

West Area Planning Committee

11th March 2014

**Application Number:** 13/02557/OUT

**Decision Due by:** 14th January 2014

**Proposal:** 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 (amenity and leisure) uses, public toilets, associated car and cycle parking, shopmobility facility, servicing and access arrangements together with alterations to the public highway.

**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

**Agent:** Turley Associates

**Applicant:** Westgate Oxford Alliance

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**Recommendation:** Committee is recommended:

- i. to support the application subject to the conditions and legal obligations referred to in this report, but to notify the Secretary of State for Communities and Local Government accordingly under the requirements of Section 77 of the Town and Country Planning Act 1990, and the Town and Country Planning (Consultation) (England) Direction 2009; and
- ii. upon the planning application not being recovered by the Secretary of State for his own determination, to delegate to officers the issuing of the Notice of Outline Planning Permission subject to conditions and completion of an accompanying legal agreement.

## Contents of Report

Recommendation.....	11
Reasons for Approval.....	13
Planning Conditions.....	13
Community Infrastructure Levy, Planning & Highways Obligations.....	15
Principal Planning Policies.....	16
Summary of Public Comments.....	18
Officers' Assessment.....	18
Planning History of the Application Site.....	19
Planning Policy Context.....	21
Proposals.....	23
Heritage Management.....	27
Control on Development.....	29
Visual Impacts.....	33
Archaeology.....	40
Public Realm.....	43
Landscaping.....	45
Highways, Access & Parking.....	47
Residential Accommodation.....	53
Employment.....	54
Retail Impact Assessment.....	56
Water Environment.....	61
Air Quality.....	65
Sustainability and Energy Efficiency.....	68
Biodiversity.....	70
Environmental Impact Assessment.....	71
Other Matters: Noise Attenuation, Ground Conditions & Public Art .....	72
Conclusions.....	74

## **Reasons for Approval**

1. The Council considers that the proposals accord generally with the policies of the Development Plan as summarised below. Nevertheless as the application site falls in part outside the primary shopping area as defined policy WE23 of the West End Area Action Plan (AAP), it has been considered as a "departure" from the Development Plan and advertised accordingly, with a recommendation that should the application be supported by committee, then it would be referred to the Secretary of State as required. In reaching a recommendation to support the planning application in principle the Council has taken into consideration all 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 and accompanying legal agreements.
2. The proposed development is submitted in outline only but with substantial supporting information to demonstrate that it would possess a built form, scale and appearance appropriate to its sensitive city centre location. The fixed Development Principles and Parameter Plans provide controls at the reserved matters stage to ensure that the development is of high quality, recognising and responding to important short and long distance views whilst enhancing the public realm which would serve it. The proposals provide a range of appropriate uses at a sustainable location in a retail led development which seeks to consolidate and enhance the city's role as a sub regional centre whilst also providing an element of residential accommodation consistent with the West End AAP for which the development may be seen as a catalyst. Accordingly the development is in accordance with the aims and adopted policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001 to 2016, West End AAP 2007 to 2016 and the Oxford Sites and Housing Plan 2013.
3. Officers have taken into account the comments made by statutory bodies, interested parties and private individuals. All are fully acknowledged. Officers have concluded for the reasons set out in this report that submitted objections to the planning application do not amount, individually or collectively, to reasons for refusal of the outline planning application, and that the concerns that have been raised can be adequately addressed by the imposition of a range of planning conditions which would fix, amongst other matters, the Development Principles and Parameter Plans, and by the completion of accompanying legal agreements.

## **Planning Conditions**

To include the following:

1. Time limits for commencement.
2. Approved drawings and documents.
3. Reserved matters applications.
4. Materials.
5. Landscaping / public realm.
6. Tree protection.
7. Tree pits.
8. Landscape implementation.
9. Landscape management plan.

10. No subdivision of department store.
11. Maximum amount of non - retail floorspace.
12. Shop front guide.
13. Wayfinding / pedestrian signage within application site
14. Lifetime homes standards for residential.
15. Temporary car and coach parking available on commencement.
16. Public car parking (minimum no. of spaces).
17. Public car park management plan.
18. Development to meet SBD and Park Mark standard for accreditation.
19. CCTV to be integrated with city centre system.
20. Licence for construction under highway before occupation.
21. Provision of cycle parking before occupation.
22. Provision of cycle hub
23. Servicing and delivery arrangements and timings.
24. Provision of public transport facilities.
25. Learning and Skills Strategy.
26. Provision of taxi drop off / pick up on occupation.
27. Highways: Travel Plans.
28. Demolition and construction management plan.
29. Construction Environmental Management Plan.
30. Construction Travel Plan.
31. Real time information within centre.
32. Sustainability and Energy Strategy.
33. Development in accordance with flood risk assessment.
34. Residential development above flood levels.
35. Details of operation of flood mitigation measures.
36. Sustainable drainage principles (SUDs).
37. Maintenance access to Castle Mill Stream.
38. Lighting scheme to Castle Mill Stream corridor.
39. Details of Trill Mill Stream diversion.
40. Groundwater monitoring.
41. Groundwater dewatering.
42. Foul drainage strategy.
43. Ground contamination and remediation.
44. Unidentified contamination.
45. Waste management strategy.
46. Piling details.
47. Petrol / oil interceptors.
48. Cooking smells and odours.
49. Mechanical plant.
50. Employment and Skills Strategy.
51. Procurement of contracts.
52. Archaeology.
53. Relocation of Roger Bacon plaque.
54. Photographic record.
55. Repeat ecological survey.
56. Habitat enhancement and creation.
57. Public art strategy.

## **Community Infrastructure Levy, Planning and Highways Obligations.**

In order to support the proper planning of the development a series of on and off site works and measures are required in addition to those secured by planning conditions. These would be secured by a variety of means under the provisions of the Planning and Highways Acts, and following the Council's introduction of Community Infrastructure Levy (CIL) procedures in October of last year from the CIL payments due from the development.

The CIL payment is calculated on a floorspace basis for the various uses included within the development. The precise figure would therefore emerge at the reserved matters stage when the actual total floorspace within the development is allocated to the various uses. Nevertheless if the floorspace figures were as indicated in the illustrative Masterplan which accompanies the planning application, then the sum due would be £4,336,506.33. This would be paid in a series of four tranches, the first on commencement of the development, and final one on completion. Works or other matters to be funded from CIL would be drawn down from the Council's so called Regulation 123 list of projects, though which were to be funded would be determined subsequently by the Council's Executive Board, and not at the time permission were granted. Rather than such CIL funded projects being undertaken directly by the City Council, there is provision within the regulations for the work to be undertaken instead by the applicant. Such an approach may provide better value for money in some instances and also allow better continuity with works already being undertaken by the applicant, such as public realm enhancement.

Other matters which would be required as direct mitigation of the development would be required to be funded as S.106 obligations under the Planning Acts. Some of these would be monetary payments and others in the form of secured rights etc. Finally still other required works would be secured directly by Oxfordshire County Council as Highway Authority under the provisions of S.38 and S.278 of the Highways Act. Again works could be undertaken direct by the applicant on behalf of the Highway Authority.

### Community Infrastructure Levy

Matters for which suitable mitigation could be made from CIL contribution of £4,336,506.33:-

1. Primary and special educational needs.
2. Park and Ride facilities.
3. Public realm enhancement outside application site, (which could include Bonn Square, Pennyfarthing Place etc).
4. Off - site cycle parking.
5. Traffic management measures (eg bus stops / real time bus information outside application site; possible junction alterations).
6. Variable message signing.
7. Contribution towards Oxpens / Grandpont cycle and pedestrian bridge.
8. Wayfinding / pedestrian signage outside application site.

### S.106 Obligations

1. Provision of affordable housing off - site in accordance with formula at Appendix 2 to the Sites and Housing Plan, (ie 15% of sales value of residential units),

subject to viability.

2. Permissive pedestrian rights to 18 and 24 hour thoroughfares and squares.
3. Provision of bus shelters and passenger waiting facilities within development site.
4. Provision of real time bus information for new stops within development site.
5. Air quality monitoring: £49,500.
6. Tennyson Lodge and Paradise Square mitigation: Circa £70,000, subject to negotiation.
7. Contribution towards freight consolidation feasibility study: £10,000.
8. Link to West End Combined Heat and Power (CHP) system (if it proceeds).

#### S.278 Schedule of Highways Works

To include:

1. Thames Street junctions.
2. Oxpens Road coach stops.
3. Abbey Place fronting Tennyson Lodge.
4. Removal of subway to Castle Street and remodelling.
5. Speedwell Street / Old Greyfriars Street junction.
6. Oxpens pedestrian crossing.
7. Alteration to, and creation of, new sections of public highway between and adjacent to various new blocks of development.

#### **Principal Planning Policies:**

##### Oxford Local Plan 2001-2016

- CP1 - Development Proposals
- CP5 - Mixed-Use Developments
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP9 - Creating Successful New Places
- CP10 - Siting Development to Meet Functional Needs
- CP13 - Accessibility
- CP14 - Public Art
- CP17 - Recycled Materials
- CP18 - Natural Resource Impact Analysis
- CP19 - Nuisance
- CP20 - Lighting
- CP21 - Noise
- CP22 - Contaminated Land
- CP23 - Air Quality Management Areas
- TR1 - Transport Assessment
- TR2 - Travel Plans
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- TR7 - Bus Services & Bus Priority
- TR11 - City Centre Car Parking
- TR14 - Servicing Arrangements
- NE6 - Oxford's Watercourses
- NE11 - Land Drainage & River Engineering Works
- NE12 - Groundwater Flow
- NE13 - Water Quality

NE14 - Water and Sewerage Infrastructure  
NE15 - Loss of Trees and Hedgerows  
NE16 - Protected Trees  
NE20 - Wildlife Corridors  
NE23 - Habitat Creation in New Developments  
HE1 - Nationally Important Monuments  
HE2 - Archaeology  
HE3 - Listed Buildings and Their Setting  
HE6 - Buildings of Local Interest  
HE7 - Conservation Areas  
HE9 - High Building Areas  
HE10 - View Cones of Oxford  
EC1 - Sustainable Employment  
EC8 - Employment Training  
SR7 - Public Open  
SR9 - Footpaths & Bridleways  
SR11 - Recreational Cycling  
RC3 - Primary Shopping Frontage  
RC4 - District Shopping Frontage  
RC5 - Secondary Shopping Frontage  
RC6 - Street Specific Controls  
RC10 - Environmental Improvements - City Centre  
RC12 - Food & Drinks Outlets  
RC13 - Shop Fronts  
RC14 - Advertisements  
RC15 - Shutters & Canopies

#### Core Strategy

CS1 - Hierarchy of centres  
CS2 - Previously developed and greenfield land  
CS5 - West End  
CS9 - Energy and natural resources  
CS10 - Waste and recycling  
CS11 - Flooding  
CS12 - Biodiversity  
CS13 - Supporting access to new development  
CS14 - Supporting city-wide movement  
CS17 - Infrastructure and developer contributions  
CS19 - Community safety  
CS20 - Cultural and community development  
CS24 - Affordable housing  
CS31 - Retail

#### West End Area Action Plan

WE1 - Public realm  
WE2 - New links  
WE3 - Redesign of streets / junctions in West End  
WE4 - Public Parking  
WE5 - Public spaces  
WE11 - Design Code

WE12 - Design & construction  
WE13 - Resource efficiency  
WE14 - Flooding  
WE15 - Housing mix  
WE16 - Affordable housing  
WE20 - Mixed uses  
WE23 - Retail  
WE24 - Cultural activity  
WE30 - Streamlined contributions  
WE31 - Compulsory purchase powers

#### Sites and Housing Plan

MP1 - Model Policy  
HP2 - Accessible and Adaptable Homes  
HP9 - Design, Character and Context  
HP11 - Low Carbon Homes  
HP13 - Outdoor Space  
HP14 - Privacy and Daylight  
HP15 - Residential cycle parking  
HP16 - Residential car parking  
WE10 - Historic Environment

#### Other Planning Documents

- National Planning Policy Framework (NPPF).
- Oxpens Masterplan Supplementary Planning Document (SPD).
- Affordable Housing & Planning Obligations SPD.
- Natural Resource Impact Analysis SPD.
- Balance of Dwellings SPD.
- Parking Standards, Transport Assessments & Travel Plans SPD.
- Statement of Community Involvement SPD.
- Accessible Homes Technical Advice Note (TAN).

### **Summary of Public Comments**

Full public consultation was undertaken by the applicant both before and following the submission of the planning application. On receipt of the planning application the Council as local planning authority undertook its normal consultation procedures, including site notices and advertisements in the local press. This was repeated on receipt of amended proposals.

A summary of the consultation procedures and comments received appears as **Appendix 2** to this report, and the applicant's response to the public comments received on the application as submitted as **Appendix 3**.

### **Officers Assessment**

1. The body of the report which follows considers the planning application under the following main headings.
  - Planning History to the Application Site.
  - Planning Policy Context.



- Proposals.
  - Heritage Management.
  - Controls on Development.
  - Visual Impacts.
  - Archaeology.
  - Public Realm.
  - Landscaping.
  - Highways, Access and Parking.
  - Residential Accommodation.
  - Employment.
  - Retail Impact Assessment.
  - Water Environment.
  - Air Quality.
  - Sustainability & Energy Efficiency.
  - Biodiversity.
  - Environmental Impact Assessment.
  - Other Matters: Noise Attenuation, Ground Conditions & Public Art.
  - Conclusions.
2. In addition two “enabling” planning applications appear separately on this agenda, namely an application for a temporary public car park at Oxpens Road adjacent to the ice rink, and an application for a temporary and partial change of use of part of Redbridge Park and Ride for coach parking.

### **Planning History to the Application Site**

3. The existing Westgate Shopping Centre was opened followed a period during the 1960s when much of the St. Ebbe’s area of the City was cleared as part of its *Comprehensive Development Area* status at that time. Currently the shopping Centre possesses some 34,600 sq m of gross external floorspace for retailing, plus 7,210 sq m of floorspace at the Central Library. There are also small amounts of office accommodation. Car parking to serve the development is provided in rather shabby conditions at the adjoining multi story car park and surface car park. Also within the application site are 14 residential units at Abbey Place.
4. In 1988 some 15 years following its opening, proposals were brought forward for the extension of the Westgate Centre on the multi storey and surface car park. Those proposals had not been accompanied by any robust examination of retail need however. Nevertheless from the sources of information available from the time it appears that there may already have been a shortfall of City centre retail floorspace even allowing for the construction of the Clarendon Centre only shortly before in 1984. Ultimately the proposals failed to gain planning permission with concerns surrounding temporary parking arrangements, disruption during the construction period, the absence of agreement from other landowners and authorities to accept the proposals, and the impact of the development on surrounding streets. Nor was any of the land involved allocated for a retail extension at that time in the informally adopted Oxford Local Plan of 1985.

5. Another decade and more was to pass before alternative proposals for the extension of Westgate came forward when the then applicants entered into a dialogue with the City Council as Local Planning Authority concerning the possibility of constructing a more comprehensive development package on essentially the same site as the 1988 proposals. A planning application followed in the Spring of 2000.
6. The drawing up of the proposals was broadly coincidental with the establishment of the bus priority route via Old Greyfriars Street as the Oxford Transport Strategy (OTS) was translated into specific on - street measures. Substantial financial contributions were also secured against improvements to the transport infrastructure including Park and Ride facilities. Unlike previous proposals however an element of residential use was introduced, in the form of 25 to 35 units depending on their size and mix. The application was submitted in outline only but with a commitment by the applicants to be conditioned to certain requirements which would form the basis of a detailed design in a Reserved Matters application to follow if permission were granted. In the latter part of 2000 the City Council as Local Planning Authority resolved to grant planning permission but the case was required first to be referred to the Secretary of State.
7. After some delay in February 2001 the applications were formally “called in” for his own decision with a public inquiry following in November of the same year. Following the Public Inquiry the Inspector recommended the Secretary of State to grant planning permission subject to conditions and an accompanying legal agreement. But by decision letter dated September 2002 the Secretary of State declined to accept the recommendation of his Inspector and refused planning permission. Both the applicants and City Council as Local Planning Authority felt the Secretary of State’s decision was flawed in its reasoning however on the basis of the evidence presented at the Public Inquiry and both parties therefore sought to challenge the decision through the High Court. In the event Mr. Justice Harrison allowed the challenges and quashed the Secretary of State’s refusal of planning permission.
8. The High Court judgement was dated 28<sup>th</sup> February 2003, nearly 3 years after the planning application had been submitted and meant that no decision to either approve or refuse was in place. In these circumstances the Secretary of State could have called a second Public Inquiry to inform a fresh decision on the case. In the event the Westgate Partnership decided to withdraw their planning application with the intention of drawing up fresh proposals which nevertheless addressed the expressed concerns of the Secretary of State. This led to an early dialogue with the local planning authority commencing later that year, and to a fresh planning application in 2006.
9. The 2006 application covered a site of some 5.7 ha. (14 acres) and related to land allocated for the purposes in the adopted 2005 Oxford Local Plan. It involved the demolition of part of the existing shopping centre and multi storey car park, plus the Duke of York public house, properties at Abbey Place and part of the Oxford and Cherwell Valley College site. Constructed in their place would be 60 retail units and department store for the John Lewis Partnership plus 127 residential flats and supporting uses. The surface and multi storey car parks were

to be replaced on a like for like basis within a new multi storey car park above and below ground level at Abbey Place. The development gained planning permission in 2007 and preliminary enabling works commenced the following year, including archaeological investigation and the removal of several trees on site. In addition 14 affordable flats in direct replacement for those lost at Abbey Place were constructed at Albion Place under a separate but related planning permission. That development was completed and has now been occupied for several years. With the banking crisis and downturn in the national economy however the Westgate development itself did not proceed though the planning permission was subsequently renewed and remains extant. Rather a fresh dialogue was entered into subsequently, leading to the current planning application.

