

**SOUTH EAST ENGLAND REGIONAL ASSEMBLY
REGIONAL PLANNING COMMITTEE**

RPC SUB-GROUP – STATUTORY CONSULTATIONS

Date: 7 July 2006

Subject: Planning application consultation ref A/06/039

Site Address:	Westgate Shopping Centre and adjacent site between Abbey Place and Thames Street, Oxford
Proposal:	Full application for mixed use development involving the alteration, refurbishment, part redevelopment and extension of the existing Westgate Centre, erection of new multi-storey car park at Abbey Place, provision of new bus facilities and associated highway, access and landscape works.
Local Planning Authority:	Oxford City Council
Applicant:	The Westgate Partnership
Date consultation issued:	21 June 2006

Report of: **Regional Planner**

Recommendation:

The South East England Regional Assembly makes the following representations:

- On the basis of the information provided, it is considered that the proposed development would not materially conflict with or prejudice the implementation of the Regional Spatial Strategy (RPG9 and Alterations) or the draft South East Plan (March 2006).
- The City Council should use appropriately worded conditions and legal agreements to secure:
 - The phasing and delivery of community and other infrastructure appropriate to the scale of the development and to meet the needs of residents in accordance with Policies CC5 and CO7 of the draft South East Plan;
 - An appropriate amount of retail floorspace so that there will be no long term adverse impact on the rest of the City Centre or any nearby centre in accordance with Policy TC3 of the draft South East Plan;
 - Delivery of appropriate affordable housing provision and an appropriate mix of dwelling types and sizes in accordance with Policy H4 of RPG9 and Policies CO4 and H6 of the draft South East Plan;
 - An appropriate package of transport infrastructure and other measures to promote alternatives to the car and a travel plan in accordance with Policies T1, T10 and T13 (RPG9 as altered) and T1, T5 and T8 of the draft South East Plan;

- The incorporation of water and energy efficiency measures and the promotion of renewable energy and sustainable construction in accordance with Policies INF2 and INF4 of RPG9 (as altered) and Policies CC2, CC3, CC4, NRM1, EN1, EN2, W2 and M1 of the draft South East Plan;
 - The adoption of key design and development principles to secure a high quality of environment consistent with Policies Q2 and E1 of RPG9 and Policies CC12 and BE7 of the draft South East Plan;
 - Mitigation measures in relation to noise and air quality, impacts on groundwater and rivers and measures to enhance biodiversity of the site in accordance with Policies E2 and INF2 of RPG9 and Policies NRM1, NRM4, NRM7 and NRM8 of the draft South East Plan.
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1. Purpose of Report

- 1.1 To assess the proposed development against the Regional Spatial Strategy (RPG9 plus Alterations) and the draft South East Plan (March 2006) and set out the recommended consultation response for consideration and agreement.

2. Site Description and Background

- 2.1 The application site is located within the south west part of Oxford City Centre in an area known as the West End, which has been identified in the Local Plan as requiring regeneration. It extends to approximately 5.7 hectares and is bounded by Queen Street to the north, St Ebbes and Old Greyfriars Street to the east, Thames Street to the south and Castle Street/Norfolk Street/Castle Mill Stream to the west. It is surrounded by a mixture of land uses, with shopping areas to the north, residential areas to the east, south and west and also to the west the recently opened Oxford Castle scheme comprising restaurants and bars, a hotel and civic and residential uses.
- 2.2 The site is currently occupied by the existing Westgate Centre, a shopping mall with 36 units that opened in 1973 and was refurbished in the late 1980s, the adjoining multi-storey car park, the Westgate and Abbey Place surface car parks, a public house, residential dwellings at 1-14 Abbey Place and part of Oxford and Cherwell College. A part of the site, Penny Farthing Place, is included within the City Centre Conservation Area, which also borders the application site to the north, east and west. The Castle Mill Stream and immediately adjacent land at Abbey Place are within the undeveloped flood plain. The entire application site is within an area of archaeological potential.
- 2.3 An outline planning permission to extend the Centre was submitted to Oxford City Council in 2000, but later withdrawn. The Oxford Local Plan 2001-2016 (adopted 2005) identifies the Westgate Shopping Centre

