1973-4 | Secretary of the Soho Society; | Learning from a young and brilliant committee, and expression of their ideas. | MUCH redevelopment was avoided that would have ejected local residents, destroyed ancient buildings; | WIN – Soho Society was a pure success – achieving local consultation and respect |
| b) | 1974 | Creator of an anti-political environmental party standing for Westminster City Council. | This Group expressed the planning insights of the Soho Society – against all parties and for local control in planning decisions. | As at least one direct result of this action, the homes of some 75 humble local workers have been preserved until today. | WIN – Soho/Mayfair had an independent, non-political local councillor for several years afterwards. |
| c) | 1976 | Publisher of 'City Voice' | Trafalgar Square: Launch of this publication was directly instrumental in the success of a campaign led by the <i>Architects' Journal</i> to defeat a low-visual-quality plan by Seifert/Land Securities to replace Grand Buildings. | Trafalgar Square's Southeast you see today is the direct result of this work. | WIN – Land Securities rebuilt it as a replica in the 80s – a telling indication that modern design has often been hard-pressed to improve on existing cityscape. |
| d) | 1976-8 | Campaign to oppose building on 10 acres of green space in West Kensington | St Paul's Field, Hammersmith: 2 years opposing Greater London Council building on this 10-acre open space: held up the GLC Money Bill for months; created high Court precedent; promoted Private Bill in Parliament (Mrs Thatcher voted in favour). | Labour GLC dismissed 11,000 petition signatories as Nimbys: London lost 10 acres of green space | LOSS -- for London; Some win for the democratic process; high court precedent. GLC guilty of 'incompetence by inertia' (in 1985, Mrs T abolished the GLC). |

In all these cases I was an individual, empowered only with mere citizenship, a taste for democracy, seeing a need for communication. **The attempt today is the same.**

a) Manner of this presentation

Better express the obvious, firmly, than shrink from it. The concern is that **few or none express it** in full, and the proposal is passed by default.

The mainly local people who have lodged their **900 objections** probably feel constrained to write in *measured terms* which they feel will not 'offend'. The protest of **800 people** who held red balloons last Saturday October 11, 2014 was 'polite' - !.

- By contrast: **"this plan has offended: let it be offended back."**

[No career to protect – no requirement to be 'polite', no axe to grind: For an 'impolite' scheme, an impolite answer.]

I am surprised and alarmed by perceiving a need to say so **much** ! The style is rough, unfinished, due to lack of time. Please pardon this.

b) Summary of the opinion

Staggered, amazed and appalled by the scale, concept and lack of quality of this proposal. It is bad, in so many ways, that a complete and detailed explanation of the objection is the only way to do the scheme much-deserved 'justice':

16 reasons why this scheme is weak

- **Any one of these reasons alone** is severe grounds for not granting planning permission:

Every one of the points below is, legally, valid grounds for a planning objection – qualifying – I submit – for obligation by the Planning Staff to Report to the Committee; and obligation on the Planning Committee to consider. And each point is enough for an aware and intelligent Council to dismiss the application.

| | Factor | Theme | Detail | Exposition |
|---|----------------------|-------|-----------------------|---|
| 1 | The initial approach | Basic | Conceptual challenges | Conflict of interest; mistaken function; non-existence of a 'District'; Destruction of value. |

That the council wants to make money by developing about 6 six street blocks – which it does not own – and which the developer does not own – is a groundless basis for a planning application.

The exception would be, simply, if the state of the buildings were causing a public health hazard that could only be overcome by demolition; or if there were an enormous overriding public need (such as that the building bars the only possible route for a major new rail project, a 'channel tunnel', etc.)

None of these things is remotely the case.

Conflict of interest

Hence the importance, should it be the case of a major development opportunity that might profit the council financially, of the planning committee being ready to act against the whole council (or its treasurer). There is an analogy in investment banks: they have a dual role: to make money for themselves, and to make money for their clients (using the same 'raw material' of the bank's own stock of investment research). This might enable the 'own portfolio' department to SUBTRACT value from the client, and for this purpose there is created the "Chinese Wall" between the department that makes money from its own investments, and the department that advises clients how to make money from what may even include those same investments.

A council will consider whether such an arrangement is desirable if it both seeks to make money from its land and has the power to give ‘itself’ planning permission!

‘District’ misconceived

Section 2 below demolishes any argument of a need to establish, or of the existence of, a District, or, hence, any need for a new ‘District’ ‘Centre’;

Destruction of existing value

Section 7 strongly reports that Elms Parade is an **appreciated community resource** whose destruction would destroy a significant volume of long-term intangible values – facilities of knowledge and community structure that the local community (and there **really is one**) values highly.

Hence this whole development proposal is totally based on a **complete non-sequitur**: a groundless argument; the currying into existence of a non-existent need.

- Hence, anyone who takes this development proposal seriously, and humbly files objections gracing it with the benefit of any doubt – arguing against it in detail, as if – as it were, – as if it had a right to exist – is being misled by a canny developer, who has intentionally gone for the ‘big lie’ – the **scheme so big that you are forced to take it seriously!** – when in fact to take it seriously at all is to have been drawn into error !
- **This is a planning proposal which should never have come into existence.**

As a proposal coming from an individual developer – an application to develop land which it does not own – it is simply ridiculous. I could equally apply to redevelop the whole of central London. I cannot object here to a developer’s applying to develop its own land, but to encourage a developer to create a Giant on the basis of a Hobbit, by grabbing adjoining land, is absolutely un-necessary in the actual situation. Silly. Offensive. Unnecessarily aggressive. Commercially dishonest. Discourteous to local residents and users. [And potentially vote-losing.] **Not the proper function of a local, district, or any Council. And quite mistaken.**

| | Factor | Theme | Detail | Exposition |
|---|-------------|---------|---|---|
| 2 | The concept | Village | <ul style="list-style-type: none"> • Violating the village | <ul style="list-style-type: none"> • Botley is a village in scale and function and should remain so: • Any concept of a District is <u>mistaken and out of place.</u> |

1 *Violating the village*

“Elms Parade is: ... set back from the Road. Driving from Oxford it’s a first slight sense of relief, in your perception of the town, that here is the beginnings of something that feels like it might be a village.”

The whole error is in the apparently blithely floated idea that there is a need for Botley to become in some way the “Centre” of a ‘District’.

This is a **complete misapprehension**. The Council may even have a laudable idea of giving Botley this ambition; maybe it was even conceived as a laudable ambition;

but the facts on the ground – the structure of the local people, architecture, facilities, perception, land use, shopping habits, sense of community, real physical limits to the area – all confidently assert that this little area is a **VILLAGE**, and can never be a ‘District’.

This area is not and will never be an Abingdon, a Dicot, a Wallingford even, for a very simple reason: It cannot expand. It is bounded on all sides – (i) a North-to-West curve; (ii) a South-to-East curve; and (ii) the Oxford river-edge floodplain – by unbuildable land. At maximum, a little new housing at the edge, perhaps (some under construction, I hear).

From my personal research I learned the people in this area are a village – not urban sprawl.

People in Botley told me they come from a *radius*, of 1.5 – 3 miles, to USE the little centre here, at Elms Parade. *Village* scale.

Botley is not a **hamlet** (it is almost 1 mile by 1 mile); but it *is* constrained, unexpandable: destined, fated - only - to be a **VILLAGE**.

And more importantly in terms of planning law - formal planning considerations and formal decisions – that is the way the **local people want it to remain.**

2 A ‘community’

Who are these who ‘want it to remain’, and what rights have they?

The ‘political’ decision by the councillors is a ‘planning’ decision, and the ‘planning’ decision is a ‘political’ decision – in that it decides on what use will be made of shared public assets – space; light; access; rights for types of use; land; the quality of for example a shopping area as being long-established, or not; and, most especially and often most hard to define, the fact or sense, or experience, of whether or not there exists, at the place in question, a: ... community.

