

# Agenda



## Planning - Oxford City Planning Committee

This meeting will be held on:

Date: **Tuesday 12 April 2022**

Time: **6.00 pm**

Place: **The Old Library - Oxford Town Hall**

**For further information** please contact:

Emma Lund, Committee and Members' Services Officer

☎ 01865 252367

✉ [DemocraticServices@oxford.gov.uk](mailto:DemocraticServices@oxford.gov.uk)

**Members of the public can attend to observe this meeting and.**

- may register in advance to speak to the committee in accordance with the [committee's rules](#)
- may record all or part of the meeting in accordance with the Council's [protocol](#)

Information about speaking and recording is set out in the agenda and on the [website](#)

Please contact the Committee Services Officer to register to speak; to discuss recording the meeting; or with any other queries.

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## Committee Membership

Councillors: Membership 11: Quorum 5: substitutes are permitted.

Councillor Colin Cook (Chair)	Osney & St Thomas;
Councillor Nigel Chapman (Vice-Chair)	Headington Hill & Northway;
Councillor Evin Abrishami	Donnington;
Councillor Mohammed Altaf-Khan	Headington;
Councillor Lizzy Diggins	Carfax & Jericho;
Councillor Laurence Fouweather	Cuttesslowe & Sunnymead;
Councillor Alex Hollingsworth	Carfax & Jericho;
Councillor Jemima Hunt	St Clement's;
Councillor Lucy Pegg	Donnington;
Councillor Ajaz Rehman	Lye Valley;
Councillor Louise Upton	Walton Manor;

Apologies and notification of substitutes received before the publication are shown under *Apologies for absence* in the agenda. Those sent after publication will be reported at the meeting. Substitutes for the Chair and Vice-chair do not take on these roles.

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered, **and** the Head of Planning Services has issued the formal decision notice.*

# Agenda

Pages

## Planning applications - background papers and additional information

To see representations, full plans, and supplementary information relating to applications on the agenda, please [click here](#) and enter the relevant Planning Reference number in the  search box.

Any additional information received following the publication of this agenda will be reported and summarised at the meeting.

### 1 Apologies for absence and substitutions

### 2 Declarations of interest

### 3 21/00110/FUL: The Clarendon Centre, Cornmarket Street, Oxford, OX1 3JD

11 - 88

**Site Address:** The Clarendon Centre, Cornmarket Street, Oxford OX1 3JD

**Proposal:** Partial demolition of Clarendon Centre, including removal of roof to the mall. Proposed redevelopment involving partial re-use and extension of existing buildings and erection of new buildings to form retail, offices, research and development, and student accommodation, with a new public square and a new pedestrian/cycle access through to Frewin Court. Provision of new public access lift to rooftop with cafe and terrace area. Tree planting, landscaping and cycle parking provision.

**Reason at Committee:** The proposal is a major development.

**Recommendation:**

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered, **and** the Head of Planning Services has issued the formal decision notice.*

The Oxford City Planning Committee is recommended to:

1. **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; and subject to:
  - Receipt of further drainage information requested by the LLFA and removal of their current objection;
  - the satisfactory completion of a Unilateral Undertaking and legal agreement under section.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
2. **delegate authority** to the Head of Planning Services to:
  - finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and
  - finalise the recommended Unilateral Undertaking and 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 Services considers reasonably necessary; and
  - complete the section 106 legal agreement referred to above and after completion of the Unilateral Undertaking issue the planning permission.

**4 21/02513/FUL: Victoria Hotel, 178-184 Abingdon Road, Oxford**

89 - 114

<b>Site Address:</b>	Victoria Hotel, 178 - 184 Abingdon Road, Oxford
<b>Proposal:</b>	Demolition of existing hotel. Erection of a three storey 38no. bedroom hotel (use class C1) and creation of 1no. 2 bedroom maisonette (use class C3). Provision of plant room, soft landscaping, vehicular and cycle parking and bin storage.
<b>Reason at</b>	The proposal is a major development.

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**Committee:**

**Recommendation:**

The Oxford City Planning Committee is recommended to:

1. **resolve** that if an appeal had not been lodged the application would have been refused for the reasons given in the report
2. **delegate authority** to the Head of Planning Services to:
  - finalise the recommended reasons referred to in paragraph 1.1.1 above for the purposes of defending the appeal including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

**5 22/00003/FUL: 40 Masons Road, Oxford OX3 8QJ**

115 –  
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**Site Address:** 40 Masons Road, Oxford, OX3 8QJ

**Proposal:** Change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4). (Retrospective)

**Reason at Committee:** This application has been called in by Councillors Brown, Turner, Clarkson, Chapman, Rowley, Munkonge and Walcott, for reasons of the loss of a family dwelling and parking pressures.

**Recommendation:**

The Oxford City Planning Committee is recommended to:

1. **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
2. **agree to delegate authority** to the Head of Planning Services to:
  - finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

**6 Minutes**

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**Recommendation:** to approve the minutes of the meeting held on 23 March 2022 as a true and accurate record.

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered, **and** the Head of Planning Services has issued the formal decision notice.*

## 7 Forthcoming applications

Items currently expected to be considered by the committee at future meetings are listed for information. This is not a definitive list and applications may be added or removed at any point. These are not for discussion at this meeting.

21/01176/FUL: Former Dominion Oils Site, Railway Lane, Oxford, OX4 4PY	Major
21/01261/FUL: St Hilda's College, Cowley Place, Oxford, OX4 1DY	Major
21/01405/FUL: 1 & 3 Jack Straw's Lane and 302 304 & 312 Marston Road, Oxford	Major
21/01695/FUL: Thornhill Park, London Road, Headington, Oxford, OX3 9RX	Major
21/02120/OUT: Plot 18 And Plots 23-26, Oxford Science Park, Grenoble Road, Oxford, OX4 4GB	Major
21/02581/FUL: 1 North Street, Oxford, OX2 0AY	Called-in
21/02639/FUL: Land West Of 75 Town Furze, Oxford, OX3 7EW	Called-in
21/02776/RES: Land At Barton, Northern By-pass Road, Oxford, OX3 9SD	Reserved Matter
21/03114/CT3: Former Workshop at Lanham Way, Oxford, OX4 4PU	Major
21/03622/VAR: Helena Kennedy Centre, Headington Hill, Headington, Oxford OX3 0BT	Major
21/03241/FUL: Julianstow Cottage, 10 Harberton Mead, Oxford, OX3 0DB	
21/03178/FUL: 3 Iffley Turn, Oxford OX4 4DU	Called-in
21/01176/FUL: Former Dominion Oils Site, Railway Lane, Oxford OX4 4PY	Major
20/00081/RES: Oxford North Northern Gateway, Land Adjacent A44, A40, A34 and Wolvercote Roundabout A40 Section from Cherwell District Council Boundary to Wolvercote Roundabout, Oxford OX2 8JR	Major
22/00040/PIP: The Crown and Thistle, 132 Old	Called-in

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Road, Headington, Oxford OX3 8SX	
22/00410/LBC: Green Templeton College, Woodstock Road, Oxford, OX2 6HG	Major
22/00409/FUL: Green Templeton College, Woodstock Road, Oxford OX2 6HG	Major
22/00129/FUL: 5 Oxford Castle, New Road, Oxford OX1 4AY	Called-in
22/00131/LBC: 5 Oxford Castle, New Road, Oxford OX1 1AY	Called-in
22/00130/ADV: 5 Oxford Castle, New Road, Oxford, OX1 1AY	Called-in
22/00393/FUL: 39 South Parade, Oxford OX2 7JL	Called-in
22/00675/RES: Part Of Oxford North Northern Gateway Land Adjacent A44 A40 A34 And Wolvercote Roundabout, A40 Section From Cherwell District Council Boundary To Wolvercote Roundabout, Oxford OX2 8JR	Reserved Matter

## 8 Dates of future meetings

Future meetings of the Committee are scheduled at 6.00pm on:

2022	2022
24 May	20 September
21 June	18 October
19 July	15 November
16 August	13 December

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered, **and** the Head of Planning Services has issued the formal decision notice.*

## **Information for those attending**

### **Recording and reporting on meetings held in public**

Members of public and press can record, or report in other ways, the parts of the meeting open to the public. You are not required to indicate in advance but it helps if you notify the Committee Services Officer prior to the meeting so that they can inform the Chair and direct you to the best place to record.

The Council asks those recording the meeting:

- To follow the protocol which can be found on the Council's [website](#)
- Not to disturb or disrupt the meeting
- Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule or show a lack of respect towards those being recorded.
- To avoid recording members of the public present, even inadvertently, unless they are addressing the meeting.

Please be aware that you may be recorded during your speech and any follow-up. If you are attending please be aware that recording may take place and that you may be inadvertently included in these.

The Chair of the meeting has absolute discretion to suspend or terminate any activities that in his or her opinion are disruptive.

### **Councillors declaring interests**

#### **General duty**

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

#### **What is a disclosable pecuniary interest?**

Disclosable pecuniary interests relate to your\* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

#### **Declaring an interest**

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

#### **Members' Code of Conduct and public perception**

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". The matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

\*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.



## **Procedure for dealing with planning applications at Area Planning Committees and Planning Review Committee**

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner. Advice on bias, predetermination and declarations of interests is available from the Monitoring Officer.

### **The following minimum standards of practice will be followed:**

1. All members of the Committee will have pre-read the officers' report. Committee members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful. (In accordance with the guidance at 24.15 (Planning Code of Practice) in the Council's Constitution).
2. At the meeting the Chair may draw attention to this procedure. The Chair may also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:
  - (a) the planning officer will introduce it with a short presentation;
  - (b) any objectors may speak for up to 5 minutes in total;
  - (c) any supporters may speak for up to 5 minutes in total;
  - (d) speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;
  - (e) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant officers and/or other speakers); and
  - (f) voting members will debate and determine the application.
4. In determining an application Committee members should not:
  - (a) rely on considerations which are not material planning considerations in law;
  - (b) question the personal integrity or professionalism of officers in public;
  - (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for overturning the officer's recommendation have been formulated including the reasons for refusal or the wording of any planning conditions; or
  - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

### **Public requests to speak**

**Members of the public wishing to speak must notify the Committee Services Officer by noon on the working day before the meeting**, giving their name, the application/agenda item they wish to speak on and whether they are objecting to or supporting the application. Notifications can be made via e-mail or telephone, to the Committee Services Officer (details are on the front of the Committee agenda).

### **Written statements from the public**

**Any written statement that members of the public or Councillors wish to be considered should be sent to the planning officer by noon two working days before the day of the meeting. The planning officer will report these at the meeting.** Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material consideration arising. Any such material will not be displayed or shown at the meeting.

### **Exhibiting model and displays at the meeting**

Applicants or members of the public can exhibit models or displays at the meeting as long as they notify the Committee Services Officer of their intention by noon two working days before the start of the meeting so that members can be notified.

### **Recording meetings**

This is covered in the general information above.

### **Meeting Etiquette**

All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting.

**This procedure is detailed in the Annex to part 24 of the Council's Constitution as agreed at Council in January 2020.**

Oxford City Planning Committee

12<sup>th</sup> April 2022

**Application number:** 21/00110/FUL

**Decision due by** 10th May 2021

**Extension of time** 10<sup>th</sup> May 2022

**Proposal** Partial demolition of Clarendon Centre, including removal of roof to the mall. Proposed redevelopment involving partial re-use and extension of existing buildings and erection of new buildings to form retail, offices, research and development, and student accommodation, with a new public square and a new pedestrian/cycle access through to Frewin Court. Provision of new public access lift to rooftop with cafe and terrace area. Tree planting, landscaping and cycle parking provision.

**Site address** The Clarendon Centre, Cornmarket Street– see **Appendix 1** for site plan

**Ward** Carfax Ward

**Case officer** Felicity Byrne

**Agent:** Mr Huw Mellor      **Applicant:** Clarendon LP GP Limited

**Reason at Committee** Major development

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## 1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

1.1.1. **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; and subject to:

- Receipt of further drainage information requested by the LLFA and removal of their current objection;
- the satisfactory completion of a Unilateral Undertaking and legal agreement under section.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

1.1.2. **delegate authority** to the Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of

Planning Services considers reasonably necessary; and

- finalise the recommended Unilateral Undertaking and 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 Services considers reasonably necessary; and
- complete the section 106 legal agreement referred to above and after completion of the Unilateral Undertaking issue the planning permission.

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers the re-development of the Clarendon shopping centre in the Primary Shopping Centre of Oxford including demolition and erection of buildings, high level extensions/ roof alterations and removal of the covered shopping street roof to create new open streets with a variety of commercial units, purpose built student accommodation, office and Research & Development accommodation. It would also create a new public open space with substantial tree planting, soft landscape planting, water feature, public drinking fountain and seating, and other landscaped courtyard areas, green roof and green walls. The site lies within the City Central Conservation Area and is adjoined by and is within the setting of listed buildings and structures.
- 2.2. Officers conclude that the proposed development is acceptable in principle and is of high quality design and appearance that would significantly enhance the vibrancy and vitality of the primary shopping centre, providing an acceptable and appropriate mix of uses and unit size within the City Centre. The proposal would make best and most efficient use of the existing site. It would provide high quality commercial retail, office and R&D, and student accommodation within the city centre. Improvements to the appearance of existing buildings and replacement buildings together with a new landscaped public open space, significant tree planting and other green spaces would provide social benefit derived from an enhanced public realm experience. It is considered that the development would be sustainable development that provides appropriate uses in scale and function that reflect the City Centre's distinctiveness.
- 2.3. The purpose built student accommodation for Brasenose College would help meet the need for family housing in the City by releasing shared family houses back onto the housing market. The development involves extensions and alterations at existing roof levels (including the former H&M building on the west entrance on Shoe Lane and Clarendon House fronting Cornmarket), and new buildings either side of the entrance on to Queens Street and a new building on Cornmarket, which would replace the existing 1960's buildings in these locations. The design and construction of the new development is fully justified. It is concluded that these alterations/ extensions and new buildings would have an impact on high level views across the City Centre and the spires of Oxford and its skyline. This impact would result in a moderate to high level of less than

substantial harm to the heritage assets within views to varying degrees depending on where the view is taken. The new development would result in a high level of public benefits including economic, social and environmental benefits and these benefits on balance would outweigh the level of less than substantial harm in this case. In relation to listed buildings and structures adjoining there would be an improvement and enhancement to their setting as a result of the development. In relation to the Conservation Area the high quality design and appearance would mitigate the harm.

- 2.4. There would be an adverse impact on adjoining residential amenity within the Crown Pub from increased overlooking, reduction in light and increased overbearing effect. However, the impact would be mitigated through planting, materials, reflectivity of the glass and an improvement to the relationship of the current blank façade. On balance it is considered that the harm would be outweighed by the high level of public benefits of the redevelopment in this case.
- 2.5. The area is of significant interest in terms of below ground archaeology. There would be harm however this is outweighed by the public benefits of the development in this case. Subject to further investigation and recording secured by condition the development would be acceptable. There would be a net gain in biodiversity as a result of new trees and planting. The potential presence of protected habitats and species has been given due regard and there would be no harm as a result of the development.
- 2.6. The development would result in the loss of one of the existing service yards and no new car parking would be provided. An appropriate level of cycle parking for all uses will be provided including public cycle parking would be provided and which exceeds minimum standards. Deliveries and servicing could be accommodated adequately within the retained service yard and a Deliveries and Servicing Plan and Travel Plans could be secured by condition. Construction traffic is likely to have greatest impact and this could be managed via condition requiring a detailed Construction Traffic Management Plan.
- 2.7. Subject to conditions the development would be acceptable in terms of Air Quality, sustainable design and construction, contamination, drainage including sustainable drainage and Noise and vibration.
- 2.8. In conclusion the development would result in a high quality scheme that would significantly enhance the vitality and viability of the City Centre. Great weight and importance has been given to the desirability of preserving or enhancing the character and appearance of the conservation area, setting of listed buildings and important protected views. It is considered that the high level of less than substantial harm that would be caused by the proposed development has been adequately mitigated by quality design and is justified, and the harm would be outweighed by the high level of public benefits that would result. Through the imposition of suitably worded conditions, the legal agreement and the Unilateral Undertaking, the proposal accords with the policies of the Oxford Local Plan 2036, the NPPF and complies with the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **3. LEGAL AGREEMENT**

3.1. This application is subject to a legal agreement to cover:

- Financial contribution of £57,468.94 towards affordable housing from the student accommodation;
- Management and Maintenance Plan for the Public Realm including water feature, drinking fountain, trees and planting (including green wall), hard landscaping and street furniture (fixed);
- Retail Management Strategy to:
  - Ensure first occupiers (and successive occupiers) of ground floor units meet BREEAM at least 'very good' and ideally 'Excellent'; and
  - Details of management strategy and tenancy clause to ensure that all occupiers of ground floor units are prevented from completely obscuring ground floor windows within the shop/ unit frontage to prevent looking in either internally or externally by whatever means be it blinds, plants, screen partitions or other measures including materials adhered to the glass.
- The new 'street' shall not be closed off/ gated/ or similar to ensure that members of the public are allowed access across the site at all times.

3.2. The following matters should be secured through a Unilateral Undertaking to the County Council:

- Travel Plan monitoring contribution of £5,198 towards Travel Plan monitoring of individual Travel Plans (to the County Council) (it may be that if this is the only contribution that it could be done via a separate UU).

#### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

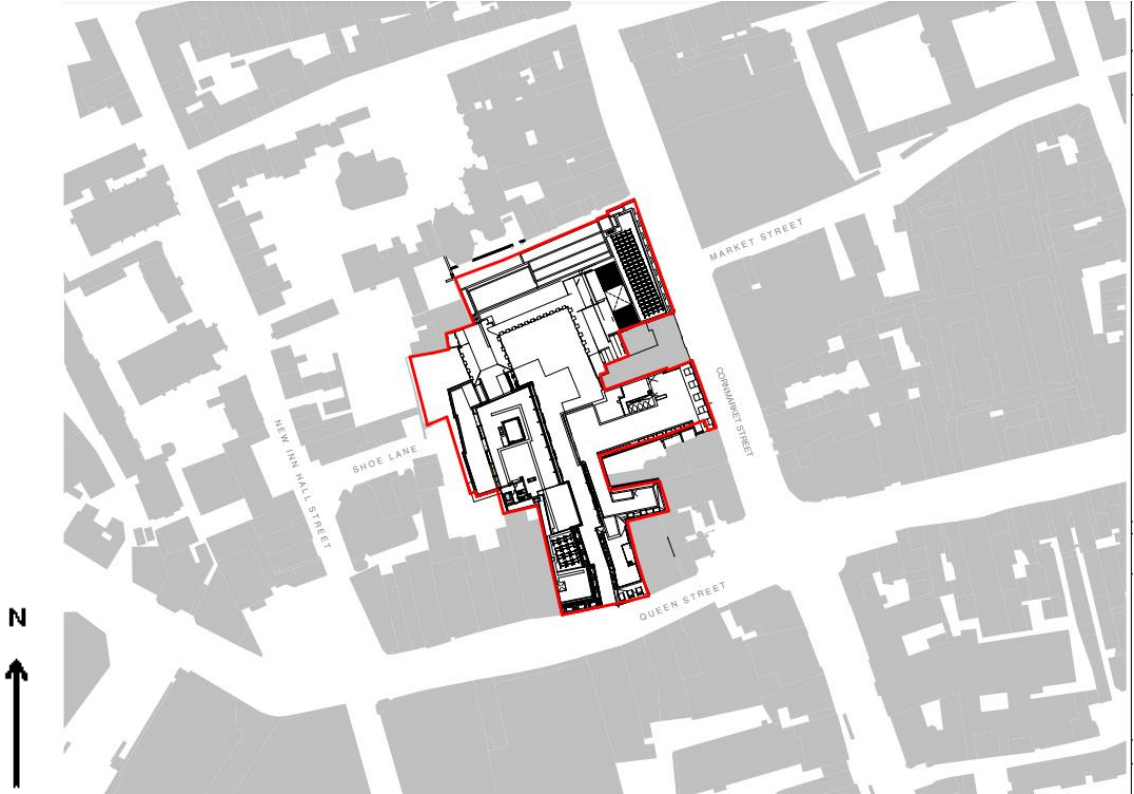
4.1. The proposal is liable for CIL amounting to £74,270.37.

