

# Agenda Item 3

**West Area Planning Committee**

□25<sup>th</sup> November 2014

**Application Number:** 14/02402/RES

**Decision Due by:** 15th January 2015

**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 (assembly and leisure) uses, public toilets, associated car and cycle parking, shopmobility facility, servicing and access arrangements together with alterations to the public highway (Reserved matters of outline planning permission 13/02557/OUT seeking permission for details of appearance, landscaping, layout and scale).

**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, **Appendix 1.**

**Ward:** Carfax Ward

**Agent:** Turley

**Applicant:** Westgate Oxford Alliance

## **Recommendation:**

Grant reserved matters planning permission subject to conditions.

## **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 by policy WE23 of the West End Area Action Plan (AAP), the outline application to

which the current case represents a reserved matters application was considered as a "departure" from the Development Plan; advertised accordingly; and referred to the Secretary of State as required. The Secretary of State did not require the outline application to be "called in" for his own determination however, and 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 on outline and reserved matters applications and accompanying legal agreements.

2 The planning application is supported by substantial information to demonstrate that it would possess a built form, scale and appearance appropriate to its sensitive city centre location. The fixed Development Principles, Public Realm Development Principles and Parameter Plans approved as part of the outline planning permission provide controls to ensure that the reserved matters application is of the highest quality, recognising and responding to important short, medium 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 general 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 however that for the reasons set out in this report that the concerns that have been raised can be adequately addressed by the planning conditions imposed to outline and reserved matters permissions, and by the accompanying legal agreements.

4 The City Council has given considerable weight and importance to the desirability of preserving or enhancing designated heritage assets and their settings, including the listed buildings and conservation areas. 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 the Planning (Listed Buildings and Conservation Areas) Act and relevant adopted policies contained within the adopted Oxford Local Plan, the adopted Oxford Core Strategy, the adopted Sites and Housing Plan. National Planning Policy Framework and national Planning Practice Guidance.

## Conditions

- 1 Time limits
- 2 Reserved matters approved
- 3 Approved drawings
- 4 Southern entrance door to block 1
- 5 Details of public realm works, including covered streets and squares
- 6 Landscaping details
- 7 Ecology and new habitats
- 8 Details of tower feature to block 4
- 9 Bus routes via Queen Street
- 10 External lighting scheme.
- 11 Mitigation of any adverse wind impacts
- 12 Temporary wind screens
- 13 Protection of privacy to new County Hall building.
- 14 Details of display cabinets to Castle Street elevation of Building 4.
- 15 Architectural and construction details, (to include windows, doors, roof, plant enclosures, escalators, stairs etc.)

**NB:** This current planning application represents the reserved matters of outline planning permission 13/02557/OUT on which some 58 planning conditions were imposed and was accompanied by a legal agreement and Community Infrastructure (CIL) requirement. The imposed planning conditions related to a wide variety of issues and included conditions fixing a series of Parameter Plans, Development Principles and Public Realm Development Principles which formed part of the permission and a framework defining the overall form, footprint and heights of buildings to come forward at this reserved matters stage. At the time of writing this report a dialogue with the applicant has begun on the details required to be submitted in compliance with these outline conditions. These and all other conditions remain in force and need only to be supplemented by the additional conditions above relating specifically to the reserved matters application.

Agreement to details in compliance with conditions is a delegated function to officers in the Council's Constitution. Moreover, it is not a requirement that all such conditions need be agreed before this reserved matters application is determined. Rather some conditions are required to be agreed at defined stages of implementation of a reserved matters permission whilst others relate to matters that are continuing requirements of the outline permission. All details required by condition for approval must be in place, however, before the building works can be completed and the building occupied.

For ease of reference the officers' report on the outline planning application to West Area Planning Committee of 11<sup>th</sup> March 2014 is reproduced in full on this agenda as a supporting document, together with appendices to that report and a short Addendum also circulated to committee. Reference will be made to those documents within this report. Display material and models of the proposed

development will be available for inspection at committee.

### **Community Infrastructure Levy (CIL), Planning and Highways Obligations.**

Accompanying the outline planning permission was an obligation to contribute approximately £4.5m under CIL arrangements, the precise figure currently being determined upon detailed calculation of the gross internal floorspace. The officers' report on the outline application referred to measures that could potentially be funded from this source. The outline permission was also accompanied by requirements under the Planning and Highways Acts relating to a variety of matters. These were itemised in the officers' report. At committee one other planning obligation was referred to and secured, relating to the need for pedestrian routing arrangements from temporary car parks to the city centre during construction of the development.

### **Principal Planning Policies:**

#### Oxford Local Plan 2001-2016

- CP1 - Development Proposals
- CP5 - Mixed-Use Developments
- 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 Space  
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  
CS18 - Urban design, townscape character & historic environment  
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  
WE10 - Historic Environment  
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

#### Other Planning Documents

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance.
- 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).
- Draft Station Area Masterplan
- Community Infrastructure Levy (CIL) Charging Schedule.

### **Summary of Public Consultation**

#### **Consultation Undertaken by Applicant.**

In addition to extensive consultation at the outline stage, following the West Area Planning Committee's resolution to grant outline planning permission in March of this year, the applicant has undertaken a further comprehensive range of activities in consulting stakeholders and the wider public on the emerging reserved matters planning application. The list of consultation activities is

summarised in **Appendix 2** to this report and included in particular the distribution of flyers to some 1500 householders and businesses on two separate occasions followed by two subsequent exhibitions within Westgate Centre. A website was also created and continues to be live and updated.

At the first exhibition in April, some 1014 people attended with 168 either completing a questionnaire at the exhibition or on line. Whilst a range of issues was raised a clear majority of those who commented supported the proposals. Some 64% felt the development would sit well within the city centre (17% did not); 73% felt the landscaping would enhance the city (5% not); and 71% felt the development overall would benefit the city overall (8% not). On more specific points, 48% favoured a tower feature at the junction of New Road and Bonn Square (28% not) and 64% felt the chosen materials would reflect the local area (12% not). When asked about what they would like to see in the development, a wide range of items were raised, but with the largest groupings wishing to see a greater diversity and mix of retail units than currently exists.

At the second “drop in” exhibition in July 625 people attended with 57 respondents to the shorter questionnaire at the exhibition or on line. On this occasion 56% felt the development would sit well within the city centre (31% not), with 60% indicating it would be a welcome improvement to the city centre (23% not).

## **Consultation Undertaken by Local Planning Authority**

### Statutory Organisations.

- Natural England. No objection.
- County Council, Overall View. Support in principle; welcome in principle improvements e.g. to Castle Street and Norfolk Street; conditions need to be imposed relating to lantern to building 4, details of public realm, lighting, street furniture, signage, cycle parking and wayfinding.
- County Council, Transport. General. No objection subject to conditions; key issues are details of public realm and cycle parking, Travel Plan, operation of buses through Queen Street (if required), bus shelters and real time information; wayfinding to be located within highway; level of car parking acceptable; disappointed that materials for highway of lower quality than covered streets and spaces; submitted plans indicate 508 cycle parking spaces in public realm, 118 for flats at building 1A and in excess of 100 at cycle hub; further spaces to be found either inside or outside application site through further discussion; need for street furniture not to impede pedestrian movement; details of bus shelters to be agreed; road markings and signage to be kept to a minimum and coordinated with other facilities; crossings at castle Street / New Road and south west of building 1 to be zebras. Bonn Square. Improvements welcomed; simplification of materials and amendment to notional kerb line may need to be considered; materials to be designed for

use of heavy delivery vehicles; needs to accommodate Queen street remaining open to bus movements; cycle parking to be reviewed. Building 4. Amendment to access from Castle Street being considered; disappointing no improvement to Pennyfarthing Place in application. Castle Street: Improvements welcomed, but could have welcomed extension of York stone; crossing north of Object building caters well for movement between Westgate and Castle Street. Building 3. Inclusion of cycle hub welcomed. Norfolk Street. Further discussion on location of bus shelters required; need to reduce street bollards at southern end; welcome use of York stone at entrance to South Square. Greyfriars Place. Defined turning head for taxis welcomed, making space predominantly one for pedestrians; concrete paving disappointing. Old Greyfriar's Street. Raised table at Greyfriars Lane entry could be wider. South Square. Need to avoid visual clutter. Thames Street. Need for bus shelter needs to be considered. Building 1. Disappointing no entrance to south - west corner at pedestrian crossing point, which should be added. Norfolk Street South. Proliferation of bollards should be reduced. Castle Mill Stream. Not clear if bollards are proposed to restrict vehicle access. Paradise Square. Shared surface to be flush with no kerb. Abbey Place. Loading bay only to be available between 6.00 pm and 10.00 am. Public Transport. Real time information scheme to be presented as a single system for approval. Drainage. Conditions to outline permission deal with detailed flooding issues. Travel Plan. Travel plans required for employees and shoppers; Travel Plan with outline permission will need to be revisited.

