

APPLICATION NO.	P17/V1507/FUL
SITE	Botley Centre, West Way, Botley, Oxford, OX2 9LP
PARISH	NORTH HINKSEY
PROPOSAL	Temporary planning consent for a period of 3 years for the change of use, relocation and addition of units at Botley Local Centre. <ul style="list-style-type: none">• Works include alterations to access and egress arrangements,• Provision of 43 car parking spaces. Partial demolition of Grant Thornton House and Seacourt Hall.• Installation of a portacabin (A1 use). As amended by information received 21 July 2017 and as amended by plans and information received 4 September 2017.
WARD MEMBER(S)	Debby Hallett Emily Smith
APPLICANT OFFICER	Botley Development Company Stuart Walker

RECOMMENDATION

Grant temporary planning permission subject to the following:

CONDITIONS

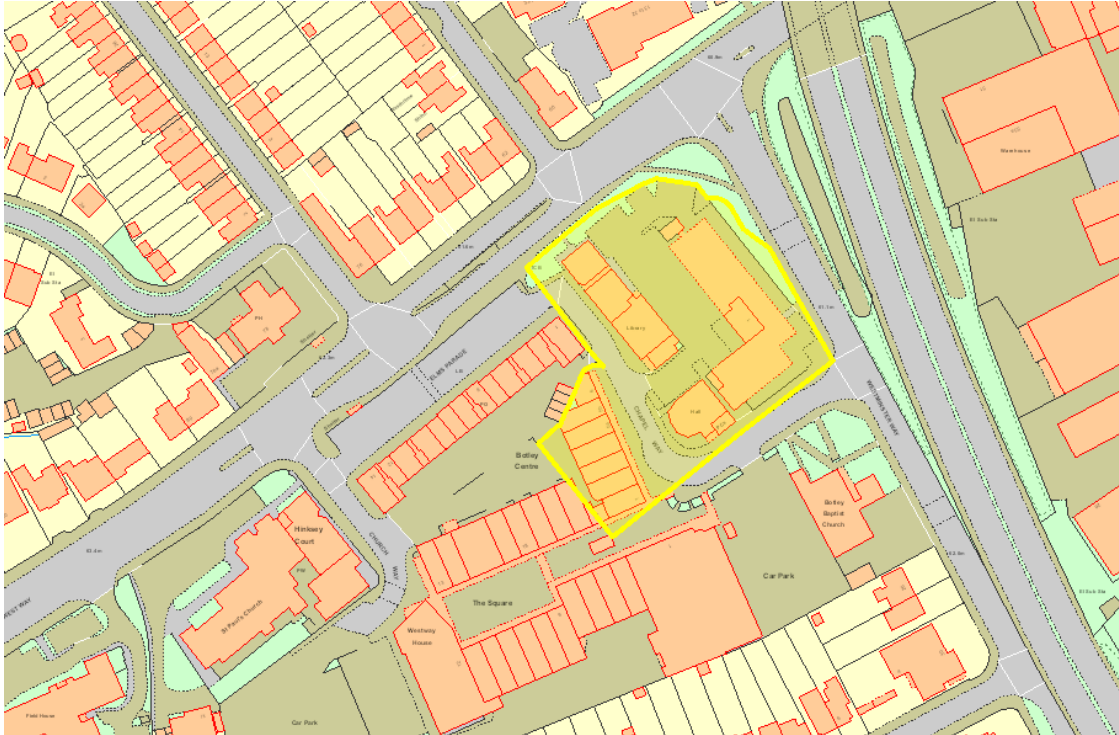
- 1. Temporary use for three years.**
- 2. Approved plans.**
- 3. Construction management plan to be agreed (prior to commencement of any works on site in connection with this application) to include:**
 - **A construction programme.**
 - **Duration requirements for the temporary access arrangements.**
 - **Construction traffic site access management (to include avoiding peak times).**
 - **Details of construction traffic routing on local highway network (to prevent the use of Cumnor Hill / Eynsham Road or that part of Westminster Way south of site).**
 - **Details on number of construction vehicles using West Way.**
- 4. Servicing and delivery plan to be agreed prior to first use.**
- 5. Details of public toilets to be agreed prior to first use.**
- 6. Details of cycle parking to be agreed prior to first use.**

INFORMATIVE

The applicant is advised this change of use application does not supersede the requirements of pre-commencement conditions on application P16/V0246/FUL which are yet to be agreed.

