

EAST AREA PLANNING COMMITTEE

5th July 2017

Application Number: 16/03006/FUL

Decision Due by: 31st September 2017

Proposal: Mixed use phased development comprising residential (Use Class C3), hotel (Use Class C1), retail (Use Class A1/A3/A4) with associated car parking, demolition of car park, high level walkway and public house, public realm improvements, landscaping, highways and refurbishment of car parks and enhancement to shopping centre entrances. (amended information)(amended plans)

Site Address: Templars Square, Between Towns Road (**Site Plan, Appendix 1a**)

Ward: Cowley Ward

Agent: GL Hearn

Applicant: Mr Jamie Whitfield

RECOMMENDATION:

East Area Planning Committee is recommended to:

(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission subject to:

1. The satisfactory completion of a legal agreement under s.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and

(b) Agree to delegate authority to the Head of Planning & Regulatory Services to:

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning & Regulatory Services considers reasonably necessary;
2. Finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning & Regulatory Services considers reasonably necessary; and

3. Complete the section 106 legal agreement referred to above and issue the planning permission.

EXECUTIVE SUMMARY

1. This report considers an application for a mixed use phased development of a number of sites within the Templars Square Primary District Shopping Centre comprising residential (Use Class C3), hotel (Use Class C1), retail (Use Class A1/A3/A4) with associated car parking, demolition of car park, high level walkway and public house, public realm improvements, landscaping, highways and refurbishment of car parks and enhancement to shopping centre entrances. The development requires an Environmental Impact Assessment (EIA) because of its size and the Environmental Statement (ES) submitted with the application concludes that significant environmental effects have been avoided in the design of the proposed development and that likely effects have been considered and where necessary mitigation measures recommended to reduce those effects.
2. The report concludes that the development would be of a high quality, making best and most efficient use of land creating much needed homes, including a proportion of affordable units, create new retail units and meet the acknowledged need for hotel accommodation in the City whilst providing new jobs. The development would represent a significant opportunity to regenerate part of the district centre that is dated and in need of improvement, by providing more social activity and vibrancy to the centre itself and also to the public realm. Whilst the development would be higher than other buildings locally and in particular the new residential tower block, it would enhance the character and appearance of the shopping centre and surrounding street scenes and would not harm the setting of the adjacent Conservation Area or listed building. From more distant views, whilst the site is not in any protected view cones of Oxford, the cluster of buildings and tower may be considered to harm the views from the City Centre out of Oxford to the east. However, this harm would be less than substantial to the overall to the setting of the historic core of Oxford or its landscape setting from other public vantage points. Furthermore, it is considered that on balance the public benefits of the scheme in terms of regeneration and economic benefits, provision of housing, high quality architecture and public realm improvements, taking in to account viability issues and other material considerations are considered to outweigh any harm in this case.
3. The development would provide 226 residential flats on a windfall site in a mix of 1, 2 and 3 bed units which is considered a large number of units towards meeting Oxford's need for housing. The overall mix of units generally accords with the balance of dwellings required and any shortfall is outweighed by the benefits to the development. Of these units 23% affordable housing would be provided contrary to Policy. However, robust evidence has been submitted which demonstrates that the scheme is unviable at higher provisions. It is considered on balance that the public benefits of development in terms of regeneration of the shopping centre, economic terms, provision of substantial number of housing units and public realm improvements, outweigh the under provision of affordable housing in this case and an exception to Policy should be made.

4. A small proportion of the flats would not have any private outdoor amenity space contrary to policy. However a contribution in lieu of this amenity provision towards improvements to the public amenity space provided by John Allen Park opposite is considered acceptable in this case, taking into account the public benefits of the scheme overall and other material considerations.
5. There would be a rationalisation of the existing car parks for the shopping centre, including parking for the new hotel and residential development, but a large proportion of flats would be car free. The development is CIL liable and provision of a Controlled Parking Zone and highways works would be covered under this. However, in this case the Applicant has agreed to deliver these measures through a S278 agreement with the County Council. Whilst the commitment to providing a CPZ and the highways works under a S278 agreement is beneficial to development it is a matter between the County Council and the Applicant and as the mechanism for raising such funds is via CIL, it cannot be considered direct mitigation for the development or material to the determination of the application. The County Council has raised no objection. It is considered that development would provide significant public realm improvements in highways terms to Between Towns Road and improvements to the remaining multi-storey car parks.
6. In other respects the proposed development would provide significant landscaping and would not raise concerns in respect of Energy efficiency, Archaeology, Trees, flooding, air quality, wind micro-climate and biodiversity. There would be no significant harm to neighbouring residential amenities in terms of overlooking, loss of privacy, overbearing or overshadowing from the development.
7. The proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Core Strategy 2026, Sites and Housing Plan 2011-2026, and Oxford Local Plan 2001-2016 subject to appropriately worded planning conditions.
8. A legal agreement would be required to secure the affordable housing provision and contribution towards public amenity improvements to the John Allen Park.

SITE DESCRIPTION:

9. Templars Square Shopping Centre is situated within eastern suburb of Oxford on Between Towns Road, Crowell Road, Barns Road and Hockmore Street and lies to the east of the historic core of Oxford City Centre within Cowley Primary District Shopping Area. The surrounding area is a mix of commercial uses and early 20th Century residential suburbs, close to the eastern Business Parks and industrial areas. The shopping centre was originally constructed in the 1960's together with 3 multi storey car parks. Eventually the originally open air shopping centre was covered over and whilst changes and improvements have been made both internally and externally with one or two new buildings on Between Towns Road (e.g. William Morris PH), much of it is still mid-20th Century in appearance.
10. The application site comprises 3 larger development sites with the Shopping

Centre (Sites A, D & F) as follows:

- Site A: Castle Car Park - located in between Crowell Road, Beauchamp Lane, and Between Towns Road
- Site D: The former Nelson Public House and Barns Road Car Park – located at the eastern end of Between Towns Road at its junction with Barns Road
- Site F: Retail Parade - located between the Northern Entrance to the centre and Banjo Road.

11. These principle development sites can be viewed in **Appendix 1b**.

12. In addition to the principal plots, a number of smaller sites are included consisting of existing shopping centre entrances, façade treatments to shopping centre and car parks, extensions to the Barns Road and Knights Road Carparks (rest of these car parks are outside the application red line) and the whole of public realm of Between Towns Road itself.

13. Site A lies adjacent to the Beauchamp Lane Conservation Area (CA) and within the setting of No.1 Beauchamp Lane which is a circa 17th Century thatched cottage and Grade II listed. The CA is a small area characterised by its rural village appearance and charm predominated by residential houses with front gardens informally planted with trees and shrubs. Many buildings and boundary walls are constructed in stone and interspersed through the houses are a Church and old school buildings. Beauchamp Lane, as its name suggests is a narrow vehicular lane, which typifies the character of the CA.

PROPOSAL:

14. The application is seeking permission for a mixed use development comprising a total of 226 new flats (1, 2 & 3 beds), hotel, commercial uses and public realm improvements as follows:

- Demolition of the Nelson PH and erection of 2 commercial ground floor units with a 71 bed Travel Lodge Hotel and a high rise block of 69 flats on 14 floors above, identified as Site D;
- Construction of 58 flats on 6 floors on top of the existing parade of shops on Between Towns Road, identified as Site F;
- Demolition of the Castle Multi-story Car park and bridge link over Crowell Road and erection of 99 flats in two blocks; 9 floors on corner of Crowell Road and Between Towns Road reducing down to 5 floors on the corner of Beauchamp Lane; second smaller block of flats on 4 floors facing onto Beauchamp Lane and corner with the access to the Ark T Centre/ Church, identified as Site A;
- New lift/ staircase cores to the existing Barns Rd & Knight Road car parks;
- Re-facing of the shopping centre and Barns Road Car Park on Between Towns Road and improvement to the all the existing entrances into the shopping centre;
- Public realm enhancement on Between Towns Road, including widening of pavement, street trees with in planters that serve as seating and informal child play, widening of the pedestrian crossing to the John Allen Centre, re-location of bus stops (none removed) and new bus turning circle, relocation of taxi rank and limited waiting bays.

15. The report considers the key issues arising in assessing the application.

LEGAL AGREEMENT:

16. A Legal Agreement between the Applicant and the City Council is required to secure affordable housing and contribution of £55,000 towards public amenity improvements to the John Allen Park on Between Towns Road.

Heads of Terms:

17. 23% (units 51) affordable Housing including 1bed (2 person) & 2 bed (four person) units at Site F; 61% (31 units) of these would be social rent and 39% (20 units) shared ownership.

18. A contribution of £55,000 towards specific improvements to the John Allen Park including new bins & benches, re-landscaping (planting and new footpaths) and child's play facilities. Full details to be agreed between all parties.

COMMUNITY INFRASTRUCTURE LEVY (CIL):

19. The development is CIL liable: of £1,003,339

RELEVANT PLANNING POLICIES:

20. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
Design	7	CP.1, CP.8, CP.9, CP.14, RC.13, RC.14	CS18	HP9	
Conservation/ Heritage	12	HE.2, HE.3, HE.7, HE.8, HE.9, HE.10,			
Housing	6	CP.5, CP.6, CP.10	CS3, CS22, CS24,	HP2, HP3, HP10, HP11, HP12, HP13, HP14, SP10	Balance of Dwellings SPD, Affordable Housing and Planning Obligations, Space Standards TAN,

Commercial	1, 2	EC.1, EC.8, RC.3, RC.4, RC.5 RC.12, RC.18, TA.4,	CS1, CS27, CS31	SP10	
Natural Environment	9, 11, 13	CP.11, CP.17, CP.18, NE.11, NE.12, NE.13, NE.14, NE.15, NE.23	CS2, CS9, CS11, CS12	HP11	Natural Resource Impact Analysis SPD
Social and community	8		CS19,		
Transport	4	TR.1, TR.2, TR.3, TR.4,TR.7 TR.13, TR.14, SR.11	CS13, CS14, CS17	HP15, HP16	Parking Standards SPD
Environmental	10	CP.20, CP.21, CP.22, CP.23	CS10		Energy Statement TAN
Misc	5	CP.13, CP.24, CP.25	CS2	MP1	

Other Planning Documents and Material Considerations

National Planning Policy Framework

Planning Practice Guidance

The site affects the setting of the Beauchamp Lane Conservation Area

PUBLIC CONSULTATION:

Statutory Consultees:

- Cherwell District Council:
Cherwell District Council has no objection to the proposal.
- County Council:
See **Appendix 2** for their full comments.
- Environment Agency Thames Region:
Due to increased workload prioritisation we are unable to make a detailed assessment of this application. We have checked the environmental constraints for the location and have the following guidance. *Groundwater Protection:* The site

lies on a secondary aquifer. If infiltration drainage is proposed then it must be demonstrated that it will not pose a risk to groundwater quality. We consider any infiltration SuDS greater than 3m below ground level to be a deep system and generally not acceptable. All infiltration SuDS require a minimum of 1m clearance between the base and peak seasonal groundwater levels. All need to meet the criteria set out in our Groundwater Protection: Principles and Practice (GP3) document. In addition, they must not be constructed in ground affected by contamination. *Surface water flood risk:* The Town and Country Planning (Development Management Procedure) (England) Order changed on 15 April 2015. The statutory responsibility to provide comments on surface water drainage proposals for major applications has passed to the relevant Lead Local Flood Authority (LLFA) from this date. In this case the LLFA is Oxfordshire County Council.

- Historic England Commission:

On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

- Thames Water Utilities Limited:

No objection: Waste Comments: There are public sewers crossing or close to your development. With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application and recommends a 'Grampian Style' condition be applied requiring details of a drainage strategy detailing any on and/or off site drainage works in consultation with Thames Water. The drainage strategy should detail the following (1) The existing Foul and Surface Water peak discharge rates from this site. (2) The proposed connection points for both foul and surface water discharge from the site. (3) confirmation of how foul water is discharged (i.e. gravity or pumped flow). Where a pumped flow is proposed, the drainage strategy should confirm the proposed pump rate. Thames Water would expect a significant reduction in surface water discharge post development from the greenfield/existing run-off rate. Discharges shall be attenuated to reduce the likelihood of flooding downstream of the point of connection. As a guide a discharge rate of 5 litres/second/Hectare shall be applied. We would also expect the developer to demonstrate how they have considered the hierarchy of disposal methods for surface water disposal. The disposal hierarchy being;- 1st Soakaways; 2nd Watercourses; 3rd Sewer. Water comments: Thames Water main crossing the development site which may/will need to be diverted. A condition is required so that no piling shall take place until a piling method statement has been agreed as proposed works will be in close proximity to underground water utility infrastructure

Third Parties & Individual Comments:

A summary of all comments received from third parties can be found in **Appendix 3** of this report

Pre – App Discussion / Public Consultation:

21. The Applicant has undertaken extensive pre-application discussion with Officers of the Council, Oxford Design Review Panel (ODRP) and Oxfordshire County

Council. An initial ODRP design workshop was held on 21st April 2015 and the vision for the shopping centre and development was considered at that stage. Further pre-app discussion was undertaken with the City Council and a further ODRP design workshop review was held on 10th September 2015. The development proposals were refined subsequent to that session and further discussion with the Council. A final full design review of these proposals was made by ODRP on the 3rd December 2015. Copies of their advice can be found at **Appendix 4**. In summary the ODRP at its last session advised that overall they supported the development proposals and that

“The proposal for Templars Square Shopping Centre has improved significantly since the ODRP Design Workshop on 21 April 2015 and the ODRP Design Review on 10 September 2015. Keeping the overall vision for the entire area in mind whilst redefining the red line boundary has helped focus on specific areas and achieve greater clarity in what NewRiver is committing to deliver. Many issues raised in the last ODRP Design Review relating to public realm and architectural expression have been successfully resolved. The proposed massing is acceptable.”