#### **5. SITE AND SURROUNDINGS**

5.1. The site, known as The Clarendon Centre, is an indoor shopping centre within the heart of the City Centre and the Primary Shopping frontage. It is a large commercial scale five storey site. At ground floor there are retail and café/ restaurant units, at upper levels there is a mix of further retail and offices. It sits within the urban block between Cornmarket Street to the east, Queens Street to the south and Shoe Lane to the west. To the north is the small (dead end) lane known as Frewin Court and beyond that the rest of the primary shopping frontage. The site is also bounded by Brasenose College to the west and northwest.

5.2. The site lies within the Central Conservation Area and within the setting of several listed heritage assets; next to the site is Frewin Hall within Brasenose College and the Oxford Students Union Building in Frewin Court, both listed Grade II\*; to the south west are the HSBC Building and Carfax Tower both listed Grade II; and on the other side of Cornmarket Street are a series of Grade 1, 2\* and 2 listed buildings.

5.3. See Figure 1 site plan and Figure 2 which identifies the Clarendon Centre in 3D below:



© Crown Copyright and database right 2020.  
Ordnance Survey 100019348





*Figure 2: 3D Photogrammic Image of the Site, shown in red*

## 6. PROPOSAL

6.1. The application proposes a redevelopment of the whole of the Clarendon shopping centre to provide a mixed use development of retail, office, research and development (R&D), and student accommodation. It would involve total demolition of some existing buildings, including the Nos. 56-58 Cornmarket St Nos.38-39 and Nos. 42-43 on Queen Street, and partial demolition of buildings within the Clarendon. New extensions are proposed at roof level on the eastern side of the Centre and erection of new buildings to Queen Street and Clarendon Street to replace those demolished. It is proposed to take the whole roof off the shopping centre turning it back to its former open street character and create a new landscaped public open space in the centre. On the ground floor there would be a mix of varying sized units providing a mix of Class E uses and at upper floors including R&D and office uses. New purpose built student accommodation is also introduced at ground and upper floors in the north east and eastern corner of the Centre. Clarendon House on Cornmarket Street would remain as existing on ground floor with offices above, with a new roof mansard and dormer windows and light well inserted. Barclays Bank sits outside the Applicant's ownership. Figure 3 below shows ground floor of proposed uses.





Figure 3: Ground Floor plan of uses: Pink - Office, Orange- Research and development, and Blue Student accommodation, Green – retail/ restaurant/ café.

6.2. It is proposed that the development construction is undertaken in three phases as broadly outlined below:

- Phase 1 – This consists of the main demolition works on site that involve the removal of the entire mall roof, along with a large part of the Queen Street mall and the Shoe Lane atrium. This phase would also see the creation of the new public square. In use terms, this phase would also see the delivery of much of the new retail space and the research and development laboratory building with its ground floor space café;
- Phase 2 – This phase would principally see the delivery of the proposed student accommodation element and the refurbished Clarendon House offices, along with further retail units in the NE corner of the site, plus a new pedestrian route through to Frewin Court and the completion of the new square;
- Phase 3 – The final phase of development would see the completion of the proposal with the remainder part of main demolition works on site and leading to the principal creation of new office space within a new main building fronting onto Queen Street and the remaining new retail units;

6.3. Phase 3 of the development is expected to be complete by 2028/2029.

## 7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

<p>82/00756/A_H - 1) Retail and office development, including alterations to existing properties, to provide 1 large retail unit and 22 small/medium retail units, additional offices, 2 rear service areas &amp; cycle parking. 2) Formation of a pedestrian mall linking Cornmarket Street, Shoe Lane and Queen Street. 3) Alterations to elevation, Woolworth Store (The proposals involve partial demolition) (Revised Plans - Schemes A and B). Approved P</p> <p>98/00285/NFH - Removal of canopy &amp; blue hoops fronting Cornmarket St. New shop front to Cornmarket Street (Amended plan). Alterations to Mall entrance &amp; shopping centre façade including new canopy, replacement stone clad fascia &amp; columns &amp; replacement automatic doors. Extensions into Mall &amp; alterations to provide 3 kiosk units. Approved</p> <p>98/01716/NFH - Demolition of existing roof structure over Queen St &amp; Shoe Lane Malls. Replacement structure over Queen St &amp; Shoe Lane Malls &amp; external alterations to Shoe Lane &amp; Queen St facades as part of refurbishment of the Clarendon Centre. Approved</p> <p>99/00459/NFH - Construct 2 storey extension fronting Shoe Lane (fully glazed with entrance doors). Demolish single storey shop front (No. 16) at side of Shoe Lane &amp; rebuild 2 storey extension with new shop front &amp; windows above. (Amended plans). Approved</p> <p>11/00317/FUL - Demolition of existing Curry's Unit, reconfiguration of existing office entrance and construction of new three storey retail (use class A1) unit over part of existing Shoe Lane Mall to incorporate existing retail space on first and second floors. (Amended Plans). Approved</p>
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**8. RELEVANT PLANNING POLICY**

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents
Design	117-123, 124-132	DH1 - High quality design and placemaking DH6 - Shopfronts and signage DH7 - External servicing features and stores RE1 - Sustainable design and construction	

<b>Conservation/ Heritage</b>	184-202	DH2 - Views and building heights DH3 - Designated heritage assets DH4 - Archaeological remains	
<b>Housing</b>	59-76	H2 - Delivering affordable homes H8 - Provision of new student accommodation H14 - Privacy, daylight and sunlight H15 - Internal space standards H16 - Outdoor amenity space standards	
<b>Commercial</b>	170-183	V1 -Ensuring the vitality of centres V2 - Shopping Frontages in the city centre V5 - Sustainable tourism	
<b>Natural environment</b>	91-101	RE3 - Flood risk management G1 - Protection of Green/Blue Infrastructure G2 - Protection of biodiversity geo-diversity G8 - New and enhanced Green and Blue Infrastructure	
<b>Social and community</b>	102-111		
<b>Transport</b>	117-123	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M4 - Provision of electric charging points M5 - Bicycle Parking	Parking TAN
<b>Environmental</b>	117-121, 148-165, 170-183	RE4 - Sustainable and foul drainage, surface RE6 - Air Quality RE8 - Noise and vibration	Energy Statement TAN

		RE9 - Land Quality	
Miscellaneous	7-12	S1 - Sustainable development S2 - Developer contributions E2 - Teaching and Research RE2 - Efficient use of Land RE5 - Health, wellbeing, and Health Impact Assessment RE7 - Managing the impact of development V8 - Utilities V9 - Digital Infrastructure	

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 25th February 2021 and an advertisement was published in The Oxford Times newspaper on 25th February 2021. A second round of public consultation was undertaken and site notices were displayed around the application site on 23rd February 2022 and an advertisement was published in The Oxford Times newspaper on 23th February 2022.

### **Statutory and non-statutory consultees**

#### Oxfordshire County Council (Highways)

9.2. First and second round consultation: No objection subject to conditions and financial contribution of £5,198 towards Travel Plan monitoring of individual Travel Plans.

9.3. The site is highly sustainable and the development would not lead to any perceptible impact on traffic or trips. Students would be at Brasenose College adjoining and therefore reduction in the need to travel. The loss of retail units and travel would be compensated by the increase in office and R&D Labs. Adequate cycle parking would be provided, but further details are required. The development would not provide new parking and a reduction in parking and service yard area. Sufficient capacity would be provided in the retained service yard. An updated Framework Travel Plan is required, together with additional individual Travel Statements and full Travel Plans for various uses proposed. Any works to the highway will need agreement with the County through a S278 agreement. The site is within the 'Red Zone' (first phase) of the Oxford City Zero Emission Zone (ZEZ). Most impact would be as a result of construction traffic and therefore an updated Construction Traffic Management Plan is required.

#### Oxfordshire County Council (Lead Local Flood Authority (LLFA))

9.4. To first round of consultation: Objection - LLFA appreciate the extensive information and details provided with the application. However, we do require further information and clarification on the following below to assess the application in detail (drawings and calculations & phasing). Approval from Thames Water required which states there's capacity in their system to take the extra discharge from the proposal.

9.5. To Second round: Following further information submitted the LLCA still raise an objection and require further information:

- Provide a surface water catchment plan showing the extent of the impermeable areas and stating the area. Clearly showing to which drainage infrastructure or Sustainable Drainage System (SuDS) feature it will be draining to.
- Surface water exceedance plan to be provided to show that surface water will be kept away from structures and within the boundary should the surface water network fail.
- Drainage strategy drawing to include pipe numbering and manhole details. All drainage infrastructure and SuDS features should be referenced and should correlate with the calculations. Drainage strategy drawing does not show the proposed connections to the public sewer and the discharge rate.
- Calculations to be provided for the blue roof. Also some of the calculations do not include climate change. Provide calculations in relation to the phases. Ensure calculations reflect the drainage infrastructure and SuDS references on the drainage strategy plan.

#### Thames Water Utilities Limited

9.6. First Round of consultation: on 8th March 2021 TW commented

- Identified an inability of the existing foul water network infrastructure to accommodate the needs of this development proposal.
- Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal.
- Within 15m of a strategic water main.
- Within 15m of our underground water assets
- The sewerage system serving Shoe Lane is a foul water only system; as such it is not designed to drain surface water flows. Connection of surface water to a Foul Sewer will only be considered when all other methods of disposing of the surface water have been proven impracticable.

9.7. Following further information submitted by the Applicant, TW in May 2021 commented that:

- This catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no

objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding.

- Drainage Strategy (inc SUDs) to be agreed with LLFA.
- No objection with regard to surface water network infrastructure capacity or foul water sewerage network infrastructure capacity.
- Identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal remains. Suggest a grampian condition requiring details of No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan
- Other condition requiring details of piling method statement

9.8.No further consultation response has been received from Thames Water.

#### Historic England

9.9.First round of consultation: Harm to the historic skyline as a result of the roof extension to Clarendon House and other elements of the new development, in particular views from Castle Mound, St George's Tower and St Mary's.

9.10. Second round of consultation: No objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF. Comments are set out below:

- In our initial consultation response we raised concerns about the impact that the proposals were likely to have on Oxford's skyline when viewed from three important publicly accessible vantage points. In response to concerns raised the applicant has revised their proposals and we welcome the updated photomontages that include images using a range of lenses, including 50mm, which helps provide clear illustrations of the proposals and their visibility from a range of locations. Having seen these images our concerns have been allayed and we now raise no objections to the application.
- View from St George's Tower: We raised concerns that the proposals would obscure lower portions of St Mary's church tower and that of All Saints. We also raised concern about the new building obscuring glimpses of parts of the hillside beyond, compromising views of the important green backdrop to the city. The amended plans as seen in the photomontages document Visual Impact Revision C show that from St George's Tower the new development would be lower than the original proposal and the amended designs introduce a more varied roofline between the Radcliffe Camera and St Mary's, both of which are positive changes. In addition, the proposals would result in a lower building height around the Radcliffe

Camera, which represents a degree of enhancement when compared with the current view through better revealing this asset in views from St George's Tower and providing some enhancement to the experience of the roofscape of Oxford from this viewpoint. The latest scheme would, however, still be higher than what exists at present between Radcliffe Camera and Carfax Tower, and this would still cause a degree of harm.

- View from Castle Mound: We originally raised concerns about the lower portion of the tower of All Saints church becoming obscured by the new building, which would cause harm. The amended scheme is an improvement on the original version because it creates more space between St Peter's, St Mary's and All Saints and introduces a roof profile with a greater degree of variety and interest than proposed previously. The view of land beyond St Mary's and All Saints would also, however, remain obscured as in the original scheme. This would cause some harm to the view, but we consider this to be at a very low level because the hills beyond are only just discernible. As with views from St George's Tower, the removal of the existing plant from the view better reveals characteristic roof features within the skyline (notably roofs and chimneys) and represents an enhancement to it, and in particular within proximity of the churches of St Peter-le-Bailey and St Mary's.
- View from St Mary the Virgin: Within the view from St Mary the Virgin existing views of Oxford Castle and Mound would, in the original scheme, have been entirely hidden, with lower portions of Nuffield College tower and Methodist church also obscured. The amended proposals allow for more of the lower portions of Nuffield tower to be seen, which is a positive improvement that reduces the harm seen in the earlier version. Views of St George's Tower and Castle Mound would still be lost, but we consider the level of harm to be low. This is because those features, which are highly significant themselves, are only minor elements in this particular view; they both barely rise above the surrounding roofline, do not feature prominently and do not make a major contribution to the view as a whole.
- Overall, the level of harm from the proposals has been markedly reduced and in some instances the proposals would add positively to the experience of Oxford's roofscape through revealing historic roofshapes and adding a varied (non-horizontal) roofline. Whilst the scheme would result in small areas of harm, we conclude that the harm is now at a low level, and should be balanced against the heritage benefits the scheme proposes. We no longer wish to raise concerns about heritage harm resulting from the scheme.

#### Natural England

9.11. No comments to make to either consultations.

#### **Public representations**

9.12. Local people and interested groups/ parties commented on this application from addresses listed below:

Wesley Memorial Methodist Church  
Oxford Preservation Trust  
Sands Close, 4  
Godstow Road, 3, 87  
Osler Road, 8  
Peacock Road, 14  
Hazel Road, 30  
Marston Street, 13  
St. Hughs College  
The Avenue, 105  
14 Sankey Grove, Moreton-In-Marsh  
Wolsey Road, 39  
19 Cogges Hill Road, Cogges, Witney  
353a Thorney Leys, Witney  
Hurst Rise Road, 10, 63  
Piper Street, 10  
Westminster Halls, Flat G2-E  
Oxford Road, 72  
2 Heather Road, Milton, Abingdon  
Church Street, Appleford, Abingdon  
47 Brunstock Beck, Didcot  
Canning Crescent, 5  
Bartlemas Road, 49  
Linkside Avenue, 19a  
Salisbury Crescent, 32  
Marlborough Court, 23  
Raleigh Park Road, 39  
Oriel College  
Rymers Lane, 12  
5 The Triangle, Wheatley  
Grandpont Place, 20  
Newton Road, 35  
Plater Drive, 95  
Savile Road, 2  
Broad Oak, 45  
Broadfields, 34  
London Place, 21  
Holliers Crescent, 101  
James Wolfe Road  
London Road, Dorset House  
Upper Road, 118  
Lizmans Court, 84, Silkdale Close  
The Slade, 201  
9 Berry Close, Eynsham, Witney  
Cumberland Road, 32  
Dene Road, 127  
Morrell Avenue, 183  
Queens Street 36

9.13. In summary, the main points raised during first round consultation were:



- The proposed height, massing and form of some of the elements would have a negative impact on the fragile and special famous skyline. Elements above the established varied roofline would encroach upon key landmarks/ spires from within high level public views across the City. This application would set an unacceptable benchmark and precedent for other applications that are likely to come forward in the historic core;
- The uses at ground level will not result in active edges resulting in an unsafe environment for users and a negative impact on prolonged visiting hours;
- The nature of the proposed architecture and uses are not informed by the precedents given;
- The partial removal of the roof and the bridging over would result in a tunnel effect and confusing compromise of alley and arcade which would negatively impact on user experience and character of the Conservation Area;
- The horizontal emphasis, over engineered construction and heavy structural detailing is out of place where characteristic verticality connects upper floors with detailed ground floor, resulting in an intimate scale and experience;
- Elevations to Shoe Lane, Cornmarket and Queen Streets is unsympathetic to a pedestrian environment and impacts negatively on the Central Conservation Area;
- Excessive use of dormers on the Cornmarket elevation is monotonous;
- Proposed materials and design are visually intrusive;
- Not legible, lack of architectural focal points to entrances;
- Public open space would not be flexible due to proposed tree planting and landscape treatment
- This is no place for cycle use, pushed or otherwise. Greater use of Shoe Lane Yard for cycle parking would be welcome;
- Large amount of demolition and use of architectural elements whose manufacture is energy hungry which conflicts with the aims of a sustainable proposal;
- The new spaces should be open to the whole community, not just those suitable to shop / dine / etc.
- The existing Clarendon centre is dingy, dilapidated and becoming very rundown;
- The proposal will revitalize this area to the advantage of business owners, users and the public alike;
- The mixture of uses will bring increased footfall and vibrancy to the area at all times of day;
- A new public space and improving connections between the surrounding streets with open air pedestrian walkways through the site will mean the

centre of Oxford will be easier get around and will positively enhance this historic city;

- It will create a new publicly accessible space in Oxford city centre;
- The new, publicly accessible landscaped roof garden will benefit residents and visitors of Oxford;
- The development will help to generate footfall and make the city centre a more vibrant place;
- It will provide additional pedestrian routes and accessibility through the site, including a new access to Frewin Court;
- The scheme is well designed and will enhance the distinctiveness and character of its surroundings;
- The proposals are environmentally sustainable, obtaining a BREEAM 'Excellent' rating for the majority of the development;
- This scheme will bring much-needed investment into Oxford city centre, helping to support the city in its post-pandemic recovery;

9.14. In response to second round of consultations one letter of a holding objection was received from Oxford Preservation Trust. They commented that the amended plans go some way in addressing concerns about impact on the historic skyline (see first bullet point above). However, no detailed written assessment is provided to accompany the revised plans and photomontages/ visual assessment and therefore they cannot fully assess the impact of the development. They question whether requirements of Policy DH2 of the Oxford Local Plan and section 8.7 of the draft Conservation Area Appraisal have been met. Object until they are confident the impacts on the roofscape and skyline from the large building in the city will be minimal and unacceptable precedent set.

#### **Officer response**

9.15. Responses to the points raised above are dealt with in section 10 below.

### **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development
- City Centre and Primary Shopping Frontage
- Student Accommodation
- Design & Heritage
- Landscaping - Green and Blue Infrastructure
- Neighbouring amenity
- Transport
- Archaeology

- Biodiversity
- Sustainable Design and Construction
- Air Quality
- Flood Risk and Drainage
- Contamination
- Noise

**a. Principle of development**

10.2. At the heart of the National Planning Policy Framework (NPPF) remains a presumption in favour of sustainable development, which should be approved without delay unless material considerations dictate otherwise. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. It encourages mixed use development schemes in urban areas, particularly where there is a net environmental gain. In relation to retail uses and commercial development the NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

10.3. Policy S1 of the Oxford Local Plan (OLP) reflects the NPPF and a positive approach that reflects the presumption in favour of sustainable development will be taken, working with applicants so that sustainable development can be approved that secures economic, social and environmental improvements. Planning applications that accord with OLP will be approved without delay, unless material considerations indicate otherwise. Development should make efficient use of land making best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford in accordance with RE2 of the OLP.