- County Council, Economy & Skills. Employment & Skills Plan developed; no additional comments.
- County Council, Education. Does not raise any issues relevant to school organisation.
- County Council, Property. No objection subject to conditions; mitigation to effects on library included; works to Castle Street risk privacy issues for County Hall; condition required to maintain privacy.
- County Council, Infrastructure. Suggest CIL priorities should be contributions towards education provision, Park & Ride, bus passenger facilities including bus shelters and real time information, traffic management, city wide parking management, public realm enhancements, Oxpens cycle / pedestrian bridge, freight consolidation network.
- English Heritage. Massing & Long Distance Views: Outline permission breaches Carfax indicative height restriction, but eventual design near lower end of parameter plan range; little overall variation. Views Within City: Not conspicuous in long views; colours of roof to be varied and non reflective; current scheme would entrench general indicative height plus 2m; interest scarcely superior to what it replaces. Urbanism and Architectural Treatment: Castle Street would remain forbidding and connectivity to castle less secure; block 2 overborne by cinema; block 3 attempting good variety of motif and surface treatment but appears as eccentric wall paper; best element is block 4 curved wall façade and lantern to northern end and external treatment of department store. Scale in Context: View of block 3 from Turn Again Lane



significantly more overbearing than now and represents a failure. Upper Facades: Could have been bolder approach to modeling at upper levels; design of lantern disappointing; material hardly found at this level and if lit would look incongruous; simplicity of lantern out of place. Recommend: further discussion on animating corner of block 3 to Turn Again Lane and consideration to omitting the lantern

### Third Parties.

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

In addition the Oxford Design Review Panel (ODRP) has been engaged and provided comments on the reserved matters application as it has evolved. Its last involvement was on 12<sup>th</sup> June 2014 when it received and commented on a presentation by the Westgate Oxford Alliance at a stage when the emerging designs were substantially as now submitted in the current application. The main points of the ODRP comments were as follows: General Comments: Concerned that bulk and horizontality overpowering and would benefit from further vertical articulation; public space and landscape design could progress to match quality of buildings. Skyline: South Square roof impacts on 3 Oxford landmarks and this element may be reconsidered; taller and lower elements could be introduced; buildings could be broken up more; welcome rearrangement of plant to block 2 but more dramatic intervention in height may be beneficial. Public Realm: Public realm and landscaping commendable, but more work required to allow pedestrians to dominate streetscape; street surfaces over complex; signing and lighting needs to be resolve. Bonn Square: Would benefit from simplification in surface treatments; library entrance to be emphasised; proposed “screen” represents solid piece of architecture; support windows to tower; tower crucial to townscape composition. Old Greyfriars Place: Potential to become pleasant public space; too much space given to cycle parking; tree is key feature. Internal Spaces: 24 hour access commendable; Middle Square a successful space with simple elegant roof; less convinced about roof to South Square; steps to Old Greyfriars Lane should be avoided; suggest rethinking of best place for trees. Thames St. & Abbey Place: Further improvement to road layout and landscaping required; extra wide crossings suggested; car park entrance successfully resolved; question if trees to Thames Street in correct location.

A copy of its written comments and the applicant’s response are reproduced in full as **Appendices 3 and 4** to this report. Officers have been fully involved in the dialogue leading to these amendments and support them accordingly.

*NB: Any further comments received will be reported separately to committee.*

## **Officers Assessment:**

### **Planning Policy**

1. The March 2014 report to committee reproduced elsewhere on this agenda outlined in detail at paragraphs 10 to 20 the planning policy context in which the Westgate development was being brought forward. That policy context remains essentially unchanged, though since the submission of the outline planning application various new policy documents have emerged which have a bearing on this reserved matters application in the wider context. The first of these is the adoption of Community Infrastructure Levy (CIL) arrangements during the period when the outline planning application was under consideration. By the time it was approved, CIL arrangements were in place and the contribution of up to £4,336,506.33 was identified at that outline stage. Complimentary to that was the adoption of the Affordable Housing and Planning Obligations Supplementary Planning Document (SPD) and Oxpens SPD. Also adopted but not directly relevant to the case is the Jericho Canalside SPD. Lastly at a national level the Planning Practice Guidance document has been issued.
2. All these documents have been taken into consideration in determining the current case, in addition to those listed in the report on the outline planning application. None of the new documentation is such as to undermine the general presumption in favour of the development as indicated in adopted Oxford Local Plan, Core Strategy, West End Area Action Plan and draft Station Area Masterplan.

### **Background to Reserved Matters Application.**

3. Submission of the outline planning application required various procedural matters to be satisfied before determination of the planning application could take place, including reference to the Secretary of State as a technical "departure" from the Development Plan. In the event the Secretary of State did not intervene and "call in" the application for his own determination, but rather the application remained within the control of the City Council as local planning authority to determine and proceeded in due course to the grant of outline planning permission, together with the completion and signing of accompanying S.106 agreement under the planning legislation, and S.278 agreement. The permission fixed the means of access to the development, together with a series of Parameter Plans, Development Principles and Public Realm Development Principles. The main elements of the permission were described as:
  - demolition of the southern part of the Westgate Centre, pagoda at the front of the Centre, multi-storey car park, existing fourteen residential units, and potentially the front part of Central Library facing on to Bonn

Square;

- infill of subway underneath Castle Street;
  - extension of the existing Westgate Centre for use within Use Classes A1 and A2 and/or A3 and/or A4 and/or A5, D2 and C3;
  - new management centre offices;
  - retention of the existing public library;
  - up to 81,922 sq. m additional retail floorspace (Use Class A1);
  - up to 26,712 sq. m of A2 and/or A3 and/or A4 and/or A5 uses (27,017 sq. m including retained floorspace);
  - up to 5,986 sq. m leisure uses (Use Class D2) provided at first and second floor levels;
  - refurbishment including new entrance and recladding treatment of existing Westgate Centre façades;
  - residential accommodation providing up to 8,500 sq m (between 27 and 122 residential units) adjacent to Castle Mill Stream (Block 1a) and/or in the eastern part of Block 3 and/or south east part of Block 4;
  - provision of public toilets;
  - creation of two storey basement car park, between 900 and 1,100 car parking spaces, service area and associated access ramps;
  - rationalised and refurbished service yard off Old Greyfriars Street to serve refurbished Westgate Centre;
  - provision of shopmobility facility;
  - cycle parking;
  - creation of two new public squares/spaces alongside new areas of public open space;
  - improvements to public realm including pedestrian access to Castle Mill Stream; and
  - Bonn Square entrance to the Westgate Development.
4. In the event the actual amount of Class A1 (Retail) floorspace now proposed is 80,167sq m; Class A2 /A3 / A4 / A5 (Office, Restaurants, Bars or Takeaways) floorspace 14,319 sq m; and Class D1 (Assembly or Leisure) floorspace 5,031 sq m. The amount of public car parking spaces is set at 1,002 spaces.
5. This current application represents the remaining reserved matters details still to be approved, consisting of layout, scale, appearance and landscaping. In this context officers consider the principle determining issues to the reserved matters application to be:
- built forms: layout, scale and appearance;
  - public realm;
  - landscaping; and
  - heritage management.

6. The outline planning application was accompanied by a full Environmental Statement (ES), to which addendum documents dated August and September 2014, are submitted with this reserved matters application. In the text which follows reference is made to the Addendum and also to the sustainability and energy efficiency requirements of the development as they are starting to emerge.

### **Built Forms: Layout, Scale and Appearance.**

7. General Arrangement. The essential form of the development follows closely that described at paragraphs 21 to 32 of the March 2014 report, and established by approved Parameter Plans, Development Principles and Public Realm Development Principles, that is to say a series of blocks of accommodation linked by pedestrian arcades, squares and lanes re establishing lost cross routes through this part of the city, and served by high quality bus services, public car parking and cycle parking.
8. At its northern end the bulk of the existing Westgate Shopping Centre, (referred to as Building 4), is retained, refurbished and extended. At its southern end Building 4 gives way to a new central split level space, Middle Square, where the north - south route is met by an east - west route connecting Turn Again Lane with Norfolk Street, broadly along the line of the existing northern section of Old Greyfriar's Street. At this point the fall in natural ground levels allows the ground level from Building 4 to become a gallery level to Building 3 whilst stairs and escalators lead down to a lower ground level matching natural ground level to the south. Retail shops are located fronting the so-called South Arcade at this point, but also directly onto Norfolk Street.
9. In turn Building 3 gives way at its southern end to a large pedestrian space referred to as South Square. Routes lead into South Square from Old Greyfriars Street, Norfolk Street and the extended Speedwell Street to the south. To the west of the square and framing it is the department store at what is Building 1, and beyond that, on the west side of Abbey Place the residential block of accommodation at Building 1A. Building 2 forms the southern flank of South Square whilst underground car parking on two levels is located principally below Buildings 1, 1A and 2, accessed from the south - west corner of the site via a new junction from Thames Street. A new below ground service bay is accessed from the south - east corner of the development near the current junction of Old Greyfriars Street and Speedwell Street whilst within the development a series of pedestrian bridges link upper levels cross the arcades and squares.
10. Key focal points along Castle and Norfolk Streets are provided in a tower or "lantern" feature and "Object Building" to the north - west and south - west corners of Building 4 respectively and by the department store at its southern

end. The public arcades, squares and lanes are all naturally ventilated, with glazed roofs over spaces to provide natural light. The retained Building 4 would possess extended hours of public access from 12 to 18 hours each day, with all other public spaces within the development open 24 hours each day. External grade materials are intended to be used throughout to emphasise that the character of the spaces should appear as external streets rather than as internal malls. The exception to this is the reworking of the existing Westgate (Building 4), which is intended to have the character of a contemporary shopping arcade. The development remains retail led but with a significant mix of other uses. Some 59 x 1 and 2 bed flats are provided within Building 1A and roof level restaurants added to Buildings 1, 2 and 3. The upper level of Building 3 facing onto Norfolk Street would possess a multi screen cinema, whilst Building 4 would continue to possess the Westgate public library as well as leisure uses at lower ground and upper floor levels, together with public toilets.