22. The Applicant undertook two public consultation events in the shopping centre with local residents and businesses, Members and local stakeholders including OPT & the Civic Society. These sessions were held on the 1st & 2nd August 2015 and 9th & 10th October 2015 respectively and attracted over 1200 people in total. These events were publicised in the local papers and a local leaflet drop. On the whole the development proposals were well received and the need for improvement recognised. Comments regarding were expressed regarding Beauchamp Lane and its Conservation Area status, character and appearance, potential overlooking issues and increased traffic and parking.

ENVIRONMENTAL IMPACT ASSESSMENT:

23. The planning application is supported by an Environmental Statement (ES) which considers the likely environmental effects of the development and proposes, where necessary, measures to mitigate any adverse effects that might arise. The ES is necessary because paragraph 10(b) of Schedule 2 of the Town and County Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended by the Town and Country Planning ((Environmental Impact Assessment) Amendment) Regulations 2015 will normally require and Environmental Impact Assessment (EIA) to be undertaken for any mixed use urban development project in excess of 0.5ha. The EIA is an important procedure for ensuring that the likely effects of a new development on the environment are understood and taken into account before development goes ahead. However where an ES finds that a development would have an adverse effect it does not follow that planning permission must be refused as it is for each local planning authority decision maker to determine every planning application on its own merits within the context of the development plan, taking into account all material considerations, including environmental impacts.

24. As part of the EIA process the Applicant prepared a ‘Scoping Report’ that indicated a range of topics that it was intended to consider in the ES. This was

sent to the Council as local planning authority as a request for a 'Scoping Opinion' under Article 13 of the EIA Regulations 2011. The topics agreed were

- Landscape (Townscape) and Visual Impact;
- Traffic and Transport;
- Socio-Economic Effects;
- Noise and Vibration;
- Air Quality
- Biodiversity (Ecology);
- Cultural Heritage (including below ground archaeology);
- Hydrology (surface water drainage and flood risk)
- Sunlight and Daylight
- Ground Conditions and Contamination; and
- Wind Microclimate Conditions.

25. Attached at **Appendix 5** is a summary of the environmental impacts of the development including effects and mitigation for each topic. These topics have also been considered within the report.

OFFICERS ASSESSMENT:

26. Officers consider the principal determining issues to be:

- Principle of Development;
- Residential Use;
- Site Layout, Built Form & Heritage;
- Impact on Neighbouring Amenities;
- Highways, access & Parking;
- Landscaping;
- Flood risk and drainage;
- Biodiversity;
- Energy Efficiency;
- Air Quality;
- Socio- Economics;
- Public Art;
- Wind Microclimate
- Archaeology;
- Contamination;
- Other Matters : *Noise & Vibration, Lighting, wayfinding, CCTV, Adverts Totem*

PRINCIPLE OF DEVELOPMENT:

27. The National Planning Policy Framework has a presumption in favour of delivering sustainable development, which it sees as meaning planning for economic, environmental, and social progress (paragraphs 6 & 7). The NPPF makes clear in Paragraph 14 that this presumption should be seen as the golden-thread running through plan-making and decision-taking, which for decision-taking means approving development proposals that accord with the development plan without delay.

28. The NPPF contains a set of core land-use planning principles which should underpin decision-making. The elements of these core principles that are particularly relevant to this Brief relate to good quality design and the conservation and enhancement of the historic environment.
29. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Development should add to the overall quality of the area; establish a strong sense of place creating attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments; and are visually attractive as a result of good architecture and appropriate landscaping.
30. In relation to the historic environment NPPF aspires for positive strategies for the conservation and enjoyment of the historic environment that will sustain and enhance the significance of heritage assets; recognise the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; make a positive contribution to local character and distinctiveness; and take opportunities to draw on the contribution made by the historic environment to the character of a place.
31. Cowley Centre Shopping Centre is a Primary District Centre in Oxford's retail hierarchy as set out in the Core Strategy Policy CS1. District centres are suitable for retail, leisure, employment and other uses serving district-level needs. The primary district centre is suitable for uses serving a larger catchment area than other district centres. Planning permission will be granted for such development provided it is of an appropriate scale and design and maintains or improves the mix of uses available. District centres, and their immediate surroundings, are appropriate locations for medium to high-density development.
32. The Cowley Shopping Centre and surrounding area is dated and is in need of improvement and this has been recognised by the Council and the Applicant. As such it is specifically allocated for retail-led mixed use development under Sites and Housing Plan Policy SP10 in accordance with Oxford Core Strategy CS1. A mix of town centre (retail, offices, restaurants/ cafes etc.), residential and community uses are encouraged here whilst making the best and efficient use of the site and being well designed. A Cowley Centre masterplan would be desirable to aid comprehensive development. The design of any new development should consider the special character of the Beauchamp Lane Conservation Area adjacent and should significantly improve the design of the public realm. Furthermore development should take opportunities to improve bus stopping areas, signage and facilities.
33. The Applicant, New River Retail (NRR), is a long term investment charitable trust who state that they have the long term interests of the centre at heart and will be

leaseholders for the foreseeable future. They have not formally submitted a masterplan for the Cowley centre as such but have put forward a vision masterplan for the shopping centre. NRR see the regeneration of Cowley is an opportunity to help secure its future and help it compete with nearby towns and Shopping Centres. Investment will also create a better environment for those who would like to live and work in Cowley. Their design drivers have therefore been to:

- To protect the future of Cowley as a retail destination;
- To regenerate underused parts of the site to support future growth;
- To create a diverse and vibrant town centre;
- To re-integrate the Centre into the wider townscape;
- To re-focus the design quality to help Cowley become a true destination; and
- To create high quality places and spaces.

34. Currently existing occupiers' leases in place prevent a more comprehensive re-development of the site at this stage. However it is their intention to bring forward other sites for re-development when they become available.

35. The proposed development would bring further mixed town centre uses to the site including hotel, two commercial units along with 226 residential flats whilst significantly improving the overall aesthetic appearance of the shopping centre giving a much need face-lift of existing facades and entrances & car parks. It would also significantly improve the public realm, particularly on Between Towns road including bust stops, taxi ranks, pedestrian crossing and bus turning. It would bring further economic benefits through the creation of approximately 57 full time jobs from the hotel & commercial units. The residential uses would add to the small amount of residential accommodation already above the centre. The development would therefore increase the mix of uses in the area and add vitality and diversity and encouraging regeneration. It is therefore considered acceptable in principle in accordance with CS2 and CS32 of the CS and SP10 of the SHP.

36. There is an acknowledged need for short stay hotel accommodation within the City and Policy CS32 of the CS seeks to achieve sustainable tourism by encouraging longer stays and greater spend in Oxford. The amount and diversity of short-stay accommodation to support this aim will be achieved by permitting new sites in the city centre and on Oxford's main arterial roads, and by protecting and modernising existing sites to support this use. This is further supported by Policy TA4 of the OLP. Development should be acceptable in terms of access, parking, highway safety, traffic generation, pedestrian and cycle movements and would not result in an unacceptable level of noise and disturbance to nearby residents. Whilst Between Towns Road is not specifically identified as an arterial route in Policy TA4 Church Cowley Road is and it is essentially the same route; the name changes to Between Towns Road at the junction of Church Cowley Road and Beauchamp Lane. Officers' consider therefore that Between Towns Road is also therefore an arterial route but in any event, given the overall benefits of the development in terms of social, economic and residential it is considered that these would outweigh any disagreement on arterial route designation in this case. Issues relating to Highways and impact on residential amenities are set out

in more detail below and subject to those being satisfactory; the principle of increased hotel accommodation is therefore considered acceptable.

37. The commercial ground floor units are proposed with a flexible use of A1 (Shops), A3 (Restaurants and Cafes) or A4 (Drinking Establishments) as the occupiers are not yet known. However these proposed uses are expected within a shopping centre and district centre and accord with the core strategy and district centre policies and is therefore considered acceptable in principle. Details of mechanical plant/cooking odour/ shop fronts could be suitably secured by condition.
38. In summary it is considered that the proposed development of mixed hotel, commercial and residential uses is acceptable in principle in accordance with Development Plan Policies and NPPF, subject to other relevant policies set out below.

RESIDENTIAL USE:

Balance of Dwellings:

39. The Core Strategy aims to deliver housing to meet the high demand for housing in Oxford. CS23 a balanced mix of housing to meet the projected future household need, both within each site and across Oxford. A mix of housing is required which relates to the size, type and tenure of dwellings to provide for a range of households as a whole and district centres are expected to deliver higher densities. This mix is supported by the Balance of Dwellings SPD which sets out the appropriate housing mixes for District centres. It is considered that District Centres have the potential to provide for higher densities, which would allow for a greater proportion of smaller units but at the same time encourage 'family housing'. The promotion of residential accommodation in these centres will add to their overall vitality and viability and they are accessible and have good public transport links. There would also be opportunities for car-free or at least limited car parking facilities.
40. Residential development in the District Centres should aim to provide to following mix for more than 10 units:
- 1 bed 15-25 %
 - 2 bed 35-50 %
 - 3 bed 20-30 %
 - 4+bed 10-20 %
41. Of the total 226 units there is a total provision of 41% (92) 1beds, 49% (111) 2beds, and 10% (23) 3beds, as follows;
- Site A: 38 1beds, 48 2beds, 13 3beds
 - Site D: 25 1beds, 40 2beds, 4 3beds
 - Site F: 29 1beds, 23 2 beds, 6 3beds
42. This proposal therefore does not quite meet the percentages set out in the SPD, however, given its location site constraints and limitations of the development

(viability and construction) and in conjunction with the large number of additional windfall residential units that would be provided it is considered that on balance an exception to Policy CS23 and BODs SPD can be made in this case.

Affordable Housing:

43. Policy HP3 of the Sites and Housing Plan 2011-2026 (SHP) states that planning permission will only be granted for residential development on sites with capacity for 10 or more dwellings if a minimum of 50% of the dwellings on the site are provided as affordable homes, with 80% of these social rented and 20% intermediate tenure. Policy HP3 also sets out that exceptions will be made only if it is robustly demonstrated that this level of provision makes a site unviable, in which case developers and the City Council will work through a cascade approach, incrementally reducing affordable housing provision or financial contribution, until the scheme is made viable.
44. Policy HP3 also requires that the developer must demonstrate that the mix of dwelling sizes meets the City Council's preferred strategic mix for affordable housing. The Affordable Housing & Planning Obligations Supplementary Planning Document (AHPO SPD) sets out the strategic mix of unit sizes for sites inside the City and District centres, which in summary requires 20- 35% of affordable units to be 3 bed (5 person) units , 40-60% 2 bed (4 person) units and 5-25% 1bed (2 person) units.
45. The application as submitted proposed the provision of 18% on-site affordable units (40 flats) in Site F, which equated to 82% social rent (33 units) and 18% shared ownership (7 units). It was therefore contrary to Policy HP3 in terms of the proportion of affordable housing and mix of dwellings whilst almost meeting the required 80:20 tenure split in favour of social rent. The Applicant submitted Financial Viability Appraisal containing viability evidence to demonstrate that any contribution to affordable housing beyond the 40 flats proposed would make the scheme unviable and therefore an exception should be made in this case, in accordance with HP3.

Viability appraisal:

46. As outlined, there is flexibility within Policy HP3 to apply the 'cascade approach' where there is robust evidence that the full affordable housing provision will make the site unviable. This is consistent with the NPPF (paragraph 173) regarding viability, which refers to the need to provide "competitive returns to a willing land owner and willing developer to enable the development to be deliverable".
47. A developer must work through the cascade approach in order to robustly demonstrate why an alternative provision of affordable housing should be considered. Firstly they must test scenarios of incrementally reducing the proportion of intermediate affordable housing on site to a minimum of 40% social rented affordable units. As a last resort, if 40% affordable housing is still unviable, the applicant may provide a financial contribution in lieu of on-site affordable units starting at 15% of the sales values of the dwellings.

48. The submitted Financial Viability Appraisal by Affordable Housing Solutions Ltd (AHS) concluded that 40 units (18%) could be supported as being affordable, and that these would be 33 homes for social rent and 7 homes for shared ownership. The shared ownership values are derived on the basis of a 25% equity sale tranche, and a rent level based on 2.75% of unsold equity.
49. The Council's methodology for assessing viability is set out in Appendix 3 of the AHPO SPD. In simple terms, this works out what a developer could afford to pay for a site it wishes to develop (the RLV). This is calculated as the difference between the Gross Development Value (GDV) – i.e. what the completed development is worth when sold – and the total cost of carrying out the development, including an appropriate margin of developer profit. The RLV is then compared with an appropriate benchmark land value. If the RLV is greater than the benchmark value, then the scheme is viable.
50. In normal circumstances the benchmark land value will be the value of the site in its current condition, should it be sold for its current use, plus an additional uplift in this value as an incentive for the current owner to sell (a "competitive return to a willing landowner").
51. Viability appraisals involve a number of assumptions and estimates being made in a model. Even small differences in these assumptions can make a significant difference to the outcome of the appraisal. Therefore, it is important that all figures fed into the appraisal are clearly justified with appropriate evidence to ensure a robust viability appraisal.
52. Given the low percentage offer of affordable housing proposed both parties agreed to commission an independent assessment to audit the viability information provided by the applicant and provide a professional judgement about key elements of the appraisal. This assessment was done by Jones Lang LaSalle (JLL).
53. The JLL assessment disagreed with a number of the assumptions made by AHS in determining their opinion of the Benchmark Land Value and the value of the proposed scheme. They ran the scenarios of 50% and 40% affordable housing provision in accordance with the cascade approach based on their own assumptions and found that in both scenarios the scheme would be unviable making a loss of approximately £5.3m and 3.8m respectively. They also considered the 18% scenario, again based on their assumptions, and this too found the scheme to be unviable but by a smaller loss of £285k. Furthermore to provide more affordable units within the scenarios would result in provision split across all three Sites which would not be practical or deliverable. In conclusion however JLL considered that on balance, and notwithstanding the differences in assumptions made, it concurred with AHS that 40 dwellings (18% of the residential dwellings) proposed was the maximum reasonable level of affordable housing that could be delivered by the scheme.
54. The Applicant took on board the assumptions and conclusion of the JLL report

and sought to increase the amount of affordable housing in recognition of the importance of affordable housing in Oxford. An additional unit was created in Site F following design rationalisation to meet the tenure required (2 bed 4 person and 21 bed 3 person units) totalling 226 units. Subsequently a Viability Appraisal Addendum was submitted by AHS which demonstrates that 51 units (23%) in site F could be supported as being affordable, of these 61% (31 units) of these would be social rent and 39% (20 units) shared ownership (intermediate tenure: still on the basis of a 25% equity sale tranche, and a rent level based on 2.75% of unsold equity). This has been achieved through adjusting the existing use value, as reduction building costs for site C and a reduction in CIL contribution resulting from deducting the relief on the affordable housing (CIL is not liable on affordable units).

