

West Area Planning Committee

11th October 2016

Application Number: 16/01495/RES

Decision Due by: 2nd September 2016

Proposal: The outline planning application (13/02557/OUT) was an Environmental Impact Assessment application and an Environmental Statement was submitted. Approval of all reserved matters was granted (14/02402/RES) under condition 5 of the outline planning permission. This application seeks approval of amended reserved matters for the appearance of a proposed canopy over Bridge 13 (connecting Buildings 3 and 4) only. All other reserved matters previously approved remain unaffected.

Site Address: Westgate Centre And Adjacent Land Encompassing The Existing Westgate Centre And Land Bounded By Thames St, Castle Mill Stream, Abbey Place, Norfolk St, Castle St, Bonn Square, St Ebbes St, Turn Again Lane And Old Greyfriars St (**site plan: appendix 1**)

Ward: Carfax Ward

Agent: Mr Jon Bowen

Applicant: Westgate Oxford Alliance

Recommendation:

The West Area Planning Committee are recommended to grant planning permission for the following reasons

Reasons for Approval

- 1 The proposed canopy would constitute a minor addition to the approved development, and would be of a size, scale, and appearance that would create an appropriate visual relationship with the bridge and the built form of Blocks 3 and 4 and also views from Turn Again Lane. The canopy would fulfil an important functional requirement for users of the bridge, and the proposed lighting would not create any adverse impact in terms of light spillage. The proposal would therefore accord with the aims and objectives of the relevant policies of the Oxford Core Strategy, Oxford Local Plan and West End Area Action Plan. No third party representations have been received.

- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials as specified

Principal Planning Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP9 - Creating Successful New Places

CP10 - Siting Development to Meet Functional Needs

CP19 - Nuisance

CP20 – Lighting

CP21 - Noise

HE7 - Conservation Areas

Core Strategy

CS18_ - Urban design, town character, historic environment

West End Area Action Plan

WE10 - Historic Environment

WE12 - Design & construction

WE1 - Public realm

Other Planning Documents

National Planning Policy Framework

Public Consultation

Statutory Consultees

- Historic England: No comment. The application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.
- Natural England: No comment
- Cherwell District Council: No objections
- Oxfordshire County Council: No objections

Third Parties

No third party representations have been made with respect to the application

Officers Assessment:

Background to Proposals

1. The site relates to the Westgate Oxford development which measures approximately 5.9ha, and extends from Bonn Square in the north to Thames Street in the south and from Castle Mill Stream in the west to Old Greyfriars Street and Pennyfarthing Place in the east (**appendix 1**).
2. In March 2014 outline planning permission with all matters reserved was granted by the West Area Planning Committee for a retail-led mixed use development of the former Westgate Shopping Centre, Multi-Storey and Surface Level Car Park and Abbey Place Car Park under reference 13/02557/OUT. The reserved matters for the layout, scale, appearance, and landscaping of the development was subsequently approved under reference number 14/02402/RES by the West Area Planning Committee meeting on the 25th November 2014. The outline permission and reserved matters are currently being implemented on site.
3. The current application is an additional reserved matters application seeking permission for the appearance of a tensile fabric canopy measuring approximately 7.7m x 10.3m to provide overhead protection to people traveling across Bridge 13 to access the roof terraces of Buildings 3 and 4.
4. The reserved matters (layout, scale, appearance, and landscaping) previously approved under application 14/02402/RES will be unaffected by this application which would relate solely to the appearance of the proposed canopy.
5. The principle determining issues in this case would therefore relate solely to the impacts of the proposed canopy as follows
 - Visual Impact of the appearance
 - Lighting
 - Conformity to the Environmental Statement and its addendum

Visual Impact

6. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate high-quality urban design that responds appropriately to the site and surroundings; creates a strong sense of place; attractive public realm; and high quality architecture.
7. The Oxford Local Plan 2001-2016 requires development to enhance the quality of the environment, with Policy CP1 central to this purpose. Policy CP8 states that the siting, massing, and design of new development should create an appropriate visual relationship with the built form of the surrounding area. While Policy HE7 requires proposals to preserve and enhance the special character and appearance of the conservation area.

8. The proposed canopy has been designed to fall within the permitted zone for Bridges Connecting Blocks approved as part of the parameter plans for the outline permission. The canopy would have a lightweight appearance being formed from a tensile fabric with neutral colour tone. The canopy would not materially alter the visual appearance of the bridge or adjoining buildings approved as part of the reserved matters application. The canopy would be visible from Turn Again Lane, but the minor and lightweight appearance when viewed against the approved buildings of Block 3 and 4 would mean that it would not have a significant impact upon the view from this location.
9. As such officers consider that the proposal would accord with the aims of the above-mentioned policies.

Lighting

10. The canopy will be feature lit by an uplighter which is fixed to the façade of building 4 and LED lights within the handrail of Bridge 13. The lighting would provide ambient lighting for the space and would not have any adverse impact from light spillage.
11. The proposal would therefore accord with the aims of Oxford Local Plan policy CP20 which seeks to prevent unacceptable levels of light pollution and spillage.

Environmental Impact Assessment

12. The outline planning application for the Westgate development was accompanied by an Environmental Statement (September 2013) and Environmental Statement Addendum (January 2014). The reserved matters application was also accompanied by an Environmental Statement (August 2014) and Environmental Statement Addendum (September 2014).
13. This reserved matters application would constitute a 'subsequent application' under Regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. As such the likely significant effects of the proposed development need to be considered.
14. The application has assessed the impact of the proposed canopy against the baseline data in the approved Environmental Statement and its Addendum and identified that the development does not give rise to any new or different significant effects to those identified and assessed previously.

Conclusion

15. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and West End Area Action Plan and therefore officer's recommendation to the committee is to approve the development subject to the conditions listed above.

Human Rights Act 1998

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

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

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Contact Officer: Andrew Murdoch

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Date: 22nd September 2016

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