11. In order to articulate the massing and introduce elements of modulation, the development is divided up into 5 individual but linked building blocks, each designed by different architects within a set of overarching design principles so that there is variety and interest, but also a sense of continuity and integration. By the use of design tools such as creating set backs at roof levels where lightweight structures are added, and by introducing horizontal and vertical breaks to the facades an appearance is created of a series of smaller 'building blocks' in response to the characteristic grain of the city. In terms of materials, the application site lies between areas of the city centre where different types of materials co exist. In the main, to the east and north-east are to be found the majority of stone collegiate buildings whilst to the south and west buildings are predominantly of brick. Between these areas are to be found buildings faced with render or more contemporary materials. For such a significant development within the city centre, it is important that the choice of materials is not only of high quality but sympathetic to this Oxford context, to reinforce local distinctiveness. A hierarchy of materials for the various buildings is therefore adopted, made up of natural rough stone with dressed stone to window openings, columns and parapets proposed for the entrance screen wall and lantern from Bonn Square; high quality brickwork with stone dressings, string courses etc. for primary buildings such as the Object Building and department store; and secondary masonry consisting mainly of split stone, brickwork and precast stone elsewhere. The detailed selection of materials is controlled by condition for final approval.
12. At roof level the colours and tones are designed to be muted, with variation in tones (shades of grey and brown) to emphasise the separateness of the building blocks and to take account of long distance views where the individual detail of buildings will be less distinct.

13. The proposals also envisage the rerouting of the current bus priority route such that it would then run south of blocks 2 and 1 along an extended Speedwell Street before turning north around the department store at Block 1 and north again along Norfolk and Castle Streets to New Road. This route would be closed to other traffic, (other than a short northern section of Castle Street where access to existing premises is required), and intended to be pedestrian orientated. Bus stops would be located either side of Norfolk and Castle Streets and to the northern, eastbound, side of Speedwell Street, with raised carriageways at corners and junctions to facilitate ease of pedestrian movement. The closure of Queen Street to bus movements does not form part of the planning application however as it falls outside the ability of the applicant to deliver and depends upon future decisions to be made by the Highway Authority. Whilst there may an aspiration to close Queen Street to bus movements, provision is also made within the proposals for the development to operate with Queen Street remaining open to bus movements should that be required. A taxi rank is located to Old Greyfriars Street, which would be closed to through traffic and restricted to use for taxis and for delivery vehicles accessing the existing service bay to Building 1.
14. From north to south the various built elements are referred to in the planning application as Buildings 4, 3, 2, 1, and 1A, Buildings 4 and 3 being linked by Middle Square, and Buildings 1, 2 and 3 enclosing South Square.
15. Building 4. Unlike elsewhere in the development, the bulk of the fabric of the existing Westgate Shopping Centre is retained as Building 1 with those structures south of a line drawn between the Pennyfarthing Place and Castle Street entrances demolished and replaced. At ground floor entrance level from Bonn Square the existing retail arcade would be retained but entirely reworked, naturally lit from roof level and naturally ventilated. A barrel-vaulted roof would be created, with existing shop fronts stripped away and replaced. Granite paving in a diamond pattern envisaged. The retail units would possess floorspace extending to lower ground and upper floor levels with the public library retained, and health and fitness centre and public toilets also included at second floor level. At lower ground level the existing service bay is amended but retained and an informal food court introduced to the lower level of Middle Square where it meets the east to west pedestrian extension of Turn Again Lane. Further leisure uses are also proposed at this level, in the form of a restaurant with bowling alley accessed directly off Castle Street.
16. Where the rear demolitions have taken place extensions to the retained building are to be constructed, maintaining the existing east - west route from Pennyfarthing Place to Castle Street, but with stairs and lifts provided to the latter entrance, retaining the important pedestrian link to the Castle Quarter. The semi circular form of the "Object Building" to Castle Street serves as a marker to identify entrance points from this direction and emphasise the

further east - west pedestrian route created linking Turn Again Lane to Norfolk Street just south of Paradise Street, and on to the Castle Quarter.

17. Architecturally the most striking features of this building are the new screen “wall” and tower or “lantern” proposed for the Bonn Square frontage. The screen wall is intended to be an elegant, full height architectural feature constructed of rough and dressed stone, gently curved, and responding to the change in direction from Queen Street to New Road. Its full height façade is punctuated by large openings giving entrance to the arcade and providing large window display areas. At its western corner the wall terminates at a lantern whose position acknowledges its location in longer views from several directions, giving emphasis to the townscape character at this point in the city and signaling the presence of the development in longer views. Although the proposal is for the glazed lantern to glow at night with subdued lighting, its precise form is not fixed in these proposals but rather it is intended that its details be subject to further dialogue with its final form being approved in response to a condition imposed on the reserved matters permission if granted. The intention is that the architect of this building would work with an artist in developing the detailed design.
18. To Castle Street the uncompromising and inactive western elevation is softened and interest added by the creation of 3 large cantilevered double height bay windows to upper levels of the public library, and active frontage introduced at the Bonn Square corner through ground floor display windows, additional picture windows to the library, and in the entrance to the lower ground floor restaurant with bowling alley. Elsewhere to the facades, existing elements are painted in less sombre colours and tones than currently exist. Also created at ground floor level is a stone granite base incorporating benches following the natural slope of the land with a new horizontal canopy located to the bottom of the existing cantilevered structures. Display cabinets are also proposed to the ground floor as a mechanism to animate the elevation.
19. Middle Square is located at the crossroads where Building 4 meets Building 3 in the north - south axis, and where Turn Again Lane is extended westwards to Castle Street, creating a new pedestrian route also open to cyclists outside the busier parts of the day. It also marks the point at which ground levels fall away to allow a lower ground level of accommodation to be created. The square itself would be covered, but not the east - west route, which would be paved with natural sandstone at the lower level and flame finished granite at the upper level, to be sympathetic to the treatment of South Arcade and Middle Square itself. As a natural focal point in the development the space is conceived as a busy, vibrant area and natural meeting place.
20. Building 3. Linking the two new spaces at Middle Square and South Square, Building 3 consists of a north - south aligned structure with 24 hour access at

ground floor level and 18 hour to upper levels, conceived as an extension to the existing network of city streets and lanes but under a simple glazed roof to give protection from inclement weather. The lower ground level leads at grade from the lower section of Middle Square where it crosses the east - west extended Turn Again Lane directly to South Square. At this point ground level from Building 4 becomes an upper ground level for Building 3 through galleries running either side of the arcade with bridge links across. Lower ground and upper levels of the building consists of shop units facing the arcade or directly onto Norfolk Street. At first floor level facing Norfolk Street however is a 4 screen cinema, whilst set within lightweight roof structures (pods) to the eastern side of the building are a series of restaurants faced in timber taking advantage of fine views across the historic city centre to the east. External seating is provided to the restaurants, but set back from the parapet edge of the building to prevent direct overlooking of residential properties to the eastern side of Old Greyfriars Street. At ground floor level at the junction of the east - west Turn Again Lane and Old Greyfriars Street is proposed a cycle "hub" consisting of cycle shop, secure cycle parking and associated café. Other cafes also face onto Turn Again Lane at this point.

21. In its materials the external facades of Building 3 are proposed to consist of a masonry plinth faced with buff coloured brickwork synonymous with what is to be found in much of this part of Oxford city centre, with precast reconstituted stone detailing and framed openings for shop units. Architectural detailing and interest is introduced at defined locations, for example in the terracotta fins to the upper floor western elevation to Norfolk Street and in the metal rail screening of plant etc. at roof level above. Moreover, at the Old Greyfriars Street / Turn Again Lane corner above the cycle hub a series of cantilevered corbels and steps to the elevation assist the building in turning the corner, introducing visual interest and character to the space when viewed from the existing Turn Again Lane and north along Old Greyfriars Street. Internally the upper ground level shop units are set within metal faced pilasters with vertical timber batons at upper levels and flamed granite used as the flooring material, with a central linear feature introduced a subtle reference to thoroughfares such as Brasenose Lane.
22. Building 2. Located to the south side of South Square and north of the realigned bus priority route along an extended Speedwell Street, Building 2 is broadly rectilinear in form and consists of a 4 storey structure above ground with retail units on 3 levels and further restaurants at roof level. Taking advantage of south facing views to the hills beyond Oxford, these restaurants are again set within recessed lightweight structures and linked to those in block 3 by a bridge link above South Square where a small public space is also created. The southern side of the building together with that of the department store at Building 1 to the west represents the southern edge of the commercial city centre before it gives way to residential accommodation south of Thames Street.



