

To: Cabinet
Date: 19 October 2022
Report of: Executive Director (Development)
Title of Report: Development Brief for Botley Road Retail Park

Summary and recommendations	
Purpose of report:	To invite Cabinet to endorse the Botley Road Retail Park Development Brief
Key decision:	No
Cabinet Member:	Councillor Alex Hollingsworth, Cabinet Member for Planning and Housing Delivery
Corporate Priority:	Support Thriving Communities; Foster an Inclusive Economy; Pursue a Zero Carbon Oxford
Policy Framework:	Oxford Local Plan 2036 and evidence base for the preparation of the Oxford Local Plan 2040

Recommendation: That Cabinet resolves to:
1. Endorse the Botley Road Retail Park development brief.

Appendices	
Appendix 1	Development Brief
Appendix 2	Summary of Comments
Appendix 3	Risk Register

Introduction and background

1. Within the planning system Use Classes define what use a building can be put to; to change from one use to another usually requires planning permission. In April 2021 the Government made very significant changes the Use Classes Order¹, in particular to remove the differentiation between a retail use and most employment uses. These are now only covered by the single Use Class E. This means that

¹ [Town and Country Planning \(Use Classes\) \(Amendment\) Regulations 2020](#)

buildings currently in Retail Use can be changed to office or research laboratory use without needing planning permission. This creates a challenge, but also opportunities. One of those opportunities is the Botley Road Retail Park.

2. The Botley Road Retail Park is made up of a series of large retail units surrounded by car parking, given planning permission – some on appeal – in the 1980s and 1990s before national planning policies made it easier to resist car-based out of town retail developments. The buildings are of poor quality, and collectively make up a poor quality environment. The amount of car parking provision is entirely contrary to current City Council planning policy. The sites are largely in an area of functional flood plain that precludes residential development.

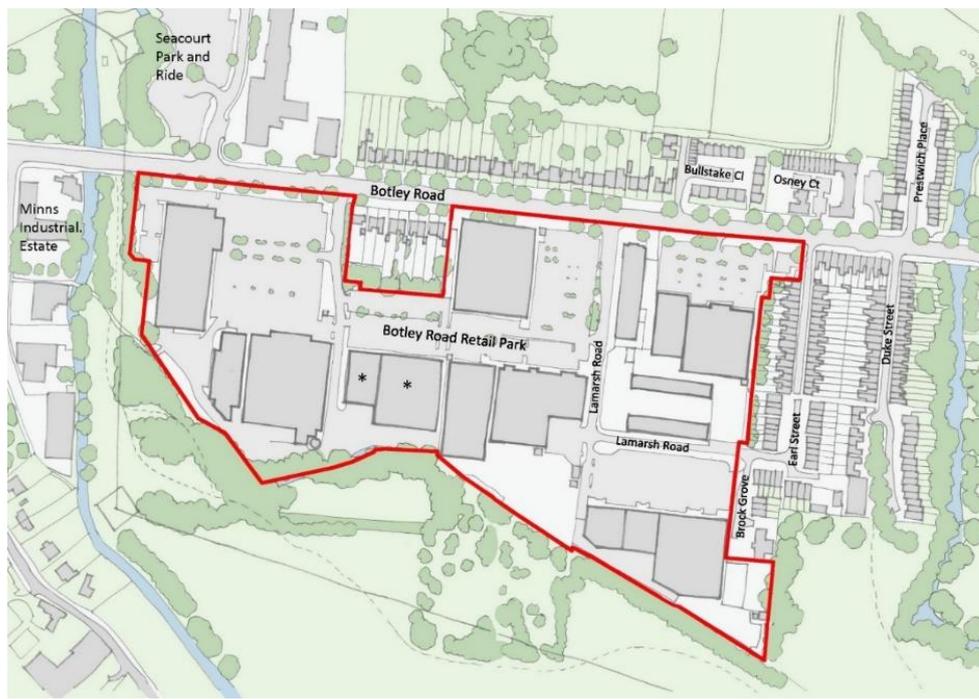


Figure 1: Map of Botley Road Retail Park

3. There is landowner interest in seeking alternative uses for these sites; a planning application for the conversion of two retail units to R&D (research and development) uses was approved in 2021. There is then a significant opportunity to shape the transformation of this area away from low density car-based retail uses, and towards higher density employment uses, in line with current City Council policies in favour of reducing car travel and siting employment close to existing public transport routes and hubs, such as Oxford Railway Station. At the same time there is a significant challenge to ensure that any such developments integrate better with the existing area, and link properly with those transport routes.
4. Landowners and the County Council have submitted their comments on the draft brief and these are summarised in Appendix 2. Amendments have been made to the brief where appropriate in response to comments raised by both landowners and the County Council.