55. JLL has reassessed the new information and advises that evidence robustly justifies that 23% affordable would be the maximum reasonable level of affordable housing that can be delivered at the site.

56. It is clear that at 23% affordable housing that the proposal is contrary to Policy, falling short of the required 50% and even the minimum 40% set out in the cascade approach. However, the information submitted has demonstrated that the scheme is unviable at higher provisions and Officers are satisfied that this evidence is robust. Whilst a financial contribution could have been taken towards affordable housing elsewhere, it has been recognised that the need is for onsite provision rather than off-site and furthermore that social rent units are needed more than shared ownership. However, whilst delivering a high number of overall residential units plus hotel & commercial units and public realm improvements the viability of this development is very finely balanced. The scheme is in fact only just viable at 23%, as the evidence submitted demonstrates, and the quantum of residential in total and private sales to affordable and other uses is critical to the overall success of the scheme.

57. The Council has been trying to encourage investment in the centre for a long time but with no success and the scale and magnitude of the development proposed in Officers opinion represents a huge regeneration opportunity. Not only would it kick start regeneration of the shopping centre itself and the District Shopping Centre but would have a ripple effect out on the whole surrounding area. It is therefore considered on balance that the public benefits of development outweigh the under provision of affordable housing in this case and an exception to Policy should be made. The affordable housing would be secured via a legal agreement.

SITE LAYOUT, BUILT FORM AND HERITAGE:

58. Local planning authorities have a duty to have special regard to the preservation or enhancement of designated heritage assets, (e.g. listed buildings and conservation areas). The NPPF encourages local planning authorities to look for opportunities to better reveal or enhance heritage assets and their settings and states that proposals that do make a positive contribution should be treated favourably.

59. In considering the impact of a proposed development the NPPF states that the significance of a designated heritage asset should be considered and great weight given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification, measured in terms of the public benefits to be delivered through the proposal.
60. The NPPG seeks to explain what is meant by 'public benefits' and these could be anything that delivers economic, social or environmental progress and can include heritage benefits such as:
- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting;
 - Reducing or removing risks to a heritage asset; and
 - Securing the optimum viable use of a heritage asset.
61. The proposal does not involve works that would directly affect any listed building but the site forms part of the setting of the historic core of Oxford and the Beauchamp Lane CA and Grade II listed No.1 Beauchamp Lane.
62. Published guidance by Historic England on 'The Setting of Heritage Assets (Oct 2011)' provides a methodology for understanding the setting of an Asset and how it contributes to the heritage significance of that asset and explains how to assess the impact of development. Historic England explains that the setting of a heritage asset is the surrounding in which it is experienced. Furthermore the setting is not fixed and may change as the surrounding context changes. The Landscape Institute has also published guidance in 'Landscape and Visual Impact Assessment' (2013) to help identify the significance and effect of change resulting from development. Finally the Council has published their own 'View Cones Assessment' in 2015 that was drawn up in partnership with Oxford Preservation Trust and Historic England and which also references the Landscape Institute 2013 guidance, and which sets out guidance on how to assess the development from views within and outside of Oxford.
63. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for development that shows a high standard of design that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP6 states that development proposals should make the best use of site capacity but in a manner that would be compatible with both the site itself and the surrounding area. Policy CP8 suggests that the siting, massing and design of any new development should create an appropriate visual relationship with the form, grain, scale, materials and detailing of the surrounding area.
64. Policy HE3 and HE7 of the Oxford Local Plan states that planning permission will only be granted for development that preserves or enhances the special character and appearance of conservation areas and their settings and the

settings of Listed Buildings. Policy CS18 of the Core Strategy emphasizes the importance of good urban design that contributes towards the provision of an attractive public realm.

65. The Shopping Centre and Castle multi-storey car park are 20th Century in form and appearance and of their time. The general environment around the district centre is somewhat sterile and bland without much social activity or vibrancy. Whilst changes and improvements have been made overall there is an acknowledged need for investment and updating of the shopping centre to bring into this Century. The Castle multi-storey car park is a good example of form and function of its era however it looms large on the corner of Beauchamp Lane and the Grade I listed thatched cottage on the opposite corner, and is considered by many to have a negative impact on the character and appearance of this small domestic scale leafy lane and the Conservation Area.
66. Above the shopping centre are several blocks of flats including Pound House and Hockmore Tower Block, recently re-clad, contemporary with the shopping centre. Crowell Road (northern end adjacent to the centre) and Hockmore Street are in general commercial in nature and for the most part hard edged inactive streets, except for the smaller side/ rear entrances and back of house services yards for the shopping centre. Crowell Road extends southwards into the suburban area surrounding the shopping centre to the south including The Grates and Hampden Road and becomes more active characterised by early 20th Century houses set back from the road with front gardens and off street parking.
67. Between Towns Road itself is commercial in character with the old Nelson PH (now vacant), parade of shops and offices, William Morris PH and dominated by the road and vehicles. To the north is the John Allen Centre, now called Templars Shopping Park, built in the late 20th Century.
68. The proposal has been developed following extensive pre-application discussions with officers and the Oxford Design Review Panel. The comments of the panel are enclosed in **Appendix 4** of this report. In general ODRP have been supportive of the proposal offering advice on such matters as architectural language and articulation, single aspect units, landscaping and public realm, entrances to flats, hotel and shopping centre and activity which the Applicant has taken on board and implemented where possible. ODRP commented in their last letter that they considered many issues previously raised relating to public realm and architectural expression had been successfully resolved. Furthermore they considered the proposed massing of the development as a whole was acceptable.

Height, Scale and Massing:

69. The site is located within a Primary District Shopping Centre wherein higher density mixed use development is supported, as set out elsewhere in the report. Recent proposals constructed surrounding the site have reached approximately 5 storeys in height, such the mixed residential, community centre & Emmaus building on Barns Road, and the Swan Garage site on Between Towns Road that has recent Committee approval for student accommodation also on 5 storeys. It

is acknowledged however that his development would push the current accepted heights further than has previously been considered to 15 storeys at Site D, 9 storeys at Site A and 8 at Site F.

70. The proposed development represents a substantial regeneration opportunity for this tired shopping centre, something which the Council has been encouraging for quite some time with previous owners, but to no avail. The Hockmore Tower is 10 storeys high sitting above the shopping centre and surrounding buildings and it would be fair to say that it stands out on its own as an exception rather than a common feature here. The proposed development would create a collection of taller buildings of a similar height, scale and massing to the Hockmore tower, with the exception of the height of the tower block, that would improve the relationship to both the Hockmore Tower and the shopping centre itself. It is also considered that the three sites would form an appropriate relationship in terms of height, scale and massing to themselves. In doing so the development would create a visual landmark within the surrounding suburban area, particularly when approaching from the east and west on Between Towns Road, and improve the Cowley Centres' status as a Primary District Centre.

Site A:

71. Site A is made up of two blocks around a shared central courtyard space. Block A1 sits on the corner of Between Towns Road and, Crowell Road and Beauchamp Lane. Block A2 on the corner of Beauchamp Lane and the passage through to Crowell Road past the John Bunyan Church. Block A1 rises up to 9 floors (approx. 26m) on the corner with Crowell Road, with the top floor inset to reduce the massing. Block A2 is the same height as A1 on Beauchamp Lane but due to the slope of the road would be only 4 floors in height.
72. In terms of height, scale and massing, it is considered that the blocks have been appropriately designed to respect the character and domestic scale of Beauchamp Lane and the John Bunyan Church/ Ark T centre behind and the more generous scale and proportions of the existing shopping centre on Crowell Road and John Allen Centre opposite on Between Towns Road. It is considered that the new buildings would not appear overbearing or visually intrusive within the street scenes of surrounding roads or pedestrian cut-through past the Church. Specifically In relation to Beauchamp Lane itself and the listed building and CA the buildings would be lower in height than the existing car park and although further forward onto Beauchamp Lane would reduce the existing bulk and massing of the car park due to it being split into two separate Blocks. The elevations have been articulated which further reduces the massing creating a residential scale. It is considered that Site A would not appear overbearing within the street scene. The proposal would not harm the character and appearance of this part of the CA or the setting of the listed cottage and would improve the scale and massing of the current situation and would therefore enhance and improve the setting of the CA and listed building adjacent.

Site D:

73. Site D is a new mixed use block commercial, residential and hotel development

on the site of the Nelson PH. The intention is to create a taller landmark building for the Centre and indicate the main entrance into the shopping centre when approaching from the zig-zag footpath up the bank from the John Allen centre opposite. On the ground floor would be two double height commercial units and above them a new 71 bed hotel for Travelodge on five floors; its entrance within a glazed external stair core to each floor accessed from Between Towns Road. Above and adjacent to the hotel on the corner of the main entrance into the Centre would be a new residential tower block on 13 floors that would sit forward and to the east of the existing Hockmore Tower block and would be approximately 5 floors higher. Whilst the tower would reach of a height of approximately 48m and be overall 27m wide an attempt has been made to reduce the massing varying both materials and the degree of solid to void. For example to the front of the tower on both side returns corner windows are proposed set within a slender bronze anodised aluminium framework. Again on the eastern side of the building (adjoining the hotel) part of the tower reaches only 11 floors and is proposed in grey bricks, to create a recessed visual separation and add slenderness, thereby reducing the massing of the building. It is considered that Site D would be of an appropriate height, scale and massing relative to the Hockmore Tower and other proposed Sites and for the District Centre as a whole. Consideration of the height and massing of the tower in relation to local and long distant views and the wider landscape setting Oxford is considered in more detail below.

Site F:

74. Site F comprises a superstructure built over the existing parade of shops facing onto Between Towns Road comprising 1, 2 and 3beds units on 6 floors (25m high). Due to an existing change in ground level and subtle change in the height and split of the existing building so the new building would also be split into two separate parts with a change in roof height. Two of the retail units have been lost (already vacant) to provide the two new entrance cores to the flats onto Between Towns Road. The top floor is proposed in a different material with inset glazed balconies to reduce the massing. It is considered that the building forms an appropriate relationship in terms of height, scale and massing to Sites A and F and also the John Allen Centre opposite.
75. Officers consider on balance that the overall proposed height and scale and massing of the development, with the exception of the new high rise tower block which is discussed in more detail below, would be acceptable in this location taking into account that it is a primary district centre. Furthermore it is considered that the public benefits of the proposal in providing 226 new homes, including affordable, public realm improvements and a significant regeneration opportunity would outweigh any perceived harm caused in this case.

Appearance:

76. The whole proposed development has a common contemporary architectural theme with flat roofs, full height windows/ French doors, some within chamfered window surrounds, and inset balconies/ terraces and a common palette of materials including buff brick, stone and stone cladding, bronze anodised panels

and glass balustrades. Overall there is a vertical emphasis with a good balance of solid to void to break up the massing of the new buildings, each building slightly different but within the common architectural language. Top floors are set in to reduce the scale and impact on surrounding buildings. Where the development abuts the conservation area stone material is proposed for main walls and boundary walls.

77. In relation to Site A the main entrance is on Beauchamp Lane creating an active frontage which is currently lacking. The design of block A2 has drawn influence from the CA with its use of natural stone and has been designed to respect the domestic residential scale found there. The recessed balconies are within a solid frame which helps to articulate the elevation and animate the building. It would have a green roof to enhance biodiversity and the view from A1 and also acts as part of the sustainable drainage strategy. Ground floor units on to Between Towns Road are maisonettes and have their own front door and gardens. Both A1 and A2 are set back from all road frontages to allow a low retaining stone wall with planting behind to soften the development and in particular respond to the character and appearance of the CA. It is considered that Site A would not harm the character and appearance of this part of the CA or the setting of the listed cottage and would in fact significantly enhance and improve it. To the rear the buildings would again positively enhance the relationship to John Bunyan Church and reactivate the cut through passage way to Crowell Road. Again the street scene on Crowell Road would be reactivated and positively enhanced.

78. Site F is a superstructure built over the top of the existing parade of shops. The existing shop fronts would be re-vamped to create a contemporary double height façade, as seen in the Westgate development. Site D also proposes that the two new commercial units on the ground floor would have double height facades and with a significant amount of glazing facing onto Between Towns Road. This would be a significant improvement to the current situation for both sites. The flats above in D & F again follow the same architectural language as Site A with chamfered windows, recessed balconies with glazed balustrades and use of brick as the main material. The hotel building façade employs simple full height glazing within chamfered window reveals to create visual interest, in addition bronze anodised panels are used within window reveals to break up the extent of the brickwork and create visual interest. The entry lobby to the hotel is articulated with stone cladding facing and the glazed staircase adds visual interest when viewed from the east.

79. The top floors of F are proposed in zinc cladding to reduce the massing. However, the top two floors of Site D comprising four 3 bed penthouse units would be a lighter weight element consisting of recessed balconies and larger expanses of glass within a slim brick framework. Both Sites are considered to be sufficiently distanced from the CA not to harm its setting and overall would significantly improve the character and appearance of existing buildings and street scene.