## Planning Policy Context

10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the Development Plan where it contains up to date and relevant policies unless material circumstances indicate otherwise. In the case of Oxford the Development Plan for the City consists of a suite of documents making up the Local Development Framework (LDF). Accordingly, relevant to the current application are “saved” policies of the Oxford Local Plan 2001 - 2016, the Oxford Core Strategy 2026, West End Area Action Plan (AAP) 2007 - 2016 and Sites and Housing Plan 2011 - 2026, together with supporting Supplementary Planning Documents (SPDs) and Technical Advice Note (TAN).

11. Of these documents the Oxford Core Strategy establishes the spatial planning framework for Oxford up to 2026, and represents the principal and overarching planning document within the LDF. Within the Core Strategy the city centre sits at the head of a hierarchy of centres for locating major developments. Policy CS1 of the Core Strategy therefore states:

a. *“The city centre will be the main location for developments attracting a large number of people. In particular planning permission will be granted for development that supports its role as a Centre for Significant Change, such as major retail, leisure, cultural and office development. Most major development will be focused in the West End of the city centre. Planning permission will be granted in the city centre and its immediate surroundings for higher density development, subject to the need to protect and enhance the character and setting of Oxford’s historic core, and to deliver a high quality public realm.”*

12. The supporting text to CS1 goes on to state:

b. *“The focus for growth in the city centre is the West End, which offers the main opportunities to increase retail provision at the Westgate Shopping Centre and on land to the west of St. Aldate’s and south of Queen Street.”*

13. Within the wider West End Core Strategy policy CS5 also indicates:

c. *“The West End is allocated as a strategic location which will deliver*

*a mixed - use development. Planning permission will be granted for development that includes:*

- *a significant housing provision (approximately 700 - 800 dwellings);*
- *retail floorspace (at least 37,000 sq m);*
- *office space (15,000 sq m for the private sector and 20,000 sq m for the public sector);*
- *new leisure and cultural attractions;*
- *a high - quality network of streets and public spaces; and*
- *a new 1 form entry Primary School to serve the area.”*

14. Further, the West End Area Action Plan (AAP) states that it will specifically seek to create:

- *“an attractive network of streets and spaces;*
- *a high quality built environment;*
- *a strong and balanced community; and*
- *a vibrant and successful West End.”*

15. It is important to bear in mind that s.38(6) of the Planning and Compulsory Purchase Act 2004 and s70(2) of the Town and Country Planning Act 1990 specifically require the determination of planning applications to be in accordance with the development plan unless material considerations indicate otherwise. That is to say they should be determined in accordance with the development plan as a whole. Non-compliance with one (or more) relevant policies does not inevitably mean that an application is not in accordance with the plan. It may be necessary for example where different policies support and oppose an application to determine which policy is dominant. Some policies are also subject to exceptions and reliance upon such an exception may itself be in accordance with that policy. It is essentially a matter for the decision maker taking a purposive approach to the development plan as a whole.

16. In this case the existing Westgate centre, car park and land to their south and west is specifically identified as a key development site within the West End AAP but with new retailing focussed on the primary shopping area as defined by policy WE23 of the Plan. However although this latest Westgate application relates to a very similar site to extant permission 10/00454/EXT, the anchor department store is relocated from the southern part of the existing Westgate surface car park to the Abbey Place car park site to the west. This part of the application site falls outside the defined primary shopping area. The development has therefore been considered as a departure from the Development Plan and the publicity requirements applicable to “departure applications” have been followed accordingly. It follows that if the Committee is minded to grant planning permission, then the case must first be referred to the Secretary of State who has 21 days in which to “call in” the application for his own determination. If following the expiration of 21 days there has been no call in, then the local planning authority may proceed to formally determine the application. The Secretary of State has directed that referral is required if the application is “edge of centre” (meaning a location well connected to and within easy walking distance of the primary shopping area), includes retail use, includes the creation of at least 5,000

square metres of floorspace and, is not in accordance with one or more provisions of the development plan. Officers are of the view that these criteria are met, this being reflected in the recommendation to committee at the head of this report.

17. Nevertheless taken together with the extant planning permission the principle of development at the Westgate site for the uses now sought is well established, with all of the policies of the West End AAP listed at the head of this report relevant to the case, as are the saved policies of the Local Plan and policies of the Sites and Housing Plan in respect of the residential accommodation proposed.
18. Finally the National Planning Policy Framework (NPPF) published in March 2012 replaces a range of Planning Policy Statements, (PPSs), Planning Policy Guidance Notes (PPGs) and Circulars. Its overarching policy sets a presumption in favour of sustainable development to which there are 3 key roles: an economic one contributing to building a strong, responsive and competitive economy; social, supporting strong, vibrant and healthy communities; and environmental, contributing to protecting and enhancing the natural, built and historic environment.
19. Within this context the NPPF requires that local planning authorities should be positive and promote town centre environments and establish policies for their management and growth. Amongst other requirements their plans should:
  - *“recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;*
  - *promote competitive town centres and provide customer choice and a diverse retail offer and which reflect the individuality of town centres;*
  - *recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development at appropriate sites.”*
20. The full list of local and national policies and policy documents relevant to the planning application are set out at the head of this report.

## **Proposals**

21. The planning application relates to an inverted L shaped site measuring approximately 5.9 ha (14.1 acres), extending from Bonn Square in the north to Thames Street in the south and from the Castle Mill Stream in the west to Old Greyfriars Street and Pennyfarthing Place in the east. A site plan is attached as **Appendix 1**. The proposals involve the demolition of the existing southern section of the Westgate Shopping Centre, roughly along a line extending from its Pennyfarthing Place entrance to its Castle Street entrance, with the exception of most of that part of the site currently occupied by Sainsburys. To the north of this line the centre would be retained but refurbished. To the south the demolitions would be the multi-storey car park and bridge connection to the shopping centre. Also due to be demolished would be 14 residential properties at Abbey Place to the south side of Paradise Square. These properties were also to be lost in the 2007 permission in

anticipation of that development proceeding. As indicated above they were replaced by a development of 14 flats at Albion Place east of the application site and have been occupied as affordable units for the City Council for several years. On the western part of the application site a single building formally part of the Activate Learning (OCVC) site was demolished several years ago along with the Duke of York PH. These vacated parcels of land all form part of the current application site

22. The application site therefore consists of some 37 retail units, public library, multi storey car park, surface level car parks, Abbey Place housing and various smaller parcels of land. The development as proposed is intended to be a mixed one but retail lead. The precise breakdown of floorspace would only emerge at the reserved matters stage, **Appendix 4**, but with retailing being the dominant component, including a new department store for the John Lewis Partnership. That said the Westgate Library would be retained and there would be a substantial element of leisure facilities of one sort or another, including restaurants and cafes and potentially a cinema with perhaps 4 screens. A residential component somewhere in the range of 27 to 122 units is also proposed, with the most likely number being perhaps 50 units.
23. Car parking is provided on two levels with basement accommodation to the south of the site at about 1000 spaces, slightly lower than existing levels of approximately 1200. Disabled spaces would increase however from 12 spaces to within a range of 33 to 42 spaces, with a new shopmobility unit provided. A new cycle hub with secure cycle parking and cycle shop would also form part of the proposals, plus a minimum of 1000 on and off site cycle spaces. Although not part of the planning application as it falls outside the powers of the applicant to deliver, the development provides an opportunity to close Queen Street to bus movements with services rerouted accordingly. Both City and County Councils and bus companies are supportive of a bus free Queen Street, with an aspiration that it be achieved upon completion of the development.
24. In plan form the development is intended to consist of a series of blocks of accommodation linked by pedestrian arcades, squares and lanes. **Appendix 5** indicates the general layout envisaged in the illustrative masterplan. The northernmost block, (block 4), consists of the retained part of the current Westgate which would be refurbished and extended, whilst retaining the public library throughout construction and following completion of the development. Entrance from Bonn Square would also be retained, as would entrances from Pennyfathing Place and Castle Street. These routes would be open to the public 18 hours each day compared to 12 hours currently. At block 4's southern end would be a covered square given the name Middle Square in the planning application.
25. From the point at which Middle Square is located the development would take advantage of the fall in ground levels to provide retail units accessed from 2 levels within the next block of accommodation, block 3. Between the two would be an east - west public route connecting an extension to Turn Again

Lane in the east to Castle Street south of Paradise Square to the west. This route would be an open route to pedestrians and cyclists with 24 hour access, running through at ground level. In similar fashion to Queen and Cornmarket Streets cyclists would be required to dismount during the busy central part of the day. At the eastern end of the route entrance to the existing service and delivery area for the current Westgate would be maintained, accessed from the south near the junction with Old Greyfriars Street.

26. Block 3 would face externally onto Old Greyfriars Street to the east and Norfolk Street to the west. Again an 18 hour central covered arcade would exist to the centre of the block, linking to a further public square, South Square, at its southern end. At the upper levels this block could accommodate the cinema with restaurants at roof level, the latter probably to the eastern side where they would take advantage of fine views towards Christ Church and other colleges east of Carfax.

27. Where block 3 faces Old Greyfriars Street the cycle hub is likely to be located. Residential accommodation could be located along this edge of the development, though that would pose particular challenges in that all the units would have to be single aspect and without any external ground floor space. To the Norfolk Street frontage would be smaller retail units plus public toilets. South Square would be entered not only from block 3 but from lanes running from Old Greyfriars Street and Thames Street, and also from Norfolk Street at a point near its junction with Abbey Place and Paradise Square South. South Square plus the access routes to it would all be open 24 hours each day with the square likely to be covered, but not forming an internal space. Rather, like Middle Square, any roof covering would seek to keep the space dry during wet weather but would not constitute a controlled environment. As such external quality materials would be used so that the spaces had the feel of an external street environment, not a controlled internal shopping mall. Bridge links at upper levels would link the upper floors of retail and restaurant accommodation within block 3 and to block 2 to the south which would form the southern edge of the development. Where this block fronts onto Thames Street at the south - eastern corner of this block, a further service entrance would exist giving access to a second underground service and delivery area.

28. Again block 2 would possess several floors of retail development with restaurants at roof level and a further bridge link to block 1 which would accommodate the John Lewis Department store on 3 and 4 floors. The main entrance to the store would be from the west side of South Square with the potential for a further entrance to the south facing Thames Street. West of the John Lewis store would be block 1A fronting onto the Castle Mill Stream with a restaurant intended for the ground floor and residential accommodation above. Approximately 50 x 1 and 2 bed flats could be accommodated at this point. At the southern end of this block entrance to the underground car parking would be located, extending over 2 levels below the whole of the southern part of the development site. Pedestrian access and exit from the public car park would be via lifts, stairs are escalators to South Square and to the western side of block 2, fronting onto the access lane there. Pedestrian access could also be taken from the south side of the lane from Old

Greyfriar's Street to South Square. In addition direct access from the public car park to the John Lewis store is also allowed for. The car park is intended to be of high quality with the intention of meeting Thames Valley Police's "Park Mark" standard for accreditation.

29. External to the building envelope, the bus priority route currently in operation is intended to be re arranged so that from Speedwell Street the route would now pass south of the development along the north side of Thames Street before turning north to the west of block 1 (John Lewis) to loop around the department store before turning north along Norfolk and Castle Streets to the junction with New Road. New bus stops and waiting areas are envisaged to the east and west side of Castle and Norfolk Street with the ramps and underpass to the former filled in and ground levels restored. Eastbound bus stop facilities would also be located south of the development. The bus priority route would accommodate bus services and emergency vehicles only, with the exception of the northern section of Castle Street as access would be required to Paradise Street. Long distance coaches to London and the airports which currently use the bus priority route would be routed along Thames Street instead with bus stops envisaged at Oxpens Road in the vicinity of the Ice Rink.
30. As a consequence of these changes to the existing bus priority route, Old Greyfriars Street would become largely traffic free as a cul de sac accommodating service and delivery vehicles accessing the northern service yard only, together with an 8 space taxi rank plus turning area. Old Greyfriar's Street and the bus priority route would be open to cycle use at all times however. All these alterations to the public highway and bus priority route are subject to Highway Authority consent, but are supported by that authority subject to detailing.
31. Also external to the buildings themselves a new public space would be created at the northern end of Old Greyfriars Street as an extension of Turn Again Lane. Pennyfarthing Place and the existing garden area to the west of Castle Street fall outside of the planning application site but could be improved with funding from CIL, subject to competing demands on the funds available.
32. The above text confirms the basic form of the planning application as now before the committee. Whilst it is essentially unchanged since the submission of the planning application late last year, in January various revisions were made, namely:
  - Increases to active frontage percentages at Thames Street, Speedwell Street, Old Greyfriars Street, Castle Street and Norfolk Street.
  - Reduction in maximum heights of blocks 1, 2, 3, and 4 of between 0.3m and 1.3m.
  - Removal of "cut through" for west bound long distance coaches from bus priority route to Thames Street.
  - Relocation of Thames Street pedestrian crossing from eastern side of access point to public car park to western side.
  - Adjustment to carriageway to eastern side of block 1A to accommodate



footway.

- Removal of bus and coach stops from southern side of bus priority route.
- Removal of raised table to along southern section of bus priority route.
- Crossings raised to gradient of 1:30.
- Shared loading bay / pedestrian footway introduced to east side of block 1A.
- Removal of taxi drop off from northern end of Old Greyfriars Street.
- Adjustment to taxi facility to Old Greyfriars Street to provide 2 space drop off area, 8 space taxi rank plus turning area.

33. In the text which follows detailed consideration is given to the key determining issues relating to the application, concluding that the development should be supported. In doing so officers are conscious that in 25 years and more since the first (of several) proposals for extension to the Westgate Shopping Centre were received that Oxford has declined relative to other towns and cities in the South Midlands and South - East England in its role as a sub regional centre. In that time the Westgate Shopping Centre and car park have become tired and down at heel offering only a limited and poor retail experience. The current proposals provide an opportunity to arrest the decline and re establish Oxford within the sub region. The development is estimated to result in an annual turnover of £354.5m, £231m of which would be diverted from other competing centres which Oxford has previously lost trade to, in particular Reading, Swindon and Milton Keynes. It would also create 3,400 or more full time equivalent jobs, and provide opportunities for training and job creation in other fields. At a time when Oxford is emerging from a recessionary period in the national economy, and has secured City Deal funding for infrastructure and other initiatives, these are powerful arguments to suggest that the public benefits to derive from the development outweigh any potential negative impacts.

## **Heritage Management**

### **i. Explanation**

34. The relevant legislative provisions are set out in the Planning (Listed Buildings and Conservation areas) Act 1990. Sections 66 and 72 are relevant, requiring local authorities to have special regard to the desirability to preserve and enhance listed buildings, conservation areas and their settings. A recent legal case, (*East Northants v Secretaries of State for Communities and Local Government 2013*), considered what these provisions mean in practice and concluded that “special regard” means that considerable weight and importance should be given to the desirability of preserving the assets and their settings. In the National Planning Policy Framework (NPPF) the government has reaffirmed its commitment to the historic environment and its heritage assets.

35. The application site abuts the Central (City and University) Conservation Area, a designated heritage asset, and development will be visible in views across, into and out of the conservation area. It is therefore necessary to consider the nature and extent of impacts this proposal would have on the conservation area and the designated heritage assets within it, taking into

account the requirements of the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development which is stated to mean, unless material considerations indicate otherwise, approving development proposals that accord with the development plan without delay. It lists a number of core planning principles that should underpin decision making including that it should:

*“conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations”.*

36. The NPPF also points out in a footnote, to emphasise this point, that there are other policies in the Policy Framework that indicate there may be a need to restrict development in order to protect designated sites, including designated heritage assets.

37. Nevertheless a key message in the NPPF is that the historic environment is a finite and irreplaceable resource and the conservation of heritage assets should be a high priority. Development that causes harm to a heritage asset or its setting should be avoided unless there is a public benefit to outweigh that harm. The NPPF states that:

*“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”.*

38. In relation to a proposal that would cause substantial harm or total loss of significance then the NPPF advises that local planning authorities should refuse consent unless it can be demonstrated that such harm or loss is necessary and outweighed by substantial public benefits. In relation to a proposal that would cause less than substantial harm then this would need to be weighed against the public benefits of the proposal including securing the optimum viable use for the asset.

39. The published consultation draft National Planning Practice Guide (2013) seeks to explain what is meant by substantial and less than substantial harm and states that:

*“partial destruction is likely to have a considerable impact but, depending on circumstances, it may still be less than substantial or conceivably not harmful at all”.*

40. It explains that the scale of works proposed is not necessarily determinative of whether any harm caused is substantial or less than substantial. It does point out however that a key factor in determining whether works constitute substantial harm is if the adverse impact goes to the heart of why the place is worthy of demolition – why it is important enough to justify special protection.