1.0 INTRODUCTION AND PROPOSAL

- 1.1 This application comes to Planning Committee as part of the site is owned by the Council and material planning objections have been received.
- 1.2 The application seeks permission for temporary changes of use of several former shop / business premises to enable the relocation of the Baptist Church and parish offices and some retail uses during construction of the wider West Way redevelopment approved under application P16/V0246/FUL.
- 1.3 Planning permission was granted in September 2016 for the comprehensive redevelopment of the West Way shopping centre. As part of this development, new retail units and new facilities for the Baptist Church and community hall will be provided. The existing premises are identified for removal early on in construction.
- 1.4 To enable these community uses to continue during construction, alongside some retail uses, the application proposes the reuse of vacant premises within the site (which will be removed later) until such time as the new facilities are ready for occupation. The proposed temporary uses require some demolition, internal and external changes to existing buildings, together with the provision of a portacabin unit for retail use. It is also proposed to make temporary changes to accesses and parking to serve these uses.
- 1.5 The plans have been amended in response to comments received from the highway authority, the tree officer and councillor Hallett, and the latest layout plans are attached at Appendix 1. The Agent's letter dated 1 September 2017 confirms the changes to the proposals, most notably, a new operational access for the temporary shopping centre onto Westminster Way and revisions to the access from West Way (east of Elms Parade) to be a left-in only informal crossover for service vehicle access. More detail is set out in the supporting documentation and submitted drawings, which are available to view online at www.whitehorsedc.gov.uk.
- 1.6 A Site location plan is overleaf.



2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

<p>North Hinksey Parish Council</p>	<p>Original plans: Fully Support. Recommend cycle racks and notice boards are provided. (<i>Cycle parking is now provided in the amended proposal and notice boards can be agreed as part of the parish's negotiations for the temporary lease for Seacourt Hall</i>).</p> <p>Amended plans: Approve.</p>
<p>Cumnor Parish Council</p>	<p>Original plans: Objection. Their concerns can be summarised as follows:</p> <ul style="list-style-type: none"> • We were not consulted on this application • We support Councillor Hallett's comments on: Accessibility; lack of cycle facilities; lack of café provision; unsafe vehicle accesses and pavements; access to bus stops on Westminster Way and traffic modelling/Transport statement. <p>Amended Plans: Approve</p>
<p>Local Residents</p>	<p>Original Plans: A total of 25 representations have been received in response to the initial round of consultation. 21 raise objection, 2 support the application and 2 make comments. The objections are made of the following summarised grounds:</p> <ul style="list-style-type: none"> • Plan is poorly thought out • Temporary premises not suitable to meet needs of residents / retailers / community uses

	<ul style="list-style-type: none">• Community hall 1st floor location is not acceptable• Not enough shops provided / no café• Temporary car park access is not safe and will lead to congestion• Highway safety implications from cycle & pedestrian conflicts with construction / general traffic accessing the site• Access for the disabled has not been assessed• Transport statement does not properly consider traffic impacts• No construction management plan has been submitted• Loss of pedestrian route / bus stop along Westminster Way• Exit / entrances should remain as existing• Lack of cycle facilities, on street cycle refuge areas• Impact on existing trees• Telecommunication apparatus should be on buildings not at ground level• Phasing is not appropriate / build programme time is too long• S106 needs to be reviewed if build programme is shortened as it saves money which could be used for affordable housing• Overdevelopment• Proposal is not compliant with the approved environmental statement• No public toilets provided• Application should be considered alongside all other changes being proposed to this scheme• The delays to redeveloping the site are causing harm to the local community – get on with it <p>Amended Plans: A total of 21 representations have been received in response to the initial round of consultation. 15 raise objection, 3 support the application and 3 make comments. The objections are made of the following summarised grounds:</p> <ul style="list-style-type: none">• This is implementation of the main scheme without discharging the pre-commencement conditions. It is imperative that any approval does not prejudice or pre-empt decisions still to be taken on the original application. No start should be made until earlier conditions are approved.• Safety and wellbeing of community is being compromised for the convenience of the developer.
--	--