(comprising the Westgate Centre, multi-storey car park and adjacent surface car park) and Abbey Place Car Park as proposals sites for mixed use development. The former is allocated primarily for a retail development with residential, limited employment and food and drink uses, a high quality bus stopping facility and off-street parking provision. Alternative mixes of development may be appropriate if the inclusion of all components would prevent proper development of the site. The Abbey Place site is allocated for redevelopment to include a mix of any of retail, employment, residential, tourist attraction, food and drink and art-related uses subject to replacement of public parking spaces either on-site or in another city centre location. The supporting text also encourages a development that could link to the development for Westgate.

2.4 A site location plan is attached at Appendix I to this report.

3. Details of the proposal

3.1 This is a full application for the refurbishment of the existing Westgate Centre shopping mall, the creation of new shopping streets and a department store, new residential accommodation, the provision of a replacement multi-storey car park, new bus drop off and pick up facilities and other transportation, landscape and public realm improvements. The proposals include the retention of the library at the northern end of the Westgate Centre, a new retail frontage along Castle Street and three new buildings. These are the Garden Building, which will connect the existing centre to the new development, the Market Building that will comprise a two level galleried shopping arcade and a new Department Store with four main trading floors. A key aspiration of the design of the scheme is to re-establish the urban grain and permeability of this part of the city centre by introducing new routes and reinforcing and enhancing existing routes.

3.2 The proposed scheme comprises:

- 74,127 sq m class 'A' floorspace with breakdown between A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments) and A5 (hot food take-away) to be agreed;
- 74 sq m offices (B1a);
- 127 residential units including 1,2 and 3 bedroom units in the form of both apartments and maisonettes, 50% (64 units) of which will be affordable;
- 168 sq m library extension (D1);
- A 1,335 space multi-storey car park on the Abbey Place site replacing the existing on-site provision and including shopmobility facilities;
- 618 bicycle parking spaces (260 are existing) including 132 for the residential units;
- A high quality bus stopping facility along the route of Castle Street/Norfolk Street and new bus priority route;
- Public open space including a new square;
- Improvements to the public realm and landscaping;

- New cross-streets and pedestrian crossings
 - New means of access and associated servicing arrangements.
- 3.3 The proposal involves the demolition of 14 residential units at 1-14 Abbey Place, a public house and part of Oxford and Cherwell Valley College.
- 3.4 The application is accompanied by an Environmental Statement, Planning Statement, Transport Assessment and draft Travel Plan, Retail Statement, Sustainability Statement, Design and Access Statement and draft conditions and draft Heads of Terms for a Section 106/278 Agreement.

4. Relevant policy considerations

- 4.1 The application has been considered against the policies in RPG9 (2001). Parts of RPG9 have been superseded however the alterations do not affect the core strategy. Alterations that are considered relevant to this application are the Regional Transport Strategy (2003) and the Energy Efficiency and Renewable Energy Alteration (2004). The relevant issues and policies within the adopted regional spatial strategy (RPG9) are considered to be:

- i. Policy Q1 - urban renaissance and concentrating development
- ii. Policies Q2 and Q3 – form and design of urban development
- iii. Policy Q5 – vitality and viability of town and local centres
- iv. Policy Q6 – management and the provision of services
- v. Policy E1 – areas of cultural value
- vi. Policy E2 – biodiversity
- vii. Policy E7 – air quality
- viii. Policy H4 – affordable housing and mixed communities
- ix. Policy H5 – housing provision on previously developed land
- x. Policy T1 (as altered) – manage and invest
- xi. Policy T10 (as altered) – mobility management
- xii. Policy T12 (as altered) – parking
- xiii. Policy T13 (as altered) – travel plans and advice
- xiv. Policy INF1 - flooding
- xv. Policy INF2 – water supply and quality
- xvi. Policy INF4 (as altered) – energy efficiency and renewable energy

