

West Area Planning Committee

13th June 2017

Application Number: 17/00460/RES

Decision Due by: 15th June 2017

Proposal: The outline planning application (13/02557/OUT) was an Environmental Impact Assessment application and an Environmental Statement was submitted. Approval of all reserved matters was granted (14/02402/RES) under condition 5 of the outline planning permission. This application seeks approval of amended reserved matters in respect of the use and internal reconfiguration of floorspace located in Building 2 (Second Floor), Building 3 (Lower Ground, Upper Ground, First and Second Floors) and Building 4 (Lower Ground and Upper Ground Floors).

Site Address: Westgate Centre And Adjacent Land Encompassing The Existing Westgate Centre And Land Bounded By Thames St, Castle Mill Stream, Abbey Place, Norfolk St, Castle St, Bonn Square, St Ebbes St, Turn Again Lane And Old Greyfriars St (**appendix 1**)

Ward: Carfax Ward

Agent: Mr Jon Bowen

Applicant: Westgate Oxford Alliance

Recommendation:

The West Area Planning Committee are recommended to grant planning permission for the following reasons

Reasons for Approval

- 1 The proposed alterations to the uses shown on the approved reserved matters plans would ensure that they are consistent with the outline planning permission, whilst the minor internal changes to the configuration of floorspace would constitute a minor addition to the approved development. The proposal would therefore accord with the aims and objectives of the relevant policies of the Oxford Core Strategy, Oxford Local Plan and West End Area Action Plan. No third party representations have been received.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all

other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans

Principal Planning Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP5 - Mixed-Use Developments

CP8 - Design Development to Relate to its Context

CP9 - Creating Successful New Places

CP10 - Siting Development to Meet Functional Needs

RC3 - Primary Shopping Frontage

RC4 - District Shopping Frontage

RC5 - Secondary Shopping Frontage

RC12 - Food & Drinks Outlets

Core Strategy

CS1_ - Hierarchy of centres

CS2_ - Previously developed and greenfield land

CS5_ - West End

CS31_ - Retail

West End Area Action Plan

WE20 - Mixed uses

WE23 - Retail

Public Consultation

Statutory Consultees

- Oxfordshire County Council: No comment to make on the application
- Vale Of White Horse DC: No comment to make on the application
- Historic England: No comment to make on the application
- Environment Agency: No comment to make on the application
- Natural England: No comment to make on the application

Third Parties

No comments received

Officers Assessment:

Background to Proposals

1. The site relates to the Westgate Oxford development which measures approximately 5.9ha, and extends from Bonn Square in the north to Thames Street in the south and from Castle Mill Stream in the west to Old Greyfriars Street and Pennyfarthing Place in the east (**appendix 1**).
2. In March 2014 outline planning permission with all matters reserved was granted by the West Area Planning Committee for a retail-led mixed use development of the former Westgate Shopping Centre, Multi-Storey and Surface Level Car Park and Abbey Place Car Park under reference 13/02557/OUT. The reserved matters for the layout, scale, appearance, and landscaping of the development was subsequently approved under reference number 14/02402/RES by the West Area Planning Committee meeting on the 25th November 2014. The outline permission and reserved matters are currently being implemented on site.
3. The current application is an additional reserved matters application that is seeking permission with respect of the uses and/or internal reconfiguration of the floorspace located in Building 2 (Second Floor), Building 3 (Lower Ground, Upper Ground, First and Second Floors) and Building 4 (Lower Ground and Upper Ground Floors).
4. The reserved matters (layout, scale, appearance, and landscaping) previously approved under application 14/02402/RES will be unaffected by this application which would relate solely to the use and configuration of the floorspace subject to this application.
5. The principle determining issues in this case would therefore relate solely to the following
 - Alterations to Use Classes on Reserved Matters Floor Plans
 - Internal Reconfiguration of Floor plans
 - Conformity to the Environmental Statement and its addendum

