

# FOR WEST AREA PLANNING COMMITTEE - TUESDAY 25 NOVEMBER 2014

Agenda No Item

3. Westgate Centre, OX1 1NX: 14/02402/RES



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West Area Planning Committee	25 <sup>th</sup> November 2014
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<b>Application Number:</b>	14/02402/RES
<b>Decision Due by:</b>	15th January 2015
<b>Proposal:</b>	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 (Reserved matters of outline planning permission 13/02557/OUT seeking permission for details of appearance, landscaping, layout and scale).
<b>Site Address:</b>	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.
<b>Ward:</b>	Carfax Ward

<b>Agent:</b>	Turley	<b>Applicant:</b>	Westgate Oxford Alliance
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## Addendum to Officers' Report.

### Public Consultation.

Following the completion of the officers' report a number of further public comments have been received. Below is a summary of all public comments received at the time of writing, together with a response from the applicant and officer comments where appropriate.

#### 1. Oxfordshire County Council.

Overall View. Support in principle; welcome in principle improvements e.g. to Castle Street and Norfolk Street; conditions need to be imposed relating to

lantern to building 4, details of public realm, lighting, street furniture, signage, cycle parking and wayfinding.

County Council, Transport. General. No objection subject to conditions; key issues are details of public realm and cycle parking, Travel Plan, operation of buses through Queen Street (if required), bus shelters and real time information; wayfinding to be located within highway; level of car parking acceptable; disappointed that materials for highway of lower quality than covered streets and spaces; submitted plans indicate 508 cycle parking spaces in public realm, 118 for flats at building 1A and in excess of 100 at cycle hub; further spaces to be found either inside or outside application site through further discussion; need for street furniture not to impede pedestrian movement; details of bus shelters to be agreed; road markings and signage to be kept to a minimum and coordinated with other facilities; crossings at castle Street / New Road and south west of building 1 to be zebras. Bonn Square. Improvements welcomed; simplification of materials and amendment to notional kerb line may need to be considered; materials to be designed for use of heavy delivery vehicles; needs to accommodate Queen street remaining open to bus movements; cycle parking to be reviewed. Building 4. Amendment to access from Castle Street being considered; disappointing no improvement to Pennyfarthing Place in application. Castle Street: Improvements welcomed, but could have welcomed extension of York stone; crossing north of Object building caters well for movement between Westgate and Castle Street. Building 3. Inclusion of cycle hub welcomed. Norfolk Street. Further discussion on location of bus shelters required; need to reduce street bollards at southern end; welcome use of York stone at entrance to South Square. Greyfriars Place. Defined turning head for taxis welcomed, making space predominantly one for pedestrians; concrete paving disappointing. Old Greyfriar's Street. Raised table at Greyfriars Lane entry could be wider. South Square. Need to avoid visual clutter. Thames Street. Need for bus shelter needs to be considered. Building 1. Disappointing no entrance to south - west corner at pedestrian crossing point, which should be added. Norfolk Street South. Proliferation of bollards should be reduced. Castle Mill Stream. Not clear if bollards are proposed to restrict vehicle access. Paradise Square. Shared surface to be flush with no kerb. Abbey Place. Loading bay only to be available between 6.00 pm and 10.00 am. Public Transport. Real time information scheme to be presented as a single system for approval. Drainage. Conditions to outline permission deal with detailed flooding issues. Travel Plan. Travel plans required for employees and shoppers; Travel Plan with outline permission will need to be revisited.

County Council, Economy & Skills. Employment & Skills Plan developed; no additional comments.

County Council, Education. Does not raise any issues relevant to school organisation.

County Council, Property. No objection subject to conditions; mitigation to effects on library included; works to Castle Street risk privacy issues for County Hall; condition required to maintain privacy.

County Council, Infrastructure. Suggest CIL priorities should be contributions towards education provision, Park & Ride, bus passenger facilities including bus shelters and real time information, traffic management, city wide parking management, public realm enhancements, Oxpens cycle / pedestrian bridge, freight consolidation network.