And if a community does exist, then the question arises of whether it should be preserved, encouraged, discouraged, destroyed or replaced. **These are serious and valid planning considerations. Planning considerations are not restricted to size and shape of buildings but to the whole function and effect of the built environment.**

We all know the building of a community takes decades. Hence in planning there must be an initial ***presumption against destruction or removal*** of either (a) an existing community, or (b) an existing set of ‘community relationships’ – the interactive physical web of placement of services, for example, and this planning **definition extends to shared, experienced facilities, or, indeed, (c) the sense of ‘Village’.**

These are **planning considerations**, not pie-in-the-sky arguments. They are precise and analysable concepts, and what to do with each one of them is a political decision, but expressed as a physical, spatial and land-use decision, executed as a planning decision. **All these decisions are technically planning decisions, and also technically and logically political – in that the community democratically decides about use of resources.** They must be considered to be among the fundamental considerations of town planning.

A conclusion:

Botley is a ‘community’. And the size of that community is ‘village’.

| | Factor | Theme | Detail | Exposition |
|---|-------------------------|-------|----------------------------------|--|
| 3 | The way it was ‘sold’.. | – | The massive weight of a Big Plan | The ‘big lie’ effect – “ A plan so colossal that everyone is knocked over by it – grants it existence and dares object only to the details ” ! |

The manner in which the developer has handled consultation may be legal, but **reports from locals are** that it has been in principle overbearing – non-understanding, not listening – not pleasant.

From what I hear, there may be some kind of **assumption in the air** of this plan going through.

That smells a little like ‘front-running’ (a prohibited practice in the financial markets! – no-one is using a different word here) – though might there be a similarity, technical or moral or in-all-but-name? Not an outcome anyone – least of all the local community - wants.

From my personal *vox populi* poll (below): one could guesstimate that a significant percentage of the people I have talked to sincerely believe there can only be some financial scheme behind this that has required covering up. Characteristic gestures with rubbing of fingers together, and one hand inserting something banknote-sized under another, really seem quite a percentage of opinions. One burly man said “You are up against a Non-Democracy. It’s all fixed. You’ll never win!”

[It seems still to be widely believed that prior agreement to deviate from proper, correctly-transacted outcomes is rife in English local planning decisions.]

- Q1: Is this something a councillor really wants to be identified with?
- A1: There was similar talk in our campaign for ‘St Pauls’ Field.’ But it seemed to me that in that case it was not corruption (unless Labour GLC councillors

were getting a kickback direct from actual builders – a pretty remote outside possibility, I would guess):
 – it was more like a massive **bureaucratic inertia**: in that case a Labour Greater London Council pushed through, against a last-minute public outcry, a plan first made by their Conservative predecessors; the internal staff who had planned the buildings (all GLC-designed – for housing and education) probably had the greatest interest – their egos/their baby; the internal inertia was probably too great. The Labour Flag was Housing and Education; and as a result London lost a park. World War I apparently started by a similar process! So we must all **invest against: inertia**. And have no preformed opinion on this plan.

- **There is happily time for Councillors to breathe a sigh of relief, wake up to the implications of this plan and reject it.** Only anybody who had anything to hide would lose out; and since likely no-one has, then nobody loses (except the developers, their architects’ costs).
- **So rejection seems perfectly feasible.**

| | Factor | Theme | Detail | Exposition |
|---|---|----------|--|---|
| 4 | The commercial raison d’être as it affects the disposal of masses and land use. | Land use | Misconceived. In terms of land use, the scheme and its treatment has characteristics of a <u>second-rate Monopoly Game</u> . | Arbitrary, unskilled, not even ‘cunning’ planning. Merely expedient shifting about of elements in response to objections/suggestions |

A local paper editorialized : >>> “Botley should be grateful to have £100 million spent on it.”
 This invited the reply: >>> “An atom bomb costs £100 million.”

4a Dubious concepts in land use: inclusion of large-scale student housing

Local widely challenge inclusion of student housing – on such a scale.

Demand? A report possibly **commissioned** by the developers or their agents argues that student housing is necessary.

This is not much supported elsewhere. Current local opinions include:

- (a) no students from the main body of Oxford will want to come so far;
- (b) Brookes already has built housing adequate to its needs at its college south of the site.
- (c) Opinions I heard expressed:

“As soon as they build it they will say there are not enough students and put it out to social housing.”

“They are only calling it student housing to save on the VAT on construction.”

[The area is **not** my expertise and I have researched it only in hearing remarks from locals].

What made the developers pull back, in their recent revised submission, to a position that “half the students will now be post-graduate level !” ? Could it have been on a complaint that 500 students will create disorder and noise?

- a) Will **post-graduate** university students wants 6 screens of **modern Hollywood** to entertain them? Answer: Likely, No.
- b) This is clearly a simple expedient withdrawal – just another manoeuvre – heightening suspicion that the underlying commercial logic of the scheme is undirected, seeking to go only where is most expedient for the profit – little more than an attempt to land-grab a major planning permission (for land they don’t own). A game of ‘Monopoly’, as it were. Not a valid economic service to the community. A symptom of its lack of planning backbone. So much for £100mn being spent: to benefit the district by adding a floating population of 500 ! And then to change that population’s status at will ...

The overall concept is to pack the site to a density probably **two or three times** the maximum limit the site ought to consider under any circumstances. One can only

imagine that this has to be done as it is the only way the developer's profit calculations could add up. If so, **that line of thought is invalid**, because the entire scheme is so grossly out of scale.

4b Gross failure in plan for land use – Throwing old and disabled people around like poker chips

The concept of:

>> **demolishing a building that contains old people's housing, so that slightly more
(in quantity) can be rebuilt 50 yards away after eviction and two years of moves** <<

– is a staggering piece of liberty-taking!

And the only reason for this is so that the developer can build the promised *church* for the *Baptists* to compensate for use of the existing Baptists' space on the Eastern extremity of the site. The planning process that led to this proposed shift / these proposed shifts / of the various elements and locations indicates that the process of conceiving this development is, for the developer, a mere Monopoly Game – though with the pieces badly allocated by unskilled players !!

The '**psychological trauma**' effect for old people (disabled and otherwise) of **moving house twice in 2-3 years** is a **completely unacceptable** effect of this proposal.

➤ **On this consideration alone the entire scheme should be shelved.**

4c Incompetent garage placement – inaccessible public open space.

The incompetent briefing to the effect that the public open space (to be used among others by neighbours who are older people in age-restricted housing) has to be 24 steps off ground level - and that the shopping concourse has to be built on top of it – with the inclusion, as a sop to complaints, of a totally non-negotiable ramp running zig-zag across the staircase, for these older people and/or people in wheelchairs – is so scandalously misconceived that the scheme must be rejected on this alone.

Older people aside, there is absolutely no excuse for offering public open space which can only be accessed up 24 steps!!!

And then providing for vulnerable people in wheelchairs a dangerous athletic zig-zag ramp with a risk at every turn!

➤ **On this consideration alone the entire scheme should be shelved.**

How much more so, must the scheme be rejected on all these considerations together !

Even the Monopoly thinking is muddled

The attempt at an orchestrated landgrab *circumnavigates* the C of E Church ('consecrated ground is hard to compulsory-purchase', I am told), adding a huge cinema *beyond* it (200 (?) yards – the other extremity – of frontage from the land the applicant actually *owns* [at time of filing the application]). BUT ... **they trash the Church of England vicarage! (because it's non-consecrated land!)**. Currently annexed to the church, it'll now be – nowhere. Meanwhile the Baptists get a *new church* (displacing old people! – who are moved out for 3 years only to be moved back into a new-built replacement) because their current church blocks the

student/hotel site.

No planning authority can countenance so many offenses, mistakes and misconceptions built into one scheme. *The plan needs to be withdrawn, and re-thought from zero.*

| | Factor | Theme | Detail | Exposition |
|---|---------------------|-------|-------------------------|--|
| 5 | The overall design. | | Macro planning failings | Bad architecture is not just bad design... |

Bad architecture is not just bad design. Nor just bad facade-making. It is bad choice, bad briefing, bad planning, bad aims, forced execution by an architect of bad development aims; even good quality technical architectural services put at the service of bad aims. This scheme is an outstanding case of really bad planning and as a result, bad architecture.

SCALE

The proposal is completely out of scale: 6 or 7 stories where there were two.

For this you are invited on a visit.

Visit a house across the road (No. 70?). ‘Feel’ the ‘right’ of that resident, behind her bucolic 16-foot hedge, to a certain *scale*. And to a certain ‘feeling’ of her environment.