Alterations to Use Classes on Reserved Matters Floor Plans

6. The need for this application has arisen from the leasing campaign that is underway to secure tenants throughout the Westgate development. During this process, prospective tenants of certain demises have been seeking clarification from the Westgate Alliance of the permitted uses, as well as expressing a need for reconfigured floorspace, in the context of what is shown on the approved reserved matters drawings.
7. The original outline and reserved matters applications approved under reference numbers 13/02557/OUT and 14/02402/RES granted planning permission for the overall redevelopment of the centre to allow for
 - Class A1: 81,922 m²
 - Classes A2 and/or A3 and/or Class A4 and/or Class A5: 26,712 m²

- Class C3: 8,500 m²
- Class D1: 200 m²
- Class D2: 5,986 m²
- Toilets: 1,550 m²

8. The detailed drawings approved under reserved matters application 14/02402/RES identified specific use classes for each unit and ancillary back-of-house areas throughout the Westgate development and although not identified specifically as such, was intended to be illustrative as uses had already been approved under the outline planning permission. This has resulted in a number of the approved floor plans including a specific use class for a respective unit (i.e. A3) which limits the flexibility for this unit to be let for all of the uses allowed under the original outline planning permission.
9. This anomaly on the approved reserved matters plans effects 12 units across Buildings 2, 3 and 4. In order to provide certainty for prospective tenants, the application seeks formal clarification that the floorspace within these respective units may be used for the range of uses allowed under the outline planning permission. The amount of floorspace in any particular use will remain within the approved minimum and maximum floorspace limits in condition 12 of the outline planning permission.
10. Having regards to the fact that the outline planning permission sets the minimum and maximum floor space limits for the development under condition 12 of the outline planning permission and this would remain in place following such a change, officers would raise no objection to the proposal to amend the floor plans as they would not materially alter the development. The need for the Alliance to have flexibility to let all of the units within the scheme under the terms granted through the outline planning permission is understood.

Internal Reconfiguration of Floor plans

11. In addition to the amendments to the uses shown on the reserved matters plans, the application is also seeking permission for amendments to some of the floor layouts set out at reserved matters stage.
12. Again this has come about through the leasing campaign for the development and the individual requirements of prospective tenants who are looking to take on the respective units. The proposed changes are set out in the table below

Application site	Change to details shown on approved reserved matters drawings
AS2 (south)	Removal of detail showing internal layout of food counters to allow future flexibility
AS2 (north)	Removal of detail showing internal layout to allow future flexibility
AS4	Amalgamation of two back-of-house areas
AS6	Alteration to extent of mezzanine floor
AS8	Subdivision of two units into three units and associated re-sizing of units
AS10	Subdivision of a back-of-house area from one space into three spaces

13. The changes to the configuration of the units are minor in nature, comprising the removal of details such as the location of food counters, back of house areas, extents of mezzanine floors etc and as such there would be no material reason to object to these changes given they do not materially alter the scheme from that approved under the original outline and reserved matters application.
14. Similarly other changes are proposed such as the sub-division of two units into three units and the re-sizing of these units would be less minor alterations in comparison but again there would be no material reason to object as they do not materially alter the scheme from that approved at outline and reserved matters stage and allow the Westgate Alliance more flexibility to let the units. Moreover the proposed changes would not conflict with the relevant development plan policies in the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and West End Area Action Plan

Environmental Impact Assessment

15. The outline planning application for the Westgate development was accompanied by an Environmental Statement (September 2013) and Environmental Statement Addendum (January 2014). The reserved matters application was also accompanied by an Environmental Statement (August 2014) and Environmental Statement Addendum (September 2014).
16. This reserved matters application would constitute a 'subsequent application' under Regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. As such the likely significant effects of the proposed development need to be considered.
17. The covering letter submitted in support of this application confirms that all details remain as previously approved under the outline planning permission (in terms of use) and subsequent reserved matters (in terms of details of appearance, landscaping, layout and scale) with the exception of the minor internal changes to the configuration of floorspace above. As such the Application proposals do not give rise to any new or different likely significant effects to those identified and assessed previously.

Conclusion

18. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and West End Area Action Plan and therefore officer's recommendation to the committee is to approve the development subject to the conditions listed above.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Contact Officer: Andrew Murdoch

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Date: 31st May 2017