41. The NPPF encourages local planning authorities to look for opportunities to

better reveal or enhance heritage assets and their settings and states that proposals that do make a positive contribution should be treated favourably. As stated above harmful impacts should be avoided, (and in relation to substantial harm applications refused), unless there are public benefits that derive from any proposal that would outweigh the harm. The draft National Planning Practice Guide seeks to explain what is meant by 'public benefits', suggesting it could be anything that delivers economic, social or environmental progress and can include heritage benefits such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting;
- reducing or removing risks to a heritage asset; and
- securing the optimum viable use of a heritage asset

42. To be clear, this current proposal does not involve works that would directly affect any listed or other historic building but the site forms part of the setting of the conservation area and so it is the nature and extent of impacts on the setting of heritage assets that are to be considered here.

43. Published guidance by English Heritage, (*The Setting of Heritage Assets*, October 2011), also provides a methodology for understanding the setting of a heritage asset and how it contributes to the heritage significance of that asset and explains how to assess the impact of development. English Heritage explains that the setting of a heritage asset is the surroundings in which it is experienced. Furthermore the setting is not fixed and may change as the surrounding context changes. The Landscape Institute has also published guidance in *"Landscape and Visual Impact Assessment"* 2013 to help identify the significance and effect of change resulting from development.

ii. Assessment.

44. In considering this current planning application City Council as local planning authority has given considerable weight and importance to the desirability of preserving or enhancing designated heritage assets and their settings, including listed buildings and conservation areas. For the reasons given elsewhere in this report it considers that any harm that would result from the proposed development is justified by the public benefits that would result and that the proposal is considered to comply with policies contained within the adopted Oxford Local Plan, the adopted Oxford Core Strategy, the adopted Sites and Housing Plan, the adopted West End AAP and National Planning Policy and guidance.

### **Controls on Development**

45. As the planning application is made in outline only, then only certain elements are fixed for approval at this stage. These consist of the access arrangements, with full details of the appearance, landscaping, layout and scale of development to follow as reserved matters. However in order to provide more certainty as to the eventual outcome and to provide a framework within which detailed proposals can come forward, the application

is accompanied by a series of “Development Principles” and “Parameter Plans” which would also be fixed if outline planning permission were granted.

46. The Development Principles are a series of statements relating to particular issues, some of which are required to be read in conjunction with the Parameter Plans. Thus the Development Principles appear under a series of headings:

- P1 - Responding to historic and urban context.
- P2 - Extending the retail core.
- P3 - Mixed use development.
- P4 - A sustainable development.
- P5 - repairing the urban fabric and connections.
- P6 - A variety of architecture.
- P7 - New public spaces and improved public realm.
- P8 - Multi level urban scheme responding to topography.
- P9 - Integrated scale and massing.
- P10 - An accessible piece of city to all.
- P11 - A new shopping destination.

47. The full text of the Development Principles is attached as **Appendix 6**.

48. There are some 21 separate Parameter Plans which essentially seek to define, with some flexibility, the actual application site; buildings and structures to be demolished; areas where excavation is required or infilling is to take place; access points; where the various uses would be located within the development; the amount of activity envisaged to the perimeter of the development, (ie “active frontages”); the positioning of buildings, arcades and lanes; the heights of the buildings; and the relationship to neighbouring properties. They are:

- Plan 1: Planning application boundary.
- Plan 2: Demolition of buildings.
- Plan 3: Extent of excavation.
- Plan 4: Land use - basement level 2.
- Plan 5: Land use - basement level 1.
- Plan 6: Land use - lower ground and lower mezzanine floors.
- Plan 7: Land use - upper ground floor.
- Plan 8: Land use - first floor.
- Plan 9: Lane use - second floor.
- Plan 10: Land use - third floor, plus fifth floor of block 1A.
- Plan 11: Maximum development zones.
- Plan 12: Minimum and maximum lower ground floor building footprints.
- Plan 13: Minimum and maximum upper ground floor building footprints.
- Plan 14: Minimum and maximum first floor building footprints.
- Plan 15: Minimum and maximum second floor, (plus fourth and fifth floor for block 1A) building footprints.
- Plan 16: Minimum and maximum heights.
- Plan 17: Minimum and maximum heights - sections.
- Plan 18: Means of access and circulation.

- Plan 19: Pedestrian routes and public realm plan 20: Active frontages.
- Plan 21: Roof minimum and maximum heights and extents.

49. In terms of uses the lower levels of accommodation would generally consist of retail activity, with upper levels given over to restaurants, leisure uses (probably cinemas), residential units and retained public library. Where retail accommodation is located gives rise to the highest levels of “active frontage” which is defined here as including ground floor windows, shopfronts, entrances / exits to buildings, lobbies, views of internal circulation, display windows, and active display screens.

50. The active frontages Parameter Plan does not relate to the two arcades in this regard where there would be high levels of active frontage to retail units, but refers only to the external perimeter of the development and where thoroughfares are open 24 hour each day. Here the highest levels of active frontage is proposed within South Square and the eastern side of Norfolk Street which would be in the range 61% to 90% of active ground floor frontage, with slightly lower levels to the east - west route connecting the extended Turn Again Lane to Castle Street. These would be comparable to retail streets elsewhere within the City Centre. To the main frontage of the John Lewis department store active frontage would be in the range of 41% to 60% as would much of the perimeter to block 1A. The lowest levels would be to the south of block 3 where it faces the bus priority route, the west side of the John Lewis store, Old Greyfriars Street and the east side of Castle Street where active frontage in the range of 5% to 20% is indicated. However this range does not preclude a greater proportion of active frontage coming forward with the detailed designs at the reserved matters stage and committee would still need to be satisfied at that time that the elevational treatments taken together with the architecture, design and levels of active frontage proposed were acceptable in their own right before reserved matters planning permission could be granted. Moreover in some of the areas where it would not be possible to provide shop fronts, opportunities would still exist for freestanding window displays, displays of public information etc. Some of these areas, for example to the east side of Castle Street and south of block 2 fronting the bus priority route, are areas where on - street activity would be created by the presence of bus stops and waiting facilities and where upper floor windows etc could be provided.

51. Where building footprints are defined, there would be minimum requirements for the width of public routes, squares and footways. Thus South Square would be required to be a minimum of 20m by 68m, or approximately the same area as Bonn Square whilst through routes would also be required to be of a minimum width:

- north - south arcades: 8m
- east - west route (Turn Again Lane to Castle St): 7.5m.
- Bonn Square entrance: 8m.
- Pennyfarthing Place entrance: 4.5m
- Castle Street entrance: 4.5m.
- Old Greyfriars Street lane entrance: 5m.
- Thames Street lane entrance: 6m

52. These distances compare favourably with existing nearby thoroughfares such as Pembroke Street and Brewer Street which are essentially pedestrian and cycle routes with limited traffic and at approximately 6m to 7m and 5m to 6m in width respectively. Elsewhere public footways would vary in width from a minimum of 3m at the northern end of Castle Street where the existing buildings are retained, to more generous widths elsewhere: 5m to 7m to the southern end of Castle Street and 3.5m to 4.4m to Norfolk Street.

## Proposals

53. The other principle objective of the Parameter Plans is to define the height limits of the existing and proposed buildings. In this regard Local Plan policy HE9 on the height of buildings in the central area is especially significant. The policy requires that buildings should not exceed 18.2m in height or ordnance datum 79.3m, whichever is the lower. The policy does allow however for minor elements of no great bulk to exceed this threshold. The Parameter Plans relating to the height of buildings approaches the matter of building heights with reference to these criteria. As there are two height criteria with the lower one being the operative one, then taken with the fall in ground levels across the application site from north to south, then the operative policy height will also vary from north to south. Ground level at Bonn Square to the north is 64.2 AOD, and at Thames Street to the south 56.6m, a fall of 7.7m. In turn this translates to a policy height at the northern end of 79.3m AOD, but 75.9m AOD and at the southern end.

54. Within the existing part of the Westgate Centre to be retained, block 4, is already generally at the 79.3m northern threshold, but with the glazed pyramid to its centre, (proposed to be removed), well above it at 86.3 AOD. Some existing plant rooms areas to the eastern side are also above that height, extending to 83.2m. These would be retained with the Parameter Plans permitting some infilling of additional plant between them up to the same height. The planning application proposes infilling to the recessed Bonn Square entrance and to the southern extension of this block where Middle Square would be located. At Bonn Square the height would match the existing 79.3m AOD, ie 15.1m from ground level at that point, whilst the southern extension to the block would generally be set below the threshold height there, but due to the fall in ground level could extend up to 1.15m above at its southern edge. Lastly for this retained but extended block, an architectural feature of up to 10.0m above the existing roof level is allowed for at the north - west corner point of the retained building at the junction of New Road with Castle Street.

55. For the wholly new blocks of accommodation the approach adopted within the Parameter Plans is to define both the general and maximum roof heights which would be permitted. In the main this would mean that the higher parts of each building would be towards their central roof area, whilst at the edge of each building the parapet would be set back and therefore lower than the overall height. In respect of block 3 for example this would mean that the highest part of the building would be where the glazed roof to the central

arcade would be located. This would extend beyond the high buildings policy threshold, but elsewhere and at its edge the building would be well below the threshold, thereby introducing a degree of variation to avoid a single, uniform height throughout.

56. The same principles apply to the other blocks of accommodation, though the Parameter Plans do allow for a further extended architectural feature, (not a tower), rising up to a maximum of 79.40 AOD or 3.5m above the high buildings policy threshold. If included, this would be at the north - east corner of block 2, at the junction of Old Greyfriar's Street and the lane entrance leading to South Square. No part of block 1A would exceed the high buildings policy threshold however, and it should be acknowledged that even within the defined areas where taller structures would be permitted by the Parameter Plans, that would not necessarily mean building to the maximum allowed would be sought when detailed designs emerge at the reserved matters stage. Rather, early discussions on detailed designs strongly suggest that would not be the case.
57. As part of the planning application submission a comparison of building heights between the 2007 extant planning permission and the current application has been made in terms of the amount of building which might exceed the high buildings policy threshold. Drawings will be displayed at committee accordingly. In the extant permission this amounted to 6,233 sq m or 16.3% of the total roof area of 35,470 sq m. This compares with a maximum allowed for in the current planning application with the Parameter Plans in place of 6,501 sq m out of 35,632 sq m (18.2%), or 5,334 sq m out of 33,002 sq m (16.1%) for the illustrative drawings which are more closely aligned to the emerging detailed designs. These figures exclude any glazed roofs to the arcades. Attached as **Appendix 7** is a table which also refers.
58. This analysis demonstrates that the impact of the proposed development in terms of its height would be similar to the previous permission though its form may be rather different. These issues of height, bulk and massing and their impact in short and long distance views are discussed in more detail below.

## Visual Impacts

### i. Explanation.

59. A group of internationally and nationally important buildings collectively form the focus of the Oxford views. These are the buildings that create the iconic 'dreaming spires', towers and domes of the Oxford skyline. They represent a thousand years of architectural history, patronage and ingenuity and help to tell the story of the City and University. The city's historic core developed on the terrace of higher land at the confluence of the Thames and Cherwell. The lower-lying floodplains form green fingers that permeate the city extending right up to the historic city core and help to partially conceal views of Oxford's suburbs. Hills form a discontinuous ring around Oxford, and provide numerous views down onto and over the historic core of the city.
60. There are 10 protected "View Cones" of the city identified in the Local Plan

providing views from the surrounding eastern and western hills, Port Meadow and from public places within the city suburbs, for example South Park. There are also public viewing points within the city centre that provide views across and out of it, for example Carfax Tower and St George's Tower.

61. The adopted policies of the Core Strategy and Local Plan in relation to the view cones and high buildings derive from the 1960s when controls were first introduced to sustain the significance of the views of Oxford in its landscape setting. Key characteristics of the views, which remain relevant today are:

- the scale of buildings;
- the spikyness of the skyline silhouette;
- their fragility; and
- the compactness of the city core.

62. Simply put planning policy seeks to ensure that the pre-eminence of the historic spires, towers and domes is maintained and makes clear that tall or bulky buildings that would harm the view are not acceptable unless there is an overriding justification. In relation to the current application, the proposed development would be visible from the western hills and from South Park. In the other designated views the development would be obscured by the topography or existing development and landscape features. From Port Meadow the view has been tested from a number of locations.

63. The application is supported by studies which examine the potential impact of the proposal on the long distance and more local views. These studies have been informed by published advice on assessing the impact of development on landscape character and the setting of heritage assets. The View Cones within which the proposed buildings would sit, (the Western Hills, South Park, Port Meadow), provide the viewer with different experiences of Oxford's historic core. The supporting information accompanying the application does not seek to prove that the buildings would not be visible in views but that the impact, with appropriate detailed design considerations, would not be harmful. It is accepted that the blocks would be visible in the views; the challenge is to develop a composition of building blocks, (which by their nature are of a different scale to the historic buildings in the city centre), to ensure that they integrate with rather than intrude into the view.

64. The analysis which follows has therefore focussed on the nature and extent of the impact from specific short and long distance views.

### Raleigh Park View Cone

#### i. Explanation.

65. This represents the view of Oxford from Harcourt Hill above North Hinksey, which has been admired since the early 18th century. Establishment of Raleigh Park in the early 20th century ensured public access to the view. The view of the city centre from here is framed by trees within the parkland. The historic high buildings in the middle distance are spread across the framed area, above the lower scale roofscape of the city suburbs. The foreground preserves elements of the rural hillside and meadows. Headington Hill also provides a green backcloth



against which the towers, spires and domes are seen, whilst the Osney Mead Industrial Estate and other large buildings with low-pitched hipped roofs appear as a layer of 20<sup>th</sup> century development in front of the historic core. In the background, the white bulk of the John Radcliffe hospital sits on Headington Hill breaking the skyline and drawing the eye away from the historic high buildings. Overall the view is composed of a series of layers – of greenery and buildings that reveal the landscape setting of Oxford and explain the urban growth of Oxford. County Hall, Westgate Library and the glazed roof pyramids of the Westgate shopping centre are all visible in the view, sitting between (but below) the Radcliffe Camera and the Sheldonian Theatre.

66. The verified views submitted as part of the application show that the proposed development would be visible in the view stretching between the Radcliffe Camera (block 4) and Christ Church Cathedral (block 2), extending the 'layer' currently comprised of the Castle's A and B Wings, County Hall and existing Westgate Centre. If built out to the maximum heights allowable in the parameter plans the tall element of block 4 would sit in front of one of the towers of All Souls and the roof of block 1 would clip the bottom part of Tom Tower and obscure view of the roof of Pembroke College.

ii. Assessment

67. The nature of the impact and how the buildings will be experienced in the view would to a large extent rest on how the roof lines of the blocks are articulated, and also their colour. An unrelieved continuous length of roof would appear more prominent than one that is fragmented and varied. The sides of the building blocks would also be visible and the treatment of their elevations would therefore play an important role in helping to assimilate the buildings blocks into their surroundings. For example the horizontal bands of windows in County Hall runs counter to the 'grain' making it appear more prominent than it otherwise might be. This sort of treatment should be avoided.

68. The tall elements proposed to block 4 and block 2 seek to provide points of interest in the long views, a concept which is supported. However, these need to be positioned and designed in such a way that they would not detract from existing experience of views of historic towers or spires.

Boars Hill View Cone

i. Explanation.

69. This is a more expansive view than Raleigh Park where the city centre is seen at a distance with the rolling green fields and woodlands appearing to continue unbroken to the feet of the medieval city. The modern suburbs of New Marston and Northway are hidden behind the city centre in the Cherwell Valley, whilst East Oxford is screened by woodland in the foreground. The hills of Elsfield and Woodeaton form a wooded backcloth with 'blue' hills beyond. In this setting the limestone churches and university and college buildings are seen forming a group in the south east of the city centre. To the west (left) the rest of the city centre is mainly comprised of a more humble mix of small, pitched rooftops. St George's Tower and the prison buildings of Oxford Castle with the spire of Nuffield College indicate the western limit of the city centre. The rooftops, spires and domes of

18th and 19th university and college buildings and churches continue to the left of the view where North Oxford is seen as an extension of the city centre. Nevertheless the mass of the suburb's buildings are disguised by the dense tree canopy.

70. In this view the existing Westgate Centre is visible to the left of the historic core and in front of, and below, Hans Krebs tower (due to be demolished), University Museum tower and St Peter's tower. County Hall is not visible. St George's tower and Nuffield tower sit to the left of the Westgate Centre in the view.

ii. Assessment

71. The proposed building blocks would appear as a more compact group than in the Rayleigh Park view, the rooflines just visible above the tree line but still below the historic towers behind. The applicant has tested other views from the western hills, which though not protected views are nevertheless publicly accessible. The range of impacts is similar to those identified in the protected views assessed above Raleigh Park.

South Park View Cone

i. Explanation.

72. This is a 'close-up' view of the city core from an urban park setting. Belts of mature trees in the Cherwell Valley provide a green fringe that cushions the city centre buildings and separates them from the historic low-rise suburbs of St Clements and East Oxford. The wooded masses and fields of Wytham Hill and Hinksey Hill provide a green backcloth with a prominent dip between the hills that draws the eye down to the City's spires and domes. The spires, towers and domes break the skyline. The glass pyramids of the existing Westgate Centre roof are visible behind and to the left of Merton Tower and to the right of Tom Tower.

ii. Assessment

73. If built out to the maximum allowed by the parameter plans block 4 would be visible behind Merton Tower, but below the skyline whilst blocks 1 and 3 would be visible behind the cluster of Christ Church buildings (to the left in the view). Block 2 would be visible further to the left of this cluster. If these rooflines were to be expressed as continuous unrelieved lengths this would have a harmful impact on the view, a conclusion the applicant concurs with. However, the parameter plans and design principles seek to mitigate this impact by making provision for articulating the roofscape so that the apparent scale of the building blocks is 'disassembled'.