- 4.2 The draft South East Plan is also material to the consideration of the application. The relevant policies are considered to be:

- i. Policy CC2 – climate change
- ii. Policy CC3 – resource use
- iii. Policy CC4 – sustainable construction
- iv. Policy CC5 – infrastructure and implementation
- v. Policy CC8a – urban focus and urban renaissance
- vi. Policy CC8b – regional hubs
- vii. Policy CC12 – character of the environment and quality of life
- viii. Policy H3 – location of housing

- ix. Policy H6 – type and size of new housing
- x. Policy T1 – manage and invest
- xi. Policy T5 – mobility management
- xii. Policy T7 – parking
- xiii. Policy T8 – travel plans and advice
- xiv. Policy NRM1 – sustainable water resources, groundwater and river quality management
- xv. Policy NRM3 – sustainable flood risk management
- xvi. Policy NRM4 – conservation and improvement of biodiversity
- xvii. Policy NRM7 – air quality
- xviii. Policy NRM8 - noise
- xix. Policy EN1 – development design for energy efficiency and renewable energy
- xx. Policy EN2 – combined heat and power
- xxi. Policy W2 – sustainable design, construction and demolition
- xxii. Policy M1 – sustainable construction
- xxiii. Policy BE7 – management of the historic environment
- xxiv. Policy TC1 – development of town centres
- xxv. Policy TC2 – strategic network of town centres
- xxvi. Policy TC3 – new development and redevelopment in town centres
- xxvii. Policy CO4 – affordable housing
- xxviii. Policy CO5 – economy
- xxix. Policy CO7 - infrastructure

4.3 Other material considerations are identified as:

- i. The allocations of the Westgate Shopping Centre and Abbey Place Car Park for mixed-use developments in the Oxford Local Plan 2001-2016 (adopted 2005).
- ii. The West End and Area Development Framework published by the City Council in 2005, which identifies the scheme as providing for an improvement to Oxford’s retail offer as well as connecting the City Centre to the rest of the West End and supports the rationalisation of the Oxford and Cherwell College buildings onto a smaller site.

5. Main Issue

- 5.1 Whether the scale and nature of the proposed development is compatible with the role and character of Oxford city centre and the transportation, infrastructure and other environmental impacts are acceptable.

6. Policy Assessment

Location of Development

- 6.1 The proposal is on a previously developed site in Oxford City Centre. As such it is acceptable in principle under Policy Q1 of RPG9 and Policy CC8a of the draft South East Plan which look to urban areas as the prime focus for new development and redevelopment.

Town Centres

- 6.2 The principle of predominantly retail use with food and drink, limited employment and residential uses on the Westgate site has already been established in the adopted local plan. The Abbey Place Car Park site will be developed for a mix of uses including residential, retail and surface uses around the multi-storey car park and again this is generally consistent with the local plan. The application site takes in both these sites and extends the Abbey Place site to include 1-14 Abbey Place and part of the Oxford and Cherwell College site. The main difference between the current scheme and the local plan proposals is that the car park will provide for the replacement of the current level of off-street parking provision on both sites, but this is considered preferable in terms of access and urban design. Therefore, the proposed scheme accords with Policy Q5 of RPG9 and Policy TC2 of the draft South East Plan, which seek to make the region's larger town centres the focus for major retail developments. It is also consistent with the objectives of Policy TC2 and also Policy Q3 of RPG9 which look to increase housing provision as part of wider mixed use developments.
- 6.3 It is important, however, that the scale of the proposals is appropriate for the role of the town centre and will not have an adverse impact on the rest of Oxford City Centre or undermine the vitality and viability of nearby town centres. In relation to the former, Oxford is identified as a primary regional centre in Policy TC2 and as a regional hub in Policy CC8b of the draft South East Plan. Therefore the scale of the proposal is appropriate for the role and function of the City Centre in the strategic network of town centres and within its own catchment area.
- 6.4 In relation to impact, the application is supported by a retail statement. This assesses the need for additional comparison goods retail floorspace (although PPS6 (Planning for Town Centres) states that it is not necessary to demonstrate the need for retail proposals within the primary shopping area of a centre) and considers impact in terms of trade diversion from nearby town centres. The assessment calculates that there will be sufficient expenditure generated to support between 35,600 and 41,500 sq m net of new comparison floorspace within Oxford City Centre by 2011 and, assuming that the new elements of the scheme will result in a net increase of comparison floorspace of 34,300 sq m, it concludes that there is sufficient capacity to support the proposed scheme. The study also found considerable potential retailer demand. Although certain of the study assumptions are open to question, provided that the eventual comparison floorspace element