10.4. Policy S2 sets out that where appropriate the Council will seek to secure physical, social and green infrastructure measures to support new development by means of planning obligations, conditions, funding through the Council's Community Infrastructure Levy (CIL) or other mechanisms.

10.5. The city centre, district and local centres offer the opportunity to access a wide range of 'town centre uses' including retail, leisure, entertainment, office, arts, culture and tourism. These functions make an important contribution to Oxford's economy and employment opportunities and are vital to the long-term sustainability of the city and make Oxford an attractive place to live, work and invest. OLP Policy V1 states that town centre uses that are appropriate to the scale and function and which reflect the distinctive character of the City Centre will be granted planning permission. Recent changes to The Town and Country Planning (Use Classes) Order 1987 (as amended) (UCO) now allows office and research & development (R&D) uses within shopping frontages. Policy H1 sets out how residential development will meet Oxford's Housing need. Purposed built student accommodation supports this policy by housing students within their

own accommodation and releasing shared family houses back into the general housing market and thereby contributing towards meeting the housing need. Policy H8 states that student accommodation would be acceptable within the City Centre and District centres, subject to other criteria set out later in this report.

10.6. The proposal would make best and most efficient use of the existing site and economic benefits would be derived from the provision of high quality commercial retail, office and R&D, student accommodation within the city centre. Improvements to the appearance of existing buildings and replacement buildings together with a new landscaped public open space would provide social benefit derived from an enhanced public realm experience and, subject to the detailing of the energy efficiency and biodiversity measures proposed, would also lead to environmental improvements. It is considered that the development would be sustainable development that provides appropriate uses in scale and function that reflect the City Centre's distinctiveness. As such the development is acceptable in principle in accordance Policies SR1, S2, H1, H8 and V1 of the OLP and the NPPF and OLP SR1 and, subject to compliance with other OLP policies and material considerations set out below.

**b. City Centre and Primary Shopping frontage:**

10.7. The site lies within the Primary shopping frontage within the City Centre, as defined on the OLP Policies Map 2020. Currently there are 33 units in the Clarendon providing mainly retail use, two café/ restaurant use units within a mixed size of units; a number are very small and two are large (at ground floor level). At upper floors is a mix of office and retail uses. Overall there would be a reduction in the number of units at ground floor through amalgamation of units, loss as a result of the new public open space and new access through to Frewin Lane. At upper floors there would be office use, R&D use and student accommodation.

10.8. Policy V1 states that town centre uses that are appropriate to the scale and function and which reflect the distinctive character of the City Centre will be granted planning permission. Policy V2 seeks to ensure an appropriate mix of uses (identified through percentages allocated to use classes) within designated shopping frontages across the city centre. It states that permission will only be granted in the City centre for a) Class A1 (retail) uses; or b) Class A2 – A5 (financial and professional services, restaurant, pub and take-away) within the primary shopping frontage where the percentage threshold for retail uses does not fall below 60% and to other non-retail town centre uses also where retail use does not fall below 60% and where the proportion of these town centre uses does not fall below 85% within the Primary Shopping frontage. This applies to ground floor units only. The new Class E (Commercial, Business and Service) of UCO came into effect on 1st September 2020 and encompasses, amongst others, A1 (shops), A2 (financial and professional), A3 (restaurants and cafes), parts of D1 (non-residential institutions), D2 (assembly and leisure) and B1 (office) , (research and development of products or processes) and (Light Industrial) uses.

- 10.9. The implications of this new use class are that a) R&D and office uses at ground floor level are considered appropriate uses within shopping centres and b) the reference to the use classes A1- A5 within Policy V2 are no longer relevant. Only the use itself, e.g. retail, remains relevant but the purpose and application of the policy still applies. Currently the total retail use (formerly A1- A5) for the City Centre Primary Shopping Frontage is 68.39% as of 18<sup>th</sup> October 2021.
- 10.10. Permitted development changes within this Class came into effect on 1st August 2021 which allow certain changes within the different uses in the Class without the need for planning permission. Government advice is clear that Local Planning Authorities should not unnecessarily restrict permitted development rights.
- 10.11. Policy V2 also states that planning permission will be granted for development of upper storeys for housing, student accommodation and other uses appropriate to a town centre as long as the functioning of the ground floor unit(s) in the shopping frontage is not undermined.
- 10.12. A Main Town Centre and Retail Assessment and a Supporting Commercial Statement by Lothbury (the Applicant) have been submitted with the Application. The Commercial Statement identifies several factors that have influenced shopping in the City Centre and the Clarendon shopping centre. The new Westgate Shopping Centre has influenced shopping patterns and tenants for Clarendon. Its opening coincided with the collapse in the retail market meaning the Clarendon Centre has struggled to maintain a full line up of high quality shops as retailers nationally have looked to reduce their physical store presence. Tenants with expiries post the opening of Westgate have not generally renewed and those who have, as well as new retailers, have been on commercially very poor terms. The structural change to the retail market, the opening of the Westgate Centre and more recently the coronavirus has meant there has been a sharp decrease in retail rental values. The digital transformation of shopping has meant that more affluent demographic groups which were targeted for high street shopping now shop online. Shoppers have become more discerning, and want to know about sustainability credentials and provenance of products. Retailers are having to adapt.
- 10.13. The Statement also identifies that the City Centre lacks suitable alternative facilities for other uses. R&D laboratory accommodation would cater for the phenomenal growth in spin out companies coming out of the Universities each year, supplying and helping to retain talent in Oxford City Centre. Together with the high quality office accommodation, the development would bring in a larger, more diverse employment base into the city centre which in turn would support a wider array of retail, leisure and other businesses to the benefit of the entire City Centre. The public open space, increased permeability and landscaping would encourage use throughout the day and boost night time economy, again for the benefit of the City Centre.
- 10.14. The Retail Assessment submitted states that the majority of the proposal falls within the definition of main Town Centre uses, complemented by the residential, and reflects the Council's vision for a reinvented and revitalised city Centre. The

development would not reduce the retail (shop) use below the threshold set out in V2. It references the Oxford City Council Retail and Leisure Study (2017) which identified that the Clarendon Centre was dated, and its presence is somewhat lost amongst the Queen Street and Cornmarket Street façades. It also identified that the opening of the Westgate shopping centre would adversely affect the rest of the city centre. The Study suggests locations including, specifically, the Clarendon Centre to consider a reinvention. The Retail Assessment states that the proposed quantum of floorspace, together with the mix of uses and the unit sizes would not adversely impact on the city centre. Instead by diversifying the offer in the city centre, and opening new areas to the public, and improving the public realm the development would positively enhance the city centre. The proposed scale and flexible mix of uses would ensure the development could respond to market changes as well as satisfying tenant requirements.

- 10.15. Officers concur with the Retail Assessment. The change in the retail market and challenges currently facing historic City Centres in a post pandemic situation is understood. Class E of the Use Classes Order has widened the scope and created a larger group of uses that are now acceptable in principle in the High Street. It is considered that overall the mix of uses proposed are well-balanced and appropriate for this City centre location and as a consequence of Class E, the proposed office and R&D uses are considered acceptable at ground floor level. The Westgate significantly increased the supply of retail units within the City centre and therefore on balance the reduction in retail units within the Clarendon Centre is considered acceptable in this case. Whilst there would be a reduction in number of retail units overall, the number of retail use units in the primary frontage would not fall below the 60% threshold and provision of some smaller units is welcomed.
- 10.16. It is considered that the R&D use as a whole would build on one of the key policy aims and objectives to 'build on Oxford's economic strengths', which includes the 'knowledge economy' and in particular the research and development sector. The upper floors of the Centre include some existing office accommodation, so its modernisation to include both replacement office space and new R&D space would accord with Policy E1 that supports the modernisation of employment sites and V2.
- 10.17. The replacement new high quality office accommodation is welcomed within the City centre. Whilst as a result of the Covid-19 pandemic there will be changes to working practices, with more flexible working hours and working from home, Officers consider there will still be a requirement for office space within the City centre.
- 10.18. Although Local Planning Authorities should not restrict permitted development rights of those uses within Class E in order to maintain economic vibrancy of shopping centres, Officers consider it is appropriate and reasonable to prevent change of use to other uses outside Class E in future in this case. This is so that the Council can give further consideration to any future change of use or potential new permitted development rights for Class E (for example permitted change to residential) and the impact on the City Centre and its primary shopping function. This could be secured by condition.

10.19. In summary therefore it is considered that the office, R&D and student uses and retention of retail uses at ground and upper floors would accord with Policies V1 and V2 of the OLP.

**c. Student Accommodation:**

10.20. Policy H2 of the OLP36 sets out the necessary affordable housing provision to be achieved from new developments. In relation to student accommodation it states that developments of over 25 student units (or 10 or more self-contained student units) would trigger a financial contribution towards affordable housing, unless it meets the exemption tests. Policy H8 states that City Centre located student accommodation is considered acceptable. Planning permission would only be granted if students will be restricted in occupation to fulltime students enrolled in courses of one academic year or more; developments of 20 or more bedrooms have a communal amenity space to enjoy; a management regime is agreed; only operational and disabled parking is provided and mechanisms put in place to prevent students bringing cars or parking on site.

10.21. The principle of student accommodation in the City Centre is considered acceptable in principle, as set out above, and the accommodation, whilst speculative, has been designed for occupation by Brasenose College who adjoin the site at Frewin Court. The scheme, as amended, would provide a total of 101 number of ensuite rooms with communal kitchen/ dining rooms. A new integrated Porters Lodge would be provided from the public square giving direct access into Frewin Hall and College facilities there including larger communal spaces. The existing rear service yard would be converted into a landscaped courtyard garden. Covered secure cycle parking for the College would be provided within the adapted ground floor of the existing building in the Clarendon. Direct access onto Shoe Lane would also be maintained through to the new garden. It is considered that occupation by Brasenose College is a logical partnership and there are benefits in doing so, including activity throughout the day/ evening, increasing the greening of the City Centre through their new landscaped garden, and improving the physical relationship with Frewin's Court, Frewin Hall and Oxford Student Union building on Frewin Lane (set out more below) as a result of the new building. Conditions imposed could ensure that students do not bring cars to Oxford, a Management regime is provided and students are on full time courses of a year or more. A financial contribution of £57,468.94 towards affordable housing from the proposed purpose built student accommodation is required in accordance with Policy H2, which has been agreed to by the Applicant. This could be secured via a S106 agreement. As such the proposal accords with Policies H2 and H8 of the OLP.

**d. Design and Heritage**

10.22. In relation to design the NPPF emphasises that high quality, beautiful and sustainable buildings are fundamental to achieving sustainable development and good design creates better places in which to live and work and helps make development acceptable to communities. New development should function well, be visually attractive, sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site and create

places that are safe, inclusive and accessible and which promote health and well-being.

- 10.23. In relation to the historic environment the revised NPPF requires proposals to be based upon an informed analysis of the significance of all affected heritage assets. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 10.24. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area including its setting. Case law has made clear that the duty to pay special attention to or to have special regard is to afford considerable weight to that duty and that this duty should be the first consideration for any decision maker. In considering the impact of a proposed development on the significance of a designated heritage asset, the NPPF states that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). In considering any degree of harm whether substantial or less than substantial the duty to preserve the significance of the heritage asset (NPPF definition includes listed buildings, conservation areas and historic parks and gardens) must be afforded considerable weight (Barnwell-2014). Having assessed any degree of harm that may be caused to the significance of a heritage asset affording considerable weight to preservation of the asset's significance, the decision maker is then required to weigh this harm against any public benefits that may arise as a result of the development, in the balancing exercise, including securing its optimum viable use.
- 10.25. Policy DH1 of the OLP36 requires new development to be of high quality that creates or enhances local distinctiveness and that meets the key design objectives and principles set out in Appendix 6.1 of the OLP for delivering high quality development in a logical way that follows morphological layers and is inspired and informed by the unique opportunities and constraints of the site and its setting.
- 10.26. DH3 states that planning permission or listed building consent will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance, character and distinctiveness of the heritage asset and locality. For all planning decisions for planning permission or listed building consent affecting the significance of designated heritage assets, great weight will be given to the conservation of that asset and to the setting of the asset where it contributes to that significance or appreciation of that significance. Development that would or may affect the significance of any designated heritage asset either directly or by being within its setting must be accompanied by a Heritage Assessment. Substantial harm to or loss of Grade II listed buildings, or Grade II registered parks or gardens, should be exceptional. Substantial harm to or loss of assets of the highest significance, notably scheduled monuments, Grade I and II\* listed buildings, Grade I and II\* registered parks and gardens, should be wholly



exceptional. Where development will lead to substantial harm to or total loss of the significance of a designated heritage asset, planning permission or listed building consent will only be granted if it meets the tests set out in the policy. Where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal.

- 10.27. Policy RE2 seeks to ensure development proposals make efficient use of land making best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford. Development should be of an appropriate density for the use, scale (including heights and massing), built form and layout, and should explore opportunities for maximising density.
- 10.28. Policy RE5 states that the Council seeks to promote strong, vibrant and healthy communities and reduce health inequalities. Proposals that help to deliver these aims through the development of environments which encourage healthier day-to-day behaviours and are supported by local services and community networks to sustain health, social and cultural wellbeing will be supported. Developments must incorporate measures that will contribute to healthier communities and reduce health inequalities. A Health Impact Assessment must to be submitted for all major developments, which should include details of implementation and monitoring. This must provide the information outlined in the template provided at Appendix 4 of the OLP36.
- 10.29. Standards of amenity (the attractiveness of a place) are major factors in the health and quality of life of all those who live, work and visit Oxford. Policy RE7 is an all-encompassing policy covering different aspects to ensure a standard of amenity. Development should protect amenity, not result in unacceptable transport impacts affecting communities, occupiers and neighbours, and provide mitigation measures where necessary.
- 10.30. Policy V8 states that planning applications (except householder applications) must be supported by information demonstrating that the proposed developer has explored existing capacity (and opportunities for extending it) with the appropriate utilities providers. Planning permission will not be granted where there is insufficient evidence on utilities capacity to support the development and that the capacity will be delivered to meet the needs of the development. The siting and appearance of utilities infrastructure should be designed to minimise impacts on amenity and to be as unobtrusive as possible.
- 10.31. The development proposal has been reviewed twice by the Oxford Design Review Panel (ODRP) and their letter are appended at Appendix 2. A lot of work has been done since both ODRP sessions in response to comments made and to Officers and Stakeholder comments, in particular in relation to height and massing, Including during the application process.
- 10.32. The site lies within the protected view cones of Oxford as designated under Policy DH2 of the OLP and in the most central location within the historic core of the City Centre. The development would reach above the 18.1m high threshold. A Visual Impact Assessment has been submitted and demonstrates how the

development would integrate within the City of Oxford and is accompanied by commentary within the accompanying Heritage Report and Addendum.

10.33. It is when increasing building heights within the historic Core of Oxford that care should be taken to consider whether a new development might be in the setting of the buildings that create Oxford's iconic 'dreaming spires'. Building heights should be informed by an understanding of the site context and the impacts on the significance of the setting of Oxford's historic skyline, including views into it, and views within it and out of it.

#### Heritage Significance

10.34. A Heritage Report and Addendum and a View Analysis have been submitted. This is a hugely important and very significant site in Oxford's city centre, and one which has experienced a large amount of change throughout its history. Sited in the heart of the commercial centre of the city, the site is intrinsically linked to Oxford's trading and commercial past. Evidence of the former post-medieval narrow plots on the site has largely disappeared as a result of their amalgamation following the redevelopment of the site in the 20<sup>th</sup> century. Today the site contains a collection of mid-late 20<sup>th</sup> century buildings, including Clarendon House, which dates to the 1950s and was designed by Sir William Holford as part of the Woolworths development, and comprises architectural and historic significance of local importance.

10.35. Located within the core of the Central Conservation Area, the site is surrounded by numerous listed buildings (grade I, II\* and II) and buildings of local interest, and therefore makes an important contribution to the setting of these designated and undesignated heritage assets. The listed and unlisted buildings of interest that are within the vicinity of the site, vary widely in terms of their age, type, architectural style, form and function, and include ecclesiastical buildings, institutional and educational buildings, banking halls, former warehouses, public houses and town houses. This variety of buildings are evidence of the rich and complex tapestry of the historic built environment which makes up and characterises the core of Oxford's Central Conservation Area.

10.36. Due to its central location in the core of the city, any redevelopment of the site has the potential to impact the skyline of Oxford and its iconic world renowned dreaming spires and roofscape, which are experienced from a number of long distant viewpoints and key high level views within the city centre.

10.37. In summary, the heritage significance of the site lies within:

- its historic evolution as a site at the commercial heart of the city,
- its role in the development of the city's retail industry,
- its context and relationship to the surrounding heritage assets and their settings (listed buildings, conservation area, undesignated heritage assets), and
- its relationship to the wider townscape and landscape context of Oxford, including the green hills of the surrounding rural hinterland and specifically, to the Oxford view cones and city roofscape.

## Design

- 10.38. The existing buildings that make up the Clarendon Centre are of a similar scale and mass equal to other commercial buildings in the city centre. Cornmarket Street is a wide street with wider plot widths and the architecture is of a grander scale and architectural form. Queen Street is narrower and has a reduced scale and smaller grain. Shoe Lane has a back of house feel with the Clarendon building terminating the street. Frewin Court is a narrow passageway, the existing buildings are high on both sides and at the far end is a locked gate into Frewin Hall. The Students Union building is set back from the entrance on to Frewin Court. At ground floor there is little activity or overlooking. Overall this alley way does not have a pleasant feel about it.
- 10.39. The proposed development is of a contemporary architectural style. Each new building and use would be identified through varying architectural detailing and materials. The proposed development reflects the existing heights, scale and massing of buildings around them and responds to the grain and architecture of existing buildings. The current roofs of the Clarendon are mainly flat and expansive. The new development proposes to vary this roof line and create a layering effect, through architectural design and detailing and a mixed pallet of materials, which would be more in keeping with the layered and articulated roofscape within high level and wider distanced views of the City Centre.

### *Cornmarket Street, Clarendon House and Frewin Court*

- 10.40. The new replacement building on Cornmarket Street would be of a similar height, scale and massing to the buildings around it. The design detailing has been refined during the application process, the strong rhythm of windows, and dormer windows, and horizontal emphasis seen elsewhere is reflected in the façade. The arched access to the Crown Pub would be retained, albeit slightly smaller in height so that it ties into the adjoining building (Greggs). At ground floor there would be two new units; a smaller retail unit and large office unit. The figure 4 below shows the proposed Cornmarket Street elevation. The building extends back around the Crown Pub and could also be accessed from the new 'street' from Queens Street. The new building would increase the height to four storeys over the current 3 storey heights around the Pub. The facade would be articulated though an increase in windows, brick detailing and planting proposed.
- 10.41. The existing Clarendon House would remain as would the current pedestrian walkway through to the centre of the Clarendon. At higher level the existing plant on the roof would be removed and the existing top floor would be refaced and raised in height to create a new mansard with dormer windows. This would integrate and screen the new plant behind. This would increase the height of The Clarendon building, bringing it in a level with the height of Barclays Bank on Cornmarket Street. A new light well would be inserted within the building which would bring natural light down into the existing walkway through to the Clarendon Centre.