Port Meadow View Cone

i. Explanation.

74. The open, low-lying character of Port Meadow allows uninterrupted and expansive views towards the city. The spires, towers and domes of central Oxford are fairly distant and small, spread out across the view, and seen against a broad open sky. In front of the historic buildings are the suburbs of North Oxford, Jericho and West Oxford, mostly hidden from view now by the trees that line the

canal and railway line, as well as those within private gardens. No one building forms a focal point to the view, the eye passing from point to point in the silhouetted skyline and then back to the foreground. The expanse of the foreground with its seasonal changes of colour forms a dominant element to the view, the skyline forming a changeable backdrop.

ii. Assessment

75. The existing Westgate Centre is not visible in views from Port Meadow, from the car park at Godstow or from other parts of the meadow. Similarly the proposed building blocks would not be visible, with the exception of the tall element proposed to the existing block 4, which would be just discernible to the left of Nuffield Tower but behind existing tree cover. Closer in the topography would result in even this element disappearing from view.

Assessment of Long Distance Views

76. It is clear from the applicant's analysis of the impact on the protected views and from officers' own assessment that the proposed building blocks would be visible in some long distance views and there is the potential for the impacts to be harmful, particularly in the views from Rayleigh Park and South Park. The nature of the impact would derive from the building blocks being seen individually or as a part of a group as an unrelieved mass, with long lengths of uninterrupted roof lines. The parameters plans and design principles recognise this risk and thus seek to ensure that elevations and roofscapes are appropriately designed and detailed to avoid such an impact. At the reserved matters stage officers would need to be satisfied that any impact on the fragile Oxford skyline in long distance views was acceptable before recommending approval.
77. From short distance views from within the city there are a number of publicly accessible high viewing 'platforms' at Carfax Tower, St Michael's at the Northgate, St Mary's (University) Church, Castle Mound and St George's Tower from which the development would also be visible. These viewing points offer an experience of the roofscape of the city centre and appreciation of its setting within a valley, mostly surrounded by hills.

Carfax Tower

i. Explanation.

78. This view illustrates the medieval street pattern of the city core and allows views of the spires, domes and towers to the north, east and south. The view to the west is a little less 'inspiring' revealing the bulky roof masses of 20<sup>th</sup> century developments, though the pattern of narrow and deep tenement plots is discernible and the green hills behind provide a landscaped background. The existing Westgate is visible in the view, with the glazed roof pyramid prominent.

ii. Assessment.

79. The proposed building blocks would extend the length of visible roofscape and shave off some of the green landscape behind, but with the taller element proposed to block 4 offering the opportunity for a more varied and interesting roofscape than currently exists.

## 80. St Michael at the Northgate

### i. Explanation.

81. The view west includes the roofs of the Oxford Union and St Peter's College and the small scale and varied roof forms of the buildings fronting Cornmarket and New Inn Hall Street. The glazed pyramid roof of the existing Westgate Centre is just visible in the view.

### ii: Assessment.

82. The proposed building blocks will for the most part be obscured, but the taller element of block 4, if built out to the maximum allowed in the parameters plan would rise above the roof of the Oxford Union and just break the skyline. This would add a point of interest in the view. A part of Block B1 would also be visible behind and between the Oxford Union and St Peter's Tower.

## St Mary's Church

### i. Explanation.

83. This is the highest of the viewing points and allows a commanding view over the roofs of the colleges and historic buildings in this quarter of the city. The view west includes Nuffield Tower, All Soul's library spire, the Town Hall roof, St Aldate's Church and Tom Tower, seen against the backcloth of the green hills in the background. The glazed lantern of the existing Westgate Centre is just visible.

### ii. Assessment.

84. The proposed building blocks if built out to the maximum allowable under the parameters plan would be more visible and would extend the built form towards St Aldate's Church. The tall element of block 4 would be visible to the right of All Souls, just above the predominant roofline. If successfully articulated the roofscape would not be intrusive.

## St George's Tower

### i. Explanation.

85. The 360 degree view allows observers to understand the defensive position of the castle and the city's location in a 'bowl' surrounded by hills and trees. This is a close view of the application site where the roof top parking of the multi storey car park is exposed in the view as well as the bulk of County Hall. To the right in the view are domestic scale properties and the tree lined Thames Street. Green hills again form a background.

### ii. Assessment.

86. The building blocks would extend the roof line of the existing Westgate Centre to the right in the view, obscuring the residential properties in the middle distance. The effect would be the loss of this 'middle ground' with blocks 1, 2 and 3 occupying the view, behind which the green hills would still be visible. The impact of this is similar to the approved scheme. A reduction in height is unlikely to make any appreciable difference to the experience of the view, but the opportunity for

better crafted buildings, higher quality materials and a more interesting roofscape would make a significant difference to the present experience.

#### Castle Mound:

##### i. Explanation.

87. In similar fashion to St. George's Tower, by design this view seeks to provide a 360 degree surveillance of the surrounding landscape. Looking towards the existing Westgate Centre the view is filtered by the existing trees at its summit. Although it is possible to move around the mound for different vantage points the views remain filtered by the trees.

##### ii Assessment.

88. The location of the view is similar to that of St George's Tower and the nature and extent of the impacts similar too.

#### Assessment of Short Distance Views

89. In summary on views from public viewing platforms, it is clear that:

- the proposed development would be more visible in a number of views than is the existing Westgate Centre;
- the height limits set down in planning policy would be breached, but the characteristic of the views into and out of the city would not be harmed, provided that the detailing of the roofscape and use of materials creates interest rather than monotony; and
- the impact on views from St. George's Tower and Castle Mound would be significant, but that given the nature of the existing buildings in the view an opportunity for enhancement exists providing the importance of the location as a defensive position with views of the hills beyond is acknowledged and understood.

#### Conclusions on Visual Impacts

90. From this commentary, there can be no doubting the significance of the Oxford skyline and its landscaping setting as one of the enduring images of the city, an image that in planning terms successive planning policy documents have sought to respect and retain. In this context a judgement has to be made as to whether the degree of change to the setting of the city in short and long distance views which would result from the development is sufficient to warrant refusal of planning permission, taking into account other benefits and objectives to be weighed in the balance.

91. Overall it is clear that the height and footprint of the proposed buildings would have an impact on the city centre skyline, though that impact would vary considerably from location to location, and may be less significant when taken together with the existing buildings and structures it would relate to. It is also true that the form of the proposed buildings and their rooflines; their choice of materials, textures and colours; and architectural treatments are critical factors to the development's success. Officers would not seek to claim that there would be no impact from the development on long or short distance

public views but have come to a conclusion that appropriate mechanisms are in place to permit a development to come forward which respects the Oxford skyline and Central Conservation Area and acknowledges their importance. The Parameter Plans and Development Principles will guide the approach towards detailed designs, but with the proviso that the development's appearance and architectural treatment should be required to be of high quality before reserved matters permission would be granted.

## Archaeology

92. The planning application is of archaeological interest because it will result in substantial harm to the below ground remains of Oxford's medieval Franciscan Friary, an asset that though not a Scheduled Ancient Monument can be considered to be of national significance. The application also has the potential to impact on prehistoric, Roman, Late Saxon, Norman, post-medieval and 19<sup>th</sup> century remains of interest.
93. The Franciscan friary (Greyfriars) was in use from 1220s until the Dissolution of the Monasteries in the 16<sup>th</sup> century. The Oxford site was one of three early *Studia Generalia* of the Franciscan Order (along with Paris and Cambridge) attached to European universities that had established theology faculties in the 13th century. It was therefore an important European centre for the study of advanced theology and natural philosophy (encompassing early scientific experimentation). The status and function of the *Studia Generalia* was not static through the medieval period and can broadly be defined as places of learning that received students from an extensive catchment area. They taught not only the arts, but had at least one of the higher faculties - Theology, Law or Medicine - and where a significant part of the teaching was provided by Masters.
94. The Oxford Franciscan friary had one of the larger precincts in the province (9 acres) compared to London (6 acres) and Cambridge (4 acres) and was notable for its international intake and the architecture of its church which contained a large number of chapels and was designed with a view to teaching. The friary is documented as having two libraries and may have had two cloisters. It had significant influence and status at a European level with its architecture and material culture being influential at least at a Franciscan provincial level. It played an important role in the evolution of Oxford University and is associated with many influential scholars including Roger Grossteste, Roger Bacon, William of Ockham and Duns Scotus. The founder of the Franciscan mission in England, St Agnellus of Pisa, is documented as having been buried at the Oxford Greyfriars site.
95. The Oxford Greyfriars site is also of interest because of the potential to contain information in relation to:
- the underlying hydro-geology of the 1<sup>st</sup> gravel terrace.
  - pre-friary activity and land use (including the potential for localised prehistoric, Roman, Late Saxon and Norman activity). A ditch associated with timber stakes identified during trial trenching in Old Greyfriars Street is of notable interest as it may be evidence of the town's early defences and/or water management system.

- the process of medieval land-reclamation and the relationship of the friary to the Late Saxon and medieval defences which it was uniquely permitted to expand across and enclose
- the character of post-Dissolution stone robbing and precinct land-use and
- the material culture of the 19<sup>th</sup> century and early 20<sup>th</sup> century suburb of St Ebbes.

96. Whilst the friary was extensively robbed of its stone walls after the Dissolution and has been subject to a series of development impacts the available information indicates that the southern two-thirds of the precinct have not been substantively truncated by these events. The results of previous archaeological investigations in the 1960s / 70s and 2006-8 nevertheless indicate that significant remains of the friary survive at floor level and below. These include midden deposits, waterlogged organic remains and water management features, foundation trenches with in-situ masonry and occupation layers. There is also potential for further burials to be present within the remaining claustral area. Whilst survival and condition is likely to be variable and there is likely to be little if any upstanding masonry, the surviving deposits of moulded stone, window glass, floor and roof tiles and other fittings may do much to illuminate the architectural quality of the friary buildings. Furthermore the remains of in-situ and robbed foundations and floors may enable the layout of this influential institution to be recovered.

97. It is accepted that as proposed the development would result in the substantial loss of the remaining friary, although small areas of the main cloister and peripheral parts of the eastern precinct would not be impacted. In this context the applicant submitted a feasibility study examining the potential for re-using the existing foundations of the multi storey car park, and thus retaining archaeological remains. The report concluded however that the re-use was not feasible because of the lack of technical data on the existing foundations; the required orientation of the new structure; and the greater loadings required for the new construction.

98. The asset has been identified as of equivalent significance to a designated asset where paragraph 132 of the NPPF indicates that when considering the impact of an application on the significance of a designated heritage asset '*great weight*' should be given to the asset's conservation with any harm or loss requiring '*clear and convincing justification*', being '*wholly exceptional*'. Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities;

*'should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss'*.

99. At the local level policies HE1 of the Local Plan and CS18 of the Core Strategy similarly indicate that planning permission should not be granted for development which would have an unacceptable effect on nationally important monuments. Policy HE2 of the Local Plan goes on to indicate that planning permission should only be granted where there is provision to preserve archaeological remains in situ as far as possible, and that provision

is made for the investigation and recording of any archaeological remains which cannot be preserved.

100. As a consequence of these requirements the highest level of public benefit must accrue from the proposed development to justify the loss of archaeological remains, and to demonstrate that retaining the archaeology would critically impact on the viability of the development, and that other alternatives have been considered.

101. There are two particular questions which arise therefore: whether one of the public spaces could be located above the archaeology; and whether block 3 could be reduced in size and volume to permit the existing car park foundations to be re used. In both cases the archaeology could then be left in situ.

102. On the first point importance of the sequence of streets and spaces to recreate a viable street pattern with activity and movement cannot be underestimated. In this regard the applicant argues:

*“An absolutely critical point in this customer journey will be at the junction between the existing Westgate Centre and the new extension. This is the point where the friary remains are located and where:*

- *the existing Westgate Centre meets the newly constructed accommodation;*
- *a single storey meets two storeys of retail;*
- *an east west route meets the north south route convening at Middle Square;*
- *key retail unit/units will be located; and*
- *a food and drink offer needs to be included.*

*It is at this point that there is a risk of shoppers turning back if there is not great enough connectivity into/out of the extension of Westgate. This is not desirable as it will create a disconnect between the existing retail core and part of the new development.*

*The quality of retailers, sightlines and activity in this area will be incredibly important. Therefore the tenant mix of this area needs to reflect some “retail hard hitters” to provide a draw and to entice people through the space. A quantum of food and drink accommodation will also add to the mix in terms of interest and draw people to this part of the development – this necessitates further physical accommodation.*

*The plans include the inclusion of a public space – Middle Square – where some curated activities can take place and allow the required circulation (north/south, east/west and between storeys) to happen freely. However this is not the right location for a more expansive space which can act as a barrier to pedestrian routes when people have a tendency to be reluctant to the travel distances without retail frontages/volume of retail floorspace to occupy and entice them.*



*South Square adjacent to the anchor store at the southernmost part of the development is the chosen more suitable location for a large open space, where it can combine with the John Lewis store, the Major Space User units and the car park access to draw people to this part of the development. This square has the space around it to accommodate a far greater quantum of retail accommodation than Middle Square – vital for the success of an open space in a development like Westgate. The development can only support a limited amount of non-income producing open space and the southern square is the right location for this and Middle Square needs to remain at its optimum size as per the parameter plans.*

*As discussed earlier, South Square also acts as a termination space before people reach the department store or an arrival for people coming by car. This is different to the purpose of Middle Square which although will encourage people to dwell, it will be more of a transitional space.*

*To leave the anticipated area of the friary undeveloped would not be commercially viable. Each square metre of retail contributes towards the overall scheme viability. To lose in the region of 14,000 sq m would have a serious detrimental effect on the overall scheme viability.”*

103. On the second point, the applicant comments:  
*“Waterman, [the applicant’s consultant], has confirmed that the design and volume of the foundations would not vary significantly if there were one or two storeys less as they would still need to support a substantial building. However the omission of an upper floor of cinemas and restaurants would not be possible for the Proposed Westgate Development. This mixture of uses plays a vital role in the attractiveness of Oxford retail versus internet shopping and will contribute to the evening economy of Oxford, extending trading hours and making the Proposed Westgate Development sustainable in trading terms as well as commercial viability”.*
104. For these reasons and more particularly for those summarised at paragraph 34 above, Officers are persuaded that the balance of advantage lies with supporting the proposals as submitted. In doing so it is essential however that conditions are imposed on the development requiring a full archaeological mitigation strategy. This must include the following elements:
- a research led set of aims and objectives;
  - a programme of archaeological works;
  - recording of significant archaeological deposits;
  - a strategy to communicate progress of investigations to the public;
  - a specification for post - excavation assessment;
  - on - site interpretation; and
  - a programme for the dissemination of results and their publication.

## **Public Realm**

### **i. Explanation.**

105. In the late medieval period the frontages of the main streets were centred on Carfax. The eastern end of Queen Street housed stalls for dairy produce and in

the 16<sup>th</sup> century a Butchers Shambles was built in the middle of the street at the eastern end. The creation of the Paving Commission in 1771 marked the first major attempt to organise urban development in the city and the Commission was responsible for demolition of the butcher's shambles on Queen Street, the Butter Bench at Carfax in 1773, and the removal of the street market to a permanent indoor venue off High Street in 1773. The western end of Queen Street underwent substantial alteration in the 18<sup>th</sup> century when New Road was inserted through the castle precinct whilst Queen Street was almost entirely rebuilt in the following century. The church of St Peter Le Bailey was demolished in 1873 and a new church built in New Inn Hall Street. In the 1960s and 1970s much of the working class suburb of St Ebbes located east and south of the castle was demolished and replaced by the Westgate Shopping Centre and new traffic routing arrangements, fundamentally changing the character of the area.

106. The area illustrates, in a fragmented way, a number of historical processes: late Saxon town planning (street pattern), medieval worship, Victorian and Edwardian industry, commerce and remembrance. The quality of the public realm as it now exists however, its appearance and character, are heavily compromised by the existing Westgate Centre, multi storey and surface car parks. These latest redevelopment proposals represent a further phase of change. As with the previously approved scheme the proposed development seeks to knit the development into the framework of the city with cross streets reconnecting historic street patterns truncated by the current Westgate Centre.

107. The illustrative masterplan accompanying the planning application presents a hierarchy making up the development and its environs. A number of existing public spaces already exist adjacent to the development at Bonn Square, Pennyfarthing Place, and west of Norfolk Street. To these are added new public spaces at "Middle" and "South" Squares, plus a smaller space at the west end of Abbey Place and along the eastern edge of the Castle Mill Stream. These are linked by a series of thoroughfares, variously described as streets, arcades, or lanes, intended to recreate a viable and logical public realm. The two "arcades" traverse the existing Westgate and the new block 3 from north to south, but are not intended to display the character of a modern air conditioned indoor shopping mall, but to create the feel of a more traditional arcade, roofed but with external grade materials and naturally ventilated. To the perimeter of the development the existing alignments of Castle, Norfolk, Thames and Old Greyfriars Streets are essentially retained but with the potential to improve their current poor quality and bring life, vitality and interaction back to them once again. In the Masterplan the cross routes from Pennyfarthing Place to Castle Street near the junction with Paradise Street; the route from Turn Again Lane to Castle Street south of Paradise Street; and the short route from Old Greyfriars Street to South Square are described as lanes. That should not be construed as meaning they are of a lesser order in terms of pedestrian movement however, as their presence is critical to the re creation of convenient and logical routes into and through the development.