	<ul style="list-style-type: none"> • Demolition will create a clear construction route for the main development ahead of traffic management plans being agreed. • Proposed construction routes remain dangerous, with left in / left out turnings onto West Way, two way traffic movements and conflicts with pedestrian / cyclist movements. • West Way access points should be made pedestrian priority. • A Construction traffic management plan is required for this development and must be agreed before works for any temporary uses start. • Proposed access points will not prevent general traffic from entering via delivery routes. • Proposed changes to pelican crossing are not safe and design should be staggered with central refuge space. • Church Way should be made one way and should not be used for construction traffic. • Proposed entrance point prevents access for Westminster Way traffic coming from the south. • New layby is too close to the existing West Way / Westminster Way junction. • There remains a lack of parking provision. • How will construction traffic be prevented from using the parking spaces? • It is not clear how these plans will be implemented – when will the pedestrian crossing be changed? • There is a lack of clarity on removal of demolition waste and servicing arrangements, particularly for units 26 / 27. • Proposal will be detrimental to air quality. • Phasing plan does not allow safe access and is detrimental to local businesses.
<p>Councillor Debby Hallett</p>	<p>Original Plans: Objection raising the following issues:</p> <ul style="list-style-type: none"> • Accessibility – no evidence of engagement with the council’s equality officer. • Lack of cycle facilities - shops must be safely accessible to cyclists, with safe, secure parking in the plans. • Lack of café provision. • Unsafe vehicle accesses and pavements. • Access to bus stops on Westminster Way. • Traffic modelling/Transport statement. It relies on trip projections for the final centre, a medium sized supermarket with flats and cafes.

	<p>These temporary shops will bring different trip rates (which need to be assessed).</p> <p>Amended Plans: I hope that work can proceed on the development of temporary shops for Botley. Our shopping centre grows more derelict by the day, and the best thing for the residents of Botley is to get this work underway to relocate our shops and services, so that the main construction can proceed.</p>
Councillor Judy Roberts	<p>Original Plans: Objection raising the following issues:</p> <ul style="list-style-type: none"> • No service plan is provided • Parking / access inconsistencies • Traffic conflict with pedestrians / cyclists • I support the OCC Highway objection, specifically in relation to the left in left out onto West Way <p>Amended Plans: No further comment received.</p>
County Councillor Janet Godden (North Hinksey Division)	<p>Original Plans: Objection, raising the following issues:</p> <ul style="list-style-type: none"> • Traffic generation, congestion and highway safety • Accessibility • How can developer be held to account <p>Amended Plans: No further comment received.</p>
Seacourt Hall Management Committee	<p>Original Plans: Support in principle, but draw attention to issues yet to be resolved around the lease on fire access, floor layout, parking and disabled access.</p> <p>Amended Plans: No further comment received.</p>
West Way Concern	<p>Original Plans: Objection, raising the following issues:</p> <ul style="list-style-type: none"> • The application presents this work as a precursor to the new phase 1, it is, in effect, the first stage of the redevelopment of Botley West Way centre (covered by planning consent P16/V0246/FUL), and needs to be considered together with the consent and conditions of that planning application. • Safety concerns regarding access points, traffic conflicts and pelican crossing design. • Continuity – Chapel Way must remain open for access to the co-op until the temporary changes of use are open. • The termination of leases early has undermined the community wellbeing and economy (this is not material to this application). • It is surprising this application is not supported by an environmental statement. • A demolition plan should be required as part of any consent.

	<p>Amended Plans: Objection, raising the following issues:</p> <ul style="list-style-type: none"> • We question whether this application, covering works on the north eastern corner of the site, should be considered in its own right, or whether it is, in fact, a pre-phase (a phase 0) of the full development of the site. • Because the application contains information relating to the construction within the full development, (which has been updated within each amendment), comments have been raised by the public on this information. Where people have raised concerns about the construction phase of the redevelopment, we trust that these comments will be taken into consideration when you look at the CEMP when it is finally submitted. • No information is provided as to how the demolition and conversion will be carried out, or on the timing of the works. The works need to be completed without disruption to the remaining shops in West Way Centre, especially the Co-op. • There are errors in the application submitted. <p>The group’s detailed comments can be viewed online.</p>
<p>Mid Counties Cooperative</p>	<p>Support – proposal will ensure the coop will continue trading.</p>
<p>Oxfordshire County Council</p>	<p><u>Highways:</u> Original Plans: Objection – The detailed comments can be viewed online.</p> <p>Amended Plans: No Objection. The applicant has now provided amended plans to which the highway authority find acceptable and is able to remove its objection. However, the local planning authority should seek clarity on a number of points -</p> <ul style="list-style-type: none"> • The applicant is aware that the provision of an access point (at the location East of Elms Parade) to allow for any use other than a left-in service vehicle movement is not acceptable to the highway authority and this statement in the Transport Assessment (TA) should be removed or amended accordingly. <i>(The TA has been amended to reflect this).</i> • The applicant should be required to provide a construction programme and clarify the duration requirements for the temporary access arrangements. <i>(This is set out in the applicant’s covering letter. It is likely that the temporary uses application will take three months to ‘construct’ and then be in place for 18 months)</i> • Clarification on units to be retained and demolished. <i>(unit 25 will be demolished / units 26 – 28 will be retained)</i> • Pedestrian priority must be retained at all times across the new ‘apron’ access to Elms Parade on West Way <i>(This can</i>