In spite of there being a four-lane road (not particularly noisy) to cross, behind that comfy tall hedge, the view from this front garden is direct to Elms Parade, and the road is hardly visible, producing a sense of intimacy, and this slightly eccentric but also slightly village-cosy frontage, two stories high – visible across that road – is ‘the environment’ – this actually provides a feeling that it is one’s *local village environment*. First of all, one knows it is one’s own local shops. Part of a **sense of village**. And this deserves to be over-ridden only if there is a valid force majeure demanding that it be. In developing environs of Oxford (yes I am still thinking: “extension of Oxford”), we *must* respond to preserving this type of feeling.

‘Feeling’ of this sort is a **concept in town planning**. It is not a weak whine, to be trampled. It is the **art and soul of planning**. Hard stuff.

The technique of preserving this feeling is as much art as – for example – the art of writing good lyrics in stage musicals (to take a superficial example). If their quality is not epoch-making, spectacular, they might be booed off stage, closed in a week. But in town planning there are not enough critics.

Planning committees are guardians of that art, and have a duty to feel, know, discover, research, improve and enhance it.

There is the individual’s feeling of the place; and the shared experience of the feeling of a community, which grows over years from people living in the same place.

The plan proposed nukes all this. Being so out of scale, it drives a coach and horses through the sense of place; and by destroying all trading activity in the village, it nukes the trading community – and cuts the heart out of where the community transacts.

It proposes to slap a massive 70-foot (?) wall, where the external pavement, would begin (no setback), just across the road from the lady with the 16 foot hedge – completely blowing away the ‘community’ shopping terrace that has been that property’s ‘environment’ for decades.

Blights the shoppers, too

Elms Parade, more importantly than anything else, is ... *set back from the road*. Driving from Oxford it’s a first *slight* sense of *relief*, in your perception of the town, that here is the beginnings of something that feels like it *might* be a *village*.

The developers throw away this setback. Not only do they put no breaks in their massive buildings – no anti-rain colonnade for their lines of shops directly along Botley Road, but they run this 6 or 7-storey façade directly up to the roadside, with only a minuscule standard pavement. ...

– It’s **Kilburn High Road!** The worst of all town planning nightmares. Why? Presumably, to maximize the student cash-cow?. For this they kill a simpatico *shopping*

experience – a *setback from the road*. And fail to create another one. There is potential for space and design at this point. They don't even take it.

1) They will blight these shops.

Shops in a new development benefit if an attractive space is provided in front of them. **But 'Doric' offers: Kilburn High Road.** Just out from under a gaunt, featureless highway bridge, they offer shops with no setback, no features – just a thin pavement

2) This destroys all the character – for both neighbours and strangers – that was previously provided by the humble but effective essay in character that is the fact of Elms Parade being a separate unit, and being **set back from the road**.

Traffic

Others are more expert on this subject. The A34 is blocking often. Usually backed up by cars seeking a turn-off.

Botley road backs up heavily at early morning peak times.

(The entry to the whole scheme is at a location that maximizes use of the road space.)

| | Factor | Theme | Detail | Exposition |
|---|----------------------|-------|-----------------------|---|
| 6 | The detailed design; | | Micro design failings | Lack of plans; lack of design skills Amenity thrown to the winds by multiple mash-ups |

1) The setback from the road:

Destroyed amenity:

One of the main virtues of Elms Parade: the **setback from the road** that it creates. This **amenity** (and its value) has not been preserved. See **item 2** above on the concept of **village**.

2) The only 'open space' (the shopping concourse) is .. up in the air !

Negative amenity:

This potential **amenity** has been greatly prejudiced by putting it 24 steps up in the air – thus denying access to the disabled, old, wheelchair users, or even the lazy!

Negative amenity: The zig-zag ramp cutting up the stairs (added in the amended proposal) is **not a solution, but an obstacle** – it was clear to a wheelchair user I interviewed that it was more dangerous than the simple roadside kerbs that she cannot even manoeuvre without her chair falling over.

Imagine: The Battleship Potemkin of Botley: A large lady in a wheelchair, helpless, falling and rolling over and over down the developer's deceptive stair/ramp...

It's a "double-whammy" – it denies users access, while not being professional (the non-ground-level positioning).

How has this failure of detail happened?

Because of a failure of concept, motivated by the wrong response to a commercial challenge. The developers know they cannot build **parking underground** without the extreme cost of building full waterproof walling below the water table – I am told the **water table is some 4 feet down** (being at the very edge of the floodplain!)

(I.e. this is similar to building at Westminster, at the edge of the Thames)

– so, instead of adding one more floor of parking **within** the contiguous 'student' block (and losing revenue), they **PUT ONE FLOOR OF PARKING UNDERNEATH THE PUBLIC OPEN SPACE !**

THEN.. they make visitors and locals alike go **up 24 steps to their public open space ON TOP OF THE PARKING !**

This is – obviously - **simply not a preferred way to treat public open space!**

Then they invite wheelchair users to fall off!

Worse, not only the normal public have to make this ascent, but the building adjoins – indeed the plan *INCLUDES*, a housing facility for older people, MANY of whom are in wheelchairs!

So, in their revised plan, what do they do? They put a very elegant, op-art, ZIG-ZAG RAMP UP THE MIDDLE OF THE STAIRS !

Now one of the people I met when conversing with the public was a lady in a wheelchair. Her condition was such that it was already a major risk for her just getting off the kerbside to cross the road. There was no chance she would be able to negotiate a zig-zag ramp cut into a stair, with the chance to slip off offered 24 times on the ascent!

Clearly the **concept of open space 24 steps up is simply wrong**, and before anything else the ground floor parking must be removed from under the opening **shopping area**. **This means the whole plan must be re-done.**

(One should also then consider some kind of covering solution for at least part of the shopping area.)

Quality:

Formally speaking, quality in the built environment is an amenity. This scheme lacks quality. Therefore it lacks amenity. Therefore it should be rejected.

Use of spaces: art and talent in making people feel at home (lack of it, in this case):

Designing spaces for public use – or for where a private building interacts with the public – the building’s faces, its visual language, its invitingness or otherwise – **requires essential skills and attention.**

Repeating: this is not so great a problem **for a small scheme** because the variation (even ‘some bad, some good’) creates the necessary variety – and thus visual comfort – so that the user feels more at home; this variation reduces city violence and people’s angst and uncertainty.

But **in a big scheme**, the problem is that this natural variety, this invitingness, has not grown from decades or centuries of minor adaptation – it has to be invented.

That’s **where the skill comes in**. And these people simply have **hardly got this skill at all**.

They don’t vary the line; they don’t produce any illogical deviations or entranceways. Or find any reason for any. They don’t break it up. It’s not inviting at all. It looks like a new central bank, or a prison; and **students** have got to *live* in it ! LOL, indeed.

They make a noble attempt – for a bunch of professionals tied down by their masters – at trying to break up the main façade of the massive entrance to the student building, as seen from the Oxford approach. First they had a semi-circular (in plan) triumphant entrance quasi-portico on the corner. Then in the amended plan they turned that to a bald right-angle corner. Same difference. NO talent crying out there. The developer probably insisted they simply maximize use of space. But South of that corner there is (magic) an attempt to vary the façade!

– Except that it doesn’t work, because ALL the façade is massive, so it just looks like a mass of massive facades that someone is trying to hide with a little variation.

Worse, exactly the same is the effect of the Botley Road frontage (North) – there is variation, yes, but to most people, all elephants look the same – even if some are in grey slate and others in some modern anodized whatnot. Whatever: this is 7 stories of imported Selfridges without the art.

There is a name for this:

(Planning Value no. 104.A:) City visual-spatial quality / creation

A book that opens the brain to better town planning is Jane Jacobs’s **The Death and Life of Great American Cities**.

Of course every Planning Committee Member should read it. **All planning officers should have read it.**

She starts by observing the value of “eyes on the street” - from residential upper windows - forestalling crime;

– then, the life given to cities by spaces and relationships that have grown up without planning by an external hand.

– Also: spaces that have grown by somewhat haphazard juxtaposition of buildings in separate ownership: arguably one of the most vitalizing forces in a city. The natural play of local economic interest.

– Examples (As I remember it!): the spaces in the back streets of *Venice* – many irregular, odd, and therefore more intimate, giving these spaces (as in many old Italian cities) a warm, comfortable character, envied worldwide.