5. The retail park is not an allocated site in the Oxford Local Plan 2036, and sits outside the West End “Area of Opportunity” and the related draft West End Supplementary Planning Document (SPD), hence there is no specific guidance on how change should be managed over and above citywide policies in the Oxford Local Plan 2036. Flooding is a major constraint to development in this location. The retail park benefits from a sizable footprint, close proximity to the city centre and a range of transport options including sustainable modes, which provide some scope for development opportunity.
6. Given these factors, there is a risk that change will come forward in an uncoordinated way with complex site constraints dealt with on a piecemeal basis. The chosen approach to address these risks has been to produce a framework that will enable change to be delivered in the most considered and managed way possible, whilst ensuring that standards for design and placemaking are kept consistently high.

Purpose and Content of Development Brief

7. The purpose of the proposed development brief is to provide guidance for those seeking to bring forward development of the site and other interested parties. It has specifically been written to help inform developers seeking change of use applications on this site and to guide development officers and members as they consider such applications. The brief will also form part of the evidence base of the emerging Oxford Local Plan 2040.
8. The brief sets out an overarching vision, key development objectives and high level design parameters for the site. These have been developed on the basis of an understanding of the physical and policy constraints, prevailing market trends and a reflection of the council’s core priorities. All the development principles contained in the brief have been developed to be in accordance with the current local plan, and no new policies are proposed.
9. From the assessment of the site area, three overarching matters affecting the site have been identified, the brief will address – land use, access and movement, and design and layout. These are the key areas of deficiency of the site and where direction is most needed in order to ensure any forthcoming development schemes can contribute positively towards improvements on the site and its immediate setting.
10. The development brief has been shaped through collaborative working across a number of Council service areas, including Development Management, Planning Policy, Urban Design, Regeneration and Economic Development. Landowners with interests on the site were also invited to a briefing which comprised of an overview of our aspirations for the site and the brief’s content and approach.
11. At time of publication there has been no formal consultation on the brief, however we have sought to engage with interested parties. To that end, key landowners were given sight of a working draft of the brief and allowed time to review and share

their thoughts on the contents. A summary of the feedback is attached to this report (Appendix 2).

12. In addition, the brief is referenced in the Local Plan Preferred Options document development and sites chapter. This document will be subject to a six week public consultation as part of the Regulation 18 Consultation on the Local Plan 2040 which provides an opportunity to comment on the brief. This choice has been made to ensure that this brief is published in a timely manner in order to help and support those seeking to apply for planning permission in this area.
13. The development brief is not a statutory document and will not form part of the local development framework, however it will be useful in facilitating more robust planning applications that are more likely to be policy compliant and appropriate for the setting. It will also provide clarity for members, officers and the general public on the determination requirements for applications related to the site.
14. Cabinet endorsement of this development brief will indicate the council's support of the proposed approach towards managing change on this site and will confirm its status as an approved Council approach to the site.

Other Options Considered

15. An alternative would be to have a Supplementary Planning Document (SPD), which forms part of the local development framework. However, SPDs are subject to a statutory process, including consultation, publication and formal adoption, as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Planning and Compulsory Purchase Act 2014 (as amended). As it would take time to introduce an SPD, it was considered that the development brief route was the best option to put in place meaningful guidance on what is appropriate or suitable for the site to assist developers now in submitting planning applications, and the Local Planning Authority in determining them.
16. Another option is to have no guidance in place, however this is not considered appropriate as this could result in poor use of the site.

Next steps

17. Once endorsed by Cabinet, the development brief will be deemed a material consideration for all planning applications affecting the retail park and will also be a consideration for pre-application consultations alongside local and national policies.
18. It is intended that this work will inform the policies of the new Oxford Local Plan 2040 for this area. In addition, it will inform the approach taken to providing site-specific advice for other parts of the city. The format of the brief and the processes used in its development will serve as a template for various aspects of the emerging local plan, such as the selection of site allocations, the wording of site allocation policies, and the development of design codes.

Health and safety

19. No health and safety issues arise as a result of this report.

Human resources

20. No further human resources beyond what has already been committed are expected to be required as a result of endorsing the development brief.

Crime and disorder

21. No crime and disorder issues arise as a result of this report.

Financial implications

22. There are no anticipated financial implications.

Legal issues

23. There are no legal implications arising from the preparation of the Development Brief, this would have the status of informal planning guidance and would be a material consideration to be taken into account in determining any subsequent planning applications in relation to the site.

Level of risk

24. Please refer to Appendix 3.

Equalities impact

25. There are no anticipated equalities impacts.

Carbon and Environmental Considerations

26. The endorsement of this development brief does not have an impact on Oxford City Council's policies and commitments relating to carbon reduction and safeguarding the environment.

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