Entrances, Car parks and Public Realm Improvements:

80. The design proposals include the 're-facing' and refurbishment of the existing Templars Square shopping centre, including all existing entrances, and Barns Road car park to enable them to make a more positive contribution to the townscape and to help integration with the new buildings. The façade of the Barns Road Car Park facing Between Towns Road would be clad in anodised aluminium fins to help obscure the car park from street level and create visual interest to the façade. Both Barns Road and Knights Road carpark would have new stair/lift cores provided to aid accessibility and be refurbished internally.
81. The existing two rear Hockmore street entrances and the other Between Towns Road entrance will be updated. Existing doorways will be replaced and brought up to current standards and modernised using light-weight materials, improved lighting and glazing. The use of new treatments to surfaces and structures, which frame the existing entrances, will highlight the location of each entrance and create a continuity of the whole redevelopment. Proposed materials include anodised aluminium fins in bronze/gold finish to complement the use of this material elsewhere on the scheme and create a continuity of architectural for the Centre and the surrounding area.
82. In terms of the public realm the development proposes significant change and improvement, particularly on Between Towns Road. Here it is proposed to increase the width of the footpath on the southern side of Between Town Road, enabling the provision of new combined seating & informal child play areas, tree planting and seating areas of alfresco dining etc. The pavement would be re-laid in new materials to compliment the shopping centre and the aspirations of the development whilst being durable and acceptable to the Highways Authority. Cycle lanes provided and taxi ranks, limited waiting spaces and bus turning circle would be incorporated into the new pavements to create a pedestrian oriented street as opposed to the car dominated one at present. The bus stops are located moved slightly east as is the bus turning area which allows for a new wide pedestrian crossing from the John Allen Centre which signals not only the new main entrance but also the dominance of the pedestrian within the street.
83. Officers are of the view that the new façade treatments, upgrades to the entrance and new public realm proposals for Between Towns Road signify a significant public benefit of the development proposal and would contribute substantially towards the regeneration of the area and therefore welcome.

Internal and External Amenity Space:

84. All flats have been designed to Lifetime home standards and meet Policy HP12 minimum floor space requirements for 1, 2 and 3 bed units. In general flats have their own private balconies or terraces which on the whole meet policy HP14 requirements with the exception of Site F and Site D where some flats do not have their own private external amenity space at all. Site A also has a central garden space providing an attractive shared amenity space. Where balconies or terraces do not meet the minimum space standards it is considered that the John Allen Park opposite is sufficiently close to offset this in this case and an exception to Policy can be made.

85. In respect of Site F, there are several issues arising from the provision of balconies. To the rear is the Banjo Road servicing yard to the shopping centre, which would not create an attractive space to sit out and overlook due to noise, fumes etc. from vehicles. Whilst projecting balconies were explored elsewhere in the building there are construction issues of providing external projecting balconies due to construction over the existing building, and to provide internally recessed balconies has not been possible due to the need to provide 2 bed 4 person affordable housing units. Both also have impacts on the scheme viability (as set out above). In Site D there are no balconies for the smaller one beds facing on to Between Towns Road, and to do so would compromise the internal living space.
86. The lack of private amenity space is clearly contrary to policy. However, the lack of provision and the difficulties and issues regarding provision have been weighed in the balance against the benefits of the scheme as a whole. The public benefits of the proposal in terms of public realm improvements, housing, and regeneration of the shopping centre are significant and Officers consider that on balance a contribution towards the public open amenity space within John Allen Park opposite would be appropriate in this case to offset this lack of provision.
87. The Applicant has agreed to contribute £55k towards the John Allen Park. This is considered a reasonable sum, in the knowledge of the viability case and also in order for the proposed development to a) provide a suitable degree/ level of improvement to the John Allen Park and b) to also derive benefit from those improvements and create an attractive and useable space given that this would be their only outdoor space. This can be secured via a legal agreement. Further discussion of the Park and what this would provide is set elsewhere in the report.

Waste/Refuse:

88. The council has outlined requirements for bin storage and associated access in its Planning Technical Advice Note: Purpose-built multiple-occupancy dwellings such as flats and student halls of residence should be provided with a communal waste storage and collection system using large containers housed in one or more enclosed bin storage areas. Consideration should be given to location, store size and siting, design and appearance. Revised plans have been received that show how the proposal meets the above considerations and requirements.
- Site A: A large communal waste storage area is included in the basement/car parking area. There will be multiple access routes for residents for access. Therefore this part of the proposal meets the Council's requirements for secure, covered and accessible storage.
 - Site D: Separate areas for commercial and residential waste are proposed to the rear of the building with easy and level access to the road for collection.
 - Site F: Two covered communal waste storage areas are proposed to the rear, facing Banjo Road. Commercial units retain their separate bin store. Access for waste collection will be via Banjo Road.

89. The proposal for waste storage and collection is considered acceptable and is therefore in accordance with local plan policies.
90. Bin Storage for all sites has been carefully considered and contained at ground floor level with the main entrance lobby/ stair/ lift cores in Sites, D & F. In Site A the new basement car park provides a separate bin storage area for all the flats.
91. All flats are designed to Lifetime home standards and meet the Policy minimum floor space requirements for 1, 2 and 3 bed units. All flats have their own private balconies or terraces again meeting policy requirements, in addition to which the central garden space provides an attractive shared amenity space for each apartment.
92. Officers consider that this is a high quality proposal which has been developed through an assessment of the heritage of the area, existing buildings and the contribution to the CA that both listed and non-listed buildings make, resulting in a proposal that would enhance not only the site itself but also its relationship to the surrounding area. It would result in a significant positive change to the various street scenes here, the character of the CA and change the setting of a listed building in a sensitive way that responds to existing scale and massing. It offers a significant public benefit to the street scene along Between Towns Road and Crowell Road and Beauchamp Lane by re-activating and enlivening it in a positive way. Elsewhere the new entrances and façades treatment to the shopping centre and car parks would also be a positive improvement whilst new lift/ stair cores would improve accessibility for all.

Views and Impact upon Setting of Heritage Assets

93. The Oxford Local Plan recognises the importance of views of Oxford from surrounding high places, both from outside Oxford's boundaries but also in shorter views from prominent places within Oxford. As a result there is a high buildings policy (HE9), which states that development should not exceed 18.2m in height or ordnance datum 79.3m, whichever is the lower, within a 1,200m radius of Carfax except for minor elements of no great bulk and a View Cones Policy (HE10) which protects views from 10 recognised viewpoints on higher hills surrounding the City to the east and west and also within the City e.g. Port Meadow and South Park. There are also a number of public view points within the city centre that provide views across and out of it, for example Carfax Tower, St Georges Tower and St Marys Church.
94. The site is 3.6km distant from Carfax and does not fall within any of the designated View Cones, lying between the Rose Hill viewing point and the Temple Cowley viewpoint on Crescent Road and therefore in their purest sense HE9 and HE10 would not apply. Nevertheless, Oxford City itself is nationally important and a significant heritage asset, as recognised in the ES, and the rural setting of Oxford, the fact that it is "situated on a gentle eminence in a rich valley between the rivers Cherwell and Isis – the prospect bounded by an amphitheatre of hills." (Bradshaws Guide – 1866) is also considered to make an important contribution to its historical significance. It is worth reiterating the NPPF which

states that *significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting* but also HE advice that *'...setting is not fixed and may change as the surrounding context changes'*.

Furthermore it goes on to state that where a proposal is considered to cause less than substantial harm then this needs to be weighed against the public benefits of the proposal.

95. The Environmental Statement (ES) supporting the application carefully considers the likely impact of the development on the surrounding area in local and longer distant views and in terms of the impact on heritage assets using a recognised methodology. A Tall Buildings Assessment and a 'Cowley Town Centre Regeneration Addendum' June 2017 have been submitted, the latter providing more descriptive analysis and assessment of the impact of change on both a heritage assets and the landscape. The ES and addenda have been informed by published advice on assessing the impact of development on landscape character and setting of heritage assets including the Councils own View Cones of Oxford Assessment 2015 document.
96. The submitted information in the Design and Access Statement Tall Buildings Assessment and Cowley Town Centre Regeneration Addenda demonstrates that at pre-app stage the development as a whole including the height of the tower was considered in the context of local views, its relationship to the existing Hockmore Tower and other surrounding buildings and its overall scale and massing. Originally a tower of 18 storeys was proposed however this was considered to be too high in relation to Hockmore Tower and potential harm to views. The Applicant settled on 15 storeys driven by a number of factors including viability of the scheme to deliver the regeneration of the Shopping centre desired by all.
97. To what extent and in what manner a view or landscape is able to be altered is assessed by weighing up a number of factors such as who observes it, to what extent i.e. is it easily seen within public accessible places or only from certain vantage points and whether it would significantly change the existing baseline landscape or view.

Local Views:

98. The ES and addenda shows that the local views, those from within the surrounding area have a low to medium sensitivity to change where there is an absence of or few distinctive features and that therefore, these views have a medium to high tolerance to changes. The exception to this are the views from and to the Beauchamp Lane Conservation Area where the sensitivity to change is high as even small changes may result in substantial harm to the important character and appearance of the area. The ES considers that views of the development from local streets would be limited by existing boundary walls and buildings directing the eye upwards to the upper storeys of the development. The development would sit within an existing built up urban area and therefore would not significantly alter the existing pattern of buildings. What would be noticeable is the size and scale of the buildings but the document considers that this would be at a scale that would be appropriate to the surrounding area. At street level

the experience for shoppers and passers-by would improve dramatically along Between Towns Road, Barns Road, Church Cowley Road, Crowell Road and Beauchamp Lane. These streets would be improved with the introduction of active frontages. Beauchamp Lane, the document asserts, although sensitive to change would benefit significantly from the demolition of the existing car park and the design of the proposed new buildings at Site A which are to be set back, and built from what are considered to be more appropriate materials stone wall and planting. Overall the ES considers that the magnitude of impact of the development within local views would be of moderate to major beneficial.

99. Officers consider that in local views the new development will only be visible when practically upon the shopping centre itself due to topography and existing buildings in the area. The heights and massing of the proposed buildings would mean that in certain views the development would be more visible and prominent, such as the approach along Between Towns Road. In other views, such as along Beauchamp Lane the view of the buildings on Site A are restricted to the lower end of the land (approaching Between Towns Road) confined by the curve of the road and densely built up buildings and structures and trees. Here the proposed development would significantly improve the view over that of the existing car park structure whilst also reducing height and massing. From the residential area behind the centre the new buildings would be seen as additions to other larger buildings within the commercial area. In all views the design of the new buildings, architectural detailing and materials proposed would add interest and vibrancy, but also change the visibility of the buildings depending on time of day, seasons and exact viewpoint. The stone and buff bricks being more reflective in strong sun light and glow in the setting sun, as can be seen in the city centre. Existing and future proposed tree planting would conceal and reveal the buildings changing with the seasons and at night the buildings would be lit internally. However it is considered that given the tired and poor quality of the existing urban townscape that it has the capability to absorb and adapt to change and whilst the new buildings would be significantly larger in both height and massing and would be highly visible at times they would not be significantly harmful in short distance or local views and the changes would result in an overall positive improvement. Furthermore any harm would be outweighed by the benefits derived from the development in terms of an improved architectural quality and materials, improved public realm, new active frontages, new landscape planting, and the provision of a large number of residential units, a hotel, jobs as well.

Long Distance Views:

Views in:

100. The ES demonstrates that the development would be visible from the east from Garsington, Horspath and Shotover, from the west from Raleigh Park and Wytham Woods and more southerly from Toot Baldon, all to a greater and lesser degree. The views from these surrounding higher viewpoints are expansive and the Cowley Centre and Hockmore Tower block appears in the far distance within those views. From the east and south the views are characterised by fields, trees and greenery in the foreground, the existing Hockmore Tower is visible but at a distance and depending on time of day

more or less discernible set against the green backdrop of hills behind. Views from Raleigh Park and Wytham Woods overlook Oxford set in its green basin with fields and woodland in the foreground. The Hockmore Tower is seen to the right of the historic core but set away from this central area and can be compared to the JR Hospital that sits on the rise of Northway prominent on the skyline. In long range views from both east and west of the City the existing Hockmore tower is set below the rural backdrop horizon. All views are kinetic depending on the exact view point or location from which they are observed, vegetation growth or removal, seasons and time of day at which the buildings may become more visible and the distance between the historic core and Cowley may feel very close. The ES (including addenda) concludes that the landscape sensitivity to change in these views is 'high' based on the susceptibility to change and the value placed on the landscape but that the effect of the new development would be 'negligible' to 'minor adverse' with adverse being defined as

'some measurable change in assets quality or vulnerability; minor loss of or alteration to, one (or maybe more) key characteristics, features or elements; change to the setting would not be overly intrusive or overly diminish the context; community use or understanding would be reduced. The assets integrity or setting is damaged but understanding and appreciation would only be diminished not compromised'.

101. The new development would form a cluster of high buildings around the Hockmore Tower and would be visible to a greater or lesser degree in views in from surrounding elevated viewpoints. It would create a landmark within the city's suburban area and be another level in the growth and expansion of the City over time, even if this landmark is really only appreciated from elevated long distinct views into and out of the City. Time of day and sunlight would change the appearance of the buildings given they would be built in buff brick and stone; in full sunlight the buildings would be lit up and glow in the lower setting sun. At night the building will be visible as lights are switched on in the flats and hotel. Seasonally they would become more visible as the green surrounding is lost and the built form of the City is revealed. However for the most part from these elevated viewpoints the cluster of buildings would be seen set down against the green backdrop and would not rise above the distant horizon. It is considered that therefore that the distance between the site and the historic centre of the City would mean that the significance and supremacy of the historic core would not be compromised or challenged. There would be a change to the setting of the historic core as the new buildings would be visible in the landscape, so it is considered that a degree of harm would occur. However it is considered that the change by the addition of the proposed new buildings to the skyline in certain recognised and publicly accessible views would only slightly diminish the appreciation of Oxford set within its rural backdrop without compromising its understanding. Therefore on balance it is considered that the harm to these long range views would be would be less than substantial and will need to be weighed against any public benefits that may arise from the development proposal (bearing in mind the weight that must be afforded to harm to heritage assets and their settings (Barnwell)).