This sort of talented **use of space is (a) hard to plan, since by definition it is human-generated by different builders over time; but it is (b) a valid aim and ambition for town planning, and thus in every way a formal ‘planning consideration’.**

Lack of talent in this regard – city-visual-space creation – can be deemed a valid planning reason for rejecting a plan.

Aesthetic points can be subjective, yes, but these considerations are not so much aesthetic (‘artistic’) as structural, to do with the capacity (or not) to create uplifting (or at least mind-opening, or relaxing) spaces. This is a planning requirement. It is absent here

➤ **On this consideration alone the entire scheme should be shelved.**

(*** Just in case: The numbers are of course merely a minor piece of weak humour)

Conclusion:

Is Planning Value 104.A*** (City-visual-space quality / creation) satisfied here?

One has to say no. There might be good-quality space in the shopping area – not very visible from the plans (though it looks dull) – but if there is, its whole advantage is thrown away by being up 24 steps !!

Planning Value 207.B: Proper sense of scale / Block/unit size

Blocks and scale can be massive – for massive, uplifting institutions: churches, monuments, Parliament.

But scale and unit size should be **detailed, human – implying variety, life, sinews, veins, currents, byways, warmth** - these are for human uses – for example, for a **local** shopping precinct.

But any such consideration here is totally over-ridden by the massiveness of the scale of the student building, its absolute lack of attention to any *simpatico* spaces – even a setback from the pavement to facilitate shoppers’ lives, and much less an arch, arcade or colonnade – is and capped off by the insertion of that mega-dream-factory, the 6-screen cinema ! (on land the developer does not even, at time of writing, own).

These two masses negate any human scale, rather badly.

Planning Value 304. C: Charm.

None visible from where I am looking. Hardly any explanation required.

Planning Value (405.D) Originality.

Hm. Give us a break.

Planning Value 498.X: Architectural variety to relax the eye.

Another break.

| | | | |
|--------|-------|--------|------------|
| Factor | Theme | Detail | Exposition |
|--------|-------|--------|------------|

| | | | |
|---|------------------------------|---|--|
| 7 | The function of Elms Parade; | No reason to demolish, supersede, or replace this humble, functioning building | It continues to create value and its owners (family of its founder/builder), as proof of this, don't want to sell it |
|---|------------------------------|---|--|

a) Planning status

1937 shop terrace architecture is not hugely attractive, in today's view.

- **But that has absolutely nothing to do with the case.**

This is a functioning, normal, economically active piece of established city/town/village infrastructure, and a Council arguably has no right whatsoever to propose to, nor to encourage a developer to submit plans to, replace it.

- **Just to rub this fact in: Elms Parade is liked, loved by some, used, even praised by all for its usefulness.** About 1 in 50 of my interviewees said 'This is old – rubbish – it's got to go'

b) City landscape function

Elms Parade has another, architecturally vital function. It says to the person driving out of Oxford "ah, here is a relief". Here is the *beginnings* of **something like a village**. The beginnings perhaps of country. What says this? The setback from the road.

c) Personal perception

- **Forgive a personal perception:**

(I repeat myself – forgive my editing):

- The overriding value of Elms Parade is its mere **position**: When you drive out of Oxford, after enduring the traffic in the Botley Road and passing a sort of large-shop wasteland in the Causeway across the floodplain, and you drive under the A34, suddenly you get.. a setback from the road, on your left. You feel this as an important sign. A first sense of 'relief' from the sense of crowding. Not exactly a taste of the country, at all, but a slight relief. It may not be hugely beautiful, but it is a setback from the road. This provides a vital relief, a statement that "Ah, maybe this is where things start to open out"; it doesn't actually state that Botley is a village, but it arouses the suspicion and the potential sensation. In my initial view, I perceived this as the **key to the whole issue**: What is vital in the **visual planning** here is to preserve some aspect of this RELIEF – this beginning of a sense that here is where things start to open out. Where, if there is city or suburb, it starts to get less dense. (The Causeway of Big Stores is clearly perceivable as a semi-industrial interval). This may not be town, but it is not 'without features' – it is the beginning of a potential for something to have character.
- **That statement actually means that the situation of Elms Parade has character – but I am trying to express it in terms that might meet, on common ground, the view of someone who has not looked at it this way.**
 - – and I as a citizen of neighbouring *Oxford* do not want to lose the *character* which that positioning presents. I do not want my drive out of Oxford to 'finally escape' the confines of what may have been done to be a historic city, only to find myself in a massive development – a negation of my hopeful belief that Oxford does not have adjacent massed 'civilization'*. And now that I have experienced Botley a little, and gained the discovery that this is an area that does (5,000 human brains) operate as a *village* – thus, **as a purely planning consideration, I do not want to see any of this character 'dismantled'**. **This is a purely planning, townscape, consideration: not a Betjemanesque yearning for the past**. If Elms Parade were actually replaced with something with the same sense of relaxed, reticent, slightly disorganized intimacy, that would satisfy this requirement. – Though could one expect such a thing from modern architecture (or, more accurately, modern finance-led development)?

c) **Position of property owners**

- **We now all know that the owners of Elms Parade** are rather more attached to their grandfather and great-grandfather's construction and legacy, with its modest income, than to any idea that this personal legacy, of which they are proud (*that* is character!) should be destroyed by development, for whatever price.
- **The fact that this family is not interested in selling, for example, is both a PLANNING fact, and a POLITICAL fact:** This stance should, in proper city planning, be a valid factor in the granting/or not of a planning permission that would require the destruction of the building concerned (especially one the applicant does not own!) – because it is an indicative **economic** and **populational** fact.
- **Yes: in planning, whatever factors** will make a proposed development not only possible **but more palatable to its consumers (most often, the local community)** are **legitimate factors for consideration in its acceptance or rejection**, in spite of the given wisdom that the permission process exists only to define what *construction* and what *design* (for what *use*) *may* be built on the site [- not necessarily *will* be built; and from this hangs the concept that it would not be necessary that the applicant owns the land].
 - **One of these 'economic factors' is that the development is possible only with compulsory purchase.**
Now that requires a legal process; and that legal process can be *opposed*; and that process of contesting the opposition takes *time – legal, public, time –* which means public *money*. Thus there is a decision to spend public money involved. And it is perfectly possible that in that process the opposition is successful, due to opposers arguing (for the second (or third) time around) that the plan is dysfunctional, inappropriate and should not go forward – that it does not justify the public expenditure, and so on. So, in part, by deciding to give a planning permission such as this one the council is committing future funds to fighting opposition to a compulsory purchase order. Hence, passing a planning permission which is being fostered and encouraged by the Council, but will require compulsory purchase, makes the question of giving planning permission for land other than the property of an applicant, when compulsory purchase has to be considered as the only option for making that possible, an economic - a spending question. Planning permissions that will require compulsory purchase are thus different in kind from planning permissions for the applicant's own land, since they commit the Council to expense. Among other factors, that likely means they can be challenged in court by a ratepayer.
 - **And certainly, the granting of a permission of this type is also a POLITICAL matter, because it commits the elected authority to future spending.**

| | Factor | Theme | Detail | Exposition |
|---|---|-------|-------------------------------|------------|
| 8 | The sheer chutzpah of lack of respect for existing users; | | "Looks old, let's destroy it" | Someone |

No-one appears to have sought to find out whether Elms Parade by chance was not an actual commercial centre functioning and in use, welcomed and used by a satisfied community (which needs it).

- **If this is so, it would seem to be grounds for postponement based on the need for a rethink and more research.**

| | Factor | Theme | Detail | Exposition |
|---|-------------------------------|--------------------------------|--|--|
| 9 | Gross losses resulting | a major deprivation of amenity | Loss of scale, Loss of character; Loss of sense of locality; | Exchanging inconvenience for convenience Amenity thrown to the winds by multiple mash-ups |

Loss of community identity – the sincere long-held identity of village:

Botley has a large number of lifetime residents - modest people who express themselves modestly (but are knowledgeable, with strong intellectual resources, realistic and determined). These are the people who are stating that the proposal will deprive their society – their village – of existing community resources.

The plan destroys ALL the (20? 30?) shops in this *sole* hub serving a 1.5-to-2-mile-radius community, for 3 years, burns ties and long-built businesses; **giving back**

chain-shops.

Locals say: Botley Road *Waitrose* will blight the proposed 8,000m² supermarket. (Today's Co-op and Tesco will go).