23. The massing of the building is broken down rather more than other buildings within the development into a number of smaller scale elements in response to the domestic characteristics of the housing to the south side of Thames Street. This is achieved by partially stepping out the façade line into a series of bays; introducing architectural features such as vertically recessed slots containing reconstituted stone louvres; including a protruding plinth to the foot of the façade to provide informal bench seating; varying the parapet height; and including a series of articulated openings at upper levels which also introduce elements of active frontage. These windows also provide an opportunity for additional window displays to the retail units they serve. Moreover a further device to add visual interest to the facades and complement the architectural approach is achieved by subtle changes to the choice of brick, sourced from a single multi stock, but with white, buff and grey colour variations. In combination these features produce variety but within a limited contextual palette.
24. To the western side of the building where a new lane along the original line of Norfolk Street leads to South Square lift access from the basement car park and to upper levels are incorporated. Escalators also emerge direct from the car park to South Square near the corner with the lane.
25. South Square. A covered but naturally ventilated space with galleries around its perimeter and entrances from South Arcade, Old Greyfriar's Street, Norfolk Street and the extended Speedwell Street, South Square forms a large new public space measuring 20m by 68m at the lower ground level. An area measuring 20m by 10m is envisaged to be kept free at all times to allow performances and managed events to take place. Again natural stone paving is used, of granite with sandstone edging with seating provided. The gently curved roof is formed of prefabricated arched beams, but does not extend as far as the department store, in order to preserve that building's individuality and identity, and avoid creating a fully enclosed environment. External grade materials are utilised in the form of a reconstituted stone colonnade with brickwork for pilasters to the retail units.
26. Building1. The new building here represents the most self-contained of the new commercial buildings as it accommodates the department store only, intended for occupation by the John Lewis Partnership. The building is rectangular in plan form, with retail floorspace on 3 levels plus a further rooftop restaurant. Its main entrances are from South Square at both ground and first floor levels. A further entrance is also indicated to the south side of the building fronting onto the extended Speedwell Street, acknowledging that a proportion of customers will be approaching from this direction, and increasingly so in future years as the Oxpens area gets built out and further developments take place at and around the railway station. A staff entrance is also provided to the north-east corner, plus direct access to the underground

car park where 10 short-term customer collect bays are located. The store is serviced via its own dedicated service bay at second basement level. A centrally located rooflight provides natural light to the centre of each of the upper two trading floors over the escalators located at these points.

27. As a freestanding single department store, the building inevitably possesses large areas of retail floorspace but a smaller proportion of glazed elements than might otherwise be the case. Its 3 main floors are horizontally defined by reconstituted stone string courses. Within each string course the brickwork is arranged in a serrated or “pleated” pattern to form vertical elements, interspersed with large picture windows at various levels and at key locations around the building. Where windows are located the vertical brickwork elements are drawn tighter together to give the illusion of a curtain or vertical blind being drawn from in front of the window. Two “tower features” containing stairs and lift overruns are located to the south - west and north - east corners to the building, bookending the building and signifying key views along Thames Street and along Norfolk street looking south.
28. Building 1A. The outline planning permission granted consent for residential accommodation within the range of 27 to 122 units, with two sites identified, at upper levels to block 3 fronting Old Greyfriars Street and / or within Building 1A to the western end of the site. In the event the Old Greyfriar’s Street option was not considered appropriate due to constraints relating to the single aspect eastern orientation of the units in particular, but also in the difficulty in reconciling the use with the requirements of retailing units within the same block of accommodation. In these proposals therefore, some 59 x 1 and 2 bed flats are proposed on 5 levels within Block 1A, taking advantage of the westerly aspect of the building overlooking the Castle Mill Stream and the City of Oxford College beyond.
29. Of the 59 units 35 are proposed as 1-bed units and 24 as two beds, with 5 flats at ground floor level, 14 on each of the first, second and third floors, and 12 at fourth floor level. The ground floor flats would possess internal floor levels raised above natural ground level to provide protection from potential flooding, (referred to later in this report), but also to provide privacy from pedestrians using the Castle Mill Stream footpath. Also at ground floor level facing east to the extended Abbey Place is an entrance foyer, access to stairs and lift, cycle and bin storage area etc. The flats would not possess car parking, other than 3 spaces set aside nearby at Paradise Street for disabled residents. Two cycle spaces per unit are provided within an internal store at ground floor level and at a further covered external store.
30. The West End AAP envisages that across the West End as a whole not more than 65% of the residential units within the plan area should be flats and that at least 35% should be 3, 4 and 5 bed houses. It also suggests that across the plan area 50% of the flats should be 2-bed units. The plan is not

prescriptive as to their location however. Moreover in any specific development the Balance of Dwellings SPD indicates that not more than 55% of units at city centre sites should be in the form of 1 and 2 bed units, the remainder being larger units. This mix of unit sizes has to take into account the nature, constraints and opportunities which any particular site provides however. Officers are satisfied in this case that as it is not reasonably or appropriately possible to provide larger units with gardens suitable for family occupation, then the mix of 1 and 2 bed units can be accepted. All flats are provided with their own private terrace or balcony area however.

31. In form the building is cranked (like a chevron) to follow the alignment of the Castle Mill Stream to its west. In elevation the building consists of 3 elements: a ground floor base inset behind the expressed structure to the building; a central zone on 3 levels consisting of vertically aligned red brickwork alongside balconies expressed externally to the facade where the building faces west, and recessed where it faces east. At the fourth floor level the flats are set back in a more lightweight structure faced in zinc to articulate the roof level. All the flats at this top level have recessed balconies, with the exception of 2 x 2 flats units at the northern and southern ends of the building which enjoy a large roof terrace.
32. Basement Car Parking and Servicing. To the southern end of the application site a two level basement structure is created accommodating public car parking and a service area for the new retail units within blocks 1, 2 and 3. The service bay is located at the second basement level as a double height space with 10 service bays provided and service lifts to upper levels. Entrance to the service area is via a gated access to the south - east corner of the development from an extended Speedwell Street and to the public car park from a new junction to the south - west corner of the development from Thames Street.
33. Some 1,002 car parking spaces are provided on two levels, including 50 for disabled use, 19 for parent and child use and 10 as short-term customer collect spaces (including a further disabled space) for the department store. 5% of the car parking spaces would be fitted with electric charging points, with the ability to install "non rapid" charging points for up to another 20 further spaces if there is sufficient demand in the future. Also located within the public car park is a "welcome hall" providing a waiting area and lobby with ticketing machines and shopmobility facility. Three passenger lifts provide access up to the lane south of South Square as well as upper levels of Building 2, with 2 escalators providing direct access to South Square itself. Access direct to the department store is also provided for customer collect arrangements.
34. Access to the car park from Thames Street is achieved via ramped entry to accommodate up to 15 vehicles queuing off the highway if required. The entry

ramp is lit by recessed vertical lighting and on entry variable message signing will indicate the number and location of empty spaces to avoid vehicles having to tour the car park during busy periods. Individual lights above each bay will also indicate if the space is free. The car park is intended to be open 24 hours each day; to be staffed during daytime hours; and to be fitted with CCTV equipment throughout. Finishes to the car park will make use of light and reflective colours for walls, floor surfaces etc. to provide a calm visual environment, and will meet "Park Mark" standards.

### **Public Realm.**

35. The quality of the public realm to the application site as it now exists is generally poor, compromised by the road layout, existing Westgate Centre, multi storey car park and surface car parks. The historical development of this part of Oxford and the opportunities this latest set of proposals provide to improve the quality of the public realm of the surrounding streets and the quasi public realm within the development are set out in the officer's report for the outline planning application.
36. In these development proposals there are many demands on the use of the spaces between and around the proposed buildings - a route for buses, delivery vehicles and cyclists, space for cycle parking, the need for street lighting, tree planting, bus shelters, benches, bollards, art installations, signage and way finding. These requirements can place competing demands on the use of space and the detailed design needs to balance these so that for its users it is a pleasant environment, one in which they feel safe and secure and where the experience and sense of place will be a positive one.
37. In this context for example the principal pedestrian entrance to the development at Bonn Square is envisaged to be extended by the infilling of the ramps to the Castle Street subway, and clearing away street clutter and kiosks to form a new civic space paved with natural sandstone and granite used as a contrasting edging strip. Cycle parking would be rationalised and positioned so as to not obstruct access. (It is noted however that the enlarged space created may still be required as a through route for buses passing through Queen Street until such time as decisions made by the Highway Authority confirm the new bus priority route envisaged. In either option access would still be required for servicing the many retail premises in Queen Street without rear servicing facilities). Other key public spaces are proposed at Paradise Street, Castle Street, the north east corner of Building 1, Castle Mill Stream riverside walk and extended Turn Again Lane, whilst funding from CIL contributions may be available for improvements to Paradise Square Gardens, Pennyfarthing Place or St. Ebbe's Street which fall outwith the planning application site.