Figure 4 Cornmarket Street Elevation

10.42. To the rear of Clarendon House the existing building would be partially demolished to make way for a new building that ties into the existing fabric and extends round the eastern corner of the centre, housing the Student accommodation. The building would be higher than existing but would be pulled back away from the Oxford Union and Frewin Hall, creating a new courtyard and improving the existing relationship at this end of Frewin Court to the Student Union and also revealing more of Frewin Hall. However it is considered that the overbearing impact of the existing building would be reduced despite being higher. The existing Frewin Gates at the end of Frewin Court are not in their original location having been relocated from elsewhere at some stage of the redevelopment of this part of Oxford. The proposal involves the relocation of these gates elsewhere on one of the new proposed access routes to Frewin Court. It is not the intention to dispose of the gates. The new location could be agreed by condition. The existing fabric and new building would be in a mixture of red brick and zinc cladding with part flat roof and part curved which integrates the plant within the building. The retained ground floor elevation along Frewin Court would not change radically but it would be refaced and have new access doors to service areas, thereby improving the visual quality and increasing activity. Above, the existing stepped backed terracing would also be retained. See the Figure 5 below.



Figure 5 showing Frewin Court elevation

*Shoe Lane and Eastern side of Clarendon Centre*

10.43. Along the eastern side of the centre, from the Shoe Lane direction, the existing building would be extended at roof level to create additional R&D floor space that would link to the new building constructed on Queens Street. The

design has been refined to mitigate impact in views. It would be set back from the existing façade with a mix of materials and green wall, varying roof parapet to break up the height and massing in views. The existing flat roof would provide an outdoor landscaped terrace for the occupiers. The new student accommodation building would have a curved roof and facade clad in zinc tiles, and other red brick elements. The roof has been reduced in height during the application process to the minimum required to enable the plant within it to function properly. See Figure 6 showing the Frewin Court Elevation below.



Figure 6 – Frewin Court Elevation

### Queen Street

10.44. On Queen Street the existing buildings either side of the entrance would be demolished and replaced by new buildings and a slightly narrower new street width. The new heights would be higher than existing. The impact has been mitigated using dormer windows and pitched roofs. The adjoining building (Paperchase) is a smaller building within this side of the street. The contrast in height would be significant, however it reflects the same relationship to the building the other side of it and this is considered acceptable. The scale of building, rhythm of windows and shopfronts reflects the smaller scaled buildings here. Each building would have different window treatment and material to create interest. As the buildings return up the new 'street' the façade has been pulled in and out to create points of interest and variety which should encourage people to dwell. Figure 6 below shows the proposed Queen Street Elevation.



## *Figure 6 – Proposed Queen Street Elevation*

### *Public Open Space*

10.45. The demolition of parts of the existing buildings within the Clarendon Centre and opening up of the new streets would facilitate the creation of a new public open space. The City Centre lacks public spaces with seating in which to dwell. The new buildings would enclose the new space and the proposed varied architecture would provide interest and variety. A condition could secure the detailing of the ground floor façade treatment to ensure this is achieved. Activity and overlooking would be provided from the student accommodation, offices and R&D. Additional surveillance would be likely to be required from CCTV cameras and details could be secured by condition. 23 new trees would be planted and landscaped planted beds with integrated fixed seating would create a different type and feel of space to anything found in the City Centre. The square would be lit by new lighting columns and details of lighting could be secured by condition. The Applicant also proposes public art provision within the square and has submitted a draft Public Art Strategy, which is broadly supported, but more archaeological emphasis should be given to the medieval artisan trades (for drapery and cordwainery). The public art could be secured by condition. The whole square would be maintained and managed by the Applicant and this would be secured through the S106 agreement.

### *The Primary shopping frontage and shopfronts*

10.46. The improvements to the primary shopping frontage from provision of high quality commercial units and bringing R&D and office use proposed would enhance the vitality of the City Centre in this post-pandemic and online shopping age. As mentioned above the detailing of the façade of the buildings, particularly at ground floor, is required in order to provide a high quality street frontage and enhanced shopping experience, secured by condition. However, active shop frontages (windows) are also considered to be a key part of the liveliness, vitality and attraction of a shopping frontage. Whilst office or R&D use is now acceptable within the shopping area, as set out at section b above, maintaining an active frontage is considered vital to continuing the vitality of the shopping area. As such it is considered reasonable and necessary to prevent the ground floor windows in the commercial units from being completely obscured to prevent looking in either internally or externally by whatever means be it blinds, plants, screen partitions or other measures including materials adhered to the glass. It is acknowledged that some operators may want or need a lower portion of the windows to be screened to provide some degree of privacy for the occupants, e.g. whilst sitting at a desk, and therefore it is considered reasonable to allow obscuring of the windows to a maximum of 1m in height from internal floor level. This could be secured by condition. As the Applicant will maintain ownership of the units it is considered that this could also be managed by the Applicant through the Retail Management Strategy and a provision within the tenancy clause, secured within the S106 agreement.

### *Wind*

- 10.47. A revised Wind Assessment has been submitted with the application. It concludes that the site is in part sheltered from prevailing winds from the south west and east. Two locations were found to have “minor adverse” conditions for sitting activity. These are at the corner of the buildings that sit at the end of the walkway from Cornmarket Street. Mitigation measures suggested in the Assessment have been incorporated into the landscape scheme including tree planting and integrating seating within low level planting areas. Shrubs should be 1.3m in height and trees positioned upwind and at least 3m in height. There would be a new tree within the existing walkway from Cornmarket St, new trees along the Queens Street entrance, and new trees and integrated seating within the planting within the public square. As such it is considered that the development demonstrates appropriate consideration and mitigation of wind impact. The mitigating landscape planting could be secured by condition.
- 10.48. In summary therefore it is considered that the development is of high quality design and appearance that would enhance the street scene and public realm, increase the permeability of the City Centre by opening up the Clarendon Centre, and create a much needed new public open space. The design responds appropriately to its context and materials and detailing of facades should be secured by condition to ensure detail quality.

*Impact on significance:*

- 10.49. The harm to heritage assets arises primarily from the impact of the proposed development on important views of both the collective Oxford Skyline and the individual listed buildings that contribute to that skyline. Secondly, from the impact that the proposed development would have on the settings of the listed buildings whose adjacency to the development site brings this issue into play with a potential for harm to be caused to the significance of those heritage assets. Finally from the impact that the proposed development would have on the special character and appearance of the Central Conservation Area and whether that special character or appearance would be preserved.
- 10.50. An analysis of the impact of the development in views from within City and outside within the protected View Cones is set out in the submitted Visual Impact Analysis and commentary is provided within the Heritage Report.
- 10.51. The Heritage Report concludes that the proposed development would sustain the significance of Oxford’s landscape setting and would not harmfully erode the experience of that setting in the high views across the city. Three views have been identified, and agreed with Officers, where it may be possible to identify the proposed development, these are Raleigh Park, Hinksey Hill golf club and Port Meadow. Given the proposed heights and the scale of development the verified views show that the development would not result in harm to the significance of these views. Officers consider that sufficient evidence has been provided within the submitted documents in order to assess the impact of the development on heritage assets.
- 10.52. In shorter distance views from within publicly accessible high level views within and across the City have raised more issues. The Heritage Addendum states that the Clarendon Centre sits, part of a more ordinary (and in parts poor



quality) roofscape that marks the commercial heart of the city out of which the historic spires, domes and towers rise behind. The design approach has been to create a more interesting roofscape to the one that currently exists using varied roofline, green walls and a varied palette of materials, and this has been refined further during the application process in consultation with Historic England.

*View from St George's Tower (Castle) looking towards the development site:*

10.53. Whilst the latest design iteration alters the roof (including plant) profile marginally reducing the amount of the towers to Lincoln Library (former All Saints Church), St Mary's Church and Carfax Tower that would be obstructed and pushing this obstruction below the spires of these buildings there would still be some obstruction of these elements of the grade I listed buildings, both of which contribute to the Skyline composition as well as distraction from the elegance of these spires as a result of a consistent, undulating foreground of roof pitches and building mass that would extend across the view and that importantly would reduce the visual integrity of each of the spires and towers that appear in this view.

10.54. The harm would be caused to both the skyline and setting of the buildings as well as to the contribution that the buildings and the skyline make to the special character and appearance of the Central Conservation Area. It is considered that whilst the level of harm that would be caused to the significance of heritage assets has been reduced through evolution of the design of the upper parts of the proposed development from a substantial level to a less than substantial level the harm that would be caused would still be a moderate level of less than substantial harm and to assets of extremely high significance.

10.55. The proposed use of a green wall to the rooftop plant enclosures, whilst offering potential ecological benefit would not reduce or alter the apparent mass or form, profile of the roofs and therefore would have no impact on the level of harm that would be caused.

*View from the Castle Mound:*

10.56. From this viewing place, which presents a similar view to that of St George's Tower there would be a clearer gap or space in the roof profile of the proposed development adjacent to Carfax Tower allowing this element of the Skyline to remain distinct. The green backdrop to the Skyline, the Cherwell Valley and the eastern hills would be obscured by the proposed roof profile where it is seen at present. The resultant level of harm, reduced from a substantial level in earlier design iterations would be less than substantial and of a moderate level to assets of extremely high significance.

*View from St Mary's Church:*

10.57. From here the roof profile and appearance of the upper levels of the proposed development has evolved to reduce the previous high level of harm caused principally from the visual intrusion and distraction caused by the harsh, repetitive profile of dormers on a mansard roof to a lesser level of harm, less than substantial harm caused principally to the views of the spires of St Peter le



Bailey and the Wesley Methodist Church and beyond these the tower and spire of Nuffield College, all of which contribute to the Skyline and individually are important elements of listed buildings. In addition the upper parts of the proposed development in particular the roof profile and areas of plant would obscure the view of the Castle Mound and St George's Tower, whilst certainly the Motte or mound is not technically part of the spires and towers group, St George's Tower, equally symbolic of Oxford Castle is and it is therefore considered that the harm caused from this view point, to the significance of a number of heritage assets would be a moderate to high level of less than substantial harm.

*View from Carfax Tower looking west:*

10.58. From this viewing place the proposed development in its amended design state would partially obscure the present view of the tower of St Peter le Bailey (St Peter's College) and the adjacent spire of the Wesley Methodist Church and would distract from the present view of Nuffield's tower and spire, all listed buildings and all contributing to the Oxford Skyline. It is considered that the level of harm that would be caused to the significance of these individual heritage assets, including the Skyline as well as to contribution that these elements of these buildings make to the character and appearance of the Central Conservation Area would be a moderate level of less than substantial harm.

*View from Carfax Tower looking north:*

10.59. In the view looking from this aspect the proposed development has been amended through design evolution such that more of the view of George Street and the buildings that define that element of townscape within the Central Conservation Area would be preserved thus reducing the level of harm that would be caused by the massing of plant at rooftop level in the foreground of the view would be a low level of less than substantial harm.

*View from St Michael's Tower:*

10.60. In this view the amended design would result in more of the city's green mid ground and backdrop would be visible to the west behind the roof profile of the upper parts of the proposed development. Elements such as the spire of St Ebbes behind Carfax Tower would be obscured and therefore there would be a moderate level of less than substantial harm caused to the significance of a number of heritage assets.

*Setting of Frewin Hall:*

10.61. The building massing has been amended so that it is now proposed to step back from the boundary with Frewin Hall. There are presently views through from New Inn Hall Street and whilst the new Brasenose buildings would intervene the glimpsed views of the building would appear less imposing and austere from this aspect than they do at present. The details of facades including materials could be conditioned to ensure the best possible quality can be achieved.

*Setting of the Oxford Union building:*

10.62. Similarly the building façade has been stepped back as it rises up from the northern boundary of the development site adjacent to the Oxford Union Building. There would be glimpsed views from St Michael's Street and it would be important that details including materials for facades are conditioned to ensure the best possible design quality and to reduce the impact. There would be a moderate level of less than substantial harm caused to the setting of this extremely important, grade II\* listed building.

10.63. Historic England (HE) now raise no objection to the proposed development following amended plans submitted and updated Visual Impact Analysis. Their comments are set out in full at Paragraphs 9.10 above. Initially HE raised concerns about the impact that the proposals were likely to have on Oxford's skyline when viewed from three important publicly accessible high viewing points. HE welcome the updated photomontages (based on the amended plans) that include images using a range of lenses, including 50mm, which help provide clear illustrations of the proposed development and visibility from a range of locations. HE advise that having seen these images their concerns have been allayed and they now raise no objections to the application.

10.64. It is considered that overall a moderate to high level of less than substantial harm would be caused to the special character and appearance of the Central Conservation Area and the setting of the surrounding building groups, which include both listed buildings and locally important buildings and those within the historic skyline.

Justification:

10.65. OLP policy DH3 and NPPF paragraph 194 require clear and convincing justification to be provided where harm would be caused to the significance of designated heritage assets.

10.66. It is considered that the loss of the existing 1960's buildings on Cornmarket Street and Queen Street has been clearly and convincingly justified, due to the very limited architectural benefit of the buildings and their poor fabric. The proposed demolitions are necessary to provide more appropriate building envelope that would enhance the city centre. Retention of the existing building structures and upgrading has been explored but it is not possible to achieve this and provide the high quality development proposed. At high level the extensions are required to achieve the quantum of floor space and internal floor to ceiling heights required by the R&D and offices. The extensions at roof level to provide the student accommodation, R&D floor space and plant have also being justified. The quantum and heights have been reduced through discussion during the application process to the minimum required in order to make the uses viable and achieve high quality architecture.

Public Benefits:

10.67. In accordance with the NPPF and Policies DH1, DH2 and DH3 of the OLP, as less-than-substantial harm has been identified it falls to consider any public benefits that may outweigh that harm in this case. In carrying out this balancing

exercise, great weight should be given to the conservation of these designated heritage assets. The following public benefits have been identified:

- Improved physical and intellectual access to the historic environment;
- Improvements to the layout and connection between the site and the remainder of the city, improving the character and appearance of the conservation area;
- Provision of a new public open space with significant tree planting and overall increase in blue and green infrastructure within the development improving mental health and wellbeing;
- Provision of purpose built student accommodation that would release family housing back on to the general housing market;
- Increased biodiversity of the City Centre through new planting;
- Provision of a public drinking water fountain, public seating and increased public cycle parking enabling healthier lifestyle choices and improved mental health and wellbeing;
- Improvements to the architecture of buildings in the streets, improving the appearance of the conservation area and setting of listed buildings;
- Improvements to the public realm of Shoe Lane helping to improve the appearance of the conservation area;
- Provision of public art within the development;
- Opening up Frewin Court and improving the setting of the Oxford Union buildings;
- Opportunities for archaeological investigation that will enhance our understanding of the history of Oxford and its people;
- Helping to secure and maintain the viability and vibrancy of the city centre helping to reflect its historic importance as a centre of commercial excellence as well as its academic and research excellence.

10.68. It is considered that the development would result in significant social, environmental and economic public benefits to those people living, working and visiting the site and the City Centre. This is afforded a high level of weight.

10.69. In accordance with Historic England's 'Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment', it is considered that the less-than-substantial harm to the character and appearance of the Conservation Area, the setting of the listed buildings and wall, and historic skyline and setting of listed assets therein would be adequately mitigated by the contextual high quality design response, the tree and landscaping proposed, and would be outweighed but the high level of public benefits derived from the development.

### Summary

10.70. The development would result in a high quality development that appropriately responds to its context and would enhance the appearance of the existing

Clarendon, street scenes and public realm. In assessing the impact of the development, officers have attached great weight and importance to the desirability of preserving or enhancing the character and appearance of the conservation area, setting of listed buildings and important protected views. It is considered that the level of less than substantial harm that would be caused by the proposed development has been adequately justified and mitigated by quality design and the high level of public benefits that would result would outweigh the harm in this case. As such the development would in accord with the NPPF and Policies, DH1, DH2, and DH3 of the OLP.

**e. Landscaping - Blue and Green Infrastructure**

10.71. OLP Policy G7 states that permission will not be granted for development that results in the loss of green infrastructure features such as hedgerows, trees or woodland where this would have a significant adverse impact upon public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated. Policy G8 states that development proposals affecting existing Green Infrastructure features should demonstrate how these have been incorporated within the design of the new development where appropriate.

10.72. The site is currently all hard surfaced and there are no blue or green infrastructures (trees/plants/ fountains) within it. There is one protected tree outside the site, which sits within Frewin Hall and can be seen from Shoe Lane. This would not be affected by the proposed development.

10.73. It is considered that the proposed hard and soft landscaping has been carefully considered and would bring benefit to people working there, the general public and street scene and biodiversity. A new public open space in the form of an enclosed public square in this part of the City Centre and Conservation Area would be a major new enhancement feature, as would the planting of a total of 26 new trees across the development. 13 new trees would be within the public square together with a large green wall and raised planted mounds, with integrated fixed seating benches. The square also offers flexible space for non-fixed tables and chairs and/or event stalls. On the eastern wall of existing building within the public square would be a new water feature which would be integrated into the sustainable drainage. On the western wall would be a new public water fountain providing free fresh drinking water encouraging and benefiting active lifestyles, healthy choices and mental wellbeing. Next to the Student Union building in Frewin lane would be more fixed seating and planting creating another smaller courtyard area next to the Student Union, and taking advantage of the existing trees there that overhang this area from the grounds of the Student Union. The new courtyard garden for Brasenose would provide more trees and soft planting, transforming the current service yard.

10.74. Elsewhere, within the development the Crown Inn courtyard space would also have a green wall on the west courtyard elevation and planted terraces at upper levels on the north and southern elevation that would help soften the impact of the new buildings and create a visually enhanced area to dwell in. Several areas of green roofs are proposed at roof level (integrated with the Photovoltaics) and two other roof terraces are proposed for use by the student accommodation and

some of the new office/ R&D accommodation to the south of the site. All the proposed tree and soft planting has been chosen to maximise biodiversity and provide colour and variety throughout the year, whilst being appropriate to its location (wall/ roof/ courtyard etc.). Maintenance and management of trees and soft and hard landscaping (including seating) would remain with the Applicant and could be secured via the S106 agreement.

10.75. It is considered that the hard and soft landscaping has been carefully considered and is of high quality design and would result in significant benefits to the health, wellbeing and visual benefits to people living, working and visiting the site and the City Centre. Furthermore the biodiversity benefits and increased green and blue infrastructure proposed, including the net gain in tree canopy for this part of the City would be significant also. Subject to conditions securing details of the hard and soft landscaping and details of the water feature and fountain and tree pits the development accords with G7 and G8 of the OLP.

#### **f. Neighbouring amenity**

10.76. Policy RE7, as set out above, also seeks to ensure amenity for and from developments, other than residential is protected.