Major deprivations of value

- displacement of old people only to rehouse them 2-3 years later;
- displacement of shop owners.

| | Factor | Theme | Detail | Exposition |
|----|-----------------------------|----------------|---|---|
| 10 | Destruction of value | Cash value of: | Killing of a community of usefulness (business, shops) destroys value | That community of usefulness has been gradually established over many decades. <u>If an application cannot make clear how it will put greater value in its place, it should be rejected.</u> |

There is cash value in **community**. Just as there is in a society having asphalted roads; in the having (or not) of mass education; rubbish collection; a history; a common law; trust; respect for institutions. Access to facilities. All these things have cash value. And in any particular place, if there is a community, that has real value: Cash value. Unpayable, unreceivable, but value.

Town planning – or a town planning decision – cannot be allowed to destroy value in the community if it does not create much greater value in its place.

And the planning application must demonstrate that positive difference in value.

And one problem is that the value of having a community is very hard to calculate. And the value TO a community of having a local shopping and service community is also inestimable. But it is REAL. And a plan must provide reason for destroying it.

If it does not do so, it must be rejected.

➤ **This application does not do so. So it must be rejected.**

This plan aims to destroy a vibrantly functional community of businesses. There is no justification for this at whatever cash value.

➤ **It does not provides that justification, nor any compensation for destroying this community. So it must be rejected.**

| | Factor | Theme | Detail | Exposition |
|----|-----------------------|--------------------|--|---|
| 11 | Lack of talent | A vital ingredient | In all the above things, there is a stunning overall sheer lack of talent . The proposal is totally charm-free | Because of this plan's scale , just <u>not having <i>flair</i></u> is thus enough to condemn it. |

Something on this scale must be done with *talent*. If you are designing on house among many, it does not matter so much if it is done with not great talent: juxtaposition can provide variety. But a scheme of major impact must be done with real, history-making talent. This scheme simply has not got it – motivated only by commercial ego, it is not more than a gross commercial attempt to create value at the expense of an existing web of community – in concept and execution weak and insignificant.

It has none of the flair that is a **necessary function of a big scheme**:

- (a) flair in providing living and use spaces for people that are attractive and comfortable; and
- (b) flair in providing visual charm, quality ad character.

It has neither; so it must simply be rejected.

| | Factor | Theme | Detail | Exposition |
|---|--|--------------------------|---|--|
| 12 | Legal reliance on legally wrong procedures; | | <ol style="list-style-type: none"> Compulsory purchase is an inappropriate legal tool for anything other than a massive national transport need, a public emergency or a health hazard. Prior coordination between a developer and the Council should be limited to plans that do not envisage compulsory purchase; or (subsidiary argument) which limit the scope of an intended compulsory purchase. Without such a constraint, theoretically the Council could propose compulsorily purchasing and redeveloping an entire village (district?!) – which would be ridiculous; so there has to be a limit. | <p>I submit that a limit would be that there no plan involving compulsory purchase should be admitted where there is no such pressing need: and that to proceed otherwise is unnecessarily to risk spending the Council's money on defending an arbitrarily-chosen scheme.</p> <p>This is a legal argument.</p> |
| <p>This particular planned co-ordination between council and developer can be achieved only with compulsory purchase – but that is an inappropriate legal tool for anything other than a massive national transport need, a public emergency or a health hazard. Its very use for these purposes can be – undoubtedly will be – challenged in Court; and the fact that the Council knows this, means that the Council is knowingly taking an unnecessary risk with public money if it grants this permission. (The legal argument has grounds because it was the council itself which initiated the scheme in its invitation (and indeed with an informal and still secret tender proceeding looking for an appointing a developer to propose this scheme – so that legally it cannot be said that the Council is aloof from this – no: Any accusation that the Council knowingly entered the scheme aware that it would have to face the burden on the public purse of justified opposition in compulsory purchase proceedings, and thus unnecessary, possibly useless, and misdirected expense – might have grounds in legal argument).</p> <p>There is also the issue of the Council refusing a request for details of its reasons for choosing the developer 'Doric', from several – on the grounds that this is 'commercial information'. Following its refusal, a freedom of information request was made, upheld by the central authority/arbitrator on Freedom of Information requests – and the council has decided not to obey this but to appeal against it. That means the planning decision will be taken without the public having access to this knowledge. Since the degree of need for this scheme is part of the balance of land use argument for its necessity, the financial considerations involved in that (still withheld) knowledge are part of that decision on the merits – and hence the public must be given access to that information. Hence the planning decision should not be taken until the public have had the right to consider that information.</p> <p>Hence the entire planning permission process should be immediately put on hold until this information is available, and put out for public comment.</p> | | | | |
| | Factor | Theme | Detail | Exposition |
| 13 | Moral reliance on morally wrong procedures | | It is basically immoral (though legal) to apply for planning permission on your neighbours' land – even more so against their (plural!) will | |
| <p>It is immoral to invoke the 'power' of the council to exercise compulsory purchase to foster an atmosphere of some kind of 'foregone conclusion' that the Council in reality WILL use compulsory purchase powers – since this is the <i>only</i> way in which the developers and Council could achieve their aims were this unacceptable plan to be passed.</p> <p>This smacks of a 'Nazi' pressure on a community – something we fought a war against!</p> | | | | |
| | Factor | Theme | Detail | Exposition |
| 14 | Inappropriate financial gain: | wrong conceptual genesis | its wrong conceptual genesis as an attempt to make money for the council – which has led to the planning errors | |
| It has never been the function of a council to generate cash out of its land holdings. They are held for public service, not for profit. | | | | |

- **The WestWay shopping centre ‘works’ – in spite of its dowdy, ‘60s exterior. One can understand the temptation to knock it down and start again – use that space behind Elms Parade better (“Dammit, let’s knock down Elms Parade too, it’s not as if those small shop units were efficient modern retailing instruments); replace the ‘supermarket plus one floor of flats’ with ‘supermarket plus 3 floors of flats – that means we can make the whole things bigger – hell, while we’re at it, let’s include a cinema – ah! – Of course, and a 7-storey home for 500 students ...**
 - One can see how the idea grows.
 - But the idea of extending the initiative of the Council in developing its own land to cover adjoining buildings that have some character, have a social function, are loved and actually serve an important function of representing the centre of a real community, seems gross and mistaken on the several grounds suggested by the parts of this sentence.
- How did this idea ever get floated? Not satisfied with invading adjoining private property, this proposal which seem to be motivated by no public policy, built only from maximizing cash for the council (valid enough – but that’s what we have planning laws and a planning democracy for) then puts out another spider-like hand and grabs the Anglican *Vicarage* ! – and old people’s housing !!! It then proposed a massive 6-screen cinema across from the Anglican Church (the spidery hand has now ventured about 200 yards *beyond* its own property, having leapfrogged the consecrated ground of the Anglican Church (which it knows is very hard to get compulsory purchase on), and proposes demolishing the old people’s housing only to rebuild it about 30 yards away !!!
- In other words, there is a point at which this **planning proposal began to go mad**, and apparently motivate only by greed, started trying to eat up the future of the land that **neither the council nor the developers own!** This might be justified in a war, or to build a port, or a new national motorway, but in this context it is madness. This is because:
 - It may be that the reason for this ‘compulsory-purchase appetite’ is some kind of genuine feeling (it would have to be a political, because it would unlikely be a planning, decision) that the *whole* of Botley should be re-planned – effectively blown up from a modest village unit (which it is, as you would discover if you were to talk to the locals for a few days) into the concept of a ‘DISTRICT’. But the problem is that Botley is not a District – nor is it the centre of a district – not even the *potential* centre of a *potential* district!
- BOTLEY, however, is a VILLAGE.
 - First, it cannot expand. It is circled by effectively green-belt-type land on its north-to-West border (a curved, containing edge), by more green barrier on its South-to-West border (another curve) – and by the forbidding (wide, flat) floodplain of the river that theoretically separates it from Oxford on its East side. It is NOT like any other ‘urban sprawl’ situation at all, whatsoever: it is completely self-contained and unexpandable. That in itself doesn’t make it a village – only a bubble – were it not for the fact that at the Eastern end of this small unit (5,000 people, 1 mile by 1 ?), although there is no village green, there is something that almost serves as the bones of one – a **tiny indented setback from the road**, and on it, its own *shopping centre* – dry cleaners; post office; oculist; dentist; estate agent; a range of about 5 (?) restaurants and/or cafés, a Taylors-of-Oxford delicatessen-type operation; even a *funeral provider (!)*; a library; no less than *two churches*; at least one travel agent; a carpet-laying expert shop; two banks; a chip shop; a chemist; a hairdresser – ah - a bustling newsagent; a professionally-staffed electrical parts shops (specialist, I think);a charity/hospice shop ... this is enough to show you this is simply **quite obviously** NOT the sort of thing you just knock down and start again. So: **This much is obvious:**
- **It is a village !**