## ii. Assessment

108. For these routes and spaces to be successful requires not only physical connections being provided but also for the new streets and lanes to be 'populated' with active frontages. Herein lies the challenge as the proposals provide for the continuation and extension of inward facing shopping streets. The parameters plans seek to mitigate this and indicate levels of use and activity to external streets that must be achieved. Nevertheless, there are some external elevations, for example at block 2 to Thames Street where some window openings etc are possible but where the sense of animation and interest would still rely heavily on architectural modelling of the elevation, materials and texture, rather than on extensive 'active frontages'. Historic precedents, such as New College Lane indicate that to be successful as much depends on the nature of the spaces between buildings as the nature of the buildings themselves.
109. To compensate the parameters plans show the provision of public spaces along the routes, to provide 'incidents' where the spatial qualities can be different and the type of activity varied with a sense of a destination to draw people along the less active frontages. To be successful these spaces need to 'feel' part of the external street network and not merely at the junction of, or at the end of, the retail frontage. The nature and quality of materials, the architecture of the buildings enclosing the spaces, the activities within them, and the extent and manner in which the space is roofed over will be critical to creating a successful place. These matters have been central to the discussions that are ongoing with the applicant, leading to the reserved matters submission if the outline application succeeds.
110. To be successful the new streets and squares need to be more than a destination for shopping. The development must also serve to reinforce the distinctiveness of Oxford and its heritage. Serving retailing trends and shopper preferences alone may secure short term wins but to be resilient the development needs to have an identity beyond main stream shopping brands. The quality and nature of the public realm will be critical to the creation of a sense of place and local identity, as much as would distinctive architecture. The principles to help secure this are in place, but the attention to detail and ongoing management will be critical.

## **Landscaping**

### **i. Explanation.**

111. The proposed development would involve clearance of all the existing landscape trees and semi-natural riparian vegetation within the application site with the exception of a crack willow located at the north western corner of Abbey Place car park, which is part of a larger group of trees straddling land along Castle Mill Stream. In the planning application as originally submitted 3 large plane trees within the embankment to the south side of Thames Street were also proposed for removal. However with the amendment to the adjacent junction and pedestrian crossings at this point there is no requirement for them to be removed and they are now proposed for retention.
112. In total the proposed tree removals amount to approximately 50 individual trees and tree groups, including 25 which were assessed as 'high' or 'moderate'

quality category trees, using the assessment criteria of BS.5837:2012- "*Trees in Relation to Design, Demolition, and Construction – Recommendations*". The extant planning permission would have involved the removal of these same trees. This level of tree removal as a proportion of the site's total existing tree stock represents a substantial arboricultural impact. However, it is important to consider that these trees were planted as part of landscaping for the original Westgate development in the 1970s. Trees, shrub beds and grass verges were designed within this context and their landscape value relates principally to their contribution to the setting of the existing Westgate site. Good design principals dictate that major redevelopment of the site requires a fresh landscape strategy which responds to the needs of the proposed development.

113. The most significant impact of the development in landscape terms would be the loss of the group of plane trees along Castle Street, which currently soften the austere facade of the County Hall building. The proposals require removal of this group in order to facilitate a bus lay-by and waiting facilities. The landscape rationale for the presence of the tree group is not removed by the proposed redevelopment however and quality replacement planting at one or more key locations in this vicinity be prudent to avoid a residual harmful impact on public views from Bonn Square and the north end of Castle Street. The young "Tree of Heaven" (*Ailanthus altissima*) at the entrance to Westgate is also lost, in order to allow alteration to the frontage of Westgate and provide greater circulation space. Again its loss was previously accepted.

114. It is stated that the principals set out in the Illustrative Public Realm and Landscape Strategy for the Westgate Centre development are underpinned by objectives to re-establish the urban grain and permeability of the site, and to extend the quality of the city centre streetscape into the Westgate. Soft landscaping within public areas of the historic city centre is characterised by low density tree cover but with prominent individual trees of substantial presence making a high visual impact in views associated with important heritage buildings. The landscape strategy submitted with the planning application therefore identifies various locations for particular attention as significant new landscape features. These are the waterfront by Castle Mill Stream connecting with the pedestrian routes from Paradise Street; the junction of Old Greyfriars Street and Turn Again Lane; and South Square. Indicative boulevard style tree planting is also shown along Thames Street, though an opportunity also exists to explore a different approach to the landscaping of this space. Each space has the potential to create attractive landscape design opportunities, subject to adequate space being provided above and below ground to enable plant establishment and development.

ii. Assessment.

115. The scale and configuration of the re-vamped Westgate Centre dictate that a future landscape design will inevitably be different in form and include fewer individual trees. This impact has been accepted in principal in the adopted Core Strategy and the West End Area AAP, and precedent established under the previous planning permission. Consideration of opportunities for landscape measures to provide mitigation for the loss of existing trees and to enhance the aims of the landscape and public realm strategy have to be framed within the

context of a more densely build site therefore. Careful identification of replacement tree planting at strategic locations is critical for its contribution to the visual articulation of the development, extending something of the character of the historic city centre to the Westgate site. The tree planting should complement attractive building facades rather than being employed as a device to obscure buildings of mediocre quality, with breaks or curves in the tree alignment used to reveal or direct the eye towards individual buildings or entrances, thereby enhancing active frontage design.

116. The landscape strategy also relies upon existing trees outside of the development to frame the site and lend landscape maturity, such as along the eastern side of Old Greyfriars Street and Paradise Square off Norfolk Street. An opportunity exists to increase the value of these public spaces, in the case of the latter perhaps with the existing boundary treatment altered to enhance the effect. As the land does not form part of the planning application site however, then any alterations here would be required to be funded from CIL payments.

117. Overall, the illustrative landscape plans accompanying the planning application rely heavily on planting within hard surfaces and in complex environments such as over basements. Sustainable drainage measures should be incorporated with designs for optimal tree rooting zone requirements, and engineering requirements for paving. The landscape strategy provides a list of tree species identified as possessing characteristics that mitigate issues associated with such physical site constraints as a high water table and artificial planting pits, and that address issues such as future - proofing for climate change, emerging disease risks etc. However the list is dominated by 'cultivars', (clonally cultivated species forms, chosen for their desirable characteristics), that are especially susceptible to plant disease problems. Further consideration therefore needs to be given to the final choice of species at the reserved matters stage, as well as ensuring that building footprints do not preclude the establishment of future landmark trees at key locations.

## **Highways, Access and Parking**

### **118. General Transport Strategy**

The refurbishment and extension of the Westgate Centre for a retail led development is brought forward in the context of the City and County Councils' long established policies of city centre traffic and parking restraint. Replacement car parking is intended to be provided at slightly lower levels than exist currently on site, with improvements for other means of accessing the city centre. In transport terms the main features of the proposed development are:

- a potential increase of up to 96,447 sq m in retail and leisure floorspace;
- the creation of new pedestrian and cycle routes and spaces;
- a realigned bus priority route with up to 11 new or improved bus stops to Castle Street / Norfolk Street and 2 further bus stops to Thames Street;
- provision of more than 1000 cycle parking spaces on or off - site;
- a taxi rank to Old Greyfriar's Street for up to 10 taxis;
- a 2 level underground public car park for up to 1100 vehicles with remote variable message signage; and

- dedicated servicing facilities for retail and other uses.

119. As a consequence of the development it is anticipated that not only would visitor numbers increase, but that visitors would stay for longer durations. This has implications for public transport and other means of accessing the city centre, and in terms of public car parking would mean more parking spaces being occupied, and for longer periods. In turn this may mean there are more times when parking is at capacity at Westgate. Means of access other than the private car will therefore be required to respond accordingly as there would be no additional city centre parking capacity. In this regard survey data from 2013 undertaken by the applicant indicates that 73% of all trips into and out of the city centre are already made by non - car modes (including Park and Ride), suggesting that the city is well placed to respond to the challenge.

120. Moreover evidence from studies elsewhere indicates that any increase in retail floorspace will not result in a direct proportional increase in trips generated. This is because the increase in trade would in part result from existing visitors staying longer and spending more, and / or making less frequent but longer visits due to the greater range of goods on offer.

121. Transport Assessment.

In support of the planning application a full transport assessment was submitted which estimates the travel demands generated by the development and how these might be accommodated within the existing transport structure whilst respecting the principle of traffic restraint. The scope of the assessment was agreed beforehand with the Highway Authority and was based on Department of Transport guidance. Given the number of car parking spaces at Westgate would reduce by between 110 and 210 spaces to a range of 900 to 1100, then there would be a limited number of new trips being able to use the car park, especially on Saturdays, and therefore additional trips would be required to be made by non - car modes.

122. The transport assessment sought to estimate where the additional trade to Westgate was likely to be drawn from, utilising information from the Retail Statement accompanying the planning application. This indicates that the largest part of the total trade increase would come from the city itself and its immediate environs at 42.5%, with surrounding areas contributing as follows: Cherwell -15%; South Oxfordshire - 22%; Aylesbury Vale - 5%; Vale of White Horse - 7.5%; and West Oxfordshire - 8%.

123. In summary, the results of the transport assessment indicate that the proposals are likely to give rise to a significant increase in the total number of trips to and from the City Centre during both weekday and Saturday. Across the whole day additional daily mid week trips would total 8,011 into the city centre and 7,429 out of it, whilst the whole day Saturday equivalent figures would be 14,984 and 14,049 additional trips respectively.

124. For weekday peaks it is anticipated that the vast majority of the total new trips would be by non-car modes. In the AM peak, 76% of all new trips arriving and leaving the city centre are by non-car modes. In the inter peak period, 83% of all

new trips arriving and leaving the city centre are by non-car modes. In the PM peak 82% of all trips arriving and leaving the city centre are by non-car modes. These results are to be expected given the existing parking restraints in the city centre and that the number of parking spaces available on the Westgate site would be reduced as a result of the proposed development.

125. On Saturdays when the car park is fuller, transport assessment estimates a significantly higher non-car mode share. During the Saturday inter peak period 95% of all new trips arriving and leaving the city centre would be by non-car modes. The remaining extra trips are assumed to be as passengers in cars. Information supplied by the Highway Authority indicates that the peak Saturday occupancy for the 5 Park and Ride sites is approximately 46%, suggesting that there should be sufficient capacity at the 5 sites to accommodate the additional demand. Over time however the cumulative impacts of Westgate and other developments may require expansion of Park and Ride. Expansion or improvements to Park and Ride facilities is eligible for funding from CIL payments.

126. In terms of the impact on bus services it is estimated that there would be an additional 9,631 trips by local, regional and Park and Ride services to and from the city centre on a typical weekday as a consequence of the development. In terms of local and regional buses there are 143 services each hour (each way) which would result in an additional 1 to 6 passengers per bus during both the morning peak (8.00am - 10.00am) and evening peak (4.00pm - 6.00pm). The greatest increase however would be between 11.00am and 12.00noon for arrivals and 2.00pm and 3.00pm for departures. In both cases an additional 6 passengers per bus is forecast. On Saturday the peak arrival time is at 11.00am and peak departure time 4.00pm. An additional 8 and 9 passengers per bus are forecast at these times.

127. Park and Ride services would similarly be impacted, especially at weekends when a greater proportion of passengers would be shoppers rather than commuters, making use of the improved retail facilities. Some 29 Park and Ride buses per hour (each way) serve the city centre and in the weekday peaks there are estimated to be between an additional 1 and 8 passengers per bus as a consequence of the development. On Saturdays the largest increases would be between 2.00pm and 3.00pm for arrivals and 4.00pm and 5.00pm for departures, when the number of additional passengers per bus in both cases would be 42.

128. The majority of bus services operated by the Oxford Bus Company and Stagecoach are commercial services, and as such it is to be anticipated that the bus companies would seek to review their services accordingly on completion of the development. The Park and Ride sites themselves currently have a capacity of 5,370 car parking spaces. During weekdays the transport assessment forecasts demand for an additional 96 spaces accordingly, still leaving some 1,957 spare spaces. On Saturday an additional 1,276 spaces would be required, but again still leaving 2,890 spare spaces, with each of the 5 sites displaying space capacity. The least spare capacity would be at Water

Eaton but still with 428 spaces available. From this analysis it is clear that the Park and Ride car parks have considerable spare capacity to respond to the additional demands resulting from the development.

129. In addition to the impacts on bus services, the transport assessment also estimates additional rail generated trips. Some 492 additional two way trips in and out of the city centre each week day by rail are forecast as a result of the proposals, with 50 and 68 extra trips at peak times respectively. This represents only 3% of total new trips generated by the development. On Saturdays the equivalent figures are 378 two way trips each day, or 1% of total new trips, peaking at 6.00pm. Whilst these figures represent a very small proportion of the total trips generated to the city centre, by the anticipated opening of the development late in 2017, electrification of the main line to London Paddington would be in place as well as the new Chiltern Line service to London Marylebone via Bicester, which together with increasing rail patronage generally may add further to these figures.

130. Overall on public transport the Highway Authority confirms that the roads and junctions immediately adjacent to the site would be able to accommodate the predicted additional traffic with improvements, and that any increases in traffic on radial routes would be acceptable. Improved rail communications would also make a useful and increasing contribution to public transport provision. A car park management plan would be required however to indicate how congestion would be avoided at Saturday peaks, especially during the Christmas period. This could include features such as variable signage messaging featuring parking information both at and within the new car park, and at remote locations.

131. Car Parking

The existing car parking facilities on site would be replaced by a car park slightly smaller than existing, within the range of 900 to 1100 spaces. Of the car parking spaces 5% would be for disabled use, a further 3% for parent and child use, and approximately 10 spaces for "click and collect". In addition 5% of all spaces would possess electric charging points. A replacement shopmobility facility would also be provided. Pedestrian access to and from the car park would be via stairs, escalators and lifts to South Square and the lane running north from Thames Street, and / or from the lane running west from Old Greyfriar's Street. Direct access to the John Lewis store is also likely to be included. The car park is intended to meet Thames Valley Police "Park Mark" standard for accreditation. The pricing regime for the car park would remain within the control of the City Council.

132. Vehicular access to the car park would be from a point to the south - west corner of the development, east of the existing bridge across the Castle Mill Stream. The two level car park would extend across the greater part of the southern part of the site. The entrance to the car park would be barrier controlled with 3 lanes inbound and 3 lanes outbound. A typical capacity for a single lane barrier entrance would be 360 vehicles an hour, and 320 for exit. Three lane entry and exit is therefore considered to be adequate to meet demand. Approximately 20 spaces for queuing off the highway are proposed



on entry.

133. In addition directional signage would be provided within the car park advising drivers of areas of the car park where spaces are available. It is also intended to provide the data to link with Variable Message Signing (VMS) operated by the Highway Authority on or near ring road locations to provide drivers approaching Oxford with up to date information on the availability of parking facilities, and direct traffic to Park and Ride if car parks are full or approaching capacity. Parking information can also be provided on - line so that drivers can check availability before they commence their journeys.

134. During construction temporary car parking would be available at the Oxpens Coach Park, with coach facilities relocated to Redbridge Park and Ride. Reports on these arrangements appear separately on this agenda.

135. Cycling Facilities.

Based upon Local Plan requirements some 1,528 cycle parking spaces (764 stands) would be required to serve the development, including 373 for staff use. The existing 154 spaces at the Bonn Square entrance would be removed as a result of the development. Some of this provision would be made on site, though it is unlikely that the full requirement could be made in that way. It would be anticipated however that staff and a proportion of the remaining requirement would be on site, the former in safe, covered and convenient facilities. Off - site provision would need to be met via CIL funding. In addition it is intended to provide a "cycle hub" where secure cycle parking, cycle shop with repair facilities and possibly a café would be provided. Early discussions suggest that the most likely location is at the northern end of Old Greyfriars Street at the corner with the new east - west link from Turn Again Lane through to Castle Street.

136. In view of the amount of pedestrian movement and activity within the development, then as with Queen Street and Cornmarket Street, the 24 hour east - west route would require cyclists to dismount during the middle part of the day, but would be available at other times. Cycle lanes at Thames Street would be retained and cycle use available along the bus priority route at all times.

137. Servicing.

Servicing for the development would take place via two service yards. The northern one would consist of the existing facility serving the Westgate Shopping Centre, which would be accessed from a point further east than currently, at a point at the northern end of Old Greyfriars Street. A new southern service yard would be located underground, accessed via a traffic controlled entry at the south - east corner of the development. This would be accessed via the bus priority route and would serve the accommodation within blocks 1, 2 and 3. For block 1A a small service area and loading bay is included and incorporated along the bus priority route. Service and refuse vehicles would be permitted to use the bus priority route outside of peak hours.

138. Travel Plan.

A full Travel Plan (or Travel Plans) will be required by condition to support the proposals. This should seek to reduce reliance on the private car by encouraging other modes and set targets accordingly, with a requirement for subsequent review. The Plan should focus in particular on the two main groups travelling to and from the development, namely the workforce and retail and leisure customers. It is indicated that a travel plan coordinator would be responsible for the management of the Travel Plan with a working group established which would include representatives of the various occupiers on site. This group could also usefully include representatives of City and / or County Councils. These arrangements are supported by City and County Councils and would be secured by planning condition to the permission if granted.