	<p><i>be secured via the S278 works) and restricted to movements outside of the main retail hours. (This can be secured by condition).</i></p> <ul style="list-style-type: none"> • The applicant should confirm therefore that, as required, the turning points from West Way and Westminster Way would also be controlled. <i>(This can be secured through a construction management plan condition – it is intended that there is a banksman on the West Way entrance (west of Elms Parade) and on the Westminster Way entrance).</i> • A Construction Traffic Management Plan (CTMP) which will be agreed with the planning authority prior to implementation of any work on the site. <i>(This can be secured by condition).</i> • The number of construction vehicles using West Way should be quantified and the use of large vehicles limited in peak times. <i>(This can also be addressed in the required construction management plan).</i> <p>Detailed comments in response to the amendments can be viewed online.</p> <p><u>Archaeology</u>: No objection.</p> <p><u>Ecology</u>: No objection.</p>
Highways England	No objection.
Drainage Engineer	No objection, but draws attention to public sewers in vicinity of the site.
Tree Officer	<p>Original plans: No objection, subject to tree protection plan being agreed.</p> <p>Amended plans: No objection - The updated tree removal plan and tree protection plan confirms which trees are to be removed at this stage (7 trees). As with the previous submissions, none of the trees were shown for retention in the consented application P16/V0246/FUL so I raise no objection to their removal. The implementation of the tree removal plan will at least ensure that a number of the existing trees will be retained for the duration of the works and will help mitigate the construction impact on the visual amenity of the area.</p>
Natural England	No comment.
Historic England	No comment.
Leisure Team	No comment.
Countryside Officer	No objection.

Art Officer	No objection, comments on procedures for securing public art.
Health & Housing: Contaminated Land	No objection.
Health & Housing: Air Quality	No objection.
Health & Housing: Protection team	No objection.
Equalities Officer	No objection. Detailed comments in response to the amendments can be viewed online.

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P16/V3234/FUL](#) - Approved (14/02/2017)

Temporary Change of Use of:

- Units 19 and 20 from Use Class A2 (Unit 19) and Use Class A5 (Unit 20) to Use Class D1 (Place of Worship);
- Units 23 and 22A from Use Class A3 to Use Class D1 (community Hall with Ancillary Offices)
- Units 24 and 25 from Use Class A1 to Use Class D1 (Library) for a maximum period of three years.

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

Demolition and redevelopment of existing shopping centre and adjacent buildings (but excluding Elms Parade) for new retail development (Use Classes A1-A5) at ground floor level, with development above comprising 140 residential units (C3), 123 bedroom hotel (C1) and 261 units of academic residential accommodation for university staff and students (sui generis). New community building (incorporating library) and replacement Baptist church (D1), small flexible office space (B1). Associated car parking and landscaping and altered vehicular accesses from West Way, Westminster Way and Arthray Road.(as amended by drawings and information accompanying agents letter dated 10 May 2016)

[P13/V2733/FUL](#) - Refused (05/12/2014) - Appeal dismissed (30/04/2015)

Demolition of a mix of existing buildings and the erection of mixed use development comprising retail, restaurants and cafes, offices/business starter units, hotel, student accommodation and ancillary facilities, 50no. apartments, library, place of worship (Baptist Church), community hall, crèche, cinema, gymnasium, covered car parking and access, public square, landscaping and associated works, supported by an Environmental Impact Assessment, amended plans and further information submitted on 5th September 2014 & 6th November 2014.