| Factor | Theme | Detail | Exposition |
|--------|-------|--------|------------|
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| | | | | |
|----|----------------------|---|---|---|
| 15 | Doubtful provenance. | The 'whiff of good law' – or prior agreement? | A "whiff" of difficulty is on everyone's tongue. It needs to be voiced. This is a legal matter. | Secrecy: freedom of information. Grounds. <i>Fumus boni iuris</i> – a legal term – thus validly acceptable in a legal submission. "Not only .. but must be seen to be .." In several jurisdictions, the principle of 'demonstration of likelihood' is required for certain actions. |
|----|----------------------|---|---|---|

There is unnecessary secrecy in the provenance. The Council refused to disclose negotiations. The freedom of Information authority told them to. They refused and appealed.

In some jurisdictions, *fumus boni iuris* ("the whiff of good law") is required as a pre-condition to challenging a condition – for example, when seeking injunction.

One must assume that the Council's intentions here are pure, but the refusal is certainly not doing a good job for public opinion !

It would be both legally desirable, and good in terms of *appearance* of moral rectitude, for the Council to put off consideration of this application by the Planning Committee until the details of that negotiation have been brought to light. What if, for example, the council (or someone) had promised a payment or a financial incentive in a certain eventuality !!!! ? That would be cause for a lawsuit, damaging to the Council, and necessary to pre-empt now. We need "*fumus boni mores*" (a whiff of good *customs*) here!

As a matter of record, and an outside observer, I have found it is a large part of public opinion that value may be .. involved ... in this proposal. I cannot share this view, but I can report that **many** of those I talked to imagined, and some assumed it to be the case. There is a requirement that the plan be 'above suspicion'. Otherwise we would be a Banana Republic (of Botley!). So: it would be better to disclose the information.

| | Factor | Theme | Detail | Exposition |
|----|------------------------------------|-------|--|--|
| 16 | It further belittles Oxford | | In all the above, the proposal (further) belittles Oxford – which is arguably a place of even worldwide importance. | It is inappropriate that this scheme should go forward without the approval of the bordering council – Oxford City Council. And that Council has objected. |

I live in and love Oxford: It is possibly the world's most important historic town.

Its ancient structure encourages one to argue that its **environs** should benefit from a similar quality of thinking – makes one want everything close to Oxford to offer some kind of extension of its quality.

This scheme seems to negate this.

Technically, the character of quality is an 'amenity' in planning terms – and thus perfectly arguable in an objection to a planning permission.

The proposal does not blend with Botley's function as a **village** in adjunction to a historic town (possible the world's most important historic town).

Thus this is not only a council matter, but a county, a regional and a national matter, and even arguably a world matter. It seems clear that this quality is not being provided or extended by this present proposal.

➤ **Hence, this is a serious, important and absolute planning reason for rejection of the application.**

d) Ad-hoc market research

I have done some humble, rapid, imprecise research. But it is indicative:

I did my own research, speaking to many locals. I asked them:

- (1) how far away they lived;
- (2) what they used Elms Place and the WestWay Centre for;
- (3) where they shopped;
- (4) whether the Elms Parade shops were of interest;
- (5) what it was like living here; and – of a few,
- (6) whether they felt there was a need to accommodate (500) students here.

I met a whole range of ages and social and other roles in the community. **Botley people are intelligent, informed and determined.** The responses were convincing:

(1) How far away they lived:

A few yards to a mile and a half;

(2) What they used Elms Place and the WestWay Centre for:

Shopping of the one-stop-shopping variety, detailed with overtones of ‘essential’ – regarding Elms Place and the WestWay Centre as ‘THE Centre’ of all their immediate-shopping structure – led by a sense of convenience in the existing shops, and in the future, fear that a complete re-development would

- (a) completely blight that **single, local convenience**,
- (b) REMOVE it for 3 years – and probably not replace it: effectively destroying valuable existing **intangible infrastructure**.

(3) Where they shopped:

They indicated the Centre as a whole, especially Elms Place, with concepts including ‘convenient’, ‘varied’, ‘the only post office’, and ‘people in shop X know stuff no chain shop will know how to tell you’; one man said he had been coming to the WestWay supermarkets for 15 years ‘because it’s cheaper than the Aldi (?) I live close to, 500 yards from here (into Oxford)’. The overall tone was the sense that here were in fact, rather than an apparently out-of-date building and apparently peripheral facilities, actually the nuts and bolts of a strongly useful facility.

(4) Whether the Elms Parade shops were of interest:

I was also surprised by the number of people who praised the value of an actual, real, independent, butcher’s shop; the great usefulness and significance attributed to having a real live post office: one man said he always finds himself in there and stays in the queue in spite of the fact that there is ‘never a queue of less than 4 or 5 people’!

The opinion *from the architectural point of view alone* on Elms Parade I would sum up – surface impression, not accounted, totally ad-hoc - as

55% ‘It’s nice – must keep it’;

25% ‘Better to keep it than let in this plan to simply build shops up to the road line;

10% 'I have been coming here since I was a child, I love it, it's part of my life';
 'I grew up with this, I like it', (some of these go back 50 years);
 'I lived in one of the flats as a student – (laughs) – romantic associations!' (this from a pastor!);
 'I was born across the road, I wouldn't want it knocked down for anything'.

5% 'dowdy old place, should be knocked down';

This is a wholly amateur, back-of-envelope sampling and report – but it's **better than not conversing with any of the locals at all.**

Most of all, these respondents gave me an overwhelming and unavoidable conviction:

Botley is a VILLAGE.

The vital and central question of the whole issue is whether Botley is a village – and yet it seem so-one has researched this, in spite of that being the central duty of the planning professionals and the councillors in this case.

So how does this submitter arrive at this consideration ? – and it is a planning-important consideration – :

This submitter may probably be the only person without a NIMBY interest to have researched the idea – indeed come to it as a conclusion – *unintentionally* – just by talking to a mass of residents..

Evidently this is a research that the officers, and the councillors should have done – but, assuming that no-one has researched this concept or fact in this case, my testimony must be taken into consideration with great weight and care because of the absence of any other source of information or conclusion on this question – because no-one else has asked this question, which is the vital and central question of the whole issue. OR: the process should be postponed for a real research of this kind. OR: the percentage ratio of objections to approvals should be given pride of place

Q: Does Botley have limits? A defined identity? How are its people? Related to the location or using it as a dormitory? Using it as a passing facility or do they have roots: If yes, are the roots to THIS location or merely by association to a neighbouring location?

A: Botley is not faceless suburban sprawl. It has defined geographical limits, a personality (questioning, thoughtful, respectful (respectable), but not repressible; in this much, rebellious, quite determined): 5,000 people (?); and it has a totally coherent services centre (and ONLY this one, which this plan seeks to destroy. Now what logic could there be for approving distraction of its ONLY service centre?

It being a **village**, NOT A DISTRICT, **it requires to be treated like a village – with the same respect you would give to other villages under care of the Vale Council whose names begin with B. (In none of those would you dream of proposing a massive 6-storey incursion, complete destruction of the village centre, injection of 500 students, destruction of an old people's home (for replacement with another one!) – in none of those places would the Vale dream of suggesting this – so it similarly cannot be allowed here.**

This is a precise planning consideration.

On CINEMAS

- ALL the people I spoke to said they had no desire whatsoever for a cinema (except one, who said there was a need to get their teens off their videogames without spending (3?) pounds on the bus each way, creating a serious need for a number of cinemas.

Apart from this, I was unable to identify any demand whatsoever for cinemas in Botley, when compared in the minds of the local people to the advantage of what they already have. Has any planner considered the following proposition? >

The people who are here have come to Botley because it doesn't have cinemas!