139. Construction.

A construction programme of approximately 32 months is anticipated for the development with vehicle movements peaking at a point when the lower ground construction works coincide with the superstructure construction. It is anticipated that there would be 3 construction access points to the development, with vehicles likely to approach via Botley Road and exit via Abingdon Road, making use of left in / left out manoeuvres to minimise disruption or inconvenience to other traffic. Vehicle movements during the busiest construction period would amount to perhaps 50 two way movements each hour, or at average of 18 movements (9 in, 9 out) at each entrance gate. It is anticipated that traffic marshalls would be employed accordingly with deliveries etc timed to avoid morning and evening peak traffic times. Hours of working would be from 8.00am to 6.30pm weekdays, and 8.00am to 1.00pm Saturdays, with no working on Sundays or Bank Holidays. Any exceptional requirement for work outside these hours would be by prior agreement. Contractors would not be permitted to bring vehicles to site but would be bussed in accordingly. All these and other requirements would be controlled by a Construction Environmental Management Plan and Construction Travel Plan secured by condition.

140. Pedestrianisation of Queen Street.

The pedestrianisation of Queen Street is an agreed aspiration of both the City and County Councils, as well as the applicants. Queen Street currently plays an important part in the bus network for through services and as part of a turning loop for terminating services. It is important to be clear that the proposed Westgate development does not in itself deliver the pedestrianisation of Queen Street however as it falls outside the control of the applicant to do so. Nevertheless the proposed provision of new bus stop facilities and rerouted bus priority route would deliver most of the elements required for Queen Street to be pedestrianised. In particular, the proposed bus stop provision in Castle Street, Norfolk Street and Thames Street combined with the reorganisation of stops in St Aldate's and the High Street, would ensure that all buses which are currently routed via Queen Street could be accommodated by the new bus priority route. To achieve pedestrianisation it is essential for the City and County Councils to continue to work together with the bus companies, to identify and agree solutions to remaining issues.

Mechanisms are already in place to do so with an agreed intention that pedestrianisation of Queen Street should take place on completion of the Westgate development

141. In summary the salient points in terms of transport strategy are that:
- the city centre is the most sustainable location for development within the City and County;
  - car trips are directly linked to car parking supply, which is reduced in these proposals;
  - the traffic generated is not significant, particularly in the context of the size of the development and the significant reductions in city centre traffic achieved over the last 20m years; and
  - the adopted policies of City and County Councils are designed to accommodate significant new city centre development without the need for commensurate increases in traffic and public car parking.
142. Officers of both City and County Councils are satisfied that the additional demand on the City's transport infrastructure can therefore be accommodated by the provisions of the strategy outlined above, and that the development can be delivered without large increases in traffic volumes, or the need for additional car parking. To that extent the strategy is seen as sitting squarely in line with long adopted and successful policies of traffic and parking restraint.
143. Lastly, during the course of public consultation various detailed queries were raised by interested parties in relation to the highways and traffic information supplied. These and short responses to them are attached as **Appendix 8** to this report.

### **Residential Accommodation**

144. Policy CS5 of the Core Strategy allocates the West End for strategic mixed use development that includes significant housing provision in the range of 700 to 800 units. As such the provision of housing on the application site is in accordance with this policy. Policy CS22 goes on to set Oxford's housing target to 2026. The Westgate site is identified in the current and previous Strategic Housing Land Availability Assessments as a site with potential to provide significant housing, contributing to Oxford meeting its five year housing land supply. The West End AAP indicated that the Westgate development would be a significant site in contributing to delivering housing in the West End. The assessment at that time was based on the previous 2007 planning permission which provided 127 dwellings, estimated to deliver between 15% and 18% of new housing in the West End. Whilst these were indicative figures only, the Westgate was expected to make a significant contribution to housing delivery.
145. The current outline application indicates residential accommodation in the range of 27 to 122 units, with the upper floors of block 1A being the most suitable location. However this would provide approximately 50 x 1 and 2 bed units only, with the other identified location to the west side of Old Greyfriars Street as part of block 3 being less favourable due to the challenges of providing single aspect accommodation only at this point.

146. Moreover policy CS24 of the Core Strategy requires 50% of the dwellings on site to be affordable whilst policy WE16 of the West End AAP and policy HP3 of the Sites and Housing Plan also require a tenure mix of 80% social rented and 20% shared ownership / intermediate.
147. In consultation with colleagues within the Council's Housing Services however it emerges that neither of the two possible sites for affordable housing are ideal for this type of accommodation. To the east side of Old Greyfriars Street the accommodation would be in the form of single aspect flats abutting the eastern face of block 3, with access taken from Old Greyfriars Street. The units could only be provided at ground and first floor levels and would be constrained by the need to accommodate commercial floorspace within this block to its rear. The applicants have further commented that meeting Lifetime Homes requirements for level thresholds cannot readily be met within the units, nor would external amenity space be available. Balconies could be created but would directly overlook the proposed service access and taxi rank. Although the detailed form of the units is not known at this stage, it would be difficult to give secure access where flats would probably have their own front doors directly onto the footway.
148. The other location indicated for residential accommodation is to the 2<sup>nd</sup> to 5th floors of block 1A to the west of the site overlooking the Castle Mill Stream with retail and commercial uses below at ground level. This area would be a focus for leisure and retail activity. Amenity space can be provided here in the form of balconies which would make the flats suitable for single people and possibly young families. However, the expectations for the way this part of the development would function, given the uses and the promotion of 24 hour access across the development, mean that this location is not considered optimum for affordable housing either. There is a further concern that, as the block is likely to be built to a high specification to maximise values, the level of service charges which would have to be set would make rented and shared ownership units alike unaffordable.
149. The alternative to on - site provision at these two locations would be, exceptionally, a financial contribution to off - site provision which would give the City Council as Housing Authority the opportunity to optimise the affordable housing potential of more suitable sites, such as Oxpens, where the scale of development means a more comprehensive range of housing needs can be met in a more sustainable residential environment. This has the advantage of assisting in bringing forward an element of affordable housing at that location at an early stage. This is an approach favoured by the applicant who is prepared to make a financial contribution in line with Appendix 2 of the Sites and Housing Plan, subject to viability, that is to say a contribution of 15% of the sale value of all the residential units on site. This would be secured by S.106 agreement.

## **Employment**

150. Currently the Westgate Centre directly employs approximately 850 staff, or about 650 full time equivalents (FTE), in retail outlets, library, centre management etc, whilst the two car parks at Oxpens and Redbridge employ 7

full time and 2 part time staff. Added to these figures further jobs are created indirectly in the city and wider region. There are approximately 25 FTE jobs at the nightclub in Oxpens which would be lost.

151. During the 32 month construction period it is estimated that there would be between 300 and 400 construction workers involved in the development, peaking at perhaps 450 towards the end of construction period when fitting out of premises was under way. These would not all be of traditional trades such as bricklayers, plasterers, plumbers or carpenters however as there would be an amount of off - site manufacturing and construction in the interests of sustainability, reducing travel and the length of construction. There would however be some employment losses during demolition and construction as part of the existing Westgate development was redeveloped, but this would be far outweighed by construction workers at that time. All tenants currently located in that part of Westgate to be retained and refurbished could potentially remain on site and continue to trade. This is estimated to amount to approximately 470 FTE jobs.

152. On completion of the development new employment generated has been calculated by applying typical job density ratios to the total floorspace for the various uses within the development:

- Class A1Use: Retail - 19 sq m per FTE employee.
- Classes A2 to 5 Uses - Banks, building societies, restaurants, cafes, bars takeaways: 17 sq m part employee.
- Class D1Use: Library - 36 sq m per employee.
- Class D2 Use: Cinemas - 90 sq m per employee

153. Depending on the total floorspace constructed and the proportions given over of the various uses permitted, then the direct employment for the enlarged centre is estimated to be in the range of 5,040 to 5,520, or 3,440 to 3,760 FTE. The bulk of this would be generated by the retail element. Allowing for 850 jobs already existing, this means new direct employment in the range of approximately 4,190 to 4,670 (or 2,790 to 3,695 FTE) could be expected, plus a proportion of indirect jobs. Of these approximately 80% would be employed in retail related jobs, and 20% in leisure and other activities. The John Lewis department store alone would be expected to employ in excess of 400 employees. Recruitment would be aimed at local sources which would inevitably mean some transfer of existing retail workers at various levels to the new outlets.

154. In order, at least in part, to “backfill” such losses but also train local people for the new posts arising, then in negotiation with the applicant agreement has been reached that an Employment and Skills Strategy would be required, aimed at developing employment skills, especially for young and disadvantaged groups. This would be secured by planning condition and would specify the provision of training opportunities to improve vocational and employability skills to deliver the new jobs and employment opportunities required, but also provide wider employment and training benefits. The strategy would be drawn up by the applicant and approved by the City Council as local planning authority in consultation with its partners, including

Oxfordshire County Council. The main priorities of the strategy are envisaged to include the development of training and skills projects which aim to promote opportunities for young people through “employability” programmes; increased apprenticeships; targeted schemes aimed at NEETS; and developing skills awareness and career path projects with schools and skills providers.

155. The strategy is also envisaged to ensure that sufficient courses are available and supported in sectors directly related to the development itself, such as the construction, retail, hospitality or wider service sectors. Since the labour market within the city is tight it will be important to ensure that a sufficient supply of people are trained and up - skilled ready to meet the job opportunities arising from the new development. This approach is in line with the emerging Skills Strategy being developed by the Skills Board and the Local Enterprise Partnership, alongside key partners such as the City Council other Districts and local agencies and training providers. Furthermore it will be important to use the knowledge of the forecast economic growth in Oxford and the surrounding area to focus future training within the key sectors where future job opportunities may arise as the impact on the local job market will potentially be very significant. In addition supply chain opportunities would be promoted both during and after construction to ensure that local businesses can maximise economic benefits, whilst a further requirement of planning permission if granted would be that in the procurement of contracts for the development, that shortlists for tendering should include at least one locally based contractor. Again this would be secured by condition.

156. It is clear from this that the development brings with it not only substantial employment opportunities directly from the development itself, but also indirect employment benefits, and opportunities for the young and disadvantaged in particular to improve their skills and employability through training.

## **Retail Impact Assessment**

### **157. Current Position**

The existing Westgate Shopping Centre comprises some 34,610 sq m of gross external retail floorspace in 37 retail units. Permission exists in the extant planning permission to extend this to 62,062 sq m. As an outline planning application the proportion of floorspace given over to retail use as opposed to other uses is not precisely defined in these latest proposals. However the development is retail led with a minimum of 82,013 sq m of retail floorspace (existing and proposed) envisaged and a maximum of 109,435 sq m (existing and proposed). However the achievement of the higher figure would be at the expense of other uses, in particular other Class A uses (ie offices for banks, building societies etc, restaurants, cafes, bars and takeaways) which are indicated to occupy in the range of 6,500 to 27,017 sq m. These other uses together with the envisaged cinemas and residential accommodation form important elements in what is a more mixed use development than previous proposals. **Appendix 4** indicates the range of floorspace envisaged for each of the uses making up the planning application,

as described previously in this report.

158. The Core Strategy identifies the city centre as a regional shopping centre and the principal retail destination in the city. Moreover in the now revoked South - East Plan Oxford was identified as a “*Primary Regional Centre*”, and one of 12 “*Centres for Significant Change*”, the others nearest to Oxford being Reading and Milton Keynes. However despite the intentions of the South - East Plan, as previous proposals to extend the city centre’s retail offer have failed to reach fruition, then so Oxford has lost status to other competing centres, and now ranks well below them in terms of the range and quality of its retail provision. At the time of the 2006 application to extend Westgate it was reported that an index of towns in terms of their retail offer ranked Oxford at no. 44, having been ranked 37 in 1998 / 1999.

159. In this latest submission a separate “*Venturescore*” assessment in April 2013 by the Javelin Group ranks Oxford at 42, compared to this assessment’s ranking of 33 in 2009. Oxford’s current ranking of 42 compares with similar sized towns and competing centres of 14 for Reading, 20 for Bath, 23 for Exeter, 26 for York and 34 for Cambridge. Attached as **Appendix 9** are the top 50 UK retail centres as ranked by Venturescore.

160. This has inevitably meant that the City has lost income and employment to other competing centres which have improved their retail offer as customers from the city’s catchment have travelled instead to Swindon, Reading and Milton Keynes in particular as well as other lower order centres for many of the retail needs, when shopping at Oxford would be more sustainable. This decline in the relative attractiveness of Oxford’s current retail offer is also reflected in the total absence of key national retailers such as John Lewis, House of Fraser, Apple, Banana Republic, Hollister, H and M, Mango, Urban Outfitters and All Saints which are typically well represented in competing towns and cities.

161. At the same time some 6.7% of retail units within the city centre are vacant. Whilst this is greater than at the time of the first Retail Needs Study in 2003, (4%), this is as a consequence of the general downturn in the retail market and is well below the national figure of 12.2%. Vacancy rates in competing centres such as Reading (19.8%), High Wycombe (14.9%) and Milton Keynes (10.5%) are considerably higher. The relatively low vacancy rate in Oxford reflects the demand for retailers such as those indicated above to be represented in Oxford despite the higher rent levels than elsewhere. However the small average size of vacant unit within the city centre of 164 sq m is unlikely to be attractive to national retailers seeking to be represented in the city, though a number already trade from such premises. Overall the low vacancy rate and high rental levels are an expression of the high demand for floorspace but shortage of supply.

162. Retail Survey

These indicators of a poorly functioning retail offer in relation to Oxford’s importance as a sub regional centre were also highlighted in a householder shopping survey undertaken by the applicant. This consisted of a telephone

survey of 1000 households in March 2013. The survey was conducted within a study area with a population of 572,400 roughly approximating to the County.

163. This was the same study area as used for the Oxford Retail Needs Study of 2003, allowing a comparison to be made, for example, in terms of market share over a 10 year period. The survey indicated that for 2013 only 24.8% of all non - food “comparison” shopping generated from the survey area took place within the city centre, and indeed only 51.1% from within the immediate Oxford area. Moreover in terms of clothing and footwear for example, the expenditure on these items within the city centre had declined from 50% of all expenditure from the study area in 2003 to 36.8% in 2013. Further, of the total expenditure on various categories of goods a high rate of “leakage” to other centres was evident. In addition, in terms of dwell time, the survey indicated that for respondents using Oxford as their main shopping destination they spent an average of 1.75 hours within the city centre, with less than 6% spending more than 4 hours despite the City’s many other attractions. These figures compare with average corresponding figures of 2.56 hours and 6.2% for the competing centres of Milton Keynes, Reading, Swindon, High Wycombe and Aylesbury.

164. On other findings of the survey, of those using the city centre as their principle non - food shopping centre, 57% arrived by means other than the private car, in marked contrast to just 14% at competing centres outside the study area. Whilst parking and accessibility issues are clearly an important factor, such concerns were also raised in relation to competing centres where car parking is more widely utilised as a mode of transport to the centre. Clearly there are aspects of the shopping centre itself which are not appealing to potential customers.

165. Overall the survey suggests that whilst other competing centres have improved their retail offer and therefore their attractiveness to customers, Oxford’s city centre has failed to do so, with a result that it has become relatively less attractive as a shopping destination for increasing numbers. In the period since the 2003 Retail Needs Study other competing centres have improved their retail offer but no major extensions to the retailing floorspace within the city centre have taken place since the conversion of the Debenhams site in the late 1990s, with only the current modest extension to the Clarendon Centre having been achieved since.

166. Retail Policy.

Locally based policies of the Core Strategy and West End AAP firmly establish the principle of a major retail led redevelopment on the current site, despite part of it falling just outside the defined Primary Shopping Area, as indicated earlier in this report. Whilst this might make the site edge of centre in a strict interpretation of national policies, in all practical senses the development is assessed as being a city centre site as it is well integrated with the rest of the Primary Shopping Area as required by the NPPF.

167. The NPPF requires that retail provision be located at established centres



in the first instance, rather than at out of town locations. Paragraph 24 therefore states:

*“Local planning authorities.....should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.”*

168. This is within the NPPF’s requirement that planning policies should also:  
*“...be positive, promote competitive town centre environments and set out policies for the management and growth of centres”* and:

*“...set out a clear economic vision and strategy for the area, which positively and actively encourages sustainable economic growth.”*

169. Consistent with this approach policy CS1 of the Core Strategy indicates:  
*“The city centre will be the main location for developments attracting a large number of people. In particular, planning permission will be granted for development that supports its role as a Centre for Significant Change, such as major retail, leisure, cultural and office development. Most major development will be focussed in the West End of the city centre”.*

170. Moreover the local planning authority’s retail policies are supported by the Oxford Economic Growth Strategy approved by the Oxford Strategic partnership (OSP) in January 2013. The strategy identifies amongst its key recommendations the importance of strengthening Oxford’s retail offer. The direct and indirect employment opportunities arising from the retail offer and more widely from the development are referred to the preceding text.

171. As the Westgate site has long been established in the Local Plan as well as now in the Core Strategy and West End AAP as the only opportunity for a major new retail development at a central location, then the current application represents a positive responses to the intentions and aspirations of both local and national policy, offering the potential for a first class retail development commensurate with the City’s status as a sub regional centre.

172. Retail Impact and Trade Diversion.

Although the impact of new retail developments is not required by the NPPF to be assessed if the development in question is at a city centre site and in accordance with an up - to - date Development Plan, nevertheless an assessment of the impact of the development is included with the planning application. The assessment estimates that the potential annual turnover for the new development at 2011 prices would be £354.53m. This is based on a sales density of £6,000 per sq m for the majority of retail outlets, and £6,750 per sq m for the department store. In turn these figures derive from updating the Council’s Retail Needs Study Update to 2011 prices, and on the basis of the projected trading performance estimated by the John Lewis Partnership. Of the total turnover figure of £354.53m, 85% or £301.35m derives from the catchment study area referred to above, and the remaining 15% from outside the catchment area, made up of students, tourists and other visitors.

