

West Area Planning Committee

13th December 2016

Application Number: 16/02620/RES

Decision Due by: 6th January 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 for the appearance of the east elevation of Building 2 and 3 in respect of a revised window arrangement.

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 (**site plan: 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 revised window arrangement for Building 2 and 3 would not materially alter the visual appearance of these buildings and would not create any adverse impact upon the adjoining properties in terms of loss of privacy. 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

CP6 - Efficient Use of Land & Density

CP9 - Creating Successful New Places

CP10 - Siting Development to Meet Functional Needs

CP19 - Nuisance

CP20 – Lighting

HE7 - Conservation Areas

Core Strategy

CS18_ - Urban design, town character, historic environment

West End Area Action Plan

WE10 - Historic Environment

WE12 - Design & construction

WE1 - Public realm

Other Planning Documents

National Planning Policy Framework

Public Consultation

The consultation period for the application has not expired at the time of writing this report. Any further comments received up to the date of the committee will be reported verbally at the meeting.

Statutory Consultees

- Historic England Commission: The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice
- Environment Agency Thames Region: No comment
- Oxfordshire County Council Highways Authority: No comment

Third Parties

None

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. This application is an additional reserved matters application which is seeking permission for the alterations to the appearance of the east elevation of Building 2 and 3 in respect of a revised window arrangement.
4. The proposal would relate to Units U24, M24 and M20 which are located at upper ground and first floor levels of Building 2 and first floor level of Building 3 respectively. The approved reserved matters scheme currently has two windows serving U24 in the east elevation facing Old Greyfriars Street, and the south elevation facing the new lane leading to South Square. Units M24 and M20 have no external facing windows. The proposal is also seeking to provide 6 windows at first floor level in Building 3 facing onto Old Greyfriars Street. The windows would be set behind the metal slotted panels at this level of the building.
5. These three units are to be occupied by a single tenant, who wish to increase natural daylight to the retail units and are therefore seeking permission for the revised window arrangement.
6. The principle determining issues in this case would therefore relate solely to the impacts of the proposed canopy as follows
 - Site Layout and Built Form
 - Impact on adjoining properties
 - Conformity to the Environmental Statement and its addendum

Site Layout and Built Forms

7. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate high-quality urban design that responds appropriately to the site and surroundings; creates a strong sense of place; attractive public realm; and high quality architecture.
8. The Oxford Local Plan 2001-2016 requires development to enhance the quality of the environment, with Policy CP1 central to this purpose. Policy CP8 states that the siting, massing, and design of new development should create an appropriate visual relationship with the built form of the surrounding area. While Policy HE7 requires proposals to preserve and enhance the special character and appearance of the conservation area.
9. The revised window arrangement would replace the existing 6 window opening at upper ground floor level of the eastern elevation of Building 2 with two narrower

window openings that would be formed from a 3.3m wide 3 window opening (W1) and 4.4m wide 4 window opening (W4). The height of the windows would remain unchanged and the overall extent of glazing would be increased from the 8.6m (6 window opening) to 9.7m (7 window opening). At first floor level two further window openings would be provided comprising a 4.4m wide 4 window opening (W2) and a 5.6m wide 5 window opening. These windows are slightly wider than the other two at ground floor level and are staggered relative to those windows in a manner consistent with the design of Building 2.

10. In Building 3, there would be 6 windows (0.7m (w) x 1.1m (h)) serving the retail unit M20 which would be set behind the metal slotted panels. These windows would be small openings but would not be readily visible given their position behind the panels.
11. In visual terms, the revised window arrangement would not materially alter the visual appearance of either Building 2 or 3 from that approved as part of the reserved matters application 14/02402/RES. The proposal would accord with the aims of the above-mentioned policies.

Impact upon Adjoining Properties

12. Policy CP10 of the Local Plan requires development proposals to be sited in a manner which meets functional need, but also in a manner that safeguards the amenities of other properties.
13. The Design and Access Statement has considered the impact of the revised window arrangement upon the Faulkner Street properties on the eastern side of Old Greyfriars Street. The study identifies 5 properties (nos.29-33) that could be affected by the proposed development. There are only two properties that have habitable room windows facing the Westgate, a first floor bedroom window in no.29 and either a first floor bathroom or bedroom window in no.31. These properties are set some 20m from the façade of Buildings 2 and 3 of the Westgate and at an oblique angle to Old Greyfriars Street, while the windows in Building 2 and 3 are set above the eaves level of these properties.
14. Having regards to the orientation of the properties and separation distance between buildings, and the limited angle of views afforded by the position of the proposed windows, officers consider that the revised window arrangement will not adversely impact upon the privacy of these adjoining properties in accordance with the above-mentioned policies.

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 application has assessed the impact of the proposed canopy against the baseline data in the approved Environmental Statement and its Addendum and identified that the development does not give rise to any new or different 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

Extension: 2228

Date: 18th November 2016

This page is intentionally left blank