38. The juxtaposition of new buildings creates points of interest at nodal points and defines spaces. In turn the public realm needs to provide an appropriate setting. The detail of this is still in evolution involving input from a wide range of stakeholders and users. The key principle is that of a series of spaces, focusing on access and crossing points with a hierarchy of streets and lanes established. Within the spaces and the streets and lanes that connect them there is a limited palette of materials proposed: natural stone setts and paving with concrete derivatives also used, plus resin bound gravel and coloured or aggregate dressed tarmac. In those areas where the footfall and movement may be less the attention to materials and street furniture is all the more important perhaps, to encourage use and to mitigate the impact of less active frontages. In addition street lighting should be of high quality and wherever possible attached to existing buildings rather than column mounted to avoid clutter and to be consistent with current practice for much of the city centre.
39. At the crossing/access points flush kerbs are proposed, to create 'shared' surfaces and lighter coloured materials to emphasise a sense of place. Elsewhere where the street narrows this is given emphasis with the positioning of the street furniture and tree planting.
40. As indicated above it is proposed that the detail of the public realm works should be subject of a condition of any consent of the reserved matters application. Such a condition will need to ensure that the needs of all users, the requirements of those with a statutory responsibility for lighting and road safety and public transport and the needs of the businesses on site are properly considered and any competing priorities satisfactorily resolved. It is important that the public realm must deliver on these requirements, but also that it is a pleasant place to be. Thus a challenge for Castle Street, for example, is how to integrate the necessary requirements for bus shelters and traffic information, without it appearing simply as a traffic hub.
41. Within the development additional new 'public' areas are proposed, as described earlier. The palette of materials is proposed to be similar to those in the surrounding streets so that they are experienced as a part of the streets and lanes of Oxford rather than as part of an internal shopping mall. Both Middle Square and South Square will have a roof over, to extend the flexibility of use and for shoppers comfort. However, they are intended to be read as covers rather than enclosures and the views out to the surrounding streets will ensure a greater degree of visual connectivity than otherwise might be the case. Access points to the upper levels are also served off these spaces to ensure that they are animated by movement and footfall.
42. On a specific point of detail, concern has been raised as to whether the curved roof over South Square could give rise to solar glare or dazzle in sunlight when viewed from particular locations. An accompanying technical

report to the planning application by Hoare Lea Lighting adopting best practice guidance concluded that there is no possibility of solar dazzle being experienced unless the observer were at a location considerable higher than the roof. It also examines any impacts from Carfax Tower and St. George's Tower under conditions at the equinox, and at the summer and winter solstice. These locations were chosen as the viewpoints are above the height of the roof and north of it. It was concluded that any of these conditions there would be no solar dazzle at the locations tested. Rather that the roof would be seen against the backdrop of a southern hemisphere sky where the most dominant brightness source would be the sun itself.

### **Landscaping.**

43. The proposed development will involve clearance of all the existing landscape trees within application site, exceptions being to the belt of semi-natural riparian trees straddling Castle Mill Stream to mitigate ecological implications, and wild cherry at the western end of Turn Again Lane. The most significant landscape impacts are the loss of the group of mature plane trees along Castle Street that soften the facade of new County Hall which are lost in order to facilitate the new road and bus lay-by layout, and the young Tree of Heaven at the entrance to Westgate from Bonn Square.
44. The proposed tree removals account for approximately 50 out of 80 individual trees and tree groups. This level of tree removal, as a proportion of the site's total existing tree stock (62%), represents a substantial arboricultural impact. However, the majority of these trees were planted as part of landscape design for the original Westgate development in the 1970s. The landscaping of the time responded to the need to mitigate negative impacts of the expansive surface level car parking. The tree, shrub bed and grass verge plantings were designed within this context and their landscape value now relates principally to their contribution to the setting of the existing Westgate site. Redevelopment of the site requires a fresh landscape strategy that responds to current circumstances. This principle has been established by the granting of outline planning permission, and indeed previously by the grant of an earlier permission for the extension of Westgate granted under reference 06/01221/FUL and renewed as 10/00454/EXT.
45. In the proposed landscaping scheme the principles set out seek to re-establish the urban grain and permeability of the site, and to extend the quality of the city centre streetscape to Westgate. The landscape strategy has sought to meet this particular objective through identification of replacement tree planting locations at strategic sites to enhance visual articulation of building masses, signpost different areas, and extend the character of the historic city centre to the Westgate.

46. The public realm strategy identifies various locations for particular attention as significant new public spaces with landscape features. These are principally the waterfront by Castle Mill Stream connecting with the pedestrian routes from Paradise Street; the junction of Old Greyfriars Street and Turn Again Lane; at key points along Castle Street, for example at the raised platform across Castle Street linking Westgate to the Castle Quarter; along the southern side of Abbey Place; and in the boulevard style tree planting along Thames Street. Each of these has the potential to create attractive gathering places, focal points, and vistas. Within the historic city individual marker trees are located at key locations. The landscape strategy for Westgate seeks to adopt the same approach.
47. The landscape strategy also relies upon existing trees outside of the development site to frame the site and lend landscape maturity, such as along the eastern side of Old Greyfriars Street, Paradise Square off Norfolk Street, and in the grounds of the City of Oxford College to the west of the Castle Mill Stream. Overall the landscaping strategy forming part of this reserved matters application is supportable though officers would wish to review the precise choice of tree and shrub planting, and a condition is suggested accordingly.

#### **Heritage Management.**

48. The officer's report on the outline planning application considers in some detail the anticipated impacts of the development on the views of Oxford and on the setting of the listed buildings in the city centre and conservation area. As made clear in that report there are no listed buildings directly affected. The issues revolve around settings. Paragraphs 59 to 91 of that report address heritage impacts with paragraph 91 concluding that there will be an impact on the views of Oxford (the view cones) but that there are opportunities to mitigate or eliminate any harm through the architectural treatment of the buildings and the use of materials, with any residual harmful impacts being justified by the significant public benefits that the development would deliver.
49. Given the importance of this aspect of the assessment of the proposals reiteration of the discussion on the policy and legal context is necessary. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. A similar duty is imposed in section 72 in relation to conservation areas. In the Court of Appeal, *Barnwell Manor Wind Energy v East Northants District Council*, English Heritage and National Trust, 18<sup>th</sup> February 2014, Sullivan LJ made clear that to discharge this responsibility means that decision makers must give considerable importance and weight to the desirability of preserving the setting of listed buildings, (and conservation areas), when carrying out the

balancing exercise of judging harm against other planning considerations. The Secretary of State has recently confirmed however that considerable weight is not synonymous with overriding importance and weight.

50. The National Planning Policy Framework (NPPF) explains:

*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 the heritage asset or **development within its setting**. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. (emphasis added).*

51. This justification is measured in terms of public benefit, the greater the harm, the greater the public benefit needed to outweigh that harm.

52. The historic environment policies of the NPPF are supported by an English Heritage Practice Guide, which gives more detailed advice about certain aspects of change. Paragraph 6 of the EH Practice Guide states:

- i. people care about and want to conserve those elements of the historic environment that hold heritage value for them. Once they are lost, they cannot be replaced. People also want the historic environment to be a living and integral part of their local scene*
- ii. that requires proactive and intelligent management of heritage assets*

53. The recently published Planning Practice Guide (March 2014) seeks to provide further advice on assessing the impact of proposals explaining that what matters in assessing the level of harm (if any) is the degree of impact on the significance of the asset. It states:

*In general terms substantial harm is a high test. In determining whether works to a listed building (or its setting) (or any other designated heritage asset and its setting) constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance, rather than the scale of development that is to be assessed.*

54. English Heritage explains the setting of heritage assets as follows:

*Setting is the surroundings in which an asset is experienced. Setting is not a heritage asset, nor a heritage designation. Its importance lies in what it contributes to the significance of a heritage asset. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the*



*ability to appreciate that significance, or may be neutral. (The Setting of Heritage Assets, 2011, paragraph 2.4, page 7).*

55. It comments further at page 6 that:

*Some views may contribute more to understanding the heritage significance than others. This may be because the relationships between the asset and other historic assets or places or natural features are particularly relevant.*

56. The Planning Practice Guide published in March 2014 adds that a clear understanding of the significance of a heritage asset and its setting is necessary to develop proposals which avoid or minimize harm, and at paragraph 13 also discusses the issue of setting:

*Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.*

57. In addition to the heritage assessment provided with the outline application, this reserved matters submission is therefore supported by a view analysis report that examines the visual impacts from the surrounding streets, viewing points within the city and from the protected views outside the city. In total 27 short and long distance views have been considered:

	<b>Location</b>	<b>Officers' Comments</b>
	<i>Within the City</i>	
1.	Castle Mound	The view will be down onto the rooftop of Block 4 and its plant area, which is proposed to be screened. Around the tree on the mound the other blocks will be visible and the articulation of the roof elements and colour variation has been an important consideration to give some interest to the view. The height is within the agreed parameters and still allows views to the green hills beyond. The development will not harm understanding of this with the ability to look over the development to the green hills beyond preserved. The experience of the view will change with the proposed development occupying the middle ground in the view. The height of the proposed development will screen views of the existing C20th suburb of St Ebbe's, but this will not be harmful to the significance

		<p>of the view. The proposed development also replaces views of the existing car park and surface car parks. This will not result in harm. The nature of the development reveals itself, albeit the view filtered by the tree on the mound. Its massing would be mitigated by the detailed design and proposed use of materials, which is important but it will be a prominent element within the view south east. Whilst there is some variation in roofline and modelling (which is not proposed to be built out to the maximum in the parameters plans) there is an overall consistency to the roof height, which is different from the variation seen in the historic core. The treatment of the roofscape, which is the most prominent element, will be critical, and in particular the treatment of the roof plant on Block 4. It was recognised at the outline stage that the scale of the development would have an impact on this view. A changed landscape of this part of the town is a reflection of the growth of the city and a reflection of modern retailing patterns and needs, which, as has been recognised by officers, presents particular challenges of integration. Extra height to modulate the massing of the buildings further would help, but result in further building forms in excess of the policy height limits, which would present its own challenges. On balance officers are of the view that harm to the roofscape views of the city (which would be less than substantial) is justified by heritage benefits in the improvement in townscape qualities and by other public benefits (identified in the original officers' report). However, a condition is suggested to allow a review of roof plant screening.</p>
2.	St George's Tower	<p>From a slightly higher position than the mound and without any trees to filter views the full extent of the Westgate development will be open to view, extending the city scale further south than currently. The buildings will conceal the existing views of the 20th century suburbs, but retain views beyond to the hills. The glazed roof over South Square will be visible. The curved form of the object building reads well with the apsidal forms of the castle buildings and provides a sense of continuity. The texture and warm tones of the brickwork on Blocks 3 and 1 also help to provide a sense of continuity in the use of materials in the area. The comments above also apply to this view where the development, from the higher viewing</p>

		point of the tower will mean that it (particularly the roof area) is more clearly in the view.
3.	New Road	The new curved screen wall will be visible, acting as an enclosure to the street and Bonn Square drawing the eye along Queen Street and providing a sense of arrival, enhancing the existing poor quality of County Hall corner and an enhancement on the existing situation. The glass lantern will be prominent in longer views, marking the entrance to Queen Street and the retail quarter of the city. Subject to detailed consideration (controlled by condition) the lantern will be a positive element to the roofscape.
4.	Bulwarks Lane	A glimpsed view down Castle Street, which will benefit from the proposed remodelling
5.	Bonn Square	The curved screen wall and large-scale entrance will provide a more fitting enclosure to Bonn Square, and together with the proposed public realm works would assist the square to meet the main entrance to Block 4. The 'open' texture and uncluttered elevation provides an appropriate backdrop to the setting of the listed Tirah Memorial.
6.	St Ebbe's Street	The view up the street onto the east façade of Block 4 will change little. Although outside the application site, there may be some rationalization of street furniture and additional cycle parking funded from the development via CIL.
7.	Pembroke Street	The view is a long narrow channeled view, which will change little (changes at existing parapet level to Block 4)
8.	Carfax	The curved screen to the façade of Block 4 will be visible at the end of the view where Queen Street curves to meet Bonn Square. The double height scale of the entrance and shop windows differs from that of the adjacent buildings, announcing the entrance to the shopping arcade. The finished roof level will be similar to the existing and similar to the scale of adjacent buildings. It will provide an appropriate termination to the street, mitigating the harmful impact of the existing new County Hall building.
9.	Turn Again Lane	The existing view is onto the side of the multi storey car park and bridge access into the Westgate Centre. The proposal opens up the view and access into the new 'cross street' with the faceted corner of Block 3 designed to modulate the scale of the new building to reflect architectural component scale of the buildings

		in the foreground. The cycle hub and possible café at street level will help to animate the space. Given the existing conditions this proposal will be an improvement to the character of the street and the views as well as improving routes across the block.
10	Old Greyfriar's Street	Blocks 2 and 3 sit directly onto the street with brick and stone facades, separated into bays and punctuated by openings or blind arcades. The buildings have consistent heights channeling views up the street to a remodeled space at the top of the street. In streets such as this where the footfall will be less and where the proposed building predominantly looks inwards the delivery of a successful public realm becomes essential. Inward looking buildings are not unfamiliar in Oxford and the character of some of our existing streets derives from this characteristic. Thus the nature of the proposal, subject to the public realm details being agreed, will not be harmful.
11	Norfolk Street	The view of the existing multi storey car park is replaced by a series of taller buildings, which lead the eye up to the object building and just in the view County Hall. The nature of the viewing place will be dramatically different as a key entrance into South Square with the new department store to one side. The existing nature of the street (leading up to Castle Street) is poor. This will be an improvement.
12	Paradise Street	The existing view is towards the ramped access into the back of Westgate. The height of the remodeled block 4 will be lower than as existing and will include shop window displays and an access. Progressing up the street the object building and a principal access point into the development will come into view. The Castle Street façade to Block 4 is part of the retained building, but will be punctuated by new openings to give it a greater degree of animation. This is welcomed, as the existing state is poor. As above the quality of the public realm in this section is critical with the success of the street relying on how the street is activated and experienced (by people, street furniture and trees) as the building façade will continue to be predominantly blank. As the overall impact will be an improvement on the existing situation this cannot be held to be harmful.
13	Thames Street	The view over the existing surface car parks will be replaced by views of Block 1A, Block 1 and Block 2.

		The difference will be pronounced, but give a sense of enclosure and purpose to the street. The existing views across the multi storey car park towards Tom Tower will no longer be available. The experience of this at present though is compromised by the foreground views and traffic noise.
14	Preachers Lane	This will look onto the south elevation of Block 2, where the roof 'pods' will also be in the view. The variety in the architectural treatment and use of materials suggests that the view will be an improvement on the existing
15	Carfax Tower	The view, which is over the rooftops of Queen Street, will include the plant screening on Block 4 and beyond that the glazed roof over South Square. The glazed lantern will be to the right of the view protruding above the general height of the flat and pitched roofs. In the middle ground is the large flat roofed area of the Marks and Spencer store and the roof glazing of Ramsay House. The significance of the view will not be harmed. The lantern offers to provide a point of interest in a view that currently possesses few points of interest.
16	St Michael's, Cornmarket	The glazed lantern to Block 4 will pop up above the rooflines, but for the most part the proposed buildings will be hidden from the view
17	St Mary's Church	This view across the city centre will pick up some of the roof elements of the new development, just discernible behind the Town Hall, with the glazed lantern seen as a diminutive element behind Lincoln College library
18	Jubilee Terrace	From this point there is a glimpse of the roofline of Block 2 sitting below Nuffield College spire.
	<i>Outside the City</i>	Views 19 – 24 are views of Oxford from the western hills, where the proposed development will be visible. The angle of the view varies slightly from looking down on the development to looking across at it. In all the views the consistency of the overall roof heights is noticeable, in comparison to the varied heights in the city centre. This will be mitigated to some degree by the detailed design and proposed materials, but the consistent scale will still be apparent. Adding taller elements would help, but would extend further the height above policy limits and would serve as decorative elements with no obvious purpose. On balance the less than substantial harm to the varied

		<p>roofscape, justified by the public benefits that would flow from the development is the preferred conclusion. In most views this analysis is only possible with zoomed images. With the naked eye the impacts are much less discernible. Raleigh Park and Hinksey heights are the closest views where the impacts are more easily spotted.</p>
19	Bridleway, South Hinksey	<p>A long distance view that looks down onto the city, where the development will be in the view, on the edge of the city centre, partly screened by the trees along the Thames. The variety in the roof line and the way the rooftop pods are articulated together with the colours and tones of the proposed materials helps the development to define the city edge, without being overly prominent. The larger scale of the buildings is apparent, for example the roof over South Square is a long horizontal element, but like Castle A Wing, which is also visible in the view, is a reflection of the buildings' function.</p>
20	Hinksey Heights Golf Course	<p>This is not such an elevated view as 19 and less of the buildings are visible (just the upper levels and roofs). The impacts are similar to above. At this angle of view the lantern on Block 4 breaks the general roofscape and joins the other spires and towers that punctuate the skyline in this part of the city.</p>
21	Bridleway, Chiswell Farm	<p>This is another elevated view, slightly oblique to the two above and picks up the Object building in the view. The glazed roofs over the south arcade and south square are apparent in the view, and although there is some variety in height of finished roof levels, the view shows up the overall uniformity of the height of the buildings. In this respect the glazed lantern to Block 4 adds a point of interest.</p>
22	Bridleway, Chilswell House	<p>This is similar to above, but slightly more elevated and allows views towards the plant screening on Block 4. The view appears to flatten the development and the absence of vertical elements within the context of the remainder of the city in the view is apparent.</p>
23	Boars Hill	<p>In this view much of the external walling is not visible, but the glazed roof to South Square and the roof plant to Block 4 will be visible</p>
24	Raleigh Park	<p>This view picks up the Object building and the glazed roof over South Square. The angle of the view is such that the glazed roof sits in front of Tom Tower.</p>

