

WEST AREA PLANNING COMMITTEE

16th January 2018

Application Number: 17/02495/RES

Decision Due by: 10th January 2018

Extension of Time:

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 (upper ground), building 3 (upper ground) and building 4 (first and second floors)

Site Address: Westgate Shopping Centre, Bonn Square, Oxford

Ward: Carfax Ward

Case Officer Andrew
Murdoch

Agent: Mr Rory McManus **Applicant:** Westgate Oxford Alliance

Reason at Committee: Major Application

1. RECOMMENDATION

1.1. The West Area Planning Committee is recommended to:

(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission

(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

2. EXECUTIVE SUMMARY

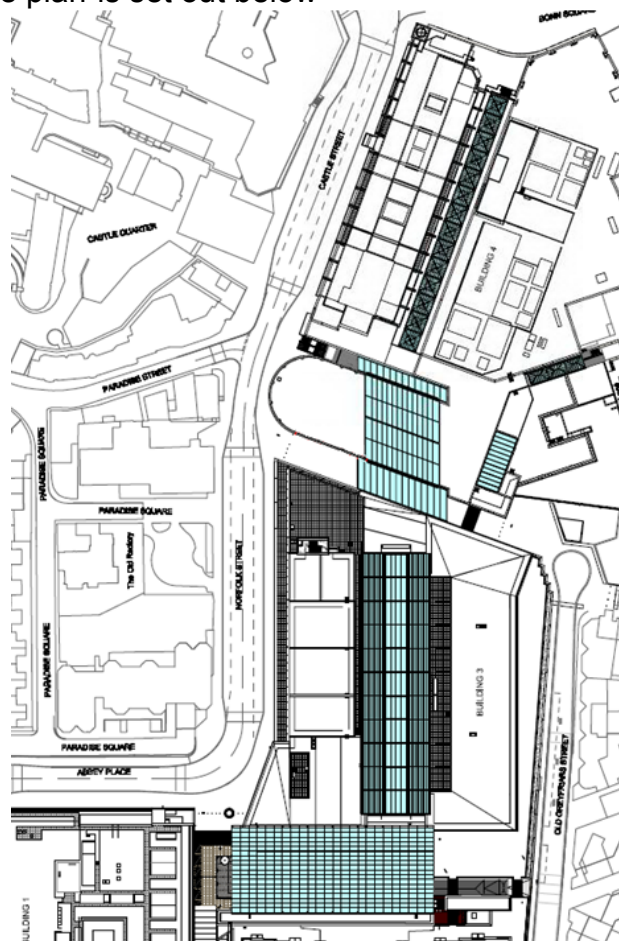
2.1. This report considers an additional reserved matters application relating to the outline planning permission (with all matters reserved) for a retail-led mixed-use

development of the former Westgate Shopping Centre, Multi-storey and Surface level car-park under reference 13/02557.

- 2.2. The application is seeking permission with respect of the uses and/or internal reconfiguration of the floorspace located in Building 2 (Upper Ground), Building 3 (Upper Ground) and Building 4 (Upper Ground, First, and Second Floors).
- 2.3. The West Area Planning Committee approved a similar reserved matters application for clarification of uses and reconfiguration of the spaces for other parts of the centre under reference number 17/00460/RES in June 2017.
- 2.4. The key matters for assessment set out in this report include the following:
 - Alterations to Use Classes on Reserved Matters Floor Plans
 - Internal Reconfiguration of Floor plans
 - Conformity to the Environmental Statement and its addendum

3. SITE AND SURROUNDINGS

- 3.1. The site relates to the Westgate Shopping Centre which covers an area of 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
- 3.2. A copy of the site plan is set out below



4. PROPOSAL

- 4.1. 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.
- 4.2. The centre began trading on the 24th October 2017, with the entire scope of the works approved as part of the outline and reserved matters permissions to be completed by early 2018.
- 4.3. 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 (Upper Ground), Building 3 (Upper Ground) and Building 4 (Upper Ground, First, and Second Floors).
- 4.4. 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. RELEVANT PLANNING HISTORY

- 5.1. The table below sets out the relevant planning history for the application site:

13/02557/OUT - Demolition of southern part of Westgate Centre, 1-14 Abbey Place and multi-storey car park, retention of library, refurbishment of remainder of the existing Westgate Centre and construction of a retail-led mixed use development together providing A1 (retail), A2 (finance and professional services) and/or A3 (restaurants and cafes) and/or A4 (public house, etc.) and/or A5 (hot food takeaways) uses, C3 (residential) use and D2 (assembly and leisure) uses, public toilets, associated car and cycle parking, shopmobility facility, servicing and access arrangements together with alterations to the public highway (Amended plans and further information). APPROVED

14/02402/RES - Demolition of southern part of Westgate Centre, 1-14 Abbey Place and multi-storey car park, retention of library, refurbishment of remainder of the existing Westgate Centre and construction of a retail-led mixed use development together providing A1 (retail), A2 (finance and professional services), and/or A3 (restaurants and cafes and/or A4 (public houses, etc.) and/or A5 (hot food takeaways), uses, C3 (residential) use and D2 (amenity and leisure) uses, public toilets, associated car and cycle parking, shopmobility facility, servicing and access arrangements together with alterations to the public highway (Reserved matters of outline planning permission 13/02557/OUT seeking permission for detailing of appearance, landscaping, layout and scale). APPROVED

16/01495/RES - 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 for the appearance of a proposed canopy over Bridge 13 (connecting Buildings 3 and 4) only. All other reserved matters previously approved remain unaffected. APPROVED

16/02139/RES - 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 for the appearance, landscaping, layout and scale of part of the rooftop garden space of Building 3: APPROVED

16/02620/RES - 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 for the appearance of the east elevation of Building 2 and 3 in respect of a revised window arrangement. APPROVED

17/00460/RES - 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). APPROVED

17/00719/RES - The outline planning application (13/02557/OUT) was an Environmental Impact Assessment application and an Environmental Statement was submitted. This application seeks approval of amended reserved matters for the appearance of the southern elevation of Building 4 in respect of a revised window design, including the introduction of a door. APPROVED

6. RELEVANT PLANNING POLICY

6.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	West Area Plan	End Action	Other Planning Documents
Design		CP8, CP9, CP10,				
Commercial		CP5, RC3, RC4, RC5, RC12,	CS1, CS5, CS31,	WE20, WE23		
Misc		CP1	CS2	MP1		

7. CONSULTATION RESPONSES

7.1. Site notices were displayed around the application site on the 30th October 2017 and an advertisement was published in The Oxford Times newspaper on 26th October 2017.

Statutory and Non-Statutory Consultees

Oxfordshire County Council (Highways)

7.2. No comment to make.

Natural England

7.3. No comment to make

Historic England

7.4. No comments to make

Public representations

7.5. No comments have been received.

8. PLANNING MATERIAL CONSIDERATIONS

8.1. Officers consider the determining issues to be:

- i. Alterations to uses classes listed on floor plans

- ii. Internal reconfiguration of floor plans
- iii. Conformity to the Environmental Statement and its addendum

i. Alterations to use classes listed on floor plans

- 8.2. 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.
- 8.3. 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
- 8.4. 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. A1 or A3) which limits the flexibility for this unit to be let for all of the uses allowed under the original outline planning permission.
- 8.5. This anomaly on the approved reserved matters plans effects 6 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.
- 8.6. 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.

ii. Internal reconfiguration of floor plans

- 8.7. 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.
- 8.8. 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
AS3	Subdivision of one unit into two units and associated re-sizing of unit
AS4	Subdivision of one unit into two units and associated re-sizing of unit
AS5	Amalgamation of two units into one unit

- 8.9. The changes to the configuration of the units would 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

iii. Conformity to the Environmental Statement and its addendum

- 8.10. 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).
- 8.11. 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.
- 8.12. 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 the floor space above. As such the Application proposals do not give rise to any new or different likely significant effects to those identified and assessed previously.

9. CONCLUSION

- 9.1. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Development Management) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

10. CONDITIONS

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

11. APPENDICES

Appendix 1 – Site Location Plan

12. HUMAN RIGHTS ACT 1998

- 12.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to grant permission this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

13. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 13.1. 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 permission of planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.