173. Moreover £69.9m of this turnover (or 23%) is estimated to derive from trade diversion from existing facilities within the city centre, representing 10% of its existing turnover. However with anticipated growth in the city's population, future turnover from existing retail outlets would still be in excess of the current turnover figure. The remaining £231m of turnover (or 77%) for the new centre would be diverted from other competing centres, in particular from within the existing catchment areas for High Wycombe (£36.8m or 12.2%), Swindon (£33.8m or 11.2%) and Reading (£43.4m or 14.4%). These sums represent a relatively small proportion of those centres' total turnover however. For example a diversion of £43.4m from Reading represents only 4% of its turnover.

174. Other trade (£21m or 7%) would be diverted from the county towns within the study area; from Oxford's district centres (£6.6m or 2.2%); and from its retail parks (£27.4m or 9.1%), but again the "loss" of trade here as elsewhere would be offset by future natural growth at these centres. In terms of the district centres trade diversion is expected to be considerably less than for remaining City centre outlets as these centres perform a rather different and supporting function in the local retail hierarchy. It is unlikely that traders at these centres would, for example, seek to relocate to Westgate. Potentially the most affected could be Templars Square in Cowley which has a wider range of retail outlets than the other district centres, though with a recent change of ownership improvements may be expected here in any event, whilst the adjoining Templar's Retail Park has recently received planning permission for refurbishments and minor extensions, some of which have now been completed. As with the City centre however any loss of sales to the city centre would more than be offset by future growth in expenditure which should allow existing retailers to increase their trading performance.

175. Attached as **Appendix 10** is a table extracted from the planning submission which refers and from which it is concluded that the trade diversion from other centres is not considered to be significant in terms of their future trading performance.

176. Assessment.

These proposals are intended to meet a high level of expressed demand from retailers currently occupying what they regard as unsatisfactory accommodation, (or who are not currently represented in Oxford at all), and to free up other accommodation better suited to the needs of independent retailers. The low vacancy rate of 6.7% compared to a national average of 12.2% and rentals which are significantly higher than in competing centres are indicative of a retail centre which is "overtrading," and where there is a continued demand and lack of floorspace in both quantitative and qualitative terms. The applicant argues that an expansion of city centre retail facilities is therefore essential if Oxford is to retain sub regional status in retail terms and to compete successfully with other centres. Moreover the experience of other comparable developments elsewhere has persuaded Officers that the fear of large numbers of vacant properties arising from an extended Westgate is unfounded. Indeed the impact is likely to be such as to allow an opportunity

for independent outlets to enter the market and compete for smaller premises as rental values fall for these units which are less suited to the needs of national retailers who in turn have an opportunity to relocate to more modern accommodation better suited to their particular needs.

177. Officers have concluded from its own Retail Needs Study Update and supporting evidence supplied with the planning application that Oxford city centre has been overtrading on insufficient and inadequate floorspace for some years, leading to the erosion of its position in the sub regional retail hierarchy and a diversion of trade to competing centres. An extended Westgate would address these deficiencies, claw back lost trade and improve the commercial health of the city centre whilst not adversely affecting existing retail outlets elsewhere. In accordance with the “sequential approach” to site selection an extended Westgate Shopping Centre represents the most accessible location for retail development and is ideally located to meet the amount of need identified and promote the vitality and viability of the city centre. The proposal will therefore positively promote sustainable development at a socially inclusive location. For these reasons Officers are able to support the planning application in terms of the City’s retail needs.

## **Water Environment**

178. As indicated in the preceding text adjustments to the planning application were made following its submission. As a consequence various calculations relating to the water environment were also required to be amended accordingly, whilst maintaining the same approach to flood mitigation and compensation, and other features. The relevant changes include a minor extension to the basement car park / service yard by approximately 2m; revision of the highway layout to remove the coach “cut through” from the bus priority route to Thames Street; and the potential creation of coach stops further west along Oxpens Road. The text which follows relates to the revised calculations. These changes result in minimal changes only to the calculations.

### **179. Fluvial Flooding.**

A topographical survey of the application site indicates that ground levels vary by nearly 8m from north to south across the application site, falling from 64.2m AOD at the north - east corner to 56.3m AOD to the south. The northern part of the site north of the east - west section of Old Greyfriars Street lies within Flood Zone 1 as defined by the Environment Agency where there is a low risk only of fluvial flooding. The southern section currently occupied by the multi storey and surface car parks lies within Flood Zones 2 and 3 however where there is a low to high risk of fluvial flooding. A two level basement public car park is proposed to be sited across the majority of this southern section of the development to accommodate in the region of 1000 vehicles.

180. In considering development within areas potentially at risk of flooding the NPPF requires local planning authorities to apply a risk based approach through the application of the so called “Sequential” and “Exception” tests.

The Sequential Test seeks to direct development away from areas most at risk of flooding to lower risk areas. If however this is not possible then the Exception Test applies where to comply it must be demonstrated that the development provides wider sustainability benefits which outweigh the flood risk; which demonstrates that the development itself would be safe from flooding for its lifetime and without increasing flood risk elsewhere; and if possible which would actually reduce the overall flood risk elsewhere. The Sequential and Exception test process was undertaken in allocating the West End as a strategic development site, (which includes the Westgate site), in the adopted West End AAP and subsequently in the Oxford Core Strategy. In support of the West End AAP a Level 1 Strategic Flood Risk Assessment (SFRA) was published in June 2007. This was updated when the city wide Level 1 SFRA was updated in March 2011. Moreover Oxfordshire County Council published its Preliminary Flood Risk Assessment (PFRA) in June 2011. That report indicates areas likely to be at risk of flooding based on information in the SFRA.

181. The Environment Agency has confirmed to the applicant that it has no record of the Westgate site having flooded, including in recent flood events. Nevertheless from its own modelling the Environment Agency indicates the peak 1 in 100 year flood level at the application site to be 56.87m AOD. However this does not include any allowance for climate change. Applying the 1 in 200 year flood level, (ie 1 in 100 year plus climate change), required for design purposes, a peak level of 57.11m AOD results. As some parts of the application site at the southern end are as low as 56.3m AOD, then without mitigation works, in the event of a 1 in 200 year event the some land at this point could be subject to flooding of up to a depth of 0.8m.

182. In the proposals residential accommodation is envisaged within Block 1A fronting onto the Castle Mill Stream. The accommodation is intended to be at upper levels, but could also be located at ground floor level. Residential accommodation would also be possible to the Old Greyfriars Street frontage, though this would be more likely to be at the northern end outside Flood Zones 2 and 3, or at upper floor levels. In flooding terms residential accommodation is defined as a "more vulnerable" use in the NPPF and in order to safeguard it from flooding it should be located with a finished floor level set at a minimum of 300mm above the 1 in 200 year flood level of 57.11 AOD in this case. It is proposed that the actual level would be 57.70 AOD or 590mm above the 1 in 200 year level, well in excess of the requirement and safeguarding the accommodation accordingly. If however the ground floor to Block 1A were to consist of other Class A uses such as offices, takeaways, cafes or restaurants which an outline permission would allow for, then it would not be possible to set finished floor levels at 57.70 AOD whilst still providing level access to units and also achieving sufficient space along the Castle Mill Stream frontage to allow maintenance requirements. In terms of vulnerability restaurants (which are the most likely use here at ground floor level) and other uses are defined as less vulnerable in the NPPF and if they were provided at ground floor they would have a finished floor level of 57.00 AOD. This is 0.11mm below the 1 in 200 year event. This is a very shallow depth and in any event barrier protection would be provided to prevent actual

incursion of water. Unlike restaurants bars are regarded as more vulnerable in the NPPF, but as any incursion of water would be minor if it occurred at all, then such arrangements would be acceptable to the Environment Agency. A place of safe refuge would be provided at the higher level of 57.70 AOD if required in any event and dry access available to Castle Street to the north.

183. In terms of the access ramp to the basement car park at the south - west corner of the development, this would be naturally protected from the ingress of water by existing ground levels which would remain at 57.39 AOD, or 280mm above the 1 in 200 year event. For the access ramp to the basement servicing area which would be accessed from the south - east corner of the development, it is not possible to provide natural protection at this point due to the need to retain the carriageway profile and provide appropriate access arrangements for service vehicles. As such the finished ground level would be set at 56.70 AOD at the point of access, or 410mm below the 1 in 200 year level. This level would be overtopped in a potential 1 in 80 year event. In flood conditions ingress of water is proposed to be prevented by barrier defences however to a height of 750mm, 350mm above the 57.11 AOD flood level.

184. In the worst case scenario of a 1 in 200 year event, flood mitigation would also be required to ensure that conditions are not made any worse for existing properties as a consequence of the development. As such compensation for the floodwater displaced by the development would be accommodated within the lower level of the basement car park, capturing water at the lowest point at which they would affect the Westgate site. In an extreme flood event flood water would flow from the Castle Mill Stream south of Thames Street where it would overtop the bank, entering Blackfriar's Road at a height of 56.94 AOD. From here water would flow into Thames Street and then proceed in a westerly direction. In current conditions water would eventually flow into the Abbey Place car park. The flood strategy in a 1 in 200 year event would intercept water at this point via a series of kerb inlet valves or a longer section of kerb drainage. From this inlet structure water would be conveyed via a 375 mm diameter pipe to the lower basement level which would have been evacuated well in advance. The length of the opening to the street would be approximately 10m and would be activated on the onset of flooding in Thames Street and closed when the required volume of water had entered the basement car park. A valve system would be in operation to prevent flooding of the car park during normal rainfall conditions.

185. Modelling has indicated that the Westgate development would displace approximately 10,244 cu m of water in a 1in 200 year event. To accommodate this volume of water the lower basement would be required to fill to a depth of 0.63m. The car park would be separated from the service yard by concrete wall to ensure that water was retained in the lower car park only without leakage to the service yard.

186. Fluvial flooding in Oxford occurs over a period of time extending to several days as river levels gradually rise. Accordingly time is available to fully evacuate the lower levels of the car park before the onset of flooding. Car parking here would be unlikely to be required at those times in any event as

there would be considerable disruption to the city in these extreme circumstances. On cessation of flood conditions water would be drained to the Castle Mill Stream, debris removed and the car park cleaned prior to its use again by the public. Such a system has been used in similar circumstances elsewhere.

187. With these measures in place the Environment Agency has accepted the approach to flood protection, mitigation and compensation subject to agreeing appropriate detailing of arrangements. This means that the development itself would be safe from flooding for its lifetime and without increasing flood risk elsewhere, with the potential to bring an overall reduction in flood risk. The Environment Agency's comments on the planning application are summarised in **Appendix 2** to this report.

188. Surface Water Run Off.

So called "pluvial" flooding can occur on occasions in urban areas following extreme storm events which for a short period may overwhelm water drainage systems. In such an event at this location water would flow from north to south, ponding south of the application site. Mapping by the Environment Agency indicates a small section of Thames Street could be subject to surface water flooding with small localised areas flooding to a depth of between 100mm and 300mm. Overall it is calculated that the local sewer and drainage networks would be capable of dealing with surface water runoff other than in the most extreme storm events, and the risk of pluvial flooding is therefore calculated to be low.

189. Surface Water Drainage.

In order to reduce issues relating to surface water run off various techniques are available, only some of which would be suitable in relation to the Westgate development. The most effective and natural means is via infiltration into the subsoil, via techniques such infiltration trenches, soakaways, permeable paving and infiltration basins. However soil conditions are not conducive to natural infiltration with relatively impermeable alluvium to a depth of approximately 4m with groundwater 1.7m below surface level. Currently surface water runoff discharges to the Trill Mill Stream, Castle Mill Stream and a Thames Water surface water sewer. The proposals seek to mirror these arrangements, maintaining current discharge rates. Attached as **Appendix 11** are various sustainable techniques examined for inclusion in the development. A detailed strategy could include living roofs, rainwater harvesting, permeable paving (wherever possible) and / or underground storage attenuation. In respect of the last of these, attenuation tanks would capture surface water run off during storm events, reducing the impact on the drainage network, before returning it to the watercourse when the event had subsided. The system is commonly in use, including in many developments in Oxford. A condition to the planning permission if granted would require the submission of details incorporating these features to be approved in consultation with the Environment Agency and Oxfordshire County Council.

190. Groundwater.

The geology of the Westgate site consists of made ground overlying alluvium,

sand and gravel with Oxford clay at depth. Groundwater monitoring undertaken by borehole testing indicates that the movement of groundwater is in a southerly direction from the site towards the River Thames not westerly towards the Castle Mill Stream. The basement car park and servicing areas located along this route would be protected from groundwater penetration by “tanking”. Modelling indicates that there would be a rise in groundwater north of the basement as a consequence but that this was unlikely to rise to a level resulting in surface flooding in the vicinity. The risk of groundwater flooding is therefore assessed as being low, a conclusion which has been accepted by the Environment Agency. Nevertheless on the precautionary principle the Environment Agency suggest conditions be imposed relating to groundwater monitoring and dewatering. The Trill Mill Stream would not be adversely affected as this already lies below the existing groundwater level.

191. Diversion of Trill Mill Stream.

The Trill Mill Stream currently passes through the Westgate site entering a brick and concrete culvert at the point of the confluence of the Castle Mill Stream and Wareham Stream just north of block 1A. From here it passes under built development before emerging ultimately in Christ Church Meadow. Flows can be controlled by a sluice gate which is operated by the Environment Agency. In these proposals the stream is diverted to a route north of the basement structures, with new construction works phased to ensure connection is maintained at all times. The current capacity of the culvert would be maintained and no additional risk of flooding would therefore arise from its diversion. Subject to detailing the Environment Agency has again raised no objection to the works proposed.

192. Assessment.

The applicant and its consultant engineers have undertaken careful scrutiny of all matters relating to the water environment in close collaboration with the Environment Agency and carried out detailed studies accordingly. These have been examined by the Environment Agency, Thames Water and County Council who have concluded that impacts would be low and the measures proposed appropriate to meet the needs of the development without impact elsewhere, and in some instances delivering minor improvement to conditions in the local area. Planning conditions would be imposed accordingly to ensure that the necessary details are submitted and implemented following further consultation with the relevant agencies.

## **Air Quality**

193. Oxford was declared an Air Quality Management Area (AQMA) in 2010. The main influences on air quality within the city centre are emissions from road traffic using the local road network with the main pollutants of concern being nitrogen dioxide and carbon monoxide. The key aims of the City Council's AQMA are to reduce emissions through:

- a city wide sustainable travel strategy;
- support the uptake of low and zero emission vehicles;
- reducing freight emissions from light and heavy goods vehicles;
- planning for sustainable transport; and

- managing the Council's transport emissions.

194. Within the AQMA a Low Emission Strategy and Air Quality Action Plan are in place.

195. At a national level the current United Kingdom Air Quality Strategy was published in 2007 and subsequently updated to set new objectives for local authorities in undertaking their local air quality management studies. It introduced a national level policy framework for exposure reduction for fine particulates. The objectives within the strategy are in some cases more onerous than the limit values set out within the relevant EU Directives and Air Quality Standards Regulations 2010. A summary of the relevant air quality limit values and UK Air Quality Strategy objectives are set out in **Appendix 12** to this report.

196. Moreover the NPPF makes several references to issues of air quality, in particular at paragraphs 120, 124 and 152:

*“To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account...”*

*“Planning policies should sustain compliance with and contribute towards EU Limit Values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local Air Quality Action Plan.”*

*“Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate.”*

197. In preparation of the current planning application an air quality assessment was therefore undertaken with the methodology agreed beforehand with Environmental Development colleagues and following published DEFRA guidance. The approach for such assessments is to focus on locations at or close to ground level where members of the public are likely to be exposed. Some 17 receptor locations were agreed in the vicinity of the proposed development, chosen due to their proximity to the road network. Three further receptor points were also included within the application site itself where residential development could be located.



198. The assessment forecasts the outcome for air quality under a number of future scenarios, representing emissions from traffic for the proposed development. It indicates that both with and without the proposed development concentrations are predicted to meet the NO<sub>2</sub> mean annual objective level at all of the receptor points. In summary, utilising the terminology used for such assessments, the effects vary from minor beneficial to major adverse for the various scenarios:

- *Scenario 1: Assuming no growth in buses with Queen Street closed to buses - Potential Effect on NO<sub>2</sub>: minor beneficial to moderate adverse*
- *Scenario 2: Assuming no growth in buses with Queen Street open to buses - Potential Effect on NO<sub>2</sub>: minor beneficial to moderate adverse*
- *Scenario 3: Assuming growth in buses with Queen Street closed to buses - Potential Effect on NO<sub>2</sub>: minor beneficial to major adverse*
- *Scenario 4: Assuming growth in buses with Queen Street open to buses - Potential Effect on NO<sub>2</sub>: minor beneficial to moderate adverse*

199. The full list of forecast effects at the 17 receptor points assuming the 4 scenarios, is attached as **Appendix 13**.

200. Assessment

The modelling concludes that it is unlikely that there would be an exceedence of NO<sub>2</sub> air quality objective levels of 40µg/m<sup>3</sup> provided that baseline pollution levels fall. It is acknowledged however that future forecasts are influenced by changes to the baseline conditions with recent experience indicating that baseline pollution levels are not falling as much as previously predicted, probably due to the impact of a growing number of diesel engine vehicles which emit higher levels of nitrogen oxides in urban conditions. It is concluded that the development should be considered as of "Medium Priority" in relation to air quality impact where mitigation would be necessary.