Views out:

102. The two views (nos. 30 & 31 in the ES) from Carfax and St Mary's are particularly important in terms of views out of the City and the impact of the development on its setting. Whilst it is acknowledged that the views from Carfax and St Mary's are not currently within any protected view cones this does not diminish the significance of these views and the significance of Oxford's rural setting.
103. The view from Carfax Tower is 360 degree and offers an expansive view of the historic core of Oxford to the surrounding hills in the distance. It is characterised by the dense built up form of the historic core interspersed with taller tower element in the foreground, broken up by the green swath of Christ Church Meadow and Corpus Christi before settling on Cowley and the Hockmore Tower, set against the wider landscape beyond. The existing Hockmore Tower is seen in the distance and visible as it rises up against the green backdrop.
104. The view from St Mary's again is 360 and offers a wide, expansive view. The view toward the site is characterised by the built form of the historic core in the foreground interspersed by trees and punctuated by towers. As the view extends moves outwards in the middle distance the hills to the east and west frame the historic core interrupted by the towers in the foreground but also visible is the JR hospital building on the skyline to the north. Looking south towards the application site, in the far distance as the hills slope down to the low lying level the Hockmore Tower announces itself and to a lesser degree the high rise flats of Blackbird Leys depending on viewpoint are also visible. Behind the Hockmore and in the far distant horizon the hills of Garsington form a distant green edge. The Hockmore Tower appears no higher than this skyline.
105. The TVIA also considers the view from SS Mary and John Church in Cowley. This is set well away from the historic core. In this view the rural backdrop to the city is less prevalent as the suburbs stretch out in the foreground. The shopping centre sits central in this view, with Hockmore Tower and the two tower blocks in Blackbird Leys all protruding above the horizon.
106. The ES considers in relation to the Hockmore Tower itself that within the 360 views it represents a very small component of the overall view, and whilst rising above the distance horizon, it does not have a dominant effect due to distance.
107. It concludes that the main focus of the views from the two towers is on the foreground and middle distance where focus maybe concentrated on the townscape of towers and spires, of quadrangles, streets and parks. These elements of the view would be unaffected by the proposed development, because it is set so far in the background as to be a very small component of the overall vista and one which would not attract attention.
108. In the mid distance, the relationship between the edge of the city and the green hills that surround it is still apparent, notably in the case of the nearer hills to the

west and east. This relationship would be unaffected by the proposals since the site lies much further to the south and is not on a prominent hillside.

109. In the further distance, the nature of the landscape in the view is more mixed. Greenery is represented by the canopies of trees in a suburban setting rather than by open hillsides, and there are visible, more recent developments which tend to weaken the relationship with open countryside. This is the location within which the Site is set. The visibility of the proposals will advance and recede with daylight and weather conditions, being reduced by haze, and increased by the reflection of a low afternoon sun in the west. The proposals, in particular the tower, would be visible, interrupting as it would the line of a more distant horizon, but it would form a very small part of an extensive view and would have comparatively little influence upon it because the effects of distance would reduce its dominance in a view which is after all concentrated on the immediate roofscape of the historic city.
110. It concludes that in both cases, due to the extent of distance and the awareness of physical separation, there would be no threat of the proposed development challenging the prominence or primacy of the city centre in its setting. The effect of the development will only be to increase awareness of a built element in a landscape which is generally low-lying in character and where the city is a strong focal element – particularly in the position of the identified view cones. The proposed development will have no impact on the protected view cones or on the city's focal role in its setting.
111. Having considered this assessment, officers consider that there is no doubt that the proposed tower at 15 floors and higher than Hockmore Tower and the other new buildings, would be visible in views out of the City from both Carfax Tower and St Marys and would introduce another taller building within these views. There are layers to the views and the landscape that encircles the City has an importance in providing the setting for the heritage asset; the immediate buildings and spaces of the historic centre and those within the mid to long distance views. In the views out from the key city centre buildings the skyline is not evident as a single entity but rather the towers and spires are seen as small groups, ones and twos. Hockmore Tower is visible in the far distance view as it stands as a single tall building amongst the lower built up area signifying the suburb of Cowley. It is also possible to see a number of other "taller" buildings in the "views out" from the key buildings. Other larger buildings within these views can also be seen, such as the Blackbird Leys residential blocks and the JR in Headington (when looking in the opposite direction), Seacourt Tower (to the west) for example depending on where you stand within these towers. However the views are wide and expansive, with almost the same large expanse of sky to solid built form and green landscape below. As such whilst visible the cluster of buildings created by the development would read only as a small element within the overall landscape and view. It is therefore considered that for the most part the character of this view would not change or be diminished and therefore one could still appreciate Oxford's rural setting and the supremacy of the historic core.

112. At 15 storeys the Tower would punctuate the horizon whereas the Hockmore sits level or just below it and along with Site A & F as a cluster of buildings would be more discernible in this location and create more of a landmark feature than the current Hockmore tower does on its own. The benefits of creating this cluster would in some ways improve the solitary tower within the view; the two towers seen as a pair with relationship to each other and a relationship to the other proposed buildings within these views given reference to the suburb it is part of.
113. As already mentioned this cluster of buildings would be visible to a more or lesser degree within these views depending on time of day and sunlight, reflectivity of light on windows and night time when lights are on, and seasonally when the verdant foreground and surrounding landscape recedes in winter months.
114. It is considered on balance that the development and in particular the height of the tower block would cause some harm to the rural setting of Oxford by virtue of its collective heights, massing, appearance. However, it is also considered on balance that due to the distance of the development within these views of over 3.6km, the fact that they would represent a relatively small element within an overall unaltered landscape, and that the heritage asset of Oxford could still be appreciated within its rural setting that the degree of harm would be less than substantial.
115. In coming to the view that the proposal would cause less than substantial harm to long distant views it falls to weigh this harm against the public benefits of the development having due regard to the great weight of conservation established through case law. The development would provide significant public benefits, most notably a once in a generation opportunity to regenerate this tired and jaded shopping centre. It is a £67million investment development that would kick start further regeneration and provide 226 new homes which is a substantial windfall, and a proportion of affordable units housing here would provide night-time activity and increase safety. It would diversify the commercial units and provide a hotel, for which there is high demand in Oxford, and create 57 new jobs. It would provide good quality contemporary architecture, re-facing the existing centre, entrances and car parks on Between Towns Road. Other significant public realm improvements to the streetscape of Between Towns Road are also proposed, by widening the pavement, planting trees and creating informal areas for child's play within the proposed seating. It also focuses on and creating a pedestrian experience that finally links the John Allen Centre opposite. The viability of the scheme means that a certain quantum of development is needed for the development to be viable and a reduction in the height of buildings, including the tower, would result in the development becoming unviable and the benefit being undeliverable.
116. It is therefore considered whilst the cluster of new buildings would be visible both in local and long distant views and would have a harmful impact on the setting of Oxford, would impact on the wider landscape setting of the City and would have a harmful impact on the character and appearance of the Beauchamp Lane Conservation Area and surrounding streets that this less than

substantial harm. The significance of this harm is not underestimated however on balance Officers consider that this harm would be outweighed in this case by the significant public benefits of the proposed development in terms of regeneration of the Centre, provision of housing and provision of jobs, taking into account viability issues and other material considerations. Committee should therefore also make a balanced judgement. The proposal therefore accords with relevant Policies of the Local Development Framework and in balancing the less than substantial harm that has been identified against any public benefits that the development proposal offers the local planning authority would meet the requirements of policy set out in paragraph 134 of the NPPF.

IMPACT ON NEIGHBOURING AMENITIES:

Overlooking & Loss of privacy:

117. *Site A:* Concern has been raised regarding overlooking from Site A to Beauchamp Lane properties from Blocks A1 and A2 and the impact of these blocks in terms of height and massing on the character and appearance of the CA. The existing car park affords overlooking to these properties at present across the public realm of the lane, albeit that people using the car park may not generally linger and stop to look over the road. The architects have sought to address concerns by introducing a louvered screen system within the inset balconies in block A1 which would allow light through but would obscure direct views towards Beauchamp Lane. The central windows in Block A1 are to bedrooms and there is a need to provide adequate light and outlook to these habitable rooms. It is considered that whilst these 5 rooms would afford overlooking towards the rear and side garden of No.1 Beauchamp Lane the existing situation is a material consideration and weighed in the balance with the need for adequate internal space, light and outlook. Officers consider on balance this degree of overlooking would not be significantly different to the existing situation and is therefore acceptable. In respect of block A2 again the balconies and windows proposed would not give rise to significantly more overlooking to the front windows of properties opposite than currently afforded from the existing car park or persons using the Lane.

Overbearing:

118. In respect of overbearing impact the Site A buildings would be lower in height than the existing car park and although further forward onto Beauchamp Lane would not be less in terms of bulk massing than the existing car park. The architects have articulated the elevations which would reduce the massing and create a residential scale, particularly in block A2. Overall it is considered that the new development would not be significantly more overbearing to Beauchamp Lane properties or John Bunyan Church and Ark T Centre than currently exists.
119. Elsewhere, whilst the proposed buildings are relatively high and larger in mass, they are sufficiently distanced from other residential properties, including those in Hockmore Tower and Pound House so as to not be overbearing towards them. In terms of impact on other commercial properties on Between Towns

Road, Barns Road, Crowell and Hockmore Street again, the height and massing would mean that they would have a higher degree of overbearing presence within the streets but that this would be offset by the width of the public realm and distance to those properties.

Sunlight & daylight:

120. The impact of the massing of the development on the sunlight and daylighting to the neighbouring properties has been explored in detail and an assessment based on the BRE guidance carried out, submitted within the ES. Officers requested further supporting evidence and analysis to substantiate the submission, in particular the impact on neighbouring properties. The listed cottage, No.1 Beauchamp Lane, is already shaded by the existing car park on Site A along with a surrounding perimeter wall and tree's / vegetation within the cottages garden. This concludes that the proposed development would have an insignificant impact on direct sunlight received by existing buildings. Furthermore, the analysis presents minimal overshadowing effect on dwelling within Hockmore Towers, Pound House and dwellings to the west of Site A on Beauchamp Lane.
121. The orientations of windows in respect of access to daylight, sunlight and solar gain have been considered within this study. The analysis shows that the perimeter living spaces will be predominately well lit with sufficient average daylight factors achieving between 2% and 5% with access to daylight and sunlight achieved.
122. Officers concur with the findings of the analysis. The sun tracks round the rear of the development from the east at Site D round to Site A in the west. As such any shadowing would fall across Beauchamp Lane, Between Towns Road and Barns Road. In terms of impact on existing residential properties opposite on Beauchamp Lane the impact would not be significantly different than currently exists. Elsewhere the flats above the shopping centre, e.g. Pound House and Hockmore Tower, would be unaffected as they are south of the development. Finally the commercial offices on the opposite corner of Barns Road would be affected late afternoon and evening times and more so during winter months. However, given the more transient occupation of offices the most impact is likely to be felt at times of day when the offices are less likely to be occupied. It is considered therefore that the developed would accord with the relevant development plan policies on residential amenity.

HIGHWAYS, ACCESS & PARKING:

123. The existing shopping centre is designated as a Primary District Centre within the Oxford Core Strategy. It is considered to be a sustainable location which is well served by public transport and accessible to the local population by foot and bicycle. The Core Strategy also identifies that it has a good deal of low cost car parking, and the facilities for a local transport interchange, including an orbital bus network, could be improved.
124. In transport terms the main features of the proposed regeneration are

- The redevelopment of Castle Car Park (Site A), Barns Road Car Park (site B)
- The refurbishment of Knights Road and Barns Road Car Park (although these works are not part of this planning application)
- Highway improvements to Between Towns Road, including removing surplus carriageway width; relocation of signalised pedestrian crossing and widening crossing and carriageway at northern entrance; improvements to bus stop facilities including a new U-turn facility; new loading bay; taxi bay; right turn into Barns Road car park
- Improvements to the public realm along Between Towns Road including new surfacing and street furniture.

125. The Transport Assessment and ES consider the impacts of these proposals upon the highway network, and are considered in detail below.

Traffic Generation:

126. The Transport Assessment has confirmed that there will be a net increase in traffic generated by the proposals on the surrounding road network but concludes that the increases would have minimal impact. The assessment estimates that the development will result in the following increases in traffic at the following junctions.

B4495 Between Towns Road / Barns Road Mini-Roundabout

- Weekday AM Peak (8-9) – 93 vehicles
- Weekday PM Peak (5-6) – 117 vehicles
- Saturday Peak (11.45-12.45) – 164 vehicles

B4495 Between Towns Road / Crowell Road Traffic Signal Junction

- Weekday AM Peak (8-9) – 39 vehicles
- Weekday PM Peak (5-6) – 117 vehicles
- Saturday Peak (11.45-12.45) – 109 vehicles

127. The modelling work within the assessment has taking into account worst-case traffic flows for the associated development uses, and assessed uses an above average traffic scenario for the year taking into account the busiest Friday – Saturday peak hours.

128. In reviewing these figures the Local Highways Authority initially raised concerns about the potential for the proposals to have a negative impact upon the junctions at Between Towns Road and Barns Road. However the applicant has subsequently provided revised plans for the highway works to improve the traffic flow, which is considered important given that Barns Road is viewed as a Rapid Transit Route. The development includes a number of works to the highway along Between Towns Road to improve the function in this location. These proposals were revised following discussions with the Local Highways Authority. The revised proposals were set out in '*Landscape & Public Realm Ground Level GA Plan (Revision H)*', and included widening the approaches at the Between Towns Road / Barns Road mini-roundabout and extending the left turn filter lane access into the Barns Road car park in order to improve traffic flow. In addition the use of a car park guidance system also helps to reduce

the potential for additional congestion to occur as a result of the more intensive use of the Barns Road car park.