of the scheme does not substantially exceed that assumed in the retail assessment, the proposals are unlikely to have any long-term adverse impact on nearby town centres or the rest of the City Centre. Indeed, the current proposal will improve the quality and range of Oxford's shopping facilities, help to maintain the City Centre's role as the leading shopping destination in the sub-region and contribute to the regeneration of the West End area of Oxford. This is consistent with Policy Q5 of RPG9 and Policies TCI, TC2, TC3 and CO5 of the draft South East Plan, provided that it respects Oxford's architectural and historic character. These issues are considered below.

Housing

- 6.5 The application proposes 127 residential units: 44 two and three storey houses and apartments in freestanding buildings on the eastern, Old Greyfriars Street, side of the Garden, Market and Department Store buildings; 83 apartments around the north, south and western sides of the new multi-storey car park. These would contribute to the objective of Policy H5 of RPG9 and Policy H3 of the draft South East Plan to make full use of the opportunities for increasing housing development within the region's cities and towns.
- 6.6 Policy H4 of RPG9 seeks the provision of affordable housing to meet local needs and Policy CO4 of the draft South East Plan sets a target for the Central Oxfordshire Sub-region that at least 50% of all new housing should be affordable housing. The applicant in the supporting Planning Statement states that 50% of the residential component of the scheme will be affordable and that discussions have taken place with an approved Registered Social Landlord and the City Council to ensure that the affordable units meet requirements. One of the draft Section 106 Heads of Terms submitted for information with the planning application includes the mechanism for the provision of affordable housing.
- 6.7 Policy H4 of RPG9 and Policy H6 of the draft South East Plan seek a range of housing types and sizes to meet the needs of the community. The residential elements will include a mix of 1, 2 and 3 bedroom units in the form of apartments and maisonettes and 15% of the units provided for market sale will be designed to meet Lifetime Homes Standards. This provision is set out in draft conditions submitted for information purposes alongside the application and, provided that they are attached to any grant of planning permission, this complies with the above policies and also to Policy CC11 of the draft South East Plan, which is concerned with supporting an ageing population.

Infrastructure

- 6.8 Policy Q6 of RPG9 requires infrastructure needs to be taken into account and Policies CC5 and CO7 of the draft South East Plan seeks to ensure that the necessary infrastructure required to serve new development is available or will be provided in time. Policy CC5 states that contributions from development will also be required to help deliver the necessary

infrastructure. The draft Section 106 Heads of Terms includes contributions for transport measures, library, education and social and health care facilities, local training opportunities, police monitoring and waste management infrastructure. The draft conditions cover other transport elements, drainage, ecology, public art and a play area. Subject to all these being agreed with the City Council, the proposed development is consistent with regional and sub-regional policies on infrastructure. Transport infrastructure is considered in more detail below.