201. It is recommended therefore that an air quality mitigation strategy should be required, secured by planning condition and S.106 arrangements, bearing in mind that many of the salient factors contributing to air quality conditions fall outside of the control of the applicant to deliver. The applicant is agreeable to such an approach which could include:

- a minimum of 5% of car parking spaces within the underground car park being fitted with electric vehicle charging points;
- a basement car park vehicle management system with data being made available to the Highway Authority to be used in Variable Message Signage (VMS) at remote locations;
- city wide Variable Message Signing (VMS) funded via CIL;
- delivery and service plan strategy with retailers;
- measures to discourage idling of delivery or passenger vehicles on Westgate premises;
- seek to encourage use of low emission vehicles;
- seek to encourage construction vehicles to comply with minimum Euro 6 emission standards.
- a financial contribution towards of £10,000 towards a feasibility study for an off - site freight consolidation facility, contingent on contributions from

- other stakeholders; and
- a financial contribution of £49,000 towards further air quality monitoring over a period of 6 years.

## **Sustainability and Energy Efficiency**

202. In the event of outline planning permission being granted, followed by a reserved matters permission, then it is anticipated that the development would be constructed over a period of 32 months commencing early in 2015 with completion late in 2017. For non - domestic buildings the recently announced Part L 2014 of the Building Regulations would apply. The new Part L requires a 9% reduction in aggregate carbon emissions compared to the 2010 requirement. This approach is consistent with the NPPF which states that in order to support the move to a low carbon future, local planning authorities should:

*“when setting any local requirement for a building’s sustainability, do so in a way consistent with the Government’s zero carbon buildings policy and adopt nationally described standards.”*

203. In addition to the Building Regulations and NPPF, at the local level policy CS9 of the Core Strategy requires the submission of a Natural Resource Impact Analysis (NRIA) which in turn requires a checklist of measures to be submitted and a minimum score achieved in each of 4 separate categories: energy efficiency, renewable energy, materials and water resources.

204. In this context, submitted with the planning application are detailed documents exploring the various energy saving and sustainability measures which could be incorporated into the development. As the planning application is in outline only however, then the full range of features to be incorporated can only come forward with the detailed designs. Nevertheless a strategy is set out with the planning application which aims to:

- *“be lean - adopt passive design and energy efficiency measures;*
- *be clean - enable and implement efficient energy generation and delivery;*
- *be green - assess and implement renewable energy sources.”*

205. In terms of the first aim, the buildings are intended to be designed to facilitate the use of natural daylight and passive solar heating to enable a reduction in energy requirements, for example by proposing simply covered arcades and squares rather than an intensive air conditioned environment. An appraisal by the applicants indicates that an 8.4% reduction in carbon emissions beyond the 2010 Building Regulation standard could be achieved through passive and energy efficient measures alone.

206. On the second aim of energy efficiency, the submission indicates that a district heating system could be explored for the residential accommodation and an energy saving “condenser loop” for elements of the retail and leisure uses, possibly linked to a Combined Heat and Power (CHP) engine. A preliminary assessment suggests a gas fired CHP system could make a reduction in CO2 emissions of 0.6 to 3.0% beyond the 2010 baseline and

contribute 7.2% to 19.5% of the site wide regulated energy demand. A further option would be the use high efficiency Air Source Heat Pumps (ASHP). If implemented site wide the system would reduce CO2 emissions by 3.8% beyond baseline 2010 requirements and contribute 39.1% to on - site regulated energy demand.

207. Lastly, in terms of renewable energy, both large scale centralised technologies such as Ground Source Heat Pumps (GSHP) or smaller scale centralised technologies such as photovoltaics are explored. With a collection area of approximately 1,000 sq m for example a further reduction of 1.2% of the site wide CO2 carbon emissions beyond the 2010 baseline would be possible, contributing 0.8% of the site wide regulated energy demand.

208. In the wider context some 45 separate targets are identified in the sustainability strategy accompanying the planning application. These are reproduced as **Appendix 14** to this report.

209. Moreover in a further submission the applicant has committed to:

- exceed national and local policy requirements based on the 45 targets referred to above;
- adopt lease arrangements to ensure sustainable objectives are met by individual occupiers;
- achieve Code for Sustainable Homes Level 4 for the residential accommodation;
- achieve BREEAM excellent standard for the John Lewis store;
- achieve BREEAM excellent standard site wide where feasible in collaboration with individual occupiers;
- achieve a minimum NRIA score of 8;
- divert at least 90% of operational waste from landfill, with a target of 99%;
- divert at least 90% of construction, demolition and excavation waste from landfill;
- reduce carbon emissions by 40% (per sq m) relative to pre development conditions;
- achieve a minimum of 20% of the energy needs by Low or Zero Carbon (LZC) technologies, via a Combined Heat and Power (CHP) system and / or Air Source Heat Pumps (ASHP);
- explore the potential for photovoltaics in collaboration with Oxford Photovoltaics and Low Carbon Hub;
- achieve whole life CO2 emissions reduction of approximately 44,200 tonnes;
- use materials with an average of 25% recycled content;
- use 80% of materials A+ or A rated under the BRE Green Guide;
- use timber only from FSC certified sources;
- implement development in accordance with Flood Risk Assessment as supported by the Environment Agency;
- construct all residential properties to “Lifetime Homes” standards;
- achieve Secured by Design and Park Mark standards;
- use native plants in landscaping schemes which do not require artificial

- irrigation;
- provide cycle storage for residents, employees and visitors to Westgate; and
- draw up Travel Plans in support of the development.

210. Assessment. Officers welcome the commitment to exceeding policy requirements, with an anticipated minimum NRIA score of 8, and at least 20% on - site renewable energy. The aspiration to achieve much higher levels of sustainability and energy efficiency through measures such as leasing arrangements with tenants is also fully supported, enabling an exemplar development to be achieved which would be the most sustainable shopping centre in the UK.

## **Biodiversity**

211. The planning application site is not subject to, or adjacent to, any statutory nature conservation designations. Nevertheless the Environmental Statement accompanying the planning application reviewed the nature conservation significance of the site. Baseline information was derived from data searches from published sources plus an on - site habitat survey undertaken in March 2012 for bats, nesting birds, water voles, white clawed crayfish, otters and invertebrates.

212. The data search and survey work identified little evidence of bat activity and concluded that it was unlikely that any roosting or hibernating bats were present on the site, and that opportunities for foraging were limited, with the exception of the Castle Mill Stream corridor. Similarly for nesting birds. Although several common species were recorded, the 2012 survey found no evidence of active bird nests, though several disused ones. Again it was concluded that whilst the Castle Mill Stream corridor was of potential ecological value and possessed foraging opportunities, it was unlikely that any large or notable bird populations was present. Nor was any evidence found of water voles, with the majority of the site being of negligible ecological value in that regard. The Castle Mill Stream would provide sub optimal habitats however and some potential commuting opportunities. Similarly no records of white clawed crayfish were found at the Castle Mill Stream though a large population of signal crayfish was present. Due to the presence of the latter, it was considered that the application site had negligible ecological value for white clawed crayfish. Evidence of otters was recorded on two occasions however but due to the presence of human activity and the lack of vegetated habitats the majority of the application site was of negligible ecological value in this respect, though the Castle Mill Stream again retained some potential for foraging and commuting. Numerous invertebrates were recorded in the data search, but due to the recorded fish population, any significant population of protected species was considered unlikely. In view of the good quality of water the Castle Mill Stream was assessed as providing foraging and commuting opportunities for various common species of fish however, and some spawning opportunities for species such as bullhead

213. Assessment. It is clear from this research that the Castle Mill Stream should be the focal point for ecological mitigation and enhancement in the development. This corridor has been identified as a feeding and movement corridor for several species of bats, with the possible presence of water vole and otter. These are potentially susceptible to disturbance and negative effects from the development. The development also has the potential to negatively affect the habitats upon which these and other species depend. Conversely the opportunities for ecological enhancement are greatest within the Castle Mill Stream corridor because they are likely to have the most beneficial effects. At the reserved matters stage native planting should be used to reinforce the streamside wildlife corridor as part of an overall landscaping scheme for the development. Species should be of local provenance and appropriate to the area, with soft vegetated banks and some tree coverage to provide habitat and prevent light spillage, and existing trees retained wherever possible. Elsewhere in the development the possibility of green roofs should be explored and bird and bat boxes integrated into the building fabric catering, for example, for swifts and other bird species. Conditions requiring bird and bat boxes, habitat enhancement, landscaping and a suitable lighting scheme for the Castle Mill Stream corridor are therefore suggested.

### **Environmental Impact Assessment**

214. The planning application is supported by an Environmental Statement (ES), which considers the likely environmental effects of the development and proposes, where necessary, measures to mitigate any adverse effects that might arise. The ES is necessary because paragraph 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2011 will normally require an Environmental Impact Assessment (EIA) to be undertaken for any mixed use urban development project in excess of 0.5 ha. The EIA is an important procedure for ensuring that the likely effects of a new development on the environment are understood and taken into account before development is allowed to go ahead. Where the ES reveals that a project will have an adverse impact on the environment, it does not follow that planning permission must be refused however. It is for the local planning authority as decision maker to determine each planning application on its merits within the context of the development plan, taking account of all material considerations, including environmental impacts.

215. As part of the EIA process the applicant prepared a “Scoping Report” that indicated the range of topics that it was intended to consider in the ES. This was sent to the Council as local planning authority with a formal request for a “Scoping Opinion” under Regulation 13 of the EIA Regulations. Its response (its “Scoping Opinion”), (which is informed by the comments of various statutory bodies who were consulted by the local planning authority), largely concurred with the scope of the applicant’s intended assessment but highlighted the topics that, in the local planning authority’s opinion, particular attention should be paid to.

216. The EIA Regulations indicate that where an EIA is required, information must be provided by the developer in an ES. The ES must contain the information specified by Regulation 2(1) and in Schedule 4 to the Regulations. The advice of

the Secretary of State is that local planning authorities should satisfy themselves that submitted ESs contain the information specified in Schedule 4. In this context the ES has been critically reviewed by Officers using criteria that are intended to test whether an ES contains the requisite information required by the EIA Regulations. Of particular interest in relation to the ES in this case are requirements to protect the local environment as far as is practical during the construction period, as well as transport issues, sustainability, drainage and the water environment, biodiversity, heritage, landscaping, public realm etc. Some of these matters are also considered in their own right elsewhere in this report.

217. Attached as **Appendix 15** is a summary of the environmental impacts of the development. It provides a description of the key impacts that have been predicted for each topic area; outlines the mitigation measures proposed; identifies the significance of the residual impacts; and provides a short officer commentary. Impacts can be adverse, neutral or beneficial and their significance will depend upon their magnitude and the sensitivity of the receiving environment (or receptor) to change. The criteria that are used to categorise the significance of impacts vary according to the nature of the topic being assessed and on occasions they may include subjective judgements about the baseline situation and the magnitude and significance of predicted impacts.

### **Other Matters**

218. Noise Attenuation.

The immediate vicinity of the application site consists of a mix of commercial and residential uses with the noise climate mainly influenced by traffic noise. In order to establish baseline conditions for an assessment of any noise impacts from the development, noise measurements were taken at 6 locations: corner of Abbey Place / Norfolk Street; mid point of Old Greyfriars Street; Thames Street opposite Abbey Place; corner of Old Greyfriars Street / Thames Street; Abbey Place / Paradise Square junction and at Castle Street. The results update previous surveys undertaken since 2000.

219. During a construction period estimated to be 32 months, the dominant noise and vibration generating activities would be within the initial 20 month demolition and excavation period. For the duration for the overall construction phase the potential noise levels would be in the range of 36 to 83 dB LAeq depending on the nature of the activity and location on site. In addition, during the peak construction period delivery and other movements to the site could add between 0 and 3.4 dB to average noise levels. A condition of the planning permission if granted would be the submission and agreement of a Construction Environmental Management Plan and Construction Travel Plan which collectively would control routing arrangements for construction vehicles, arrangements for construction workers to access the site, hours of working, noise levels, control of dust and emissions, use of equipment etc.

220. Following construction the main alteration to affect noise levels in the vicinity of the development is the routing of bus services along the bus priority route from Old Greyfriars Street to Thames Street, Abbey Place and Norfolk

Street. As a consequence the predicted ambient noise levels for Abbey Place are estimated to rise by 13 dB to 63 dB LAeq (16 hour) daytime and by 4 dB to 51 dB LAeq (8 hour) night time. For Norfolk Street the increase would be by 10 and 4 dB to 67 and 55 dB LAeq daytime and night time respectively and at Thames Street by 1dB for both day time and night time to 71 and 66 dB LAeq respectively. Conversely at Old Greyfriars Street noise levels would decrease by 3dB to 65 dB LAeq day time and by 1 dB to 60 dB LAeq night time.

221. Thus the ambient noise levels post construction would remain very similar or reduced slightly at Thames Street and Old Greyfriars Street, but with significant gains at Tennyson Lodge in Abbey Place in particular. A number of the properties within this modern block of flats have principle windows to their southern elevation facing towards the new bus priority route at Abbey Place, and to Norfolk Street, again facing the bus priority route. Without mitigation the impact of the development would therefore be substantial. To address these impacts the applicant proposes direct mitigation for the affected properties which could take the form of suitably designed ventilation and glazing to achieve appropriate internal noise levels as defined by BS 8233:1999. This would be secured by legal agreement accompanying the planning permission, and at the time of writing negotiations between the applicant and representatives of Tennyson Lodge are continuing.

222. In addition, the development includes new residential accommodation and also introduces potential new localised noise sources associated with commercial use. In the former case there would be an opportunity to build noise mitigation measures into the design and construction of new dwellings where appropriate. In the latter case noise from mechanical heating and ventilation plant, delivery and collection activity and entertainment noise would be mitigated by design and compliance with noise conditions to achieve acceptable internal and external noise levels.

223. Ground Conditions: Contamination and Waste.

A desk based assessment of ground conditions was undertaken in preparation of the planning application, drawing on published sources. The assessment revealed the potential for ground contaminants and linkages to be present at elevated levels in view of the brownfield nature of the development site, but concluded that identified risks are unlikely to be significant with potential mitigation and remediation options available. These conclusions are accepted by both the Environment Agency and the City Council's own Environmental Development service. Further site investigation and risk assessment are therefore suggested to be secured by condition and brought forward as part of the reserved matters package in the event of outline planning permission being granted.

224. Moreover the volume of inert material produced during demolition works would be approximately 52,000 cu m, 20% of which would be temporarily reused on site with 100% ultimately being recycled. Excavated non - inert material from the development would make up a much larger volume, estimated to be in the region of 264,650 cu m. This would mainly be derived from the southern part of the site and would be made up primarily of the large

volume of excavated soils recovered to form the basement car parking. Of this volume approximately 10% would be reused on site, with the remainder reused off site. None is anticipated to go to landfill. In addition demolitions would also produce a further 19,000 cu m of non - inert material, 10% of which would be reused on site and 90% recycled off site. Again none is anticipated to go to landfill. Only very small amounts of hazardous material is anticipated to be recovered, for which limited recycling options exist. Where recycling is not possible the material is intended to undergo pre treatment to ensure minimum amounts are disposed of at landfill. A condition of planning permission would require a full waste management strategy to be submitted and agreed.

225. Public Art.

The requirement for public art to be secured from major projects such as the Westgate development stems from good practice and government advice as well as policy CP14 of the Oxford Local Plan. A public art strategy is therefore suggested. This would form a framework from which individual projects would emerge which could, for example, be in the form of specific pieces at landmark locations, forming an integral part of the townscape of the development or its public realm; projects involving the local community and / or local schools; or some other thematic scheme(s). The strategy would be secured by planning condition and developed by an artist appointed by the Westgate Oxford Alliance. Implementation of the public art strategy would be carried out in consultation with the City Council.

## **Conclusion**

226. Following previous proposals over a period of years for the extension of the Westgate Centre, none of which reached fruition, this current application provides an opportunity now for the city to re establish itself as a sub regional centre commensurate with that status and to bring substantial employment and other benefits to its residents, students and visitors alike. In doing so it has the potential to transform a sector of the city centre which is tired and down at heel and act as a catalyst for the future regeneration of the wider West End and Oxpens areas.

227. The potential impacts of the development are addressed in an evidence base consisting of a series of supporting technical studies relating to transport, sustainability, energy efficiency, flooding, air quality, landscaping, biodiversity, retail impact, employment, building forms, heights and active frontages. The Parameter Plans and Development Principles which are committed to accordingly give confidence that detailed designs to follow can be expected to be of the highest standard as a logical progression to the groundwork already undertaken. If however the reserved matters planning application does not meet the quality which the site and its context demand, then it is within the powers of the committee to withhold planning permission accordingly at that detailed stage.

228. It remains the view of officers however that the granting of outline planning permission provides the necessary foundation to allow expectations to be



fulfilled and a development of the highest quality to come forward in due course.

229. Committee is invited to support the planning application in line with the recommendation at the head of this report.

### **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions and accompanying legal agreement. 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 subject to conditions and an accompanying legal agreement, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers:** Applications 00/00770/NOZ, 06/01211/FUL, 10/00454/EXT, 13/02557/OUT, 13/02558/FUL, 13/02563/FUL.

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

**Extensions:** 2153 / 2147

**Date:** 28<sup>th</sup> February 2014

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