3.2 **Pre-application History**

[P15/V2876/PEJ](#) – (01/02/2016) – Proposed re-development of local centre.

The applicant undertook pre-application discussions with officers in December 2015 and January 2016. The key matters discussed included:

- Planning policy context;
- Urban design principles and master planning;
- Height and massing;
- Landscape and visual impact;
- Access, highways and parking;
- Residential amenity;
- Proposed public realm and integration of Elms Parade

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The wider redevelopment proposal is EIA development. That application was accompanied by an Environmental Statement (ES) and an addendum update statement, and the following areas of potential impact were addressed: landscape and visual impact; transport; historic environment; ecology and nature conservation; water resources and flood risk; noise; air quality; socio-economic impacts; cumulative effects and residual effects and mitigation.

4.2 It is considered that the proposed temporary changes of use fall within the ambit of the approved ES, and a further addendum is not required for this application. Matters can satisfactorily be dealt with through the planning application process.

5.0 **MAIN ISSUES**

The relevant material planning considerations in relation to the determination of this application are:

- Principle of the proposal
- Design & amenity
- Traffic, parking and highway safety
- Phasing

5.1 **Principle of the proposal**

The principle of the proposal is acceptable. The temporary uses are connected with the wider regeneration project for West Way and the application seeks to ensure that community facilities and retail provision remains for local residents during construction.

5.2 **Design and amenity**

The proposed changes of use and minor alterations have no adverse impact in terms of visual appearance or neighbour amenity. The units identified for reuse are considered to be of sufficient size given the temporary time period of use. The Seacourt Hall Management Committee and local coop retailer support the proposal and no objection has been received from the Baptist Church or from other potential occupiers of the temporary retail units. Overall, the temporary changes of use and minor alterations in this context, are acceptable.

- 5.3 Various consultees have asked for the provision of public toilets during the temporary phase. The applicant has identified three possibilities (ground floor of Grant Thornton House, the pharmacy unit or community café) and confirms that at least one of the three possibilities will be available as a public toilet for the duration of the temporary centre. The exact option can be secured by condition.
- 5.4 **Traffic, parking and highway safety**
Highway issues, along with parking, have again been the subject of local concern. This stems from the view that the temporary access arrangements are unsafe, particularly for pedestrian and cyclists, that insufficient parking space is proposed, and approval of this application circumvents conditions and S106 obligations attached to the original permission.
- 5.5 *Access*
The temporary uses were originally proposed to be accessed via a new, two way road junction onto West Way. Following concerns from Oxfordshire County Council, as highway authority, the proposal has been revised to reinstate the approved left in, in only, junction on West Way for service vehicle access (east of Elms Parade) as approved under application P16/V0246/FUL, and create a new two way access onto Westminster Way. In addition, it is proposed to implement the approved West Way pedestrian crossing and Westminster Way service layby as part of these works. The county council has confirmed “*The proposals are now considered to be sufficiently acceptable to the highway authority to allow it to remove its previous objection. However there is still a number of aspects of the proposals which are of some concern and on which the planning authority is recommended to seek clarification.*”
- 5.6 Officers provide responses to the points of clarification under section 2 of this report and recommend a construction management plan directly related to this application is provided (secured by condition). Subject to this further information being submitted ahead of construction, the proposed accesses for the temporary uses are acceptable.
- 5.7 *Car parking*
Concern has been raised that the proposed car park levels are inadequate to meet the needs of the development. There is provision for 39 parking spaces plus 4 disabled parking spaces to serve the temporary uses. Officers consider this level of provision is sufficient, and there is no defensible case to withhold permission on such grounds.
- 5.8 *Cycling and access for all*
The proposal, as amended, now includes cycle parking (18 spaces) outside unit 28, adjacent to the Grant Thornton entrance and along the northern boundary. A direct pedestrian access is also provided from West Way, along with a raised area adjacent to the Grant Thornton and Unit 25 entrance to ensure accessibility for Mobility scooters. Subject to further details on the type of cycle parking to be provided, officers consider the proposed development provides sufficient cycle parking and accessible access to meet the needs of the general public using the temporary facilities.

5.9 *Servicing & deliveries*

The proposed service points for the temporary uses are acceptable. Details on timings of deliveries can be secured by condition.