*Applicant's Response: Choice of materials evolved following dialogue with City and County Councils; changes already made to increase stone paving at key locations; applicant and City Council support aspiration to provide circa 1000 cycle parking spaces on or close to development site; support reduced level of street furniture at key locations; precise location of bus shelters still under discussion; further discussion on Bonn Square materials in light of whether Queen St. is closed to bus movements or remains open; Pennyfarthing Place outside of application site; entrance to department store from south side indicated.*

*Officer Comments: The County Council's support for proposals is welcomed. The public realm furniture and final choice of materials is the subject of a continuing dialogue with the applicant and County Council, whilst (subject to separate discussions) improvements to the public realm outside of application site could be funded from CIL contributions. Officers have expressed the importance of the quality of materials in delivering successful streets.*

2. Natural England.

No objection.

3. English Heritage.

*Massing & Long Distance Views: Outline permission breaches Carfax indicative height restriction, but eventual design near lower end of parameter plan range; little overall variation; some roof elements exceed 20m in length. Views Within City: Not conspicuous in long views; colours of roof to be varied and non reflective; current scheme would entrench general indicative height above Carfax height limits plus 2m; interest scarcely superior to what it replaces. Urbanism and Architectural Treatment: Castle Street would remain forbidding and connectivity to Castle less secure; block 2 overborne by cinema; block 3 attempting good variety of motif and surface treatment but appears as eccentric wall paper; best element is block 4 curved wall façade and lantern to northern end and external treatment of department store. Scale in Context: View of block 3 from Turn Again Lane significantly more overbearing than now and represents a failure. Upper Facades: Could have been bolder approach to modeling at upper levels; design of lantern disappointing; material hardly found at this level and if lit would look incongruous; simplicity of lantern out of place. Recommend: further discussion on animating corner of block 3 to Turn Again Lane and consideration to omitting the lantern*

*Applicant's Response. Parameter Plans and Development Principles provide for flexibility of form by breaking up into 5 building blocks; creating set backs at roof level reduces mass of street elevation; viewpoint appraisal shows how the roof structures are articulated and modulated by design and use of materials with varying tones and textures assisting disaggregation; although various roof elements exceed 20m, submitted designs represent best solution; long distance views preserved; views from St. George's Tower will conceal views of 20<sup>th</sup> century suburbs, but retain views of hills beyond; Object Building superior to what it replaces; works to Castle Street elevation and public realm represent significant enhancement; elevation to Thames S. well considered and well scaled, breaking building down into series of smaller architectural elements with complimentary*

*brick tones; façade to Old Greyfriar's St. provides scaling at corner in playful architectural manner with animation at ground floor level and stepped back roof terrace; details of lantern not finalised; significant public benefits to proposals at identified development site with outline permission and extant previous permission.*

*Officer Comments. Officers have given considerable weight and importance to the need to sustain the significance of heritage assets and their settings and support the architectural solutions which have evolved through discussion and negotiation, and in response to the Parameter Plans, Development Principles and Public Realm Development Principles adopted at the outline planning stage. As with the extant permission some unbroken horizontal rooflines exceed 25m for single roof elements but as the main officers' report concludes, the solutions which have emerged have in the majority addressed concerns expressed at the outline stage. Where there would be harm to the significance of heritage assets, as described and explained in the main report the public benefits to be delivered by the development outweigh that harm.*

4. Cyclox.

Welcome cycle hub; wish to see supply of safe, dry and secure cycle parking for staff and shoppers; pleased at number of cycle parking locations and hope 2000 spaces can be provided; pleased Turn Again Lane will have 24 hour access with cycling restriction only 10.00 am to 6.00 pm and would like to participate in review; will crossings be Toucan facilities and sequenced?

*Applicant's Response: Not possible to accommodate 2,000 spaces within application site, but working with City and County Councils to identify appropriate level of provision within application site and adjacent areas; Thames St. crossings are intended to be Toucans with sequencing to be discussed with Highway Authority.*

*Officer Comment: Conditions imposed on the outline planning permission require cycle parking facilities to be agreed, together with details of public realm.*

5. Stagecoach: Midlands.

Notwithstanding applicant's preference for closure of Queen St. satisfied that design allows for continuation of current arrangements until alternative arrangements agreed; satisfied with turning arrangements from Castle St. into Bonn Square; note that detailed design of bus waiting facilities still emerging.