Transport

- 6.9 Oxford is identified as a regional hub in the Regional Transport Strategy (RTS) and draft South East Plan where priority should be given to measures that increase the level of accessibility by public transport, walking and cycling and the development of high quality interchange facilities between all modes of transport. Policy T1 of the Regional Transport Strategy (RPG9 as altered) and Policy T1 of the draft South East Plan seek to achieve a rebalancing of the transport system in favour of non-car modes as a means of access to services and facilities. Policy T10 of the RTS and Policy T5 of the draft South East Plan indicate that this should be through an integrated package of measures.
- 6.10 The application site lies in a central location and is accompanied by a Transport Assessment (TA) that sets out a significant package of public transport measures that will also have wider benefits to the transport system in Oxford. These include improvements to the bus priority route with additional bus stops, new provision for bus turning and layover facilities that will also enable better penetration of the City Centre by local and country bus services, traffic and pedestrian management measures, additional cycle parking provision, taxi provision and improved blue badge parking and shopmobility facilities. The applicant is also indicating within the draft Heads of Terms for the Section 106 Agreement contributions towards the provision of a 'car club', real time information displays for buses and a sustainable travel plan. There is also reference within the Transport Assessment to additional contributions to help facilitate the Local Transport Plan strategy.
- 6.11 The detail of the TA is essentially a matter for consideration by Oxfordshire County Council as Highway Authority. Provided that the City and County Councils are satisfied that an appropriate package of transport infrastructure can be secured and the travel plan can be agreed, it is considered that the proposal would accord with the principles of Policies T1, T10 and T13 of RPG9 (as altered) and Policies T1, T5 and T8 of the draft South East Plan and satisfy Policy CC5 of the draft South East Plan.
- 6.12 Policy T12 of RPG9 (as altered) and Policy T7 of the draft South East Plan relate to parking. The supporting information indicates no increase in the provision of car parking spaces and an increase in cycle parking spaces within the scheme. These levels are acceptable to the County Council. A financial contribution towards additional parking capacity at park and ride sites is proposed to deal with increased visitor numbers using park and ride. If these cannot be secured, the funding could be used for alternative measures to

assist in delivering the objectives of the Local Transport Plan. Therefore, it is considered that the scheme would not materially conflict with regional and sub-regional policy.

Resources

- 6.13 A small strip of land within the south western boundary of the site lies in the floodplain. The supporting Environmental Statement indicates that there are no records of flooding in the vicinity of the site and that the development would have a negligible impact on flooding. The scheme will also include a rainwater harvesting system, permeable paving and other measures to reduce surface water runoff. Therefore, there are no issues in relation to Policy INFI of RPG9 and Policy NRM3 of the draft South East Plan provided that appropriate measures can be agreed with the City Council
- 6.14 Policy INF2 of RPG9 and Policy NRM1 of the draft South East Plan seek to minimise adverse impacts on groundwater and rivers. The Environmental Statement states that the impact of the development on groundwater and adjacent water courses will be negligible as a result of the enforcement of pollution control and drainage strategies. These will be the subject of a condition to be agreed with Oxford City Council.
- 6.15 Policy E7 of RPG9 and Policies NRM7 and NRM8 of the draft South East Plan seek to mitigate the impact of development on air quality and reduce noise pollution. The supporting documents indicate that design measures will be incorporated into the new residential elements of the scheme to achieve acceptable noise levels, while payments will be made to residents in adjoining properties to allow for the incorporation of measures such as double glazing to mitigate against anticipated noise increases. These measures will need to be secured through agreement with the City Council. In terms of air quality, the changes in the bus route will bring about a reduction in some areas and an increase in others. The new housing will not be exposed to levels of nitrogen dioxide above objective levels, but some residents in adjoining properties are expected to experience higher levels and the applicant proposes payments to mitigate the impact and again these will need to be secured.
- 6.16 Policy INF2 of RPG9, Policy INF4 of RPG9 (as altered) and Policies CC2, CC3, CC4, NRM1, EN1, EN2, W2 and M1 of the draft South East Plan consider matters relating to water efficiency, energy efficiency and renewable energy and sustainable construction and how development can address these issues. The supporting information refers to targeting 'Very Good' BREEAM ratings and including specific measures such as a rainwater harvesting system as well as using recycled or reclaimed materials. The Environmental Statement and draft Heads of Terms indicate that further investigation of measures to ensure greater use of renewables is proposed with possible incorporation of ground source coupling and solar thermal technologies. The City Council will be involved in assessing and reviewing opportunities as the development process progresses and therefore the scheme is not considered to materially conflict with regional policies.