10.77. The Crown Inn is currently wrapped around by the existing buildings which are at 3 storey in height with some windows at first and second floors, the latter set back on the northern side. The new buildings would increase the height to four storeys. At ground floor the new building to the north and east would have a high section of brick wall and glass above as internally the floor level of the office is higher. In terms of outlook the new building with the proposed green wall and balcony planting would provide a softened appearance in contrast to the solid brick façade. The new replacement buildings would be higher and therefore there would a degree of additional overbearing experienced within the courtyard. However this effect would be mitigated by the planting and set back of the facades at upper levels. In terms of sunlight to the courtyard, the information submitted shows that there would only be a marginal change in the amount of light to the courtyard in summer months, at other times there would be no change at all.

10.78. The top floor of the Crown Inn contains the manager's flat and staff common room. This building was part of stables to the original pub on Cornmarket which was demolished. It therefore has a backland location which is surrounded by high buildings and access through an archway, which is not uncommon within this dense urban location in the City Centre. The submitted Daylight Sunlight Analysis Report shows that in relation to daylight the existing windows do not receive a large amount of daylight and those that are north facing receive no direct sunlight. This is due to building orientation, the surrounding buildings and because all windows are single aspect. The development would result in a reduction in sunlight and daylight to these habitable rooms as a result. The north facing first floor windows to the flat and common room would be most affected. However, the analysis is not able to take into account sun or daylight reflection from facades. It is considered that there would be light reflection received from the large amount of glass in the north façade that would mitigate loss of sun and daylight.

- 10.79. The new buildings would introduce an increase in overlooking than currently exists to the Crown Pub and in particular into the habitable rooms. However the degree of overlooking would be mitigated by the planting and set back facades at upper floors and the proposed planting.
- 10.80. The loss of light and increase in overlooking and overbearing effect is unfortunate and the impact understood. However, weighing in the balance its urban location and context, the mitigation from the architectural design including balconies and reflective surfaces surrounding, together with the significant public benefits that would be derived economically, socially and architecturally from the overall development, it is considered that this would outweigh the harm in this case.
- 10.81. The new student accommodation building would change the current relationship with Frewin Hall to the east. It would be higher but the degree of separation from the joint boundary would mean that it would not be unduly overbearing to the existing site or recently approved building, or cause loss of sun or daylight. The provision of a new landscaped garden would provide an enhanced amenity benefit to the existing students resident there.
- 10.82. In respect of other neighbouring buildings that currently provide residential accommodation the development would not have an adverse impact on day or sunlight as a result. Neither would it appear overbearing or result in a loss of privacy.
- 10.83. In conclusion therefore the development accords with RE7 of the OLP.

## **g. Transport**

### Transport sustainability

- 10.84. Policy M1 states that planning permission will only be granted for development that minimises the need to travel and is laid out and designed in a way that prioritises access by walking, cycling and public transport. In accordance with policy M2, a Transport Assessment for major developments should assess the impact of the proposed development and include mitigation measures to ensure no unacceptable impact on highway safety and the road network and sustainable transport modes are prioritised and encouraged. A Travel Plan, Delivery and Service Management Plan and Construction Management Plan are required for a development of this type and size.
- 10.85. Policy M3 sets out the Council's policy for motor vehicle parking. In the case of the redevelopment of an existing or previously cleared site, such as this, there should be no net increase in parking as existing on site and a reduction will be sought where there is good accessibility to a range of facilities. Expansion of existing operations on existing large sites should provide a comprehensive travel plan for the whole site, demonstrating opportunities to enhance and promote more sustainable travel to and from it. Policy M5 and Appendix 7.4 set out minimum cycle parking standards and shower facilities for development. Policy DH7 of the OLP states that cycle parking should be, well designed and well-located, convenient, secure, covered (where possible enclosed) and provide level,

unobstructed external access to the street. DH7 also sets out requirements for bin stores and external servicing features.

10.86. A detailed Transport Assessment (TA) was submitted with the Application together with a Framework Travel Plan. The site is in a sustainable location within the City Centre with easy access to public transport and within walking/cycling distance to a number of local amenities. The TA demonstrates that the development would not result in an adverse transport impact.

10.87. According to the Transport Statement, the new development will be car free. The assessment of the net trip generation associated with the proposals demonstrates that there is expected to be a small increase in peak hour person trips in both the AM and PM Peak hours in the peak direction. The resultant increases on each of the transport networks is small with the highest one way increase being an additional 25 trips inbound on the bus network. This level of increase is minimal when considered against the high frequency of bus services servicing this city centre site around 320 services an hour. Given the city centre location with good bus, rail, pedestrian and cycle facilities and the fact that the site excludes general parking, there would not be expected to be any material impacts on the transport networks as a result of the proposed change of use.

10.88. The County Council as Highways Authority (HA) raised no objection, subject to conditions, to either the first or second round of consultation.

#### Traffic Impact

10.89. The development site is highly accessible and, given the parking controls present in the city centre and the numerous options for sustainable travel within the city centre, the vast majority of trips to and from the development will be made sustainably. The HA advises that the development would not lead to any perceptible impact in terms of overall traffic or trips as a result. The Brasenose Students would be adjacent to Brasenose Frewin Hall and close to their main campus in the City Centre, reducing the need to travel. The loss of retail uses would largely compensate for the increase in office space and new R&D space.

10.90. A Framework Travel Plan has been submitted and because of the number of elements involved, in addition to the overarching framework travel plan there are a number of subsidiary travel plans or statements that are also required relating specifically to the student accommodation, retail/ restaurant use, office and R&D uses. These could be secured by condition.

#### Cycle parking

10.91. In accordance with Policy M5 a minimum of 305 spaces would be required for the whole development in relation to the floor area of each use. A total of 337 cycle parking would be provided. 305 would be for the specific uses, with supporting shower facilities, and 35 spaces would be for members of the public to use. The cycle parking would be provided in locations across the site. There would be a far greater provision when compared to the existing current use on site, which the HA welcome. The cycle parking is generally located in suitable and accessible locations, although some are in basement levels accessed by

lifts. The HA also request that cycle wheeling ramps are added to the stairs so that, on occasions when the lift is out of use, bikes can still be accessed. They also advise lifts need to be of sufficient size to enable users to wheel and turn bikes inside without too much constraint. Details of cycle parking and lifts and wheel ramps could be secured by condition.

#### Car parking

10.92. Overall there would be a net decrease in car parking across the site. No additional disabled car parking spaces are proposed however there are a number of existing spaces on the adjoining streets. Given that the development is unlikely to lead to an increase in the need for disabled car parking spaces when compared to the current use, the HA consider this to be acceptable. The operational parking for the office use in the city centre accords with M3.

10.93. The development therefore accords with M3 which seeks a net decrease in car parking on brownfield sites and a minimum level of parking for disabled persons.

#### Servicing & deliveries

10.94. There would be a decrease in the service yards area, and there is no proposed change to the remaining service area for the Centre that sits to the south off Shoe Lane. The servicing requirements of the proposed development could be adequately accommodated within the remaining service yard and that, were additional vehicles to arrive while the servicing bays are in use, there would be a limited amount of space to hold an additional vehicle along the access road to the service bays. A Servicing and Delivery Plan secured by condition, could ensure that there would be no adverse impact as a result of the new development, particularly during peak hours. The development site is wholly located within what is proposed to be the 'Red Zone' (first phase) of the Oxford City Zero Emission Zone (ZEZ). This should be taken into account in the Plan.

10.95. The service yard would be made available for students while moving into / out of the accommodation. A student accommodation management plan will be required to set out how students arriving at the accommodation will be managed and timed to avoid congestion and obstructions on the highway. This could be secured by condition.

#### Construction & traffic

10.96. Draft Construction Management Plans (CMP) have been submitted, one for each of the three phases. The HA advise that the greatest traffic and highways impacts associated with the development would occur during the construction phase of the development. Given the location of the site and the large number of vulnerable road users present in the locality, a robust CTMP is vital. Deliveries must be outside peak hours only and business times, and loading areas must be agreed. The ZEZ should be taken into account in the Plan. Further updated versions are required and could be secured by condition.

#### Public Access



10.97. The site and development would be accessible to the public at all times of the day/ night. As mentioned above the site would be managed and maintained by the Applicant and therefore none of the land would be adopted by the Highway Authority. To ensure the site would be publicly accessible and maintained by the Applicant, this could be secured via the s106 agreement.

10.98. The General Arrangement Plan suggests some alterations (resurfacing) to some areas of the adopted highway are proposed. These are along Frewin Court and just outside the entrances onto Cornmarket and Queen Street. Any alterations to the public highway will be at the applicant's expense and any such work must not commence before formal approval has been granted by Oxfordshire County Council by way of a Section 278 legal agreement separately between the applicant and Oxfordshire County Council. Highway materials, construction methods, adoptable layouts and technical details would be agreed through this process.

10.99. In conclusion therefore it is considered that on the basis of the comments from and no objection raised by the HA that, subject to conditions, the development accords with Policies M1, M2, M3, M4 and M5 of the OLP.

#### **h. Archaeology**

10.100. Policy DH4 states development proposals that affect archaeological features and deposits will be supported where they are designed to enhance or to better reveal the significance of the asset and will help secure a sustainable future for it. Proposals which would or may affect archaeological remains or features which are designated as heritage assets will be considered against the policy approach in policy DH3 set out above.

10.101. Archaeological remains or features which are equivalent in terms of their significance to a scheduled monument are given the same policy protection as designated heritage assets and considered against policy DH3. Proposals that will lead to harm to the significance of non-designed archaeological remains or features will be resisted unless a clear and convincing justification through public benefit can be demonstrated to outweigh that harm, having regard to the significance of the remains or feature and the extent of harm. Where harm to an archaeological asset has been convincingly justified and is unavoidable, mitigation should be agreed with Oxford City Council and should be proportionate to the significance of the asset and impact.

10.102. The site is located in the heart of the Late Saxon and medieval walled town near to the central crossroads. It has exceptional potential for complex multi-period archaeology. Generally speaking the central commercial core around Carfax and north-south along Cornmarket has not seen significant excavations since the 1960s. The excavation undertaken on the former Clarendon Hotel site in the 1950s (formerly the GAP store within the Clarendon Centre redevelopment) remains the key site for understanding the evolution of Late Saxon urban settlement at Oxford. Another early excavation in 1962 at Nos 55-58 Cornmarket Street, also located within the development proposal area, revealed Late Saxon remains and an assemblage of 16th century money boxes, and exposed medieval and post-medieval structures that are believed to have

been left in-situ. More recently a small scale excavation within the H&M store at the Clarendon Centre by Pre-Construct Archaeology revealed a rich assemblage of finds and ecofacts demonstrating the potential of this central location when modern archaeological techniques are applied.

- 10.103. This area has potential for Late Saxon urban settlement remains (e.g. wells, plot divisions, storage pits, urban cellar pit forms, beam slots, post holes, metallated floor areas etc.), and medieval and post medieval tenements, shops and workshops associated with small scale manufacturing and commerce (and related wells, stone lined rubbish pits, foundations, cellars, walls floors etc.). Survival is likely to be variable because of the impact of cellar construction over the years and the variable impacts of the current Clarendon Centre foundations. Trades and activities associated with this area include vellum production, bone working, cloth processing (including dyeing) and shoe making/leather working.

#### Impact of scheme

- 10.104. Phases 1 and 2 would involve proposed pile clusters, lift shafts, crane bases, utility corridors and localised grading down of levels would require targeted excavation, notably on the Queen Street frontage across previously unexplored areas. Phase 3 of the scheme would involve localised works within the area of the partially investigated Clarendon Hotel site (former GAP store) and a significant extension of the existing basement in the vicinity of the 1962 excavation at 55-59 Cornmarket where records suggests Tudor and later basement were left in-situ and backfilled and where extensive remains may be anticipated.
- 10.105. Post-medieval stone walls on the boundary of Frewin Court would require protection and localised recording when exposed by demolition works and the stone wall relating to the former precinct boundary of Frewin Court would also require protection from site traffic.

#### Significance

- 10.106. The archaeology of the Late Saxon and medieval historic core of Oxford as a whole can be identified as nationally significant, although this does not mean that every pit and structure within this area holds national significance in terms of archaeological interest as defined by the NPPF. In the absence of more detailed evaluation information the archaeological remains in the development proposal area can be identified as of at least regional significance with the general potential for nationally important remains to be present (for example the recent small scale excavation at nearby No 4 Queen Street produced the first zooarchaeological dietary signature for Britain's medieval Jewish community and the recent work at the adjacent Frewin Hall site has revealed the remains of a large Bronze Age barrow, cut by Saxon and Norman features, with multiple in-situ medieval building.
- 10.107. The Archaeological desk based assessment identifies that the proposed basements extension, lift pits and foundations are likely to have a high adverse impact on regionally significant archaeology. Whilst the development also has the potential to have both a localised and cumulative impact on

nationally significant remains it is difficult to quantify and assess this impact precisely because of the level and complexity of previous development and truncation and the physical constraints on field evaluation. It is therefore considered that the impact of the scheme can be assessed as likely to result in significant harm to non-designated archaeological assets, which would need to be outweighed by public benefits.

- 10.108. As set out above the development would result in a high level of public benefits including economic, environmental and social benefits. It is considered that the level of benefits would outweigh the harm to non-designated archaeological assets in this case.

#### Outreach, Public art and interpretation

- 10.109. This central site presents an excellent opportunity to engage in public outreach and education in regard to Oxford's exceptional archaeological heritage and history. A full public outreach programme could be secured by condition involving 1) joint work with the Museum of Oxford (video link, handling sessions, talks and displays so far as practical), 2) designed viewing areas and signage on hoardings 3) public open days (if practical) 4) outreach material and online content 5) reconstruction illustration/s 6) onsite interpretation of Oxford Saxon and pre-University commercial past 7) public art reflecting the identity and economic origins of the town (in its commercial core).

#### Conclusion

- 10.110. The current commercial use of this space and the physical site constraints preclude full pre-determination evaluation, although as noted above significant excavations have taken place in and around the site providing a general model for anticipated deposits. These results have been supplemented by a programme of geotechnical investigation and archaeological test pitting. A scoping document for phased excavation and recording and outreach has been submitted. In addition it is considered that a programme of further evaluation would also be required to refine the mitigation strategy, as recognised in the submitted addendum to the mitigation strategy secured by condition. As such it is considered that the development accords with DH4 of the OLP and the NPPF.

#### **i. Biodiversity**

- 10.111. OLP policy G2 states that development that results in a net loss of sites and species of ecological value will not be permitted. On sites where there are species and habitats of importance for biodiversity that do not meet criteria for individual protection, development will only be granted where a) there is an exceptional need for the new development and the need cannot be met by development on an alternative site with less biodiversity interest; and b) adequate onsite mitigation measures to achieve a net gain of biodiversity are proposed; and c) offsite compensation can be secured via legal obligation. Compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity and for major development this should be demonstrated in a biodiversity calculator where sites have become vegetated.

The application site is not vegetated at present and therefore no metric is required in support of the planning application.

10.112. An Ecological Appraisal and addendum have been submitted. Officers are satisfied that a robust ecological assessment has been undertaken of the proposed development and the potential presence of protected habitats and species has been given due regard. The existing building was assessed to be of low suitability for roosting bats and a single roost survey undertaken in September 2020, during which no bat roosts were identified.

10.113. The Local Planning Authority, in exercising any of its functions, has a legal duty to have regard to the requirements of the Conservation of Habitats and Species Regulations 2017, which identifies four main offences for development affecting European Protected Species (EPS):

1. Deliberate capture, injuring or killing of an EPS
2. Deliberate disturbance of an EPS, including in particular any disturbance which is likely
  - a) to impair their ability –
    - i) to survive, to breed or reproduce, or to rear or nurture their young; or
    - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
  - b) to affect significantly the local distribution or abundance of the species to which they belong.
3. Deliberate taking or destroying the eggs of an EPS
4. Damage or destruction of a breeding site or resting place of an EPS.

10.114. Officers are satisfied that European Protected Species are unlikely to be harmed as a result of the proposals.

10.115. The ecological appraisal identifies the potential for nesting birds to be present within the building. This includes feral pigeon, a species that nests all year round. Therefore a nesting bird check should be undertaken prior to works commencing, secured by condition. It is proposed to install 12 swift boxes, in addition to providing areas of ornamental planting and green roofing. The existing site has no intrinsic ecological value and the proposed measures would deliver biodiversity net gain. Planting for biodiversity and ecological enhancement measures could be secured by conditions. As such the development accords with G2 of the OLP.

#### **j. Sustainable Design and Construction**

10.116. Policy RE1 states that planning permission will only be granted where it can be demonstrated that sustainable design and construction principles have been incorporated. In respect of carbon emissions the policy requires for all new student accommodation and non-residential over 1000msq at least a 40% reduction carbon emissions from a 2013 Building Regulations (or future equivalent legislation) compliant base case. This reduction could be secured through on-site renewable energy and other low carbon technologies and/ or energy efficiency measures. For the latter it must meet BREEAM excellent standard (or recognised equivalent assessment methodology) in addition to

carbon reduction. Proposals for new residential developments are to meet the higher water efficiency standards within the 2013 Building Regulations (or equivalent future legislation) Part G2 water consumption target of 110 litres per person per day. Proposals for non-residential development are to meet the minimum standard of four credits under the BREEAM assessment.

10.117. An Energy Strategy and Sustainability Strategy has been submitted. According to the energy statement, carbon reduction would be achieved through a combination of passive design and energy efficiency measures including Air Source Heat Pumps (ASHP)/Variable Refrigerant Flow (VRF) systems for space heating and cooling as well as domestic hot water in the student accommodation and the laboratory spaces, and together with PhotoVoltaics (PV) on the roof. A natural ventilation strategy is proposed for the student accommodation. Mechanical ventilation and comfort cooling is proposed to be provided in the office areas in order to ensure thermal comfort is achieved in peak summer conditions and suitable ventilation is provided. Opening windows would not be appropriate in the laboratory areas due to the specific ventilation requirements in these spaces. Cooling via fan coil units is proposed to be provided in the laboratories.

10.118. The proposed development is a mixed-use part new-build, part refurbishment development in Oxford. The works are split into distinct phases and building types including office, retail and student accommodation. Most of the development is targeting an 'Excellent' rating under the appropriate BREEAM scheme in line with policy RE1 for all large scale major development. The retail aspects of the development are targeting a 'Very Good' rating as their shell-only nature prohibits higher standards being achieved at this stage. The use of water-efficient fixtures and fittings proposed are in line with BREEAM requirements.

10.119. The overall strategy is considered acceptable and the development would result in a reduction of 56.7% for the whole development of carbon emissions over Part L of the Building Regulations compliant baseline. The development therefore meets, and exceeds, a 40% carbon reduction. Further details and location of the proposed PV and plant could be secured by condition, in addition to conditions requiring confirmation of BREEAM accreditation and construction of the development in accordance with the Energy Statement. In addition the ground floor units achieving BREEAM 'very good' and ideally 'Excellent' (through fit out) could be secured via the s106 to ensure first occupiers and successive occupiers attain this level. As such the development accords with Policy RE1 of the OLP.

#### **k. Air Quality**

10.120. Improving local air quality, mitigating the impact of development on air quality and reducing exposure to poor air quality across Oxford is key to safeguarding public health and the environment. The whole of the city was declared an Air Quality Management Area (AQMA) in September 2010. OLP Policy RE6 ensures that the impact of new development on air quality is mitigated and exposure to poor air quality is minimised or reduced for existing and new occupants.