129. The Local Highways Authority were also concerned about the impact of additional development traffic on the operation of the Between Towns road / Crowell Road traffic signal junction, as the traffic modelling within the assessment confirmed that two arms of the junction would be operating beyond a level considered to be acceptable. The applicant subsequently confirmed that this was because the right turn movement from the Templars Shopping Park had been modelled for every cycle rather than when called, and so the model was updated at the agreement of the Local Highways Authority to reflect more closely on-street behaviour. As a result the revised modelling showed that the saturation at the junction fell to an acceptable level (i.e below 90%) and that further improvements could be made with minor-alterations to the timings of the signals that the County Council could implement should the development go ahead.
130. It should also be noted that in considering the impacts of the development, the Transport Assessment has not considered all the positive impacts that would be expected from the scheme. For example, the public realm and highway improvements on Between Towns Road would reduce the 'edge friction' which is currently caused by on-street parking on both sides of the road. Improvements to public transport, walking, and cycling and the introduction of a Controlled Parking Zone will also help to remove some traffic from the area and reduce the potential for background traffic.
131. The NPPF makes clear in Paragraph 32 that developments should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. Having regards to the conclusions of the transport assessment which does not identify a severe impact from the development and also the conclusions of the Local Highways Authority, there would be no material reason to object to the proposal in terms of traffic impact.

Highway Works:

132. The proposal includes public realm and highway improvements primarily on Between Roans Road and the junctions with Crowell Road and Barns Road, in order to improve the street scene and the functionality of the highway for all modes of transport.
133. The highway improvements have been amended during the application process in order to reflect the comments of the Local Highways Authority. These amendments involved widening the carriageway to accommodate more space for cycle lanes to be provided in both directions. The pedestrian crossing adjacent to the main northern entrance has also been widened to emphasise its importance. The rest of the improvements were as originally submitted and included new bus stop facilities including a new U-turn facility; new loading bay; taxi bay; and right turn into Barns Road car park.

134. The County Council's Oxford Transport Strategy identifies Barns Road and the entire section of Between Towns Road as either Cycle Super, or Cycle Super route. The proposals to provide 2m advisory cycle lanes in both directions adjacent to the development on Between Towns Road are welcomed. It is understood that Cyclox has objected to the cycle lane measures which they consider fall short of the standards for a Cycle Super Route. However, the Local Highways Authority have asked for further improvements to the works including continuing cycle lanes up to, and where possible, through junctions to reaffirm cycle priority and safety. These changes would need to be dealt with at the detailed design stage, and could be secured by a suitable condition. The cycle measures propose advisory lanes rather than mandatory ones because the bus stops, crossing points and on-street parking provision means mandatory lanes are not possible for much of the Between Towns Road corridor. The proposed lanes are 2m wide and so comply with the County Council strategy and are wider than most advisory lanes in the city (which are usually around 1.5m or less). The scope of the developer's highway proposals are limited to the section between Crowell Road and Barns Road, with only minor changes proposed on Barns Road, and the Local Highways Authority have confirmed that further cycle improvements beyond this scope will be addressed through their corridor studies.
135. The highway works propose some 20min parking bays on Between Towns Road alongside the taxi rank. The Local Highways Authority have recommended that these should instead be for disabled parking only with all other retail parking taking place off-street. This would provide disabled parking where it is likely to be needed and reduces the potential for disabled parking on double-yellow lines in Between Towns Road. However disabled persons currently park on Hockmore Street, which is the only quick and level access into the centre and Officers consider that this is likely to be the case going forward. The loss of all the 20min waiting spaces to disabled would also likely cause indiscriminate parking on Between Towns Road as people 'pop' into the shops. Therefore it is considered that only 1 space should be for disabled users.
136. The proposal also includes improvements to the bus stop facilities on Between Towns Road to a higher specification than within other district centres (Summertown and Headington). The 4 stops proposed will need new shelters, including real-time information displays. The bus stop clearways and u-turn facility will require formal consultation under a Traffic Regulation Order to ensure that it is not used inappropriately and also that buses can turn in the facility.
137. The Local Highways Authority have indicated that the applicant would need to enter into a Section 278 agreement to secure the proposed changes to the highway on Between Towns Road and Barns Road in order to mitigate the impact of the development discussed in the section above, and that this agreement will need to be secured prior to the granting of planning consent. The applicant has agreed to enter into such an agreement.

Car Parking:

138. Retail Car Parking: The existing shopping centre currently has 876 public car parking spaces available within the three existing car parks and this figure will be significantly reduced as part of the proposals. The number of public parking spaces will be reduced to 310 spaces, 206 of which will be located in the refurbished Knights Car Park (albeit this is not part of this application because the works do not require planning permission) and 104 at the Barns Road Car Park as part of the total of 190 spaces within the car park with the remaining 86 spaces allocated for the residential developments, see 'Residential Car Parking' section below (albeit these works also do not form part of the planning application for the same reason as above).
139. The Transport Assessment identifies that the existing car parking for the centre is under-utilised with significant capacity even during peak times (e.g. during peak times only 325 spaces (37%) were actually occupied at any one time). The assessment attributes this to the fact that 31% of shoppers travel to the centre by foot and 35% by public transport. The location of the centre relative to surrounding residential suburbs and accessibility by public transport reduces the need for the private car. The assessment also identified that many of the users of the car parks were long term, taking advantage of the low cost parking as a de facto park and ride to then walk to the Oxford Business Park or take the bus elsewhere.
140. The Local Highways Authority accepts that currently the existing public parking is underutilised and that there is considerable spare capacity within these car parks. However they have queried whether 310 spaces are sufficient to accommodate existing or future public parking demand noting that the Transport Assessment also estimates that future demand on a Saturday would exceed capacity even if measures were introduced to reduce long-stay parking.
141. In response to this, the applicant intends to provide better controls within the retained car parks in order to return the emphasis to shopper parking rather than long-stay parking. This would be achieved through increasing the price of long-stay parking and a greater proportion of spaces allocated as short-stay (less than 4 hours only). There will also be improved car parking signage including electronic variable message signage on the four main approaches to Cowley as well as along the entrances to each car park to enable a more efficient use of all car parks directing visitors to where parking spaces are available and reduce the potential for queuing onto the highway. The Local Highways Authority also acknowledge that there would be some peak spreading of trips to the centre with shoppers likely to change the time they choose to travel to coincide with when there is likely to be more parking available which assist in managing demand. These parking controls should be secured by condition.
142. Residential car parking: The residential parking has been developed with the sustainable nature of the site in mind. The parking is provided at a ratio of 0.5 spaces per 1 bedroom flat and 1 space per 2 to 3 bedroom flat in Sites A and D. The residential accommodation in Site F will be car free. This equates to the following provision

- Site A: 80 spaces for 13x3 bed flats, 48 x 2 bed flats, and 38 x 1 bed flats
 - Site D: 57 spaces for 4x3 bed flats, 40x2 bed flats, and 25x1 bed flats
 - Site F: No car parking spaces for 7x3 bed flats, 19x2 bed flats, and 31x 1 bed flats
143. Approximately 86 of these spaces will be allocated within the Barns Road Car Park (29 for Site A and 57 for Site D)
144. The parking ratios would accord with the standards set out within Sites and Housing Plan Policy HP16, and the site would be considered a suitable location for reduced parking standards and 'car free' schemes. The Local Highways Authority have raised no objection to a lower proportion of car parking for the residential accommodation within the scheme, on the basis that this is a highly accessible location and the 2011 census data for Cowley Ward indicates that 62% of apartments within this ward do not own a car or van and on average there are 0.45 cars or vans per apartment.
145. The Local Highways Authority have questioned whether the 29 parking spaces allocated to the flats in Site A within the Barns Road Car Park would be too many and also inconvenient for residents of those flats and consequently not likely to be well used. However given the highways mitigation measures now proposed, and provided that appropriate on-street parking controls are installed, it is considered that the demand for retail parking during peak times would not be likely to lead to a significant detrimental impact on traffic flows. Therefore, the County Council does not object to the number of spaces allocated for residential parking within this car park. Officers would recognise the Highways Authority's concerns about the convenience of these spaces for the residents of Site A, however, the need for housing in Oxford is such that compromises will need to be made, and convenience in terms of locating a designated parking space in a sustainable location like this is not so significant when taken in that context.
146. A single disabled parking space is to be provided within the car park at Site A. This space is appropriately located in close proximity to the entrance of the accessible apartment at that site. The refurbishment of the Barns Road and Knights car parks (Hockmore Street) does not form part of this application. Consequently it is not clear how many disabled parking spaces are to be provided within those car parks for both the residential and commercial side of the development. The Adopted Parking Standards SPD sets out that, for commercial uses, 5% of parking should be designated for disabled people. Details on the number of disabled spaces and their layout for the residential units at Site D are required and this has been conditioned.
147. Need for a Controlled Parking Zone: As the scheme proposes a low-car scheme, which includes car-free elements, there needs to be suitable parking controls in place within the area in order to allow the low car nature of the development to be enforced. Without such controls the development could lead to an increase demand for overspill on-street parking which in turn is likely to lead to detrimental impacts on the safe and convenient operation of the highway and would be unacceptable. Furthermore, without parking controls the

potential for peak spreading identified within the Transport Assessment would be more likely to occur. This would result in increased traffic and overspill parking associated with the development during the busiest times.

148. Policy HP16 of Oxford City Council's Sites and Housing Plan outlines that permission will only be granted for car-free or low-car developments such as this where they are located within a Controlled Parking Zone (CPZ). This is required in order to ensure that the low-car or car-free nature of the development can be enforced. Therefore, since Site F is not to be provided with any dedicated parking spaces, suitable parking controls are required to prevent unacceptable overspill parking.
149. The Local Highways Authority has requested a contribution of £92,000 from the applicant in order to install a Controlled Parking Zone. This is required both to ensure that the development is policy compliant and as direct mitigation against the development's likely highways impacts which they consider would be severe without this being implemented. The mechanism for raising funds towards a controlled parking zone would normally be achieved through the Community Infrastructure Levy (CIL) or for the applicant to take up directly with the Highways Authority as to whether they are prepared to provide a financial contribution through a S278 agreement. In this case the applicant has confirmed that they are willing to provide the contribution directly to the Highways Authority through the S278 agreement. It should be noted however that whilst they are willing to pay this contribution this is not a material consideration in relation to the application or be considered as direct mitigation because the provision of a CPZ falls under CIL. The committee should therefore note it.

Cycle Parking:

150. Residential Cycle Parking: The proposal will provide the following cycle parking provision for the respective residential units:
- Site A: 236 spaces in the form of storage racks for 13x3 bed flats, 48 x 2 bed flats, and 38 x 1 bed flats
 - Site D: 150 spaces for 4x3 bed flats, 40x2 bed flats, and 25x1 bed flats in the form of racks within a basement storage locked
 - Site F: 128 spaces for 7x3 bed flats, 19x2 bed flats, and 31x 1 bed flats in the form of storage space within each unit
151. The cycle parking provision would exceed the minimum standards set out within Sites and Housing Plan Policy HP15.
152. The cycle parking for Site A will be located in the south-west corner of the car park and is in an accessible location. The cycle parking provision for Site F will be located in a storage area at first floor level, which represents an improvement on the previous proposals which sought to accommodate them in each flat. As with the storage for Site D (which is located in the basement) the residents will access the cycle store via a lift. The further specifications of the cycle parking should be secured by condition to ensure that they are useable.

153. Public / Retail Cycle Parking: The existing centre has a high level of cycle parking provision including 39 stands in Barns Road; 30 stands in Between Towns Road; 15 stands in Crowell Road, and 12 stands in Hockmore Street. The proposed development will retain this provision and provide 8 new stands in Hockmore Street opposite the entrance at the junction with Crowell Road.
154. Although it is accepted that the use of the existing cycle parking is currently variable, the redevelopment and improved cycle facilities and public realm are likely to result in more demand for spaces. The adopted cycle parking standards sets out that 1 cycle space per 5 staff, and 1 per 1 resident staff, should be provided for the hotel at least.
155. The application has not provided sufficient details as to how the public / retail cycle parking will be provided. However there is sufficient space within the scheme to provide such parking and therefore this should be secured by condition.

Travel Plan:

156. A Travel Plan has been prepared for the residential properties and the hotel both of which set out how these uses will reduce reliance on private car and encourage sustainable forms of transport. The Local Highways Authority have raised no objection to these in principle, but consider they need further development. The residential travel plan should focus on residents but mentions other uses, and also needs more details and objectives for the units. The same would go for the hotel.
157. In addition no travel plans have been provided for the A1, A3, and A4 elements of the scheme. A condition should be attached which requires the further development of these travel plans.

Servicing:

158. The Transport Assessment identifies that the shopping centre is currently serviced via points in Banjo Road, Barns Road, and Hockmore Street. This would not change as part of the development proposals.
159. A new loading bay is proposed on Between Towns Road for the hotel and A3 unit. The Local Highways Authority have raised no objection to this but recommend that a 20min time limit is introduced to ensure the efficient use of the bay and reduce its potential to be abused.
160. For the residential properties, refuse collections at Castle Car Park will be undertaken on-street, with vehicles likely to park on Beauchamp Lane with the refuse store located at the car park access. The refuse collections at Barns Road Car Park will be undertaken from the existing Barns Road service yard so will be off-street. The refuse collections at Site F will be undertaken on-street in Banjo Road, with the refuse store located from Banjo Road.

161. Overall there would be no objection to the servicing arrangements proposed within the scheme.

Construction Traffic Management:

162. Having regards to the nature of the existing centre, and the extent of the works, a Construction Traffic Management Plan will be required to mitigate the impact of construction vehicles on the surrounding network, road infrastructure, local residents and operation of the existing centre. This should be secured by condition and will need to be a phased document that takes into account the likely phasing of the redevelopment.