That would be their *right*, would it not? That is the sort of people they are – and that is city evolution in progress. They are not here by coercion. All have carefully chosen Botley. It is NOT GOOD PLANNING to foist a cinema on them in some unbridled view that for the future good of society they must have Tom Cruise and Angelina Jolie (or equivalent, over the centuries) thrust upon them for time immemorial [– and also have an otherwise unnecessary, and maybe even imaginary, shifting student population shoehorned in on them to make it economically viable!!] All this simply does not make sense. So the temptation to imagine that there might be some other reason behind it all is quite strong.

On STUDENTS

- **Impressions responses on need for students:**

| | |
|---|---------------|
| 'There is no need AT ALL': | 70%; |
| 'There is SOME need': | 15%; |
| "I let to students, mainly mature; there is some demand': | 1 respondent; |

Within the 70%, I heard:

- 1: "I actually work for an organization that has made a contract to benefit from this development but I think there is NO need – nobody who is at the university will want to come out this far; Brookes has its unit on the hill behind us and has built its own accommodation which it says is adequate;"
- 1: "no students will want to come this far";
- 1: "this is a put-on: they are calling it student accommodation so they can avoid the VAT on construction – they can then turn it over to social housing .."

(I confess to not understanding the tax or social housing issue, but the comment serves to show a public distrust that I would judge likely may have some roots in commonsense..).

e) Why these submissions are admissible: Legal/planning law status of these arguments

Since this is a quasi-legal proceeding (by Law), then it should accept and consider argument, of a legal nature, about procedure and applicability.

There are several:

- 1 **Human reaction and opinion is a valid and significant input factor to be considered in the formal town planning process**, and can be important in that human reactions can bring to light aspects about land use and design that the other aspects of the planning process have not brought to light, and which the process needs as input information.

A perfect example here is the enormous local reaction. Perhaps the Council planned with their ‘contracted’ developer in good faith. But **nine hundred** objections – not *one* hundred, not *two* hundred, but **nine hundred** – are a completely new and overwhelming fact on the ground. As a matter of principle they swamp any presumption that the plan must go ahead just because it was someone in the Council who thought this up. The presumption swings the other way: The objection process has manifestly uncovered an overwhelming democratic perception that this scheme MUST have some very major flaws.

- 2 **The aesthetic and the visual** are among the most vital aspects of our town planning process and, though often subjective, they must not be ignored simply because many of the comments may be opinions. These opinions are human facts, facts of the population’s reaction, and should therefore be taken with seriousness as important observed planning facts by the officers, reported by those officers, analysis of them should be put before the committee, and they should be fully understood and considered by the councillors in their vote.

Hence all human reaction and opinion, including even **new argument such as these present paragraphs, should be taken into consideration, since the ‘opposition’ of today is so often the ‘wisdom’ of tomorrow. When we build, we die, but the bricks don’t – hence we are building for that tomorrow, and we must think about it. That tomorrow is our end-client! Therefore we can properly take into account opinions now emerging only for the first time.**

Much of this submission seeks first to argue that certain *types* of comment are legitimate objections: there must be presumption against exclusion of any argument or any type of arguments in the submission / report/ or reactions, arguments and proposals by the Planning Offices to the Planning Committee.

This objection submits that

- (i) The *scale* of opposition in this case is a valid *planning* consideration, in technical terms – i.e. valid, in full legality as a component within the planning process – to be considered as *direct grounds* for refusal of permission by the planning committee.
- (ii) The *nature* of the opposition in this case is also a valid *planning* consideration, able to be taken into consideration in technical terms – i.e. having full legal validity in the planning process.
- (iii) Certain subjective aesthetic perceptions of my own (as being one citizen, *perhaps* informed) deserve to be taken into account partly because I have valid experiences, and partly because they come from an outsider to the district, but most of all because they come from an individual’s perception.
- (iv) Objective (if simple) reports of public opinion, with the caveat that they are amateur and undisciplined, deserve to be taken into account here because they are actually the fruit of actual research of opinion on the ground, and description of the local people and their views, and the more valid because I am from outside the area, and the researcher has some minor experience of other people on similar highly adverse planning situations, on a large scale, in the past; but most of

all in the event that the Council has not carried out such research; or that it will treat the proportions of the objections received (some 900 against, to under 100 in favour?, on the first 'poll') as valid research to substitute rough anecdotal reports such as that submitted here.

(v) The fact for example that owners of a block that it is planned to compulsorily purchase are not willing and will resist is a planning consideration.

This submission is made specifically to prevent any elements of this present objection being ruled out as in some way allegedly not comprising valid planning objections.

(vi) It is also submitted that their points should be considered as valid planning objections, because they come from someone

(a) relatively well *informed* – living outside the Vale Council area, in neighbouring Oxford, hence having no 'NIMBY' element;

(b) they seek to express a point of view based in Oxford, and – UNLESS there are numerous other comments from within Oxford – other than Oxford City Council itself (which has objected) – then this single objection deserves to be heard in an attempt to further represent the people of neighbouring Oxford (– and for that reason only, it might carry more weight than a mere single individual).

(c) they should (in the absence of opinions from anyone of a similar type of experience) be considered seriously because they come from an individual with some background in this type of large-scale objections to large schemes – who may because of that experience appropriately perceive the importance of such a large scale of objection – supporting its acceptance as a planning consideration.

(d) this objector having listened broadly to a range of local people and objectors over a research period of about a full week has information to pass on about the nature of that opinion – which, due to the nature of his experience, also constitutes valid input for planning decisions

I have heard that Poet John Betjeman is regarded as have 'saved' London's St Pancras Station building – with an emotional appeal: i.e., with an opinion.

That would mean society recognized an argument that was no more than a sentiment – completely subjective – as a valid planning consideration:

One speech led, and was adopted as, the opinion of society. This submission is that all our 'sentiments' and 'opinions', should receive the same dignity of consideration.

1 Similarly, when an objector uses words of affect – such as love, tradition, atmosphere – it is not that they should be taken into consideration as serious planning concepts because of the individual that is expressing them, but due to the possibility that they may represent the perception of a whole or large part of a population which should be taken into consideration by councillors – not only because of potential future votes (though councillors will no doubt wish to consider that) but because there is an implicit obligation to gauge public opinion; and a single voice, perhaps exercising leadership – or perhaps daring to speak where others don't yet, or voicing a validly emerging opinion for the first time – may be an indication of a valid current of opinion in a large part of the population which should be taken into account but which may not yet have otherwise found expression. Hence the planning officials have a duty to record, take into account and submit statements of an emotional nature if there is clearly any risk that they may express a wider undercurrent of public opinion. Since these reports and positions should be taken into account, so, I submit, should not only *opinions* but *conclusions* expressed herein; and also any *emotions* (including the *perception* of the sense of community) expressed by any objectors.

2 – The point being:

➤ **Those 900 letters of objection, meaning whatever is written in them, are the very raw material of the planning process.**

f) Presumptions in planning decisions

i) Planning presumptions for large schemes where there is healthy existing use

Presumption in favour of quality

Presumption in favour of the established community

Presumption against change of scale

Presumption in favour of demanding city-visual-spatial improvement

These presumptions are not vague idealism. They are the concrete nuts and bolts of town planning. The function of town planning (under democratic control) does not exist to support existing plans, but to satisfy the people – and thus will usually start with respecting the ‘rights’ – the ‘views’ of the actual local people. The relationships they have built up in their daily lives over numerous decades have real (even cash) value, and therefore planning decisions must not be allowed to destroy that value without value in exchange for the larger community. There must be a **presumption against** Invasion of such a community by a larger, alien interest – especially if it phases out all the local shops and replaces them with spaces that can be afforded only by national chains (with their calculated marketing and streamlined emptiness).

There is no evidence here of that Greater Need. There is no visual quality, no space enhancement, offered by the buildings. By their scale they tend to add ‘ready-destroyed’ visual and cityscape value.

ii) How very good, and attentive, a councillor, and a planning officer, has to be ..

The author if this submission is just an observer. How much better should a professional be than he ! And then, how much more and better does the elected councillor have a duty – to his local people – of being !

When a scheme is planned there tends to be a lack of creativity, lack of basic skills in manipulation of space for the congenial aim of producing a pleasant and useful city environment – and one that fosters the interactions of movement, commerce and living that are essential for a city to be and remain healthy.