10.121. An Air Quality Assessment (AQA) was submitted with the application. It has been reviewed alongside the Energy Statement, Transport Statement and Framework Travel Plan. There would be no on-site emissions associated with the proposed energy systems (ASHP/VRF and PV). The sustainable location and car free development would not be expected to have any material impacts on the transport networks as a result of the proposed change of use. In relation to the impacts of demolition and construction work on dust soiling and ambient fine particulate matter concentrations the risk of dust causing a loss of local amenity and increased exposure to PM10 concentrations has been used to identify appropriate mitigation measures. Provided these measures are implemented and included within a dust management plan, the residual impacts would not be significant.

10.122. In conclusion therefore the air quality levels as a result of the development would be below current limit values for NO<sub>2</sub>, PM10 and PM provided the mitigation measures are implemented. These could be secured by condition. As such the development accords with RE6 of the OLP.

### **I. Flood Risk and Drainage**

10.123. The site lies within flood Zone 1. Policy RE3 relates to flood risk management and directs new developments to flood Zone 1 and developments over 1ha in these areas should be accompanied by a Site Specific Flood Risk Assessment (FRA). Policy RE4 requires developments to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Development should not have an adverse impact on groundwater flow.

10.124. A FRA and below ground drainage strategy was submitted with the application. The development aims to maximise blue roof Storage potential on new build structures and make additional below ground storage beneath the new square. THE FRA and Strategy demonstrate how flood risk would be reduced on both on-site and off-site as a result of the development. The County as Lead Local Flood Authority (LLFA) has raised technical issues regarding the information submitted at first and second round consultation. Further information is required including a surface water catchment plan, surface water exceedance plan, a detailed drainage strategy drawing and calculations for blue roofs.

10.125. Thames Water raised no objection subject to conditions at first round consultation. No further response has been received to second round consultation. TW advise that the scale of the proposed development would not materially affect the sewer network. However they have identified an inability of the existing water network infrastructure to accommodate the needs of this development and therefore request a Grampian condition requiring details of infrastructure upgrade to be agreed (or a phasing plan for upgrades) prior to commencement of development. The development is within close proximity of major infrastructure and therefore a piling method statement is required to ensure no adverse impact on this. Again secured by condition.

10.126. It is considered that the issues raised by the LLFA are technical in nature and they have not raised a fundamental objection to the proposed

development. TW also do not raise fundamental objection and consider conditions could address their concerns. On this basis Officers recommend that the application be approved subject to receiving the drainage information requested by the LLFA and removal their current objection.

**m. Contamination:**

10.127. Policy RE9 requires a land quality assessment report where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment. The report should assess the nature and extent of contamination and the possible impacts it may have on the development and its future users, biodiversity, the natural and built environment; and set mitigation measures to allow the development to go ahead safely and without adverse effect.

10.128. . Historical records indicate that the some areas of the site have had previous potentially contaminative uses including a smithy and warehousing in addition to the current commercial use. In this regard there is the potential for contamination to exist on site that may present a significant risk to future occupiers, construction workers or the surrounding environment. As such, an intrusive site investigation is required to identify any potentially significant contamination risks that may be present and remediate as necessary to ensure that the site is suitable for the proposed use after development. This could be secured by conditions requiring a Phased Risk Assessment, remediation and validation report prior to occupation, and unexpected contamination during construction. Subject to these conditions. It is considered that the development would accord with Policy RE9

**n. Noise and Vibration:**

10.129. The applicant has submitted an acoustic assessment by 'Hoare Lea' to support the application. The site is located between Cornmarket Street and Queen Street, in Oxford City Centre, in a primarily commercial area. The existing buildings on the site consist of various retail and office properties forming the Clarendon Centre.

10.130. While the majority of the surrounding buildings are commercial in nature, there are several residential properties in the neighbouring area. These include existing student accommodation to the north and west of the site, and new student accommodation provided by the Northgate House development (currently under construction) to the northeast of the site.

10.131. It is considered that the plant noise levels have been adequately predicted at the identified receptors taking into consideration distance losses, surface acoustic reflections and, where applicable, screening provided by the building. Noise emissions from the proposed plant would be sufficiently low as to cause no negative impact on nearby noise sensitive residential receivers, providing that the mitigation measures stipulated in submitted acoustic assessment are implemented. An appropriate façade design strategy has been outline in the assessment which would meet current guidelines and give users protection from any excessive external noise. Mitigation measures could be

secured by condition and as such the development accords with RE8 of the OLP.

**o. Planning obligations**

10.132. It is considered that the following matters should be secured through a section 106 legal agreement and/or a unilateral undertaking:

- Financial contribution of £ £57,468.94 towards affordable housing from the student accommodation;
- Management and Maintenance Plan for the Public Realm including water feature, drinking fountain, trees and planting (including green wall), hard landscaping and street furniture (fixed);
- Retail Management Strategy to:
  - Ensure ground floor units meet BREEAM at least 'very good' and ideally 'Excellent' to ensure first occupiers (and successive occupiers); and
  - Details of management strategy and tenancy clause to ensure that all occupiers of ground floor units are prevented from completely obscuring ground floor windows within the shop/ unit frontage to prevent looking in either internally or externally by whatever means be it blinds, plants, screen partitions or other measures including materials adhered to the glass.
- Travel Plan monitoring contribution of £5,198 towards Travel Plan monitoring of individual Travel Plans (to the County Council) (it may be that if this is the only contribution payable to the County Council that it could be done via a separate UU with that authority).
- The new 'street' shall not be closed off/ gated/ or similar to ensure that members of the public are allowed access across the site at all times.

10.133. Officers recommend that the Planning Committee delegate authority to the Head of Planning Services to approve the application subject to receiving further drainage information requested by the LLFA and removal of their objection and subject to the conditions in section 12 and following the completion of the recommended Unilateral Undertaking and 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 he considers reasonably necessary.

## **11. CONCLUSION**

11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act



2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

- 11.2. The proposed development would result in a high quality architectural and sustainable design and construction redevelopment of the Clarendon Centre that would enhance the vitality and vibrancy of the City Centre. It would meet aspirations for economic growth and reinvent the Clarendon Centre and uses found within the City Centre. It would make best and most efficient use of the site providing an appropriate mix of uses and units. It is of some height and massing however through amendments it appropriately responds to its context and the design is justified. It would enhance the public realm and shopping experience.
- 11.3. Purpose built student accommodation would help to meet the need for family housing by releasing shared family houses back to the general market. A new public square with significant tree planting and canopy cover together with shrub landscaping, green walls, green roof, water feature, drinking water fountain and seating would increase green and blue infrastructure and biodiversity in the City. This would provide high environmental and social and economic public benefits to the City Centre which currently lacks public open space, seating and trees. By opening up the Clarendon Centre to public streets as was historically the case, the development would increase permeability through the City Centre. The residential accommodation would increase activity throughout the day and night, and together with R&D and Office use would bring economic benefits to the City.
- 11.4. There would be a high level of less than substantial harm to heritage assets in this case from the development. Officers have given great weight and importance to the desirability of preserving or enhancing the character and appearance of the conservation area, setting of listed buildings and important protected views. It is considered that the high level of less than substantial harm that would be caused by the proposed development has been adequately mitigated by quality design and is justified, and the harm would be outweighed by the high level of public benefits that would result in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.
- 11.5. There would be an adverse impact on adjoining residential amenity within the Crown Pub from increased overlooking, reduction in light and increased overbearing effect. However, the impact would be mitigated through planting, materials, reflectivity of the glass and an improvement to the relationship of the current blank façade. On balance it is considered that the harm would be outweighed by the high level of public benefits of the redevelopment in this case.
- 11.6. It is in a highly sustainable location and impact on traffic would be imperceptible. The cycle parking provision would exceed the minimum standards required including public cycle parking provision.
- 11.7. The NPPF has a presumption in favour of sustainable development. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts

would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted. Policy S1 of the OLP 2036 repeats this.

11.8. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF and policy S1 for the reasons set out within the report. Therefore in such circumstances, planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.

11.9. Officers would advise members that having considered the application carefully including all representations made with respect to the application, that 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 Local Plan 2016-2036, when considered as a whole, and that there are no material considerations that would outweigh these policies.

11.10. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Planning Services) of a unilateral undertaking and legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers with the County Council and subject to conditions in section 12 below and delegate to Officers to issue the decision notice subject to receiving further drainage information to satisfy the Lead Local Flood Authority.

## **12. CONDITIONS**

### *Time limit*

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

### *Plans*

2. Subject to other conditions requiring updated or revised documents submitted with the application, the development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy S1 of the Oxford Local Plan 2016-2036.

### *Materials*

3. Prior to the commencement of development as a whole or each relevant phase of development excluding demolition and enabling works a schedule of materials together with samples of the exterior materials to be used shall be submitted to and approved in writing by the Local Planning Authority before

the start of work on the site above ground and only the approved materials shall be used unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure high quality development and in the interests of the visual appearance of the City Centre Conservation Area in which it stands in accordance with policies DH1 DH3 of the Oxford Local Plan 2016-2036.

#### *Archaeology*

4. No below ground works shall take place for any of the three development phases until a written scheme of investigation (WSI) for archaeological trial trenching and subsequent archaeological recording (encompassing archaeological excavation, watching brief and historic building recording) and related programme of public outreach for each relevant development phase has been first submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no development relating to each phase shall take place other than in accordance with the agreed WSI for that phase unless otherwise first agreed by the Local Planning Authority in writing. Each WSI shall include the statement of significance and research objectives, and
  - A programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
  - A programme of public archaeology and outreach and the nomination of a competent person(s) or organisation to undertake the agreed works.
  - A programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To secure public benefit in mitigation of harm to below ground archaeological remains (Local Plan Policy HE2, Local Plan Submission Draft Policies DH3 & 4).

5. Prior to the completion of the phase three development, a method statement for on-site archaeological interpretation using signage, floor design, incorporation of exposed fabric or a combination of one or more of these shall be submitted to and approved in writing by the local planning authority for approval. The interpretation shall facilitate the public appreciation of significance of the Clarendon Hotel (1954-7) excavation in terms of understanding of the evolution of the Late Saxon town and convey the results of the conditioned archaeological investigations. The development shall be carried out in accordance with the approved details unless otherwise first agreed in writing with the local planning authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including late-Saxon, medieval and post-medieval remains (Local Plan Policy HE2, Local Plan Submission Draft Policies DH3 & 4).

6. No demolition shall take place for each of the three building phases until a detailed method statement for staged demolition works for each phase, designed to facilitate archaeological excavation and ensure the protection of standing historic stone walls in Shoe Lane and Frewin Lane, has been submitted to and approved in writing by the Local Planning Authority. The method statements will set out will also set out All works shall be carried out and completed in accordance with the approved method statement, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that demolition works avoid unnecessary disturbance to in-situ archaeological remains and facilitate a programme of archaeological (Local Plan Policy HE2, Local Plan Submission Draft Policies DH3 & 4).

7. No development shall take place for each of the three development phases until a detailed design for ground works and foundations for each phase and a method statement for their construction in areas of archaeological potential have been submitted to and approved in writing by the Local Planning Authority. The methods statements shall set out a methodology for piling that shall avoid the need for grubbing out of obstructions (i.e. pre drilling if required). All works shall be carried out and completed in accordance with the approved method statement, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To secure a foundation design that minimises the harm to important below ground archaeological remains (Local Plan Policy HE2, Local Plan Submission Draft Policies DH3 & 4).

8. No archaeological works shall commence for phase three development (Cornmarket frontage) until a method statement setting out provision for public viewing of the archaeological excavation has been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved method statement, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To secure public benefit in mitigation of harm to below ground archaeological remains (Local Plan Policy HE2, Local Plan Submission Draft Policies DH3 & 4).

#### *Public art*

9. Notwithstanding the public art strategy submitted, prior to the commencement of phase three of the development, a Public Art Delivery Plan shall be submitted to and approved in writing by the local planning authority for

approval. The public art should be designed to facilitate public appreciation of this space as a past focus of medieval artisan trades (for drapery and cordwainery) that were key components to the economic growth of the pre-University town. The Public Art Delivery Plan should include the selection and commissioning process, the artist's brief, the budget, possible form, materials and locations of public art, the timetable for provision, maintenance agreement and community engagement, and the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure public benefit in mitigation of harm to below ground archaeological remains (Local Plan Policy HE2, Local Plan Submission Draft Policies DH3 & 4).

*Contamination:*

10. Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Land Contamination Risk Management (LCRM) procedures for managing land contamination. Each phase shall be submitted in writing and approved by the local planning authority.

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model and preliminary risk assessment.

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved by the local planning authority to ensure the site will be suitable for its proposed use.

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2016 - 2036.

11. The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved by the local planning authority.

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2016 - 2036.

12. Any contamination that is found during the course of construction of the

approved development that was not previously identified shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason- To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2016 - 2036.

#### Biodiversity:

- 13.No works to or demolition of buildings or structures that may be used by breeding birds shall take place unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To comply with the Wildlife and Countryside Act 1981 (as amended) and Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

- 14.Details of the proposed swift boxes shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development or relevant phase of development. The approved details shall be installed and thereafter retained.

Reason: To comply with Policy G8 of the adopted Oxford Local Plan 2036.

#### Landscape:

- 15.Notwithstanding the submitted Landscape strategy, a detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The plan shall show details of tree pits, treatment of paved areas, and areas to be grassed or finished in a similar manner, green roofing, existing retained trees and proposed new tree, shrub and hedge planting. The plan shall correspond to a schedule detailing plant numbers, sizes and nursery stock types which provide for biodiversity.

Reason: To comply with Policy G8 of the adopted Oxford Local Plan 2036.

- 16.The landscaping proposals as approved by the Local Planning Authority shall be carried out no later than the first planting season after first occupation or first use of the development hereby approved unless otherwise agreed in

writing beforehand by the Local Planning Authority.

Reason: To comply with Policy G8 of the adopted Oxford Local Plan 2036.

17. Any existing retained trees, or new trees or plants planted in accordance with the details of the approved landscape proposals that fail to establish, are removed, die or become seriously damaged or defective within a period of five years after first occupation or first use of the development hereby approved shall be replaced. They shall be replaced with others of a species, size and number as originally approved during the first available planting season unless otherwise agreed in writing by the Local Planning Authority.

Reason: To comply with Policy G8 of the adopted Oxford Local Plan 2036.

18. Prior to first occupation or first use of the development hereby approved a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and timing for all landscape areas, other than small, privately owned domestic gardens shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved by the Local Planning Authority.

Reason: To comply with Policy G8 of the adopted Oxford Local Plan 2036.

*Noise:*

19. The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB  $L_{Aeq\ 16hrs}$  daytime and of more than 30 dB  $L_{Aeq\ 8hrs}$  in bedrooms at night.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site in accordance with RE8 of the Oxford Local Plan 2036.

20. In respect of any proposed air conditioning, mechanical ventilation or associated plant, the applicant shall ensure that the existing background noise level is not increased when measured one metre from the nearest noise sensitive elevation. In order to achieve this the plant must be designed / selected or the noise attenuated so that it is 10dB below the existing background level. This will maintain the existing noise climate and prevent 'ambient noise creep'.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site in accordance with RE8 of the Oxford Local Plan 2036.

*Air Quality:*

21. Prior to commencement of the development hereby approved, a demolition method statement and a construction environmental management plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period.

Reason: To ensure that the amenity of occupiers of surrounding premises are not adversely affected by noise, vibration, dust, lighting or other emissions from the building site in accordance with RE8 of the Oxford Local Plan 2036.

*Transport:*

22. Notwithstanding the submitted Construction Traffic Management Plans (CTMP) for each phase, no development shall take place for any phase until a revised CTMP for that phase has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- the routing of construction and demolition vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- access arrangements and times of movement of construction and demolition vehicles (to minimise the impact on the surrounding highway network),
- times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours of 07:30-09:30 or 16:00-18:00;
- hours of working;
- travel initiatives for site related worker vehicles;
- signage for construction traffic, pedestrians and other users of the site;
- piling methods (if employed) and controls on vibration;
- earthworks;
- hoardings and security fencing to the site;
- noise limits;
- control of emissions;
- Dust mitigation measures including the complete list of site specific dust mitigation measures that are identified in the Air Quality Assessment submitted with the application;
- waste management and disposal, and material re use;
- wheel cleaning / wash facilities to prevent prevention of mud / debris being deposited on public highway;
- contact details of the Project Manager and / or Site Supervisor;
- layout plan of the site;
- materials storage including any hazardous material storage and removal.
- Engagement with local residents and neighbours

The approved Construction Traffic Management Plan shall be implemented



accordingly throughout the demolition and construction period. .

Reason: In the interests of the amenities of neighbouring occupiers and highways users in accordance with policies RE1, RE6, M1 and M2 of the Oxford Local Plan 2016-2036.

23. Prior to occupation a Delivery and Service Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan should include specific details on the timing of deliveries and routing of vehicles in order to ensure the safe and efficient movement of delivery and servicing vehicles to and within the service yard and to mitigate the impact on the surrounding network. The plan is required to set out how deliveries will be managed and demonstrate how impacts will be minimised including congestion, safety, noise and how zero or ultra-low emission and last mile opportunities will be considered. Delivery and Servicing shall not take place between the peak hours of 07:30-09:30 or 16:00-18:00. The development shall be operated in accordance with the approved Plan on completion of the development and at all times thereafter.

Reason: To mitigate the impact of delivery vehicles on the highway network and pedestrian and cyclist safety at peak times in accordance with policies RE7, M1 and M2 of the Oxford Local Plan 2016 – 2036.

24. Notwithstanding the submitted Draft Framework Travel Plan, prior to first occupation of the development an updated Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority and updated upon occupation of each relevant phase of development. The buildings shall be occupied in complete accordance with the approved Framework Travel Plan at all times thereafter.

Reason: To encourage the use of sustainable modes of transport in line with policies M1, M2 and M5 of the Oxford Local Plan 2016-2036.

25. In addition to the Framework Travel Plan approved, Travel Plan Statements for the shop and restaurant uses and student accommodation of the site that are linked to the overarching Framework Travel Plan shall be submitted to and approved by the Local Planning Authority prior to first occupation. A Travel Information Pack for the student accommodation shall also be submitted to and approved by the Local Planning Authority prior to first occupation. The development shall be occupied in accordance with the approved Plans.

Reason: To encourage the use of sustainable modes of transport in line with policies M1, M2 and M5 of the Oxford Local Plan 2016-2036.

26. In addition to the Framework Travel Plan approved, a Full Travel Plan for the Office and Research and Development uses of the site shall be submitted to and approved by the Local Planning Authority prior to first occupation. The development shall be occupied in accordance with the approved Plans until such time as the use ceases.

Reason: To encourage the use of sustainable modes of transport in line with policies M1, M2 and M5 of the Oxford Local Plan 2016-2036.

27. A Student Accommodation Management Plan shall be submitted to and approved in writing by the Local Planning Authority in advance of first occupation of the student accommodation. The Plan should set out control measures for ensuring that the movement of vehicles associated with the transport of student belongings at the start and end of term are appropriately staggered to prevent any adverse impacts on the operation of the public highway.

Reason: In the reason of highway safety and the efficient operation of the public highway.