Built Environment

- 6.17 Policy E1 of RPG9 and Policy BE7, of the draft South East Plan are concerned with protecting and enhancing areas of cultural and historic value and Policies TC3 and CO5 of the draft Plan require development to respect historic character. The Environmental Statement states that there are no direct negative impacts on the settings of listed buildings, scheduled ancient monuments and the Conservation Area as a result of the proposals and the development would not adversely impact upon the skyline of Oxford. With regard to archaeology, the City Council will need to attach a condition to secure an agreed programme of archaeological work.
- 6.18 Policy Q2 of RPG9 and Policy CCI2 of the draft South East Plan emphasise the need for good design to enhance local character and a sense of place and the creation of a high quality environment. The approach to design has been subject to consultation with CABE and provided that the City Council is satisfied that a high quality environment can be secured there is no material conflict with regional policies.

Natural Environment

- 6.19 Policy E2 of RPG9 and Policy NRM4 of the draft South East Plan seek the protection and enhancement of the region's biodiversity. The Environmental Statement which accompanies the application indicates that opportunities will be taken to ecologically enhance the site and the draft conditions include the submission of an Ecological Management Plan. This is currently being discussed with the City Council and statutory consultees including English Nature. Therefore, there is no material conflict with regional policies.

7. Conclusions

- 7.1 This mixed use, town centre redevelopment scheme is broadly in accordance with regional and sub-regional policies in the Regional Spatial Strategy (RPG9 and Alterations) and the draft South East Plan. The City Council will need to be satisfied that the design of the scheme will not give rise to adverse environmental impacts and should secure an appropriate type and mix of housing and package of transport infrastructure.

8. Recommendation

- 8.1 Members are requested to agree the following recommendation to the local authority:
- 8.2 The South East England Regional Assembly makes the following representations:

- On the basis of the information provided, it is considered that the proposed development would not materially conflict with or prejudice the implementation of the Regional Spatial Strategy (RPG9 and Alterations) or the draft South East Plan (March 2006).
- The City Council should use appropriately worded conditions and legal agreements to secure:
 - The phasing and delivery of community and other infrastructure appropriate to the scale of the development and to meet the needs of residents in accordance with Policy CC5 of the draft South East Plan;
 - An appropriate amount of retail floorspace so that there will be no long term adverse impact on the rest of the City Centre or any nearby centre in accordance with Policy TC3 of the draft South East Plan;
 - Delivery of appropriate affordable housing provision and an appropriate mix of dwelling types and sizes in accordance with Policy H4 of RPG9 and Policies CO4 and H6 of the draft South East Plan;
 - An appropriate package of transport infrastructure and other measures to promote alternatives to the car and a travel plan in accordance with Policies T1, T10 and T13 (RPG9 as altered) and T1, T5 and T8 of the draft South East Plan;
 - The incorporation of water and energy efficiency measures and the promotion of renewable energy and sustainable construction in accordance with Policies INF2 and INF4 of RPG9 (as altered) and Policies CC2, CC3, CC4, NRM1, EN1, EN2, W2 and M1 of the draft South East Plan;
 - The adoption of key design and development principles to secure a high quality of environment consistent with Policies Q2 and E1 of RPG9 and Policies CC12 and BE7 of the draft South East Plan;
 - Mitigation measures in relation to noise and air quality, impacts on groundwater and rivers and measures to enhance biodiversity of the site in accordance with Policies E2 and INF2 of RPG9 and Policies NRM1, NRM4, NRM7 and NRM8 of the draft South East Plan.

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Date: 7 July 2006

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