This requires talent, and experience, and there is far too great a tendency to allow things to be built that are quite strongly lacking in these considerations.

This arises, probably, because in electing councillors, people, (when they vote at all) may react to national policy of the leading parties, rather than realising that they are electing people who will take the aesthetic and ‘living’ decisions about the architecture they will have to live and breathe in. It seems to be the duty of a councillor to take this very seriously. To reject all the architectural attempt whether by a developer, an architect, a resident, a planning professional – to offer anything less than the highest level of understanding of this relationship between space, use of space, building mass, facility of entry, views, visual quality and – probably the most important consideration in this scheme – avoidance of any attempt to impose a massive solution on a local area, teeming with personal and human interaction, with many of its population having lived their whole lifetime in an immediate radius of less than a mile, and having close personal ties to the actual building that it is proposed to snuff out. These are things that a councillor should be feeling that posterity will remember him or her for, rather than the temptations, status or position in this temporary world.

We, the people, die. The building we leave remain, to harass the consciousness of our children and grandchildren – or, to uplift it, inform it, and make them feel enlarged, enlightened, served, and at home – grateful that we took the care to see something well done (hopefully in the British tradition of things well done).

That's our duty. There is no way a councillor can feel he has done his duty if he allows a scheme of this size to replace the existing facilities and buildings – and even an old-people's home – on this scale – with this degree of mental disorganization – unless there is an absolutely overwhelming and obvious, crying, desperate need to replace small buildings with big ones – and, perhaps, more importantly, an existing, underlying personal network of personal interrelationships between people, shops, a locality that they cherish, routines that they have established for themselves and seem to be useful – unless it be for some overwhelming major – perhaps national regional need. But that is not the case, here.

g) Need to make up for weaknesses of the consultation process

First, hardly anybody votes for the councillors. The public only weakly understand the role of their vote in their town planning environment. And indeed attention focuses on an important issue so rarely that the motivation to vote is reduced.

This places increased responsibility on the function of public consultation.

Like an occupied people, a Population Under Planning (!) may often they feel they have lost track of any control, and have dumbly to accept whatever is foisted on them. As the visual quality of the environment steadily recedes, this feeling of loss of power can take over more completely, and be reduced to a desire to flee to Italy, Greece or France to experience for two short weeks a higher visual quality of housing. Bland, drab, unimaginative architecture that seeks only to maximize occupier profit has in many cases taken over. Most of the US – which perhaps never had very inspiring planning laws – has been taken over by this to the point where hardly any of the population perceives or demands quality any more. (If your mother shows her affection by putting her cigarettes out on the back of your hand, you will believe that is affection, they say..)

The result is that – although the planning committee (and the Council itself) should be peopled – as the result of a democratic process in which the voter understands whose sense of design he is choosing) – by committed, zealous and talented architects, capable of speaking out for the community about design as religious leaders once spoke from the pulpit on morals – guiding the community in this, their specialization, in practice the role of an able architect may be muted inside the employed planning staff of the local authority – and those that keep their views to themselves may even make a better career!

(This situation tends go un-noticed until a really major scheme is proposed. Then two things happen: (1) hardly anybody knows what to do, (2) those affected panic, or (2) very few of those affected know what to do; (3) opposition becomes hysterical or is squashed (skilled politicians can therefore write it off, and (4) a dull, or value-destroying plan gets passed, by default. The loss of value become part of the 'Town Planning Dresden Bombing' legacy that we leave to our children.

Conclusion:

➤ **Hence the higher responsibility of the councillor and planning officer to show zeal on behalf of good taste and good planning.**

h) Grounds for the council's rejection of the application:

This submission invites the Council to consider any one of these numerous approaches in rejecting the application:

(a) Technical, planning, architectural and legal reasons

- (1) **Very high number of objectors** – some 900 against perhaps (50?) approvals. Respondents' massive condemnation is the primary ground the Council has for rejection.
- (2) **All the considerations of quality** which are listed here. Any one of them, **by itself – alone** – is sufficient for outright rejection, legally and in both town planning and political terms.

(b) Technically and legally unacceptable reasons for approval

- (1) The fact that the council, or the developer, has invested (a) money, or (b) commitment, or (c) employees' time, cannot be a ground, even in part, for granting planning permission.

(c) Political, non-technical, but nevertheless compelling reasons

- (1) **In the use of democracy:** to the extent that the rest of the Vale can be made to become interested in this local matter, the Conservative majority will simply **lose votes**.
- (2) **The Council's moral imperative to listen:** There is, however, a structural weakness in the system: a local matter seldom comes to the knowledge of the full electorate of a large-scale Council (such as the Vale). Many voters may never even know – so they will likely not exert influence – but just resign themselves later to one more planning 'barbarity'. Hence it is the duty of a Council, politically, to overcome this obstacle: it is a **moral** imperative for the full council (through its planning committee) to take up the cause of protecting the local people (a fond, if not always successful, intention of the planning laws), who by their massive voicing of opinion are telling you (via 'there is no smoke without fire') that a proposed local scheme is a massive mistake.

i) An alternative scheme

An alternative scheme is possible. The following notes are mere draft ideas, but the fact that it is possible to submit them is proposed as adding to the valid grounds for proposing refusal of the present application. Hence they are included for reference.

A new design could be prepared based only on the land that the council and the developers own

How to design the new spaces?

The space has four elements: (1) one or two office blocks at the Eastern extremity (perhaps with the possibility of improving the Baptists' facility (and the community hall); (2) the Council's 1960s shopping centre, residential and car parks.

It has to be noted that the parking space immediately behind Elms Parade is of unhappy design and visual aspect. Any scheme could tidy this up. But: note also that people live on the first floors throughout.

They can be re-developed: separately; or together; or not at all.

i) Redevelop the council's four spaces

First, we have an asset in that the shops in the existing 'mall' are functioning. Some of them are very successful. The community does not want loss of continuity of these shops. Expensive redevelopment will inevitably displace them, rendering useless part of their effort-ful creation of value over these years – during a two-year redevelopment period, all value created by them for themselves and for the community would be destroyed; and the new rentals would cap that destruction forever. The result would be substitution by shops lacking the asset of a certain local quality.

We have 4 spaces: East and West car parks, and South and North elements of the existing shopping centre. One might christen the entire resulting new single space “the Aloha Centre” – (merely a fanciful suggestion – a colourful reward for the proprietors of the Aloha café-restaurant having created a *highly* successful operation in their current humble location in the existing precinct). Its shape would cover the 4 spaces – a contiguous shape behind and echoing Elms Parade, but the 4 elements would be built in rotation one by one. This unit would have a large, comfortable, ground-floor covered shopping area – most of it with access to sky light – with broadly the same number of shop units. It could have perhaps MORE residential units – these would be offered, AFTER consultation on layout, position and design, to present residential tenants; would have two supermarket spaces for the present extremely useful tenants; and multi-storey parking, but within not much more than twice the existing scale, and with a cosy, perhaps curved/amphitheatre/ziggurat-structure concept with ins and outs of spaces to make it liveable. The rotating redevelopment could start on the current Eastern car park, and move around.

ii) Redevelop the council's four spaces together with the developer's existing blocks

Just extend the above idea. Space for existing supermarkets, many shops, much residential – 3 or 4 stories a possibility, shaving/scaling the height near the residential road to the South. Opportunity for a really creative structure, echoing and behind something about Elms Parade

iii) Just refurbish the existing shopping centre.

This would not offer an improvement of the visually weak space behind Elms Parade, but there are fine samples of how something initially a 'dowdy 60s precinct' can become comfortable and modern by treating only the surface details (and putting a transparent roof over most of the public space!). I have seen a slide one of these at a community meeting so I know that Mr. Church has examples.

Having given these ideas, one would hold **local meetings** for suggestions, discover some **local talent** with **local ideas**; and after a broad **consensus** is afoot, perhaps bring in someone like **Eric Reynolds**, of Urban Space Management: Indeed this firm might be a good starting point to design a redevelopment.

(<http://www.urbanspace.com/about>).

(www.urbanspace.com/.../eric-reynolds-honoured-with-lifetime-achievem...

26 Nov 2012 - Urban Space Management has been a prime mover in the creation of attractive, affordable retail initiatives since ...).