28. Notwithstanding the submitted cycle parking details, prior to the first use or occupation of the development or relevant phase of development, the cycle parking facilities shall be provided on the site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The plans must demonstrate that cycle parking is well designed and well located, convenient, secure, covered and enclosed (where possible) and provide level, unobstructed external access to the street. Bicycle parking shall be designed to accommodate an appropriate amount of parking for the needs of disabled people, bicycle trailers and cargo bicycles, as well as facilities for electric charging infrastructure. The covered cycle parking facilities provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of sustainability and to ensure a satisfactory form of development in accordance with Government guidance contained within the National Planning Policy Framework and in accordance with Policy M5 of the Oxford Local Plan 2036.

29. Prior to the commencement of the development as a whole or each relevant phase of the development, a finalised drainage strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. This shall take into account comments by the Lead Flood Authority and include Sustainable Drainage. The approved strategy shall be implemented within each phase of the development and thereafter retained.

Reason: To avoid increasing surface water run-off and thereby attenuating flood risk in accordance with Policy RE 2 of the Oxford Local Plan 2016-2036.

30. Prior to first occupation of each phase of the development as set out on the approved phasing plan, a Sustainable Drainage (SUDs) Maintenance Plan (SDMP) shall be submitted to and approved in writing by the Local Planning Authority. The SDMP must be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics and shall provide details of the frequency and types of maintenance for each individual sustainable drainage structure proposed and ensure the sustainable drainage system will continue to function in perpetuity. The approved SDMP shall be

implemented prior to occupation of each phase and shall thereafter be maintained in accordance therewith unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development is maintained in perpetuity and to avoid increasing surface water run-off and thereby attenuating flood risk in accordance with Policy RE 2 of the Oxford Local Plan 2016-2036.

31. Prior to commencement of the development or relevant phase, details of security measures including CCTV and external lighting shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be installed prior to occupation and thereafter retained.

Reason: In the interest of Secure by Design, Community Safety and neighbouring amenities in accordance with Policies RE7 and DH1 the Oxford Local Plan 2016-2036.

32. The ground floor windows in the all the commercial units in the development hereby approved shall only be obscured from 1m in height from internal finished floor level. At no time shall the whole windows be completely obscured to prevent looking in either internally or externally by whatever means be it blinds, plants, screen partitions or other measures including materials adhered to the glass.

33. Reason: to maintain active frontages within the Primary shopping Frontage in the City Centre in accordance with Policy V1 and V2 of the Oxford Local Plan 2036.

34. Notwithstanding the approved drawings, large scale drawn design details of the building facades and fenestration, green wall planting system, drinking fountain, and shopfronts shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only:

Reason: To ensure high quality design and sympathetic appearance for the new work, in the interest of the special character of the setting of listed building and Conservation Area, in accordance with policy DH1, DH3 and DH4 of the Oxford Local Plan 2036.

35. Details of the relocation of the Frewin Gates shall be shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be installed prior to occupation of the relevant Phase of the development within which they are located and thereafter retained.

Reason: To ensure high quality design and sympathetic appearance for the new work, in the interest of the special character of the setting of listed building and Conservation Area, in accordance with policy DH1, DH3 and DH4 of the Oxford Local Plan 2036.

36. Notwithstanding the approved drawings, details of the photovoltaics, mechanical plant and ventilation units and flue extracts for cooking shall be

shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be installed prior to occupation of the relevant Phase of the development within which they are located and thereafter retained.

Reason: To ensure high quality design and sympathetic appearance for the new work, in the interest of the special character of the setting of listed building and Conservation Area, in accordance with policy DH1, DH3 and DH4 of the Oxford Local Plan 2036.

### **13. APPENDICES**

- **Appendix 1** – Site location plan
- **Appendix 2a & 2b** – ODRP Letters

### **14. HUMAN RIGHTS ACT 1998**

14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to [approve/refuse] this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

### **15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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



Figured dimensions to be followed in preference to those scaled from drawing.  
All dimensions to be verified on site by the contractors and such dimensions to be their responsibility.

Drawing omissions and errors to be reported immediately to the architect.

— Site Boundary

B 10.02.22 Planning resubmission NC  
A 18.12.20 Issued For Planning JT

rev | date | description | draw

Client:  
Clarendon LP GP Ltd.

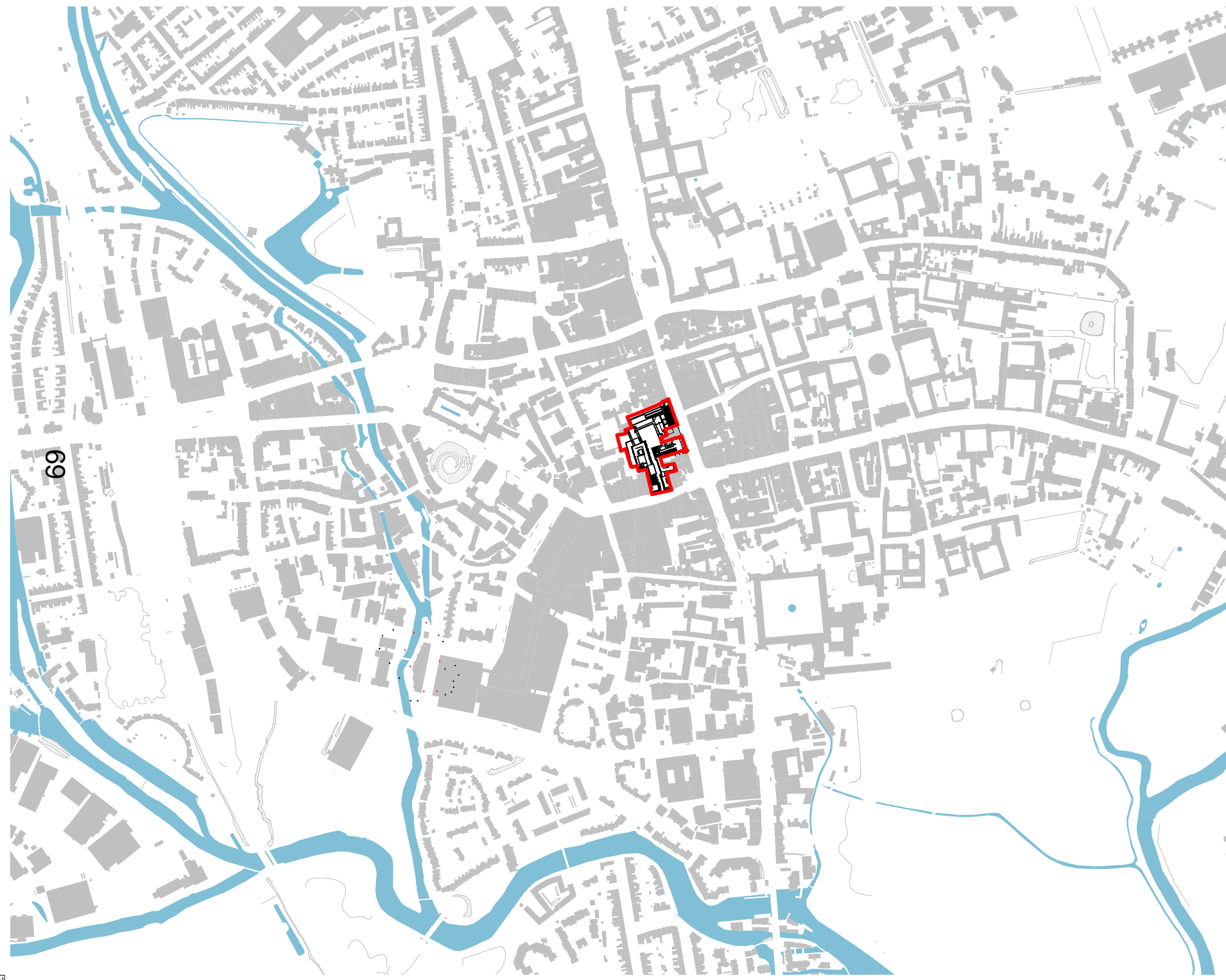
project name:  
Clarendon Centre Regeneration

drawing name:  
Clarendon Centre Regeneration  
Site Location Plan

scale (size): 1 : 2500@A1 drawn / approved: NC / JZ date: Dec 20

project no: 18029 drawing no: (00) 101 revision: - B

drawing status:  
PLANNING



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Adam Smith  
Executive Director  
Lothbury Investment Management Limited  
155 Bishopsgate,  
London, EC2M 3TQ

19 February 2020

Our reference: DC5215

### **Oxford City Council: Clarendon Centre Masterplan**

Dear Adam Smith,

Thank you for providing the Oxford Design Review Panel with the opportunity to advise on this proposal at the Design Workshop on 10<sup>th</sup> February 2020. The scheme is the redevelopment of the Clarendon Shopping Centre that proposes a mix of uses, including: a small quantity of retained retail, a hotel, a student hostel, a research laboratory, offices space, new landscape, public realm and a city square organised around a reinstated street.

#### **Summary**

We are glad to have the opportunity to see this scheme at such early stage and congratulate the design team for the quality and detail of their presentation, which communicates a complex site and proposal with all its constraints and opportunities, in a clear way.

We are encouraged by the 40 years of continuity of stewardship of this important city centre destination and interested to hear about the team's analysis and vision concerning land values and future flexibility of use, that would successfully realign the site to the challenges of the coming decades.

We applaud the environmental ambition of the owner and commitment to the highest UN credentials. To achieve these aspirations, we encourage the project team to step back and explore the possibility of repurposing the existing buildings, by retaining the structural frames and reusing materials, to minimise the embodied carbon impact of the new development. A stronger and more rigorous argument will be necessary if the existing buildings are to be demolished.

Sustainability, with increasingly stringent climate targets, needs to be at the forefront of every new development in the UK. We strongly recommend that the project team develop an energy and sustainability strategy that looks at the whole-life carbon performance of the development (including both operational and embodied carbon), as well as the water management on the site.

So that the development can better integrate into the wider context of Oxford, we encourage the design team to look beyond their redline boundary, and to work with



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Oxford City Council to understand their strategic priorities for the city centre, so that the development can reach its full potential.

Finally, we urge the design team to appoint a landscape designer, so the new iterations of their design can be informed and led by a thoughtful landscape design and public realm strategy, and not merely by the footprint of buildings.

### **Viability and mix of use**

For many years, the Clarendon Centre was a pivotal site and popular destination in Oxford's central shopping district. In the past few decades, the city centre has faced new challenges and is undergoing change. We feel that innovative thinking will be required to meet the new demands put upon the High Street. The best way forward may run counter to previously accepted thinking on retail economics: current research and evolving thinking suggests local authorities move beyond a retail-led vision when thinking of future proofing their high streets and town centres. We recognise that a longer view on social and environmental sustainability is needed on such sites and that return on investment may not come quickly. We recommend the project team look into further research and best practice examples on how developments with similar challenges in Oxford and in other UK and international cities have addressed and overcome the complexity of these issues.

We believe that the most fundamental challenge will be to transition to a mix of new uses, which will offer greater long-term viability for the site. To achieve this, the emerging design will need to bring people into and through the hidden, internal spaces of the city block and encourage them to dwell. We think that the currently proposed design, particularly the long horizontal internal facades, is not the best way to support this outcome. We feel that a different design approach will be necessary, where more human-scale, broken-down, "sticky" facades offer the nooks and crannies that are critical for promoting a welcoming character; providing microclimates to stop and linger; and ultimately encouraging economic success. A negative example is provided by Friars Entry, behind the Oxford branch of Debenhams. Here, a set of small shops creates a lively street scene on the northern edge of the lane, while the larger, more introverted and sterile, modern neighbours on the southern side of the lane produce dead spaces and a cold environment for people walking through.

We think that the proposed variety of use is a positive move and potentially more sustainable. Success will depend on promoting activity within the new street scene. It is desirable to have several pools of activity where different uses interact with each other. We feel that the concept of a "boundary object" could help. This is a space for exchange and communication that may not necessarily have a strictly economic function. Examples are a hub for health or social care, an arts space, or even a crèche. We encourage you to consider strategies for introducing these boundary object-like places within the new development.

We think that a successful scheme will seek to produce a vibrant space, offering both movement and a place where people want to stay. We feel that such a space would benefit from balancing the needs of a variety of users and uses. It seems to us that the new R&D function could be a good "boundary object". The laboratory function would





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begin to produce the required sense of excitement and change that could start to animate the new development. However, we think that the creative sector could also play a part in the transformation of the area. A performance or studio space could provide a new, cultural anchor bringing a different demographic into and through the development. Finally, we urge that you encourage a mix of independent, local shops and services, which could establish a virtuous and resilient local economy with an independent market that returns and retains the profits of trade in Oxford - rather than a model which encourages chain stores and multi-nationals, who do not necessarily have a long term stake in the city and tend to export profits from the local economy.

Whilst we welcome the clarity of thinking presented in the development drawings, we are not fully convinced that all of the proposed uses are in the right place. For example, there may be an argument for locating the hotel within the retained Clarendon Building, as a retained McDonald's frame could offer a home to more flexible uses. We think that it would be beneficial to test the proposed distribution of uses against a more detailed study of the capacity of the existing building stock and opportunities for their sustainable re-use.

### **Policy Context**

In order to embrace the emerging social and economic challenges of the High Street, the design team is proposing a mix of use that differs from established policy. The council raises questions concerning the vision for the centre and the existing policy context, which currently promotes a greater proportion of A1 retail space, particularly concentrated on the main shopping streets.

However, Oxford City Council recognises the radical changes that have been happening to our high streets and the changes that will be necessary in policy terms to address those. We encourage the design team to establish an evidence-base for their retail and uses strategy. A compelling argument is required for the low levels of retail, and for the hotel function occupying what has traditionally been prime, high street, retail frontage. This argument may include reference to the GLA's recent guidance on High Streets and Town Centres that supports the development of adaptive strategies, smaller retail units with more flexible floor plates and more agile change between different use classes. Notwithstanding the current inflexible planning system, the local authority might find a way to address these emerging issues in a more strategic way, to allow more flexible and agile change of use required for long-term viability.

### **Placemaking**

We welcome both the generous new square and the reinstatement of the historic street. Both of these bold moves begin to rebuild the fabric of the City by reintroducing a historic hierarchy into the city block. These charming cut-throughs and hidden spaces play a central part in defining the identity and character of Oxford. This also aligns with the research finding that providing more cut-throughs in a place makes people feel more part of their city. However, we feel that the treatment of the proposed internal urban realm is not yet contributing to making this a place where people would choose to come or dwell.

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We believe that the architectural and economic success of this new place will rely on people adopting the new routes and choosing to dwell in the new spaces. The careful programming of the edges will play a key role in the successful activation of the square itself and will bring a sense of change and excitement to the area. However, the current scheme deploys flush, monumental, glazed facades with no occupiable, introverted edges, and we feel that this will be likely to deter people from lingering. Finding all opportunities and moments to blend inside and outside spaces together, where inside spaces spill out to the streets and public square, will enhance the long-term success this place. We strongly encourage the design team to rethink the edge conditions of their new public space to introduce human-scale spaces and find a way to make them “sticky” to enable social interaction. We recommend a strategy that deploys nooks and crannies and deliberate irregularity in the design of their facades using warmer and softer materials to enhance the experience for the visitor. A study of the various microclimates within the scheme would identify the best places for dwell. For example, we believe that the south-facing, internal corner of the new hotel building could be a comfortable and attractive place to gather and linger.

Activity and dwell would be encouraged by re-imagining the internal, linear, circulation routes as a series of pocket squares. These small urban events would encourage both movement and stopping, along the various edge conditions. We believe that it would make more sense to promote an informal character, likely to appeal to the young, rather than a corporate one that would be more at home in the City of London or a financial district.

### **Identity and local character**

We applaud the design team for recognising the changing face of retail and pressure being exerted on our traditional town centres. We support the early appointment of a heritage and townscape consultant and the contextual analysis presented. However, despite this, we feel a disconnect between your analysis and the emerging proposal. We think that the current architectural design is not yet contributing to a strong sense of place and the proposal does not clearly belong to and integrate into the rich and complex streetscape of Oxford.

We think that some further studies will be necessary. The first exercise might be to explore how other cities have grappled with, and successfully resolved, the challenge of placing a sizeable new development within a sensitive historic environment. A second comparative study might look at the hierarchy of local public places to understand their function and quality.

The proposed development site is directly adjacent to Carfax, the historic centre of the City of Oxford. We feel that Carfax itself has long-since ceased to be the actual centre of Oxford: it is no longer a place where people sit and gather; it is not foremost in the imagination of either the residents or visitors; it is not the significant fulcrum point that it once was. Notwithstanding this, we think that no other recent public spaces, has yet successfully taken up the mantle. Consequently, Oxford seems to be lacking an obvious centre. So, we strongly encourage the design team to ask the question: could their site become the new City Centre of Oxford? If so, the new square will need to become a greater place than the others before it.



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Such a question gives rise to a number of challenges concerning identity, character and hierarchy of space. If this place is to be envisaged as the new City Centre of Oxford, how would the design, both of the buildings and of the urban realm, express this primary place in the city hierarchy? If this direction is taken, we recommend a comparative study to identify how other similar cities have successfully defined their centres.

We think that the design team could give more thought to the unique qualities of the townscape that define the character of Oxford. We feel that the diverse mix of building styles, from many eras, generally share a high level of quality. High quality and diversity itself begin to define the Oxford Character.

We think that a second strand that defines the streetscape is the design development of a complex variety of edges and facades that respond to and produce protected microclimates. We feel that this character could be respected and reinforced in the new development by breaking down the monumentality of the proposed facades. Although the current team of architects are clearly making a strong contribution towards a successful outcome, we believe that the diversity that will be necessary to make this a successful scheme could be supplemented by a broader team of architects. We recommend a variety of hands to achieve the complex mix of architecture that may be required.

Finally, as rightly identified in the heritage analysis, the Oxford skyline is a critical element in defining the character of the city. We feel that the current proposal presents an overly flat, horizontal datum that does not sit well within some of the key townscape views. Although we think that the rationalisation of roof levels makes sense, there is also scope for more variation and expression in the roofline. We also think that, if the quality of ground floor spaces could be significantly improved by a reduction in the quantum of development at ground level, this might justify introducing some additional height at certain strategic location (see under Landscape and Urban Realm below).

### **Connectivity**

The scheme sits at the ancient Carfax Crossroads that marks the centre of historic Oxford. Even today, this busy interchange offers the site global and local connectivity to the city and the larger world beyond. When thinking about connectivity, we encourage the design team to look outside the red-line boundary of the site, towards the network of routes that bring footfall into and through the new development.

A great number of people is moving through the historic crossroads; these are potential visitors and clients of the new scheme. We feel that it is essential to undertake an analysis of this population. This study could focus on: who these people are, what brought these people to this place, and what are they actually doing here? The latest Space Syntax analysis should provide a background for understanding and testing circulation flows; but, this perhaps needs updating to incorporate the effects of the Westgate development.

We imagine that a large proportion of the footfall is visitors or tourists; but some will be local Oxford residents who enjoy the many characterful cut-throughs and alleyways of



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the city. Inviting glimpses into the new spaces, within the city block, will help to draw locals and visitors into and through the scheme.