LANDSCAPING:

163. A Public Realm & Landscape Strategy accompanies the application which sets out the Applicants vision for the new public realm including new tree planting. This has been amended following consultation comments. A preliminary Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan Report by Hayden's Arboricultural also supports the application.
164. The proposals aim to bring forward a robust framework of semi-mature street trees, native trees to the communal garden and smaller specimens around the edge of Site A. This would deliver 48 new trees which is a net increase in numbers, provide amenity value, and create a lasting legacy of semi-mature street trees. The proposed tree planting would complement the existing trees to the north of Between Towns Road and contribute to the creation of a green corridor.
165. The approach to the planting strategy at ground level looks to reinforce the Between Towns Road frontage whilst enabling clear views to the building frontages. The new Promenade would be defined by large linear raised planters containing hedges and ornamental planting. These planters would provide separation from the busy vehicular road and year round colour and interest through the planting of perennials and grasses. The formal frontage in front of Sites D and F is defined by semi-mature street trees. Proposed trees have been selected for their height and columnar habit which allow clear views through to the frontages behind.
166. Around Site A smaller multi-stem species have been chosen due to the limited space and to avoid future conflict with the adjacent residential windows. Behind the stone-faced boundary wall evergreen Yew hedges reflect the character of the adjacent Conservation Area and provide a year round foil. Within the podium level communal space larger birch trees provide a light canopy to the shade garden above a groundcover of ferns and shade-tolerant perennials.
167. Plant species on the biodiversity roofs will be specifically selected to encourage wildlife. A range of plants that flower throughout the year will provide a food source for insects and pollinators. Furthermore flowers with seed heads will

provide a food source for winter nesting bird species. A mixture of grasses and sedums and wild flowers will be selected to provide year round habitat value.

168. The north-facing green wall at the eastern end of Between Towns Road would be trained with shade tolerant Clematis armandii which would flower to provide a flush of seasonal colour.
169. There will be a total loss of 19 existing trees in accommodating the proposed development; 5 Category B trees of moderate value, 12 Category C and 2 Category U of low value. There are no high quality Category A trees. The development would come within the root protection area of 3 of the Lombardy Poplar trees (TPO) which lie within the John Allen Park and would be impacted upon by the new bus turning.

Arboricultural Implications:

170. The implications of the redevelopment of the site in arboricultural terms are that all the trees which currently act as landscaping to the areas identified for demolition and redevelopment will be lost. This includes several trees of significant stature and positive contribution to public visual amenity. The trees act as a foil to adjacent buildings and provide a unifying element to the street scene; the landscape quality of the road suffers from many discordant visual elements associated with the disparate architectural styles present.
171. The tree losses (16 in total) represent a substantial arboricultural impact; however, they were planted in the context of the existing architectural design, which was developed in the 1960s, albeit all the current trees are not contemporary with the original development. Beyond their individual merits as attractive natural forms, their landscape value relates principally to their contribution to the setting of the existing site; good design principals dictate that major re-development of the site requires a fresh landscape strategy which responds to current design proposals.

Proposed Landscape Strategy:

172. The proposed landscape strategy involves significant replacement tree planting (48 new trees; a net increase). The landscape plans also include detailed proposals for planting pit designs. The structure of the proposed landscape strategy is considered appropriate. However a limited species pallet is proposed and whilst a limited range of species can assist in creating a strong design aesthetic, with inherent unity, it is also more vulnerable to potential disease problems causing catastrophic landscape failure (especially when a single cultivar is used) but also in terms of creating too much visual regimentation; i.e. the use of only fastigiated (*Carpinus betulus* 'Frans Fontain') on the Between Towns Road Frontage. This strong design statement (which will be effective as a foil to the strong verticality of the proposed tower, at least in the short to medium term) could be modulated in areas where space exists for more current forms of tree species, such as at the extreme eastern end of the Between Towns Road frontage. It should also be borne in mind that

fastigiata hornbeam become very broad in maturity (see the trees of Sunderland Avenue: inset below).

173. The proposed design seeks to mitigate the above impacts by including landscape proposals for 48 new trees (a net increase). This landscape strategy provides appropriate mitigation for tree losses and provides in principle a strong landscape design framework to the setting of the proposed architectural designs. Further development of tree species selection is required, including employment of more species and form diversity and less reliance on a few cultivars. This can be secured by condition.

John Allen Park:

174. As set out above a contribution is sort in lieu of amenity space of the flats in Sites D & F towards the small park that runs between Between Towns Road and Cleveland Drive, beside the retail park know as John Allen Park. In Officers' opinion this presents a significant opportunity to improve the public amenity of this park which is currently poor. When standing on Between Towns Road by the bus stops on the northern side, the parks appears as an area of open grassland with no facilities visible at all. The existing tall Lombardy poplars that form a line close to Between Towns Road act as a visual barrier into the rest of the Park and likely aid antisocial behaviour that the Park experiences; in fact since they have been topped (due to structural defects requiring remedial tree surgery). They are now quite a negative landscape feature and create a visual barrier. People also cut down the bank from Between Towns Road into the grassed area beyond these trees. The Park has more diversity in the tree species and age classes elsewhere and a child's play area.
175. The footprint of the new bus turning area would require the removal of the 3 TPO Lombardy poplar trees close to Between Towns Road. These trees are past their best in terms of health and are an increasing management burden. It could be argued that they have come to the end of their useful contribution as a public landscape amenity. Their loss is therefore considered acceptable and would open up opportunities for further enhancement of the park. Their removal, along with the removal of the other poplars here, together with new strategic planting would soften and disrupt the massing of the shopping centre and would enhance the amenity asset value of the park. Officers have also identified other opportunities such as upgrades to its bins, benches, footpaths, lighting and signage, and other structural changes such as path routes and hard landscaping from Between Towns Road that would make the Park and Templar Square a more integrated public space and a significant benefit to the existing residents and new residents of the development.
176. The S106 can secure the sum of money and also further details of the re-landscaping of the park, to be agreed with the Applicant and the Council.

FLOOD RISK AND DRAINAGE:

177. The proposed development is located within Flood Zone 1 according to the Environment Agency's (EA) Flood Maps and the EA's Surface Flood Mapping indicates that the development site is in an area subject to surface water flooding, however the surface water flood risk is low and is therefore considered to be acceptable. The Councils Strategic Flood Risk Assessment (SFRA) shows that no flooding events have taken place in the proximity of the Sites.
178. The ES assesses the risk of flooding and pollution to and from the development and any potential mitigation required. It analyses the most likely significant impacts on the environment of the proposed development, along with existing on-site networks and supporting sewerage infrastructure. These are considered not only within the site boundaries, but also in the immediate proximity of the Site. The ES incorporates Flood Risk Assessment.
179. The proposed development of the Site will entail the demolition of existing structures and replacing them with new to similar roof areas, and will therefore not increase the amount of impermeable area.
180. Groundwater flooding susceptibility has been identified in area within 50m beyond the boundaries of the site, however no groundwater flooding has been recorded within the Site's boundary. The localised 'high' risk of surface water flooding to Site A is suspected to be due to lack of maintenance of the existing below ground road gullies and sewers, and therefore remedial works may be required during construction. Furthermore the SFRA confirms that no flooding has occurred on site.
181. The FRA recommends that drainage is designed in accordance with the current best practice to provide capacity to convey flows and deal with the 100 year with climate change storm effectively on the Site. Gullies, drainage channels and drains should be suitably sized to accommodate peak storm flows, and inlet features should have suitably sized sumps to catch silts and should be subject to a routine maintenance regime. Any new structures should not be designed to be lower than existing structures on the Site to ensure that the sites flood zone classification remains the same.
182. Existing drainage should be re-configured to suit the new development and improve the existing surface water management. The new drainage system will connect into the existing public sewers maintaining the current connections and the existing discharge volumes will not be exceeded.
183. It is anticipated that the foul water rate will increase from the existing flow rate due to the increased residential use of the site; this may affect the existing 225mm diameter public sewer running east-to-west on Between Towns Road. Re-configuration is required, and it is advised that the existing network is checked thoroughly for blockages and collapse, with any defects being corrected accordingly.
184. The use of Sustainable Urban Drainage Systems (SUDs) has been assessed to limit the discharge rate from the Proposed Development. It is concluded that, pending further investigation, the following techniques could potentially be

suitable for use on Site: green roofs, rainwater harvesting, and retention. Further to comments received by statutory consultees blue roofs are also now proposed. These would attenuate surface water run-off by storing rain water and discharging it in a controlled manner into the network.

185. During the construction phases of the project, the disposal of surface water would need to be carefully managed to ensure that the risk of flooding and risk of pollution is minimised. In order to moderate, or possibly eliminate, the risks to controlled water present construction, precautions would be taken, including the use of settlement tanks, spill kits, and gully covers. This would ensure that the risk from surface water flooding, both to and from the Site, during construction is minimised.
186. The ES concludes that on the basis of the FRA recommendations and further detailed design that the development would have a low risk of any form of flooding, would not increase the risk of flooding to other properties within the local catchments area, and would not have a detrimental effect on the Site or local area from potential pollution factors.
187. The EA has commented that the site lies on a secondary aquifer and SUDs should ensure ground water protection and protection from contamination. Thames Water has not objected but has requested a Grampian style condition requiring a drainage strategy for the development. The County Council as Lead Flood Authority has advised that all the surface water discharges go to Thames Water's surface water sewers which are near capacity, therefore reductions to these sewers are essential.
188. Officers concur with the findings of the FRA. The proposal is considered a significant redevelopment of the site but would not pose a significant risk to flooding on the basis that suitable mitigation measures are put in place. Given the amount of the site the proposal will occupy, the scale and type of proposal, the amount of redevelopment proposed and that no drainage plans, calculations or details have been submitted at this stage it is considered that an revised drainage statement / drainage strategy outlining drainage details to limit runoff, reducing to predeveloped/greenfield rate of run-off rates is required. It shall include betterment in terms of a decrease in runoff surface water rates and separation of fowl and surface water drainage.
189. It is therefore considered that, subject to the condition, that there would be no adverse impact from the development proposal in accordance with Policy NE14 of the OLP and CS11 of the CS.

BIODIVERSITY:

190. The ES and the Baseline Ecological Appraisal submitted with the application considers the likely effects of the development upon biodiversity.
191. There are no statutory or non-statutory conservation designations on site, with the closest non-designated designation being the Lye Valley and Cowley Marsh Local Wildlife Site approximately 0.8km north of the site. The site is dominated

by buildings and hardstanding, which provide limited wildlife value and no evidence of protected species were found. As a result the appraisals conclude that the development will not give rise to any significant effects on biodiversity. Officers would support these conclusions

192. Notwithstanding this, the NPPF sets in Paragraph 118 that *'the planning system should contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible'* and *'opportunities to incorporate biodiversity in and around developments should be encouraged'*. This is supported in Oxford Core Strategy Policy CS12.
193. The ES identifies that new bird nesting opportunities will be provided throughout the scheme in the form of new tree planting, and at least 15 nest boxes on the northern or western elevations of the buildings. Officers would support these measures but would seek at least 20 bird nesting boxes throughout the development. This could be secured by condition. In addition to this an informative should be added which makes the applicant aware that the scrub, trees and buildings on site offer suitable habitat for nesting birds and therefore any removal of buildings and vegetation are undertaken outside of the nesting season.

ENERGY EFFICIENCY:

194. An Energy Statement has been submitted with the application in order to demonstrate how the development would be energy efficient and include at least 20% of their energy needs from on-site renewables or low carbon technologies in accordance with Sites and Housing Plan Policy HP11 and Oxford Core Strategy CS9
195. The Energy Statement proposes a design compliant scheme by using a 'Be lean' and 'Low carbon technology' measures to demonstrate compliance. It states that the development would achieve a 40% reduction in carbon emissions. The development uses a fabric first approach through compliance with current Building Regulations to ensure that the overall energy demand is as low as possible. It will then adopt passive design and low carbon technology measures to reduce carbon emissions through limiting air permeability through the scheme, employing efficient ventilation and extraction and energy efficient lighting, highly efficient heating sources and controls. These measures alone would meet the 20% minimum policy requirement. In terms of renewables, half of the energy use will be from a Combined Heat and Power Plant. Other renewables were considered, but discounted. While the roofs would potentially make photovoltaics an option, this was discounted because it did not work with the drainage strategy set out for the scheme.
196. Officers consider that the Energy Strategy sets out an acceptable approach to meeting the requirements of the policy, and that this should be developed further through the detailed design phase of the development. As such a condition to implement in accordance with the approved Energy Statement would be appropriate - and to particularly note that the efficiencies achieved

with the CHP plant are consistent with the assumptions made in the ES analysis (i.e. in line with those embodied in the definition of Good Quality CHP, as laid out in the CHP Quality Assurance Scheme). A condition should also be imposed to require confirmation the energy systems have been implemented according to details laid out in the approved Energy Statement (Issue 5 from March 30 2017) to achieve the target performance.

AIR QUALITY:

197. The NPPF states that planning should “contribute to conserving and enhancing the natural environment and reducing pollution” by “preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability” (Paragraph 109). It goes on to say that planning decisions should ensure that any new development in Air Quality Management Areas (AQMA) is consistent with the local Air Quality Action Plan.” The whole of the City was declared as an AQMA for nitrogen dioxide in 2010.
198. Policy CP23 of the OLP 2001-2016 states that development which would have a net adverse impact upon the air quality in the AQMA or in other areas where air quality objectives are unlikely to be met will not be granted Planning permission.
199. The following documents have been submitted and reviewed:
 - “Environmental Statement 7.4 Air Quality Assessment and Appendices” dated November 2016 produced by GL Hearn and AMEC Foster Wheeler Environment and Infrastructure UK Ltd.
 - “Transport Assessment for the proposed development of Templars Square”, dated August 2016 produced by Connect Consultants.
 - “Energy Statement, Templars Square Regeneration” (ref: 20160810 – energy statement Issue 4) dated August 10th 2016 produced by Wallace Whittle.
 - “Air Quality Assessment Addendum (Appendix J)” dated March 2017 produced by Amec Foster Wheeler Environment & Infrastructure UK Limited
200. The Air Quality Assessment Addendum (AQAA) considers potential impacts of vehicle exhaust emissions, CHP and boiler unit emissions and the potential Air Quality impacts from the re-arrangement of the bus stops during the operational phase of the proposed development. This new assessment supports the conclusions of the original Environmental Statement chapter that the impact of the proposed development on local air quality is likely to be negligible.
201. Officers concur with the findings of the reports and the proposal accords with CP23 and the NPPF, subject to further conditions requiring an Construction Environmental Management Plan and details of charging infrastructure for Electric Vehicles (Residential & Commercial), and details of venting system for the underground car park in Site A.