		Depending on light conditions the roof, (because it is glazed), may at times be more prominent than at others. However, its skeletal structure and slim curved profile give the roof some elegance and marks the existence of the Square. Whilst the glazed roof obscures a small part of the lower level of Tom Tower (discernible with telephoto lens) it does not detract from its prominence as a part of the historic skyline.
25	South Park	The roof plant screen to Block 4, the glazed roof to South Square and Block 3 will be visible behind the towers, domes and spires that rise above the roofscape. The green backdrop beyond will remain. The colour and tones of the roof elements will be critical. Too bright or harsh colours will make the structures unnecessarily prominent but as proposed with muted tones the buildings will recede into the background and will not harm the view.
26	Port Meadow, Godstow car park	The glazed lantern to Block 4 will be just discernible above the tree line to the left of Nuffield Spire, otherwise the development will not be visible
27	Port Meadow footpath	The new development will not be visible in this view.

### **Environmental Assessment.**

58. Accompanying the outline planning application was a full Environmental Impact Assessment (EIA) dated September 2013 plus Addendum of January 2014, produced under the provisions of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. Paragraphs 214 to 217 of the officers' March report to committee described the need and purpose of the assessment in relation to the Westgate development, whilst Appendix 15 to that report recounted the detailed findings of the Environmental Statement, together with the key impacts, mitigation measures proposed and a short officer summary. The Environmental Statement (ES) also encompassed the two separate "enabling" planning applications submitted for temporary car parking at Oxpens and temporary coach parking at Redbridge Park and Ride, references 14/02558/FUL and 14/02563/FUL respectively.

59. The ES examined the impacts of the Westgate proposals under a series of topic headings, namely: transport; air quality; noise and vibration; socio economic; ecology; daylight, sunlight and overshadowing; wind; archaeology; water resources and flood risk; ground conditions; demolition and waste management; heritage and townscape; and cumulative effects. (Heritage and townscape issues were considered separately in the officers' report). Officers

commented at Appendix 15 to the March report on each of the ES topic areas. Impacts were described in the ES as adverse, neutral or beneficial with their significance depending on their magnitude and the sensitivity of the receiving environment (or “receptor”).

60. In this reserved matters application the previous ES has been reviewed further and supplementary information supplied. In doing so the applicant has noted that the policy context remains much the same though as indicated at the head of this report, since the ES accompanying the outline application was drawn up the Planning Policy Guidance document has been issued at national level and locally CIL arrangements, Affordable Housing and Planning Obligations SPD and Oxpens SPD formally adopted and a draft Station Area Masterplan produced. All are relevant to the reserved matters application in the wider context. Also adopted locally has been the Jericho Canalside SPD though that has little direct bearing on the application. The supplementary ES information of August and September 2014 also notes that major developments have since been completed in the new University Mathematics building at the Radcliffe Observatory Quarter (ROQ); in the student accommodation at St. Clements car park; and at Pembroke College. Major projects are also under construction at the former Ruskin College site for Exeter College at Walton Street, at the Blavatnik site on the ROQ and at Luther Court / Thames Street. These are all relevant considerations in respect of cumulative impacts.
61. The ES information now supplied concludes that as the development follows closely the Parameter Plans, Development Principles and Public Realm Development Principles forming part of the outline permission, then there are no new or different effects arising under the topic headings listed above. That said there are 3 areas in particular where additional studies have been undertaken, namely in relation to daylight, sunlight and overshadowing; wind effects; and water resources and flood risk.
62. In terms of daylight, sunlight and overshadowing, the additional study relates to the residential flats within block 1A to the western edge of the development overlooking the Castle Mill Stream. Here the new accommodation was assessed under 3 criteria: average daylight factor (ADF), no skyline (NSL) and annual probable sunlight hours (APSH). On the ADF test, of the 148 habitable rooms tested, 17 did not meet the suggested ADF standard as all but one are open plan spaces set behind inset balconies. The remaining room is a bedroom to a ground floor flat. All the 16 others were above the recommended lighting level for bedrooms however with 7 of them above the recommended level for independent living room spaces. On the NSL test, 15 of the 148 rooms did not meet the suggested level but all but 5 rooms enjoy some daylight distribution to at least 60% of the working plane, which is considered to be good for an urban area. Lastly on the APSH test 66 of the 108 rooms tested would enjoy a good level of sunlight throughout the year.



The reason for the lower levels of daylight to some rooms is that the spaces involved are set behind inset balconies as open plan spaces. Conditions could be improved by removing balconies but these are important features to the residential flats and their absence would detract from the quality of the residential accommodation. Overall, however the effects are considered to be minor adverse and to produce good living conditions well up to the quality expected to be enjoyed in an urban context.

63. With the detailed designs now in place in the reserved matters application the wind effects of the development have been examined in more detail. Using guidance set out in BRE Digest 520 the study examined conditions likely to be experienced under different circumstances. For example conditions that may be acceptable for a pedestrian standing or walking, may be uncomfortable for sitting in the same environment. Four criteria were therefore examined: "*pedestrian walk through*"; "*pedestrian standing*"; "*entrance doors*"; and "*sitting*". Any assessment is greatly influenced by background wind conditions however and for the purposes of the study an "*averaged steady - state turbulence model*" (RANS) was adopted. Under these average conditions the 4 criteria for ground, second and upper ground levels were examined across the whole site. Under the "*pedestrian walk through*" criterion all areas examined were assessed as acceptable. Under the "*pedestrian standing*" and "*entrance doors*" criteria all areas were assessed as acceptable or tolerable, with the latter confined to areas along Thames Street, the Castle Mill Stream footpath and small areas at roof level where various restaurants are proposed to be located. It is only on the last criteria of "*sitting*" are some areas described as unacceptable, i.e. uncomfortable. These are relatively small areas where shoppers and others are less likely to wish to linger for long periods in any event, especially when underlying weather conditions are windy or gusty. The areas involved are again to Thames Street; along part of the Castle Mill Stream footpath; at the entrance to the car park; at the entrance to the new servicing bay; and a very small area at roof level to the south - east corner of block 3. These conditions are referred to variously in the language of Environmental Statements as ranging from negligible in their effects to minor or moderate adverse. In mitigation the ES suggests well-designed screening and solid balustrades at key locations; planting; and possible minor adjustments to facades of buildings. As a temporary measure on especially windy or gusty days temporary wind screens could be utilised at roof level to the south - west corner of Building 3. A condition requiring these details can be imposed accordingly.
64. Lastly in relation to water resources and flood risk, the officers' report on the outline application had examined in detail the potential for flood risk to the development at paragraphs 178 to 192, with particular reference to fluvial flooding. Applying the 1 in 200 year flood level, (i.e. 1 in 100 year plus climate change), a peak flood level of 57.11m AOD was estimated by the

Environment Agency (EA) at that time. As such a condition was imposed on the outline permission that that no residential accommodation should be located within areas affected by the 57.11m AOD flood level. In the event the outline submission suggested that all residential accommodation would be located at a minimum level of 57.70m AOD or 590mm above the 1 in 200 year level. In this worse case scenario mitigation would also be provided by allowing floodwater displaced by the development to collect in the lower level of the basement car park.

65. Since the March report however the EA has updated its modeling of the Oxford Thames (Eynsham to Sandford) and lower Cherwell hydraulic model such that the updated peak 1 in 200 year modeled flood level is now set at 56.70m AOD, or 400mm lower than previously modeled, placing the majority of the application site within Flood Zone 1 and a very small area adjacent to the western boundary in flood zones 2 and 3 where it would be at low risk of flooding. Moreover the 1 in 1000 year flood level has also been confirmed by the EA at 56.61m AOD. The updated modeling therefore finds the development less at risk of flooding than previously, and that during both the construction and operational phase the risk of fluvial flooding is negligible. Nevertheless, on the precautionary principle, the basement flood mitigation strategy previously proposed remains in place.
66. On other features of the water environment, during the construction phase surface water flood risk is assessed as minor adverse, but can be mitigated by measures to prevent contaminated run off. The impact of groundwater levels is also assessed as negligible. During the operational phase of the development, fluvial flood risk, groundwater flooding and surface water drainage impacts are all assessed as negligible whilst in terms of foul water and surface water infrastructure, the impacts are assessed as minor adverse, but with the mitigation required by condition to the outline permission in place this falls to negligible.
67. Overall officers are therefore satisfied that the reserved matters planning application has responded positively to the requirements enshrined within the outline submission and the ES which accompanied it, notwithstanding that all the conditions imposed on the outline permission as they relate to environmental concerns remain to be separately satisfied in full.