We feel that there is potential for more routes through the site:

- + opening-up an east-west route through Crown Yard
- + opening up the north-south route into Frewin Court, towards the Oxford Union -- both Crown Yard and Frewin Court would lend significant historic character to the network of internal routes
- + re-opening, if possible, the historic link through to Brasenose College at the end of Frewin Court to further increase the permeability of and footfall on the site
- + opening up and improving the connection to Shoe Lane (perhaps by incorporating the development of North Bailey House, which is in the same ownership)

### **Landscape and Urban realm**

We welcome the generous provision of a new urban square and find elements of the landscape design potentially delightful, such as the cascading student terraces onto Frewin Court.

As we have previously mentioned, the success of the scheme will depend on the character and detailed design of the internal urban realm and landscape. Therefore, we urge the appointment of a landscape architect at the earliest opportunity. This designer should become a key member of the team, who is encouraged to question, challenge and ultimately improve the quality of the emerging proposal.

We feel that some very fundamental questions have not yet been asked, or adequately addressed. Firstly, what is the right strategy for designing and delivering a desirable destination? Secondly, what kind of place is the design team trying to create? As a result, we feel that the current references, concerning the corporate look and feel of the place, are probably not appropriate to the true ambitions of the scheme. Furthermore, we think that the conceptual model of the Italian Square is not helping to deliver an appropriate urban realm, in a historic townscape that is rather defined through a network of alleys and lanes.

Returning to our previous comment about the importance of an active “sticky” edge, we believe that it may help the design process to reverse the figure-ground relationship of the drawings. The architecture and internal spaces of the buildings may naturally emerge through designing an interesting, informal, exterior perimeter that is primarily focused on supporting sociality.

We applaud the generosity of new urban realm and think that it could benefit from being even more generous. In this context, we think that more value may be added by losing some area from the floor plate to create a richer experience at ground level that fully explores the relationships between the interior and exterior of the buildings. We encourage the design team to compensate with small, localised increases in height, if required. The local authority seems to agree that a design resulting in a more interesting roofscape and higher quality public realm on ground level could justify additional height, if this approach delivers a higher quality scheme overall.

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We strongly recommend further view analysis and sunlight and shadow studies to better understand the most and least favourable microclimates with respect to temperature and wind and other factors.

We think that there is a real opportunity to deliver a quality environment here and encourage the design team to provide a minimum of 50% greenspace within the landscape. As the local authority has pointed out, the roof is indeed the fifth facade of the building and could be more intensively greened. We also recognise the local authority's ambition to improve and upgrade the Cornmarket and the Covered Market. We feel that the new Clarendon Centre ought to form part of an integrated green-infrastructure network; following the ambition for street trees in the Cornmarket into the interior of the new scheme, where possible.

### **Environmental and sustainability**

We are aware that we are now on path to 2030 net zero carbon. It is critical to take every opportunity to reduce emissions and maximise the reduction of any embodied carbon, wherever possible. We are concerned about the degree of demolitions and construction proposed and encourage the design to work harder in their thinking about repurposing of existing buildings, particularly structural frames. We think that a very strong and rigorous case needs to be made for the demolition of any existing buildings. It is an important consideration when locating the various uses to consider if a particular use lends itself better, or adequately, to an existing structural frame. Furthermore, there are considerable savings to be made through retention, including: reduced need for archaeological excavations; limiting the management of dust pollution and related health impacts; costs associated with the removal of rubble and screening the street. We recommend a broad brush, cost-benefits analysis considering the comparative logistics of construction, including vehicles movements and air quality.

We recognise that many of the existing buildings and structural frames offer precisely the informal, industrial aesthetic which supports the required character for sensitive placemaking in this location. We feel that it will be considerably more difficult to deliver such informality and patina through the predominantly new-build scheme currently illustrated. Even the rough facade onto the Crown Inn Pub lends itself to building an informal sense of place.

We feel that there is a missing analysis and plans that clearly explains the rationale of the demolition retention and reuse strategy. Making this argument would be extremely helpful in arriving at the right balance and conveying the reasons for a given design outcome.

We encourage the design team to develop an exemplary, sustainable, passive energy strategy; this might be based on the 5th generation concept of exchanging heat and cooling using an intelligent network of heat pumps across the whole site.

The quiet and internal site lends itself to a passive ventilation strategy with opening windows. However, given the close proximity of the research laboratory to the hotel, care should be taken to consider the impact of any contaminating discharges.



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Finally, we encourage the design team to make full use of the roofscape to produce a blue-green environment that exploits opportunities for water harvesting and attenuation and photo voltaic energy production.

### Next steps

Given the scale and importance of this project in Oxford and the considerable amount of work recommended in this letter, we strongly advise revisiting the timetable for this project and the proposed date of applying for planning in July in particular. We think that there is need for further testing and research that could significantly improve the scheme.

Therefore, we recommend a follow-up session to review the emerging design and offer further support, in relation to:

- + considerations of reuse and demolition
- + connections to the wider city, possibly presenting a broader strategy including Shoe Lane and North Bailey House, that may potentially offer another suitable option for the location of the hotel
- + more detailed landscape and facade proposals that explore how the scheme might work in practice to support both social animation and viability
- + the proposed roofscape in relation to the significant viewpoints
- + revisiting the distribution of uses, with the possibility of including or discounting residential units

Thank you for consulting us and please keep us informed of the progress of the scheme. If there is any point that requires clarification, please contact us.

Yours sincerely,



**Alan Thompson**  
Consultant Advisor  
Design Council  
Email:  
Tel: +44(0)20 7420 5238

### Review process

Following a site visit, discussions with the design team and local authority and a pre-application review, the scheme was reviewed on 10 February 2020 by Jo van Heyningen, Maayan Ashkenazi, Alan Berman, Noel Farer, Barry Shaw, Jonathan Ward. These comments supersede any views we may have expressed previously.

### Confidentiality

Since the scheme is not yet the subject of a planning application, the advice contained in this letter is offered in confidence, on condition that we are kept informed of the progress of the project, including when it becomes the subject of a planning application. We reserve the right to make our views known should the views contained in this letter be made public in whole or in part (either accurately or inaccurately). If you do not require our views to be kept confidential, please write to [dc.abe@designcouncil.org.uk](mailto:dc.abe@designcouncil.org.uk).



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cc (by email only)

### **Attendees**

Adam Smith	Lothbury Investment Management Limited
George Norton	Lothbury Investment Management Limited
Huw Mellor	Carter Jonas
Nick Marchini	Marchini Curran Associates
Justin Ziegler	Marchini Curran Associates
Nicholas Worlledge	Worlledge Associates
Felicity Byrne	Oxford City Council
Amy Ridding	Oxford City Council
Adrian Arnold	Oxford City Council
Louise Waite	Oxford City Council

### **Design Council**

Gyorgyi Galik  
Alan Thomson

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## CONFIDENTIAL

Adam Smith  
Lothbury Investment Management Limited  
155 Bishopsgate  
London  
EC2M 3TQ

19 November 2020

Our reference: DCC/5215

### **Oxford Design Review Panel: Clarendon Centre – Returning Review**

Dear Adam Smith,

Thank you for providing the Oxford Design Review Panel with the opportunity to advise on this proposal at the Design Review on 5 November 2020.

#### **Summary**

In the context of a changing retail environment and uncertainty about the nature of town centres, we are encouraged by the ambition and vision set out in this proposal and we stress the importance of this scheme to Oxford City Centre. The opportunity for this site is significant in the context of the surrounding townscape with all its idiosyncrasies, histories and characters that typify Oxford. We welcome the extensive townscape and architectural analysis which demonstrates the project team's commitment to a scheme of real quality.

As before, we support the commitment to making a street and courtyard that are open to the air, and we welcome the opportunity to advise on this scheme for a second time. We are pleased to see a number of positive design moves in the intervening time, including a strong landscape concept in the courtyard, greater permeability across the site, the commitment to 'sticky streets', and evolving architecture. We are also excited by the potential of the courtyard as a retail and leisure destination. However, the team's thorough analysis is not yet fully apparent in the design of the scheme. We recommend the design team use this analysis to develop a more confident and expressive architecture.

The principal concerns of Oxford City Council and Historic England pertain to the impact of this proposal on near and distant views. We share these concerns and believe that the design team will need to demonstrate a greater commitment to developing a varied, engaging, and characterful roofscape. In the absence of an improved roofscape, we advise the design team that the scale and quantum of accommodation may need to be reappraised.

#### **Contributing to the character of a conservation area**

We recognise the challenge of building within a conservation area and believe the design team appreciates the unique qualities of Oxford City Centre. The site's location thus offers a unique opportunity to contribute to and enhance this historic and well-loved townscape.

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The figure ground analysis shows how Oxford contains both formal and rigid quadrangles as well as the tight alleys and courtyards of the city itself. This quality has been picked up in analysis and has begun to inform a permeable site layout through narrow alleys and connections. We are concerned that the scale and dimensions of the alleys and courtyard are compromised by the bulk and scale of the proposal. We recommend that the design team explores this through detailed sections across the site.

The site is adjacent to many listed buildings. We strongly recommend the design team set the aspiration for this project to be a listed building of the future. To achieve this, the design team needs to develop an architectural language that communicates where we are now as a city and society. As such the built form should respond to the age of pandemic and climate change. Ultimately, we encourage the design team to characterise this unique modernity without losing the qualities that make Oxford unique.

### **Street and Courtyard design and function**

The courtyard space represents a unique opportunity to provide an attractive, enjoyable and characterful space to support Oxford's unique co-location of education, commerce and research. We believe the precedent images of Square Des Bouleaux are not an authentic comparison for an inner Oxford Courtyard space. Instead we recommend the design team look at the Novartis Campus in Basel and focus on the capacity for landscape design, street furniture and amenities to create a sociable, scholastic environment. We recommend the design team conceive of this scholastic environment as a place where researchers, students and staff can easily access and socialise with one another. This public space could find meaning through being designed to stimulate scientific discussion and innovation. We encourage you to facilitate neighbourliness, for example by introducing balconies that face each other over the street or the courtyard, and by allowing ground floor lab or office spaces to open out onto the public realm.

To achieve this sociable environment, we recommend the design team continue to explore the sticky streets concept and further interrogate how both the landscape design and building elevations can work together to encourage people to dwell and socialise. We also recommend the design team explore how changes in levels across the courtyard could demarcate some pocket spaces towards the edges.

We recommend the landscape design continues to take a prominent role in creating a sticky and social space. To help refine this design further, we recommend the following points of focus:

- Retain the use of water in the design and further explore how it can be used as an animated feature of the space
- Study the expected people flow through the courtyard and how people might engage with the landscape features as they move through the space
- Examine the optimal quantum of planting in this space but retain the current species in a continuous tree pit
- Locate furniture and functions based on sun paths and quality of environment and avoid using Frewin court for outdoor café space.

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We question whether this current proposed design inhibits flexibility in the function of the space. If the design team decides to continue with the current approach then we recommend it is deliberate, and aspires to creating a courtyard space that is a destination in its own right, rather than as a stage for a range of functions.

### **Roofscape – impact on views and from street level**

We recognise the concerns of Oxford City Council and Historic England on how the height and massing of the proposal interrupts and changes the quality of long- and short-range views. We also understand the concern that the overall scale and bulk may be overbearing or dominant from street level. The use of setbacks is a reasonable approach to mitigate against sense of dominance from street level. However, in this instance, some of the setbacks are insufficiently wide to achieve the appearance of a lower and less bulky building. We recommend the design team consider how the nearby Town Hall uses parapets, pitched roofs and chimneys to achieve this trick of the eye despite being a building of comparable height and bulk.

The sense of an immediate and rectilinear form in the foreground of the view from Carfax Tower is a result of the massing and form of the building in contrast to the diverse roofscape surrounding the site which typifies much of Oxford. While we agree that the surrounding roofscape is not necessarily attractive, it does speak to the character of Oxford, as an ancient city that has been built on small sites incrementally over centuries integrating a variety of styles, logics and histories. Despite being on a larger site, we recommend the design team consider how this proposal can capture the architectural nuances and qualities of Oxford that projects a continuity of a very old city. This could be achieved through a layered approach to the roof with a greater variety of materials, scales and forms. It is worth considering placing smaller scale spaces, such as office or residential units, above the big scale functions, in order to allow for this variety.

There are many ways in which the architecture of the roofscape could be enhanced and we encourage the design team to explore further design iterations. However, while we recommend the design team explore these options for the roofscape, we advise that ultimately these alterations may still not be sufficient to address the impact of a larger building on this site. If the roofscape is not sufficiently improved, we advise that the scale of the building may also have to be lowered.

### **Roofscape function**

The proposed roof gardens offer an interesting and different piece of public realm that is relatively rare in Oxford. However, the function of the roof as a series of enjoyable spaces is hindered by the fact that currently it is not possible to walk from one to another.

Furthermore, it is compromised by the bulk of the proposed plant. We recommend the design team work on improving the energy and water demands of the buildings so that the size of the plant can be reduced. We offer the following advice and potential options to achieve a smaller plant function:

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- Using shower heat recovery systems to reduce the hot water load on the student accommodation
- Adapting the heat pump heating system to distribute each element of the system across different floors rather than collecting it all on the roof
- Exploring options for natural ventilation to reduce the burden on mechanical systems which depend on plant on the roof
- Distributing the plant across the roof and breaking up the massing of the remaining plant to minimise the appearance of a large slab
- Integrating water retention and reuse into the landscaped spaces

### Urban design

The introduction of new lanes, connections and the courtyard represents a great opportunity to support a viable and vibrant commercial offer. Good urban design will be fundamental to achieving an attractive offer for prospective tenants. As with delivering a concept of sticky streets, we recommend the design team look to replicate some of the attributes of the Covered Market such as narrow, active frontages and smaller, affordable units.

As such we recommend the applicant clarifies the commercial strategy for the ground floor units and ensures that the scale of spaces and uses, whilst being designed for a flexibility of use which will ensure the new Clarendon centre is viable in the coming decades, are decided in line with a clear design concept for how these units will function and appear at street level. We advise that the courtyard may only need one successful café or restaurant to act as a catalyst for placemaking and a stronger commercial offer for other units.

We recommend exploring the idea of a series of small units facing onto the south-north route, like an arcade, allowing an engaging and diverse group of retail and leisure uses within smaller units where visitors can slowly pass through, taking time to shop and dwell.

Finally, further thought on the night-time functions of the courtyard could be an exciting opportunity to further enhance the offer in this space and create exciting night-time space. To achieve, we recommend the design team develop an attractive lighting strategy as well as providing the right mix of uses.

### Elevation treatments

We recognise the efforts made by the design team since the last review to incorporate some of the panel's recommendations to develop many of the facades. These are developing well but we believe some of the more prominent or challenging facades require further design work.

The design team have embraced the opportunity of retaining the existing Clarendon Building while still providing ground floor access into the site. We support this design move, particularly the addition of a light well into this access. However, the design team can be more ambitious with its adaptation to the existing structure and further refine the elevation on Cornmarket Street. The soffit height is currently too low, and the dimensions of the access route is not consistent with the glimpsed, vertical views between buildings that typify Oxford City Centre. We recommend the design team explore options for a narrower, double-height



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entrance through to the central square. An up lit, circadian lighting strategy could further improve this route. At ground level, we recommend the design team consider a more legible and bold design that defines a gateway or portal into the central square. We also recommend the façade at ground floor allow for diagonal views to this entrance to improve the legibility of the entrance to the courtyard.

Finally, we believe the elevations within the courtyard should echo the strong concept in the landscape design and explore using similar materials where appropriate. The ground-floor elevation within the courtyard could meld with the landscape to create a coherent and legible space for outdoor seating and amenity space.

Regarding the student accommodation, the design team should look for a more varied and modulated elevation, and we question the use of curtain walling here. We are concerned that the student block contains north or south-facing single aspect rooms, accessed from a central corridor. We think that this part of the project needs further design work in order to create a place that is nicer to live in, and has more character in its external expression. Student rooms are probably best served by opening windows, for ventilation, but also to allow for a feeling of connectivity.

### **Massing, scale and sunlight into the site**

The site's location between Cornmarket Street and Queen Street presents an opportunity to provide enjoyable and convenient connections through Oxford City centre and support the work done thus far to achieve the right permeability of this site. Much of this and the success of the central square are dependent on users seeing and being drawn to an attractive and sunlit environment within the square. In this regard we believe the proposed massing and form of the buildings to the south prevent sufficient sunlight from entering into the space and Crown Inn Yard. We recommend the massing is analysed in detail to address such concerns and the design team explore creating an additional ground floor connection to Crown Inn Yard, below the office units. Furthermore, at present the loading yard receives more sunlight than other parts of the site. We recommend the design team consider how this attribute could be utilised, through providing windows onto this yard and/or relocating other functions here. Greater permeability, sunlight and high quality urban and landscape design could all define an attractive and comfortable space here that would allow visitors, office workers, students and research staff to dwell and use the adjacent shops, cafés and businesses.

### **Natural ventilation and openable windows**

We recognise that the detail on ventilation is not yet developed. We recommend the design team achieve as much natural ventilation as possible across offices, R&D spaces, commercial units and student accommodation. We also recommend manual openable windows on external facing spaces, which are integrated with the façade treatment and could provide greater expression to the building elevation. Openable windows and balconies at upper floors and simple access to ground floor spaces could ensure that the development is resilient to COVID-19 and provides a healthier and more comfortable internal and external environment for its residents. The sound of activity in the central square could contribute to a busy and dynamic character and a desirable place.

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### Sustainability

Detail on whole-life carbon use, biodiversity and efficient water use is currently lacking in the presentation of the proposal despite the inclusion of sustainability consultants in the design team. We recommend the design team look closely at the embodied carbon of proposed materials and examining where carbon-savings can be made through more sustainable choices. We also recommend explore the scope for modular and prefabricated construction techniques for the new buildings which can shorten construction programmes. Ultimately, we expect this development to be net zero carbon in use and the embodied carbon in construction to be offset during the lifetime of the building.

Thank you for consulting us and please keep us informed of the progress of the scheme. If there is any point that requires clarification, please contact us.

Yours sincerely,



### Theo Harrison

Design Council Programme Manager  
Email: [theo.harrison@designcouncil.org.uk](mailto:theo.harrison@designcouncil.org.uk)  
Tel: +44(0)20 7420 5264

### Review process

Following a site visit, (and) discussions with the design team and local authority and a pre-application review, the scheme was reviewed on 5 November 2020 July 2019 by Joanna van Heyningen, Jonathan Ward, Deborah Nagan, Alan Berman Maayan Ashkenazi, Barry Shaw. These comments supersede any views we may have expressed previously.

### Confidentiality

Since the scheme is not yet the subject of a planning application, the advice contained in this letter is offered in confidence, on condition that we are kept informed of the progress of the project, including when it becomes the subject of a planning application. We reserve the right to make our views known should the views contained in this letter be made public in whole or in part (either accurately or inaccurately). If you do not require our views to be kept confidential, please write to [dc.cabe@designcouncil.org.uk](mailto:dc.cabe@designcouncil.org.uk).

cc (by email only)

### Attendees

Adam Smith	Lothbury IM
George Norton	Lothbury IM
Simon Radford	Lothbury IM
Felicity Byrne	Oxford City Council
Amy Ridding	Oxford City Council
Huw