*Officers' Comments: The preference of City and County Councils and applicant is for the closure of Queen Street to bus services.*

6. Stagecoach: Oxfordshire.

Endorse comments of Stagecoach Midlands and support application; committed to working positively with all concerned.

7. Oxford Bus Company.

Fully supports content and sentiment of Stagecoach Midlands letter; support current application and committed to working constructively with all parties to achieve positive outcome.

8. St. Ebbe's New Development Residents' Association (SENDRA).

Request confirmation that there would be no adverse impact on flooding; request air quality monitoring outside no. 2 Thames St. and data made available; request raising of embankment to south side of Thames St; consideration to extending tree lined boulevard to Thames St. and rerouting buses; consideration to achieving better active frontage to south side of Building 2 and at entrance from the south; opposed to pelican at Blackfriar's Rd. / Thames St. junction due to difficulty turning right.

*Applicant's Response: Environmental Development already deployed diffusion tubes to monitor nitrogen dioxide and developing monitoring strategy for 2015 funded by S.106 contribution; negligible impact Thames St. in terms of noise and vibration; traffic management proposals agreed with City and County Councils; routing of long distance coaches outside control of applicant; environmental standards for buses subject to County controls and EU standards; Air Quality Management Area (AQMA) and Low Emission Zone (LOZ) in place; trees proposed for north side of Thames St.; articulation and shop windows provided to Building 2 and entrance to department store provided from south side; traffic lights proposed to be removed from Blackfriar's Rd. arm of junction.*

*Officer Comments: The Environment Agency (EA) raised no objection at the outline planning stage subject to a mitigation strategy which remains in place. Subsequent modeling by the EA indicates the locality to be less at risk of flooding than previously modeled. The City Council support the bus priority route as proposed.*

9. Oxfordshire Architectural and Historical Society.

Size and massing of buildings will make large impact on city centre; some elevations out of sympathy eg Old Greyfriar's St.; concerned at blind facades at Castle St. etc; object to illuminated lantern; darker materials may minimize impact on longer distance views; Greyfriar's Place a confusion of transport modes and routes; facility for viewing archaeological work; should seek to interpret archeology; artifacts should be displayed at reopened Museum of Oxford; archeological interpretation should not be an afterthought.

*Applicant's Response: Reserved matters proposals demonstrate flexibility over building form by dividing into 5 distinct buildings with animation in elevations and set backs at roof level, eg at Old Greyfriar's St.; feature north - east corner of Building 3 leads eye around corner; details of lantern not yet finalised; materials chosen to respond to those typically found in Oxford; Greyfriar's Place intended to be attractive and functional space with materials designed to emphasise pedestrian priority; strategy for communicating archaeological investigation identified in "method statement" as integral part of mitigation strategy.*

*Officer Comments: Officers support the choice of separate architects to design the various elements of the development and the architectural forms achieved given constraints of the site and development requirements. Concerns about*

*inactive frontages are addressed in the main officers report and a dialogue on archaeological requirements has commenced with the City Archaeologist.*

10. Oxford Preservation Trust.

Proposal goes to maximum permitted by Parameter Plans; confirm that viewpoint analysis is accurate; would cause harm to short and long distance views; disappointed there are not livelier frontages to Castle St.; lack of articulation to roofs and similar roof heights throughout; concerned at massing of building in front of spires and when viewed from west; disappointed at space at end of Turn Again Lane – it provides taxi drop of and turning plus cycle parking, rather than celebrating and enhancing area; elevation to Old Greyfriar's St. overpowers houses opposite; development should enhance area to east; lantern if permitted should be good enough to sit happily alongside spires and domes.