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

5.11 **Phasing**

The proposed phasing of the wider redevelopment is controlled through the S106 agreement on P16/V0246/FUL and, under that agreement, construction phasing can be varied in writing with the agreement of officers (i.e. a new planning application is not required to vary phasing plans).

5.12 Following a review of the approved phasing, it is proposed to revise the phasing of the development with the aim to deliver the redevelopment more quickly than originally proposed - with an expected build period of 3 years rather than 5.5yrs. In the interests of transparency, officers requested the applicant submitted details of the revised phasing with this application, so all interested parties could take account of the context under which the temporary changes of use proposal were based.

5.13 The revised phasing proposes that most of the redevelopment site, apart from the north eastern corner (as occupied by Elms Court and Grant Thornton House) is dealt with as the first, and primary, phase of construction. This allows most of the site to be demolished and redeveloped with the north eastern corner (the area subject of this temporary change of use application and the future location of block A) retained as a local shopping centre during the course of the wider redevelopment. It is currently anticipated the temporary uses will be in place for around 24 months.

5.14 Local concern has been raised over the revisions to the phasing, in particular the need to review development viability if the build out time is reduced with the perceived cost saving for the developer. In response, the overage clause within the existing S106 agreement will capture any uplift, should the development profit exceed the development values stated in the agreement. As such there is no requirement to review the viability in connection with this application.

5.15 Overall, officers consider the revised phasing is acceptable. Any reduction in time to deliver / complete the development will clearly be of benefit to the local community through reduced disruption.

6.0 **CONCLUSION**

6.1 The proposal is considered to be sustainable development. The uses are temporary in nature and will enable continuity of existing community facilities whilst construction work on the redevelopment of the centre progresses. As the changes of use are only required for a temporary period until such time as the

new premises are available for occupation, the proposal accords with core policy 11 and policies DC5 and CF1 of the adopted local plan.

The following planning policies have been taken into account:

Vale of White Horse Local Plan 2031, Part 1 policies:

- CP01 - Presumption in Favour of Sustainable Development
- CP03 - Settlement Hierarchy
- CP06 - Meeting Business and Employment Needs
- CP07 - Providing Supporting Infrastructure and Services
- CP08 - Spatial Strategy for Abingdon-on-Thames and Oxford Fringe Sub-Area
- CP11 - Botley Central Area
- CP32 - Retail Development and other Main Town Centre Uses
- CP33 - Promoting Sustainable Transport and Accessibility
- CP34 - A34 Strategy
- CP35 - Promoting Public Transport, Cycling and Walking
- CP37 - Design and Local Distinctiveness
- CP38 - Design Strategies for Strategic and Major Development Sites
- CP42 - Flood Risk

Policies of adopted local plan 2011:

- CF1 - Protection of Existing Services and Facilities
- CF2 - Provision of New Community Services and Facilities
- DC3 - Design against crime
- DC5 - Access
- DC7 - Waste Collection and Recycling
- DC9 - The Impact of Development on Neighbouring Uses
- S12 - Policies for local shopping centres

Vale of White Horse Local Plan 2031 part 2

Vale of White Horse Local Plan 2031 Part 2 has been drafted and subject to public consultation. Responses are still being analysed and it may be that policies change. This Local Plan is at a very early stage of preparation and accordingly its policies have limited weight at present.

Neighbourhood Plan

A neighbourhood plan area was designated 17 June 2015 and includes the application site. Although the neighbourhood plan is developing, it has not been submitted to the Council for Examination. Consequently very limited weight can be given to any policies that may be emerging in the draft neighbourhood plan.

Supplementary Planning Guidance / Documents

The following are considered relevant to this proposal:

- Botley Centre – January 2016
- Design Guide – March 2015

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Other Relevant Legislation

- Planning (Listed Buildings and Conservation Areas Act) 1990
- Community & Infrastructure Levy Legislation
- Provisions of the Human Rights Act 1998
- Section 149 of the Equality Act 2010
- Section 17 of the Crime and Disorder Act 1998
- Natural Environment and Rural Communities (NERC) Act 2006
- The Conservation of Habitats and Species Regulations 2010
- Localism Act (including New Homes Bonus)

Author: Stuart Walker
Contact No: 01235 422600
Email: planning@whitehorsedc.gov.uk