SOCIO-ECONOMICS:

202. The ES identifies that the proposed development is likely to create approximately 153 Full Time Equivalent (FTE) jobs per year of the construction works, and a further 57 FTE jobs through the hotel and the A3 floor space.
203. The ES also notes the development will therefore create employment opportunities in the local area, to the potential benefit of local residents. The County Council have identified that Oxfordshire has a 'tight labour market' and that improving local skills and employment outcomes will help drive the local economy and also improve the social and economic outcomes of individuals currently marginalised from the workforce. They identify that seeking commitments to the development of skills and the provision of job opportunities through Community Employment Plans (CEP's) can help to achieve this vision and to ensure that developments contribute to economic growth. These plans can help to ensure the maximum benefit in terms of new jobs, allowing the planning system to support and drive sustainable local economic employment growth which is supported by the NPPF. As well as supporting sustainable economic growth, CEP's provide the opportunity to more closely align new jobs created from a major development, the local labour market and skills providers, thus ensuring maximum benefits in terms of new jobs, apprenticeships, traineeships, work experience and local supply chains.
204. The level of employment generated on this strategic development site will require the developers to prepare and implement a Community Employment Plan that will seek to mitigate the impacts of the development through ensuring that local people can better access the training (including apprenticeships) and job opportunities arising from the development during both the construction and end user phase. This should be secured by condition.

PUBLIC ART:

205. There is a requirement to provide public art and it is the intention of the Applicant to do so in accordance with CP24 of the OLP. The Landscape and Public Realm Strategy proposes to incorporate public art into a seamless incidental play and public furniture scheme within the improved public realm along Between Towns Road referencing the Cowley area and its motor heritage. It would be procured via design competition. This is considered an acceptable strategy although Officers also consider that the public open space outside the existing entrance adjacent to Site D offers an ideal location for one large piece of art that would also help wayfinding into the centre. The details of exact positioning and nature/form of the art could suitably be secured by condition.

WIND:

206. There are no national planning policies directly relating to wind microclimate

issues; however, the benefits of a high quality built environment are emphasised in the NPPF. Policy CP9 of the OLP states that “Planning permission will only be granted subject to whichever of the following factors are relevant to the development... adverse micro-climate effects (e.g. pockets of cold, heat, dazzle, wind or shade) are avoided;”

207. The ES assesses the likely significant effects of the Development with respect to wind 6 microclimate. This section also describes the methods used to assess the effects; the baseline 7 conditions currently existing at the Site and surrounding area; and the likely residual effects.

208. Wind tunnel testing is the most well-established and robust means of assessing the pedestrian wind 23 microclimate. It enables the wind conditions at the site to be quantified and classified in accordance 24 with the widely accepted Lawson Criteria for comfort (LCC) and safety. A model was built and baseline conditions established, including meteorological data. This was then tested using a simulation of atmospheric winds and combined with existing conditions to obtain expected frequency and magnitude of wind speeds at pedestrian levels. The results were then compared against the Lawson Criteria for safety and comfort.

209. The ES concludes that the effect of the proposed development (with and without soft landscaping) within the context of the existing surroundings would be as follows:

Safety:

210. Wind conditions remain suitable, in terms of pedestrian safety, for use by the general public throughout the year. This represents a negligible impact.

Comfort – Thoroughfares:

211. Wind conditions at all thoroughfares remain suitable, in terms of pedestrian comfort, for their intended use throughout the year. This represents a negligible impact.

Comfort – Entrances/Shop Front/Waiting Area:

212. Wind conditions at all entrances, shop fronts and waiting areas around the site remain suitable, or are improved such that they become suitable, in terms of pedestrian comfort, for their intended use throughout the year. This represents a moderate beneficial impact.

Comfort – Recreational Spaces:

213. Wind conditions at the recreational space to the North of the site remain suitable, in terms of pedestrian comfort, for its intended use throughout the year. This represents a negligible impact.

Comfort – Balconies:

214. Wind conditions at all balconies situated on the elevated levels of the proposed development are considered suitable, in terms of pedestrian comfort, for their intended use as outdoor seating. This represents a negligible impact.

215. Officers consider that the evidence within the ES robustly demonstrates wind microclimate impact and support the findings. It is considered that the proposal would not have a significant adverse impact on the wind microclimate and as such accords with Policy CP 9 of the OLP.

ARCHAEOLOGY

216. The application is of interest because of the potential for Roman, Saxon, medieval and post-medieval remains in this location. The submitted desk based assessment (Wessex Archaeology 2016) highlights the archaeological potential of the development plots; the central and eastern footprints and basements (Sites D and F) have some potential to impact on Roman remains noting previously recorded concentrations of features and finds indicating the presence of a Roman pottery manufacturing area to the east. The Castle multi-storey site (Site A) is located within the historic core of the late-Saxon and medieval village of Cowley where there would be potential for settlement remains.
217. Having regards to the conclusions of the desk based assessment, officers consider that a condition should be attached requiring a written scheme of archaeological investigation and a method statement for demolition.

LAND CONTAMINATION

218. The ES and Phase One Environmental Desktop Study consider the impacts of the development on contaminated land.
219. The document constitutes a limited preliminary risk assessment. The overall risk to construction workers on site was determined to be moderate, while the risk to future site users was determined to be negligible. This was based on the majority of the development being hardstanding and that residential with plant uptake is not a proposed end use. However, it was recommended to undertake a detailed intrusive site investigation to better understand the risks from the site. There was potential risk of contamination identified from ground gases and from oil leaking from a nearby former petrol station, but these sources were not considered further in the conceptual site model or preliminary risk assessment.
220. Having reviewed these documents, officers agree with the overall conclusion that there is unlikely to be significant impacts relating to contaminated land from this development. However, officers also agree that further site investigation is required to determine the risks to future site users, and what mitigation measures may be necessary. Therefore conditions should be imposed requiring further investigation work, a verification report, and watching brief.

OTHER MATTERS:

Lighting, Wayfinding & CCTV:

221. A Strategy for exterior lighting & wayfinding has been outlined in the Landscape & Public Realm Strategy the principle of which are supported by Officers. A finalised detail can be secured by conditions. Details of CCTV cameras have not been provided at this stage but could be secured by conditions in

accordance with CP9 CP20 of the OLP.

Totems & other Adverts:

222. The advertisement on new shop and commercial units falls under Advertisement consent regulations and therefore further separate consent would be required. The development does however propose to re-locate and reduce in size the existing Totem that sits out front of the shopping centre beside the Nelson PH. Whilst the height and appearance/ design of the Totem would fall under Advertisement regulations its re-positioning can be agreed at this stage. It is shown centrally within the open space in front of the Centre which Officers consider inappropriate, limiting this space for use and being a better location perhaps for public art. Further discussions to finalise the details of the public realm with the HA and City in terms of materials in any event and it is considered that a more suitable location could be found and agreed, secured by condition.

Noise & Vibration:

223. The ES has undertaken an assessment of noise and vibration from the proposed development including a consideration of additional road traffic, habitable rooms and noise from commercial uses proposed. It concludes that the proposed development would have no adverse impact on existing noise levels and a suitable level of amenity would be achieved outside the residential flats and hotel accommodation.
224. The construction of the development would impact on neighbouring residential, commercial and other properties adjacent and nearby in terms of noise and to some degree vibration at various times during the demolition and construction process. This is acknowledged in the submitted ES. Whilst the methods of construction are outside the remit of planning given the scale, complexity and proximity to residential property of this development proposal a condition requiring a Construction Environmental Management Plan could be imposed which seek details of, amongst other things, hours of working, piling methods, control on vibration and control of emissions.
225. In considering noise values for internal habitable rooms once occupied, officers consider that the conclusions of the ES are acceptable. A condition should be attached which requires all internal and sleeping areas of the accommodation to meet the prescribed British standards for noise criteria. This should also be secured by condition
226. As such the proposed development subject to these conditions would accord with Policies CP19 and CP 21 of the OLP.

CONCLUSION:

227. It is considered that the proposed development makes best and most efficient use of the land, delivering a high quality development on a constrained site within the Primary District Centre. It represents a significant regeneration opportunity and investment in this tired 1960's shopping centre and would kick

start further regeneration of the area. The development would provide significant public benefits including a substantial number of new homes additional, commercial units and provide a 71bed hotel, for which there is high demand in Oxford. It would create 57 new jobs and other socio-economic benefits during construction. It would remove the vacant Nelson PH which has had issues in the past of anti-social behaviour. The new buildings would make efficient use of land in terms of scale, layout, density and form, whilst respecting the site context. It is a high quality design that would significantly contribute to the local character and distinctiveness of the area. The re-facing the existing centre, entrances and car parks on Between Towns Road would also positively enhance the appearance of the shopping centre. Other significant public realm improvements to the streetscape of Between Towns Road are also proposed including widening the pavement, planting trees and creating informal areas for child's play within the proposed seating. It also focuses on and creating a pedestrian experience that finally links the John Allen Centre opposite. The existing car parks are rationalised and refurbished (albeit the latter does not require planning permission) following the demolition of the Castle multi-storey carpark. Adequate cycle parking and improved cycle lanes incorporated into the new public realm.

228. The provision of high density development is supported in the Primary District Centre and the new cluster of buildings would be visible in local and long distant views. The new tower would be the tallest building the City has considered in a very long time and the significance of this has not been underestimated. It is considered that at a local level there would be no harm to the setting of listed building or CA. In long distant views into and out of the City there would be some harm to the wider landscape setting of Oxford and views out of Oxford from St Mary's Church Or Carfax Tower but this is considered to be less than substantial harm. Furthermore any harm would be outweighed in this case by the significant public benefits of the proposed development in terms of regeneration of the Centre, provision of housing and provision of jobs.
229. The development would provide 226 residential flats on a windfall site in a mix of 1, 2 and 3 bed units which is considered a large number of units towards meeting Oxford's need for housing. The overall mix of units the generally accords with the balance of dwellings required and that any shortfall is outweighed by the benefits fo the development. Of these units 23% affordable housing would be provided contrary to Policy. However, robust evidence has been submitted which demonstrates that the scheme is unviable at higher provisions. It is considered on balance that the public benefits of development in terms of regeneration of the shopping centre, economic terms, provision of substantial number of housing units and public realm improvements, outweigh the under provision of affordable housing in this case and an exception to Policy should be made. The affordable housing would be secured via a legal agreement.
230. In other aspects the evidence submitted in the ES and supporting documents relating to biodiversity, flooding, air quality, landscaping, energy efficiency and sustainability and transport demonstrates that the development would be acceptable subject to conditions imposed.

231. The Officers therefore recommend that East Area Planning Committee approve the application in line with the recommendation at the head of this report, subject to the satisfactory completion (under authority delegated to the Head of Development Management) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

CONDITIONS:

1. Time Limit for commencement.
2. Plans – in accordance with approved plans
3. Materials – samples agree prior each phase of construction (Excluding demolition)
4. Archaeology – WSI
5. Biodiversity – measures for wildlife
6. Demolition Method Statement for Site A & Nelson PH – details to be submitted prior commencement.
7. Construction Environmental Management Plan
8. Sustainability – in accordance with Energy Statement approved
9. Sustainability – Further details of CHP
10. Revised Drainage Strategy – including SUDs measures further details, prior construction excl. demolition
11. SUDs Maintenance Plan – prior occupation
12. Piling method statement – water infrastructure details
13. Landscape plan
14. Landscape – planting carry out after completion of each phase or substantial completion of whole development.
15. Landscape Management Plan.
16. Revised Arboricultural Method Statement AMS
17. Trees Hard Surfaces – tree roots
18. Trees Underground Services - tree roots
19. Trees Pits
20. Details of boundary treatment / entrance gates prior to occupation/ installation, Site A
21. Travel Plan – prior to occupation
22. Road Construction, Surface and Layout
23. Residential Cycle Parking Provision
24. Hotel Cycle Parking Provision
25. Car Parking Signage/Guidance System
26. Swept Path Drawings
27. Plan of Disabled Car Parking for Site D & Hotel
28. Construction Traffic Management Plan – details prior to commencement
29. Public Realm and highway works (full details, materials, Implementation)
30. Contamination – Watching brief as approved
31. Contamination – Remediation Strategy prior occupation
32. Contamination – Validation Report prior occupation
33. Architectural Recording of buildings to be demolished.
34. Commercial Units – restrict use A1/A3/A4
35. Details of shop fronts
36. Waste refuse & bin storage – further details prior to substantial completion

- 37. Community Employment Plan
- 38. Ventilation - carpark, Site A
- 39. Electric Vehicles charging points (residential)
- 40. Electric Vehicles (Commercial)
- 41. Construction Environmental Management Plan
- 42. Noise – residential (internal)
- 43. Noise – mechanical extraction/ plant
- 44. A3/ A4 use extraction/ plant – further details required - prior to proposal being brought into use.
- 45. Details of wayfinding and street furniture (inc totem)
- 46. Details of CCTV
- 47. Details of External Lighting
- 48. Public Art Strategy

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 approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 16/03006/FUL.

Date: 24th April 2017