*Applicant's Response: Officers' report concluded there would be impacts on views but opportunities to mitigate and eliminate harm; any residual harm justified by public benefits; rooflines varied and articulated; dividing development into 5 individual elements reduces massing; where roof elements over 20m they represent best solution; articulation added to Castle St. elevations; east - west link to Castle strengthened; development not conspicuous in long distance views; South Square canopy obscures small part of Tom Tower from Raleigh Park but skeletal structure does not detract from prominence; appropriate scaling of corner feature to Old Greyfriar's St.; elevation to Old Greyfriar's St. less formal than Norfolk St. with animation at ground floor corner and set back at roof level.*

*Officer Comment: Building heights in some parts of the development is below the maximum allowed in the Parameter Plans but as commented in the officers' main report it is recognised that this is a large development which would be visible in views from the west. The public realm will have many demands placed upon it and the detail of how shared surfaces will look is still under consideration, but with the objective to secure a pleasant and comfortable environment. Design of the lantern has yet to be agreed.*

**Environmental Impact Assessment: Air Quality.**

Paragraphs 58 to 67 of today's main report to committee refers to an Environmental Assessment (ES) which was carried out in respect of the outline planning application, and goes on to describe an Addendum to the ES which accompanies this reserved matters submission. The ES Addendum focuses in particular on 3 areas where additional studies have been undertaken: daylight, sunlight and overshadowing; wind effects; and water resources and flood risk.

One of the key areas examined in the ES as previously reported to committee at the outline stage was in relation to air quality, and in particular nitrogen dioxide (NO<sub>2</sub>) levels. Modelling at that time concluded that as a consequence of the development it was unlikely that exceedence levels above the air quality objective levels of 40 micrograms per cubic metre (ug/m<sup>3</sup>) would occur providing that base pollution levels fall as estimated by Defra from its background pollutant maps and Emissions Factors Toolkit. Paragraphs 193 to 201 and Appendices 12 and 13 of the officers' report on the outline application refer.

The officers' report nevertheless recommended that an air quality mitigation strategy should be a requirement of the development and a condition was imposed accordingly requiring air quality strategies to be submitted and approved for both the construction and operational phases of development. Paragraph 201 of the officers' previous report suggested various elements which the strategies might include. The accompanying planning agreement to the outline permission also secured a financial contribution of £49,500 towards air quality monitoring to be undertaken by the Council's Environmental Development service and a further contribution of £10,000 towards a feasibility study for an off - site freight consolidation facility.

In consulting local residents on this reserved matters application further queries have been raised by representatives of the Tennyson Lodge freehold owners in relation to air quality. As a consequence the applicant has now reviewed recent air quality data received from Environmental Development colleagues which was not available at the time the reserved matters application was submitted. The data provided covered the 5 month period from February to June 2014 and gave an average concentration level of 29.8 ug/m<sup>3</sup>, though due to the fluctuations recorded for such data an annualised figure is usually used to give a more accurate representation of conditions. Adjusting the figures for an annualised mean in this case resulted in a figure of 31.5ug/m<sup>3</sup>.

From this figure modeled results previously calculated were adjusted to ascertain the impact of the development on future concentrations for 2017 on completion of the development. The adjusted results indicate revised concentrations for a worst case scenario which assumes no reduction in vehicle exhaust emissions nor in background NO<sub>x</sub>/NO<sub>2</sub> concentrations between the baseline year of 2011 and completion of the development in 2017. Under these worst case conditions the modeling forecasts NO<sub>2</sub> concentrations levels of 38.5ug/m<sup>3</sup>, such that that the annual mean objective of 40ug/m<sup>3</sup> would still not be breached, but with the impact now being described in ES terms as Moderate Adverse rather than Minor Adverse.

Officers note the additional technical information provided and have concluded on the basis of that information that no adjustments to the condition already in place on the outline permission is required, nor to the S.106 commitments which accompany the permission. In the event that NO<sub>2</sub> levels exceed the 40ug/m<sup>3</sup> threshold at any individual property however, then the applicant has indicated a commitment to fitting air filtering equipment accordingly. This can be secured by an additional condition to the reserved matters permission if granted.

**Background Papers:** Applications 00/00770/NOZ, 06/01211/FUL, 10/00454/EXT, 13/02557/OUT, 14/02402/RES.

**Contact Officers:** Murray Hancock / Nick Worlledge

**Extensions:** 2153 / 2147

**Date:** 24<sup>th</sup> November 2014

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