### **Sustainability and Energy Efficiency**

68. In the outline planning submission the applicant identifies a series of 45 targets forming the basis for a sustainability strategy intended to be implemented with the planning permission. A series of specific measures were committed to accordingly at that stage. These were reproduced at Appendix 14 and paragraph 209 respectively of the March 2014 report to

committee. A condition was therefore imposed on the outline planning permission that:

*“.....no commencement of development shall take place until a detailed Energy Strategy including a Natural Resource Impact Assessment has been submitted to and approved in writing by the local planning authority. The strategy shall include (but not be confined to) the following elements:*

- *Code for Sustainable Homes level 4;*
- *BREEAM excellent status for block 1;*
- *A reduction of carbon emissions of at least 40% (per sq m) relative to pre development conditions;*
- *Diversion of at least 90% of construction, demolition and excavation waste from landfill;*
- *A minimum of 20% of energy needs generated on site from low or zero carbon technologies, via a combined heat and power system and / or air source heat pumps and / or other facility.*

*The approved details shall demonstrate how the Energy Strategy shall be delivered across the development, with the details as approved implemented and retained at all times following completion of the development unless otherwise agreed in writing beforehand by the local planning authority.”*

69. A dialogue has subsequently commenced on these issues and supplementary reports produced in support of the current reserved matters application. These further reports are not intended to represent the formal submission required by the above condition, but a position statement on current thinking. Formal compliance with the condition will follow. Nevertheless a series of specific measures are now identified, including those to satisfy the requirements of a Natural Resource Impact Assessment (NRIA). These can be summarised as follows:

#### Energy Efficiency:

- Solar shading where solar gain not beneficial.
- Central energy sharing “condenser loop” connected to air source heat pumps for buildings 2 and 3 with ability to connect to Oxpens CHP system if established.
- Insulation and build materials to comply and exceeded requirements of Part L of the Building Regulations 2013.
- Air infiltration in excess of Part L.
- Double-glazing to residential properties plus shop units other than for window displays.
- Where provided boilers to be of condensing type.
- Low temperature hot water network to residential properties driven by CHP system with ability to connect to Oxpens CHP system if established.
- Natural ventilation to residential flats with mechanical ventilation to operate in “purge” mode to remove heat without opening windows during periods of high ambient noise levels; mechanical ventilation to non -

residential units; public spaces to be naturally ventilated.

- Flats to achieve credits under Code for Sustainable Homes.
- Energy efficient lighting.
- A rated appliances provided to flats.
- Central Building Management system to record energy requirements of retail tenants and alert if energy demand above normal levels.
- BREEAM Excellent rating for Building 1 and Very Good for Buildings 1A, 2, 3, and 4.

#### Renewable Energy.

- Heat pumps throughout development to exceed 20% target with preferred standard of 30% or more.
- If viable integrated organic PV photovoltaic modules in collaboration with Oxford PV at roof level to generate zero carbon on site electricity. If not viable 300 sq m of stand alone PV to be provided or funding for equivalent elsewhere.

#### Materials.

- BRE Green Guide to Specification to be adopted.
- 5% of base materials sourced within radius of 100 miles.
- Materials with low percentage Volatile Organic Compounds (VOC) to be selected.
- All timber to be sourced from Forestry Stewardship Council (FSC) certified.
- Construction, demolition and excavation waste to be retained and re used wherever possible.
- Base build to include 25% recycled content.

#### Water Resources.

- Low flow fittings etc. throughout.
- Nature and drought tolerant soft landscaping to be included.

70. These features would produce an NRIA score of at least 8 out of a possible score of 11, with the minimum requirement being achieved in all categories. The potential may also exist to achieve a score of 9, in particular if the innovative project underway with Oxford PV to fit next generation Organic PVs is successful, or indeed if combined with a scheme of stand alone conventional monocrystalline silicone PVs. These features may have the potential to extend the on - site renewables to 30% or more of energy needs. A condition of the outline planning permission also requires a reduction in carbon emissions of at least 40% (per sq m) relative to pre development conditions.

71. Officers are satisfied that good progress has been made on these issues towards a high energy efficient and sustainable development in compliance with the requirements imposed on the outline permission.

## **Conclusions.**

72. The principle of the development, the overall massing, layout, access arrangements and general operation of the development is set out in the Parameter Plans, Development Principles and Public Realm Development Principles forming part of the outline permission. This reserved matters application provides a level of detail not yet considered and is intended to follow closely the requirements of the outline permission, and how the potential impacts officers previously identified have been addressed.

73. Given the volume of information submitted it is not possible to consider each and every matter or detail of the scheme within this report. Rather the matters discussed are those that are key to the success of the development; where there is an acknowledged interest either from the public, stakeholders, consultees or elected members; and where officers consider discussion is important. The conclusions may therefore be summarized as follows.

- I. A development where Buildings 2, 3 and 4 are inward looking presents particular challenges to the appearance and experience of the exterior envelope, as identified in the officers' report on the outline planning application. The details that now form part of the reserved matters application show how the elevations would be articulated to mitigate this and within the constraints presented by the retailing needs and layout of the shops, this has satisfied officers that the application can be supported. There are parts - Paradise Street / Abbey Place and Old Greyfriar's Street - which will have lower footfall and with low active frontages the public realm will need to work harder to make these pleasant places to be. This is not an uncommon characteristic of Oxford where colleges typically face inwards. Success depends on attention to detail and high quality materials, hence the proposed conditions above on construction details to certain elements of the building design and final choice of materials.
- II. The design of the buildings provides variety, (between each building and within them), within a suite of overarching design principles that will deliver high quality architectural forms, with individual elements that add interest to the external and covered environments and create a character that, (subject to the materials selected and workmanship), will enhance the built environment of this part of Oxford.
- III. There are many demands on the spaces between buildings from a range of users and providers, with the risk that they could ultimately undermine the quality and experience of the built forms. The applicants and officers

recognize that the delivery of a successful public realm is critical to the success of the scheme and hence the recommended conditions to allow the debate to continue and detailed designs to evolve further and mature.

- IV. A high priority is to ensure that the development will not result in harm to the views of Oxford's skyline and its townscape quality, and to ensure that the opportunities to mitigate less than substantial harm or to justify it by the public benefits the development will deliver must be secured. (See paragraphs 37- 41 of the officers' outline application report). It needs to be made clear that the views of Oxford are not in themselves heritage assets. They provide the opportunities to understand and enjoy the settings of the listed buildings in the city, individually and as a group (i.e. the conservation area). In this way, how the settings are experienced can contribute to the significance of the heritage assets. It should also be acknowledged out that whilst the development will be clearly visible in some views, it would not be in others. Understanding the way the setting of the heritage assets contribute to significance and how this significance will be affected requires that the setting as a whole should be considered. Thus while officers conclude that in some views there will be some harm, this will be less than substantial on the setting of the city and its historic skyline.
- V. The reserved matters application shows how the roof structures are articulated and modulated, by design and use of materials to address these issues. The development will not block views of the spires, domes and towers from the protected and other identified view cones. It will however form part of the viewing experience. This has always been recognised, and it has never been the objective to seek to conceal the development. Indeed an objective is to recognise and celebrate this development as a major expansion of the city centre, and in this respect the visibility of the glass roof over the South Square, the glass lantern to Block 4 and the Object building achieve this. The varied roofline and the proposals (to date) for varying tones and textures of the materials also assist in disaggregating the overall extent of the development into smaller recognizable forms. However, in some views, from street levels and from higher or longer distance views the overall consistency of the height of the new buildings is apparent when seen against the smaller scale elements around the site. This, it could be argued, is itself recognition of the changing nature of retailing and a part of the history of the city, and certainly one that is difficult to conceal within the high density and tight knit network of streets and building blocks that form the historic core of Oxford. The harm that this may result in is not considered to be substantial; has been mitigated by design (but not eliminated); and is justified by the significant public benefits in other terms which the development will deliver (as set out in the outline application report).

74. In summary then, the principles underlying these development proposals have only emerged following a lengthy and positive dialogue between the applicants, officers and a range of stakeholders and third parties, and are translated in this reserved matters application into a detailed form, which can be supported. Whilst the site provides many positive opportunities in extending the Westgate Centre in line with established policy objectives there are, too, constraints to be addressed. With further attention to details such as in the final choice of materials for both buildings and public realm, and in the disposition of street furniture and other facilities, officers have formed the view that a high quality development and public realm can be achieved which can also meet other objectives, for example in terms of access, retail offer, employment opportunities and sustainability requirements.

75. Committee is recommended to support the proposals in accordance with the recommendations at the head of this report.

### **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant reserved matters planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

### **Section 17 of the Crime and Disorder Act 1998**

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant reserved matters planning permission, 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, 14/02402/RES.

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

**Extensions:** 2153 / 2147

**Date:** 17<sup>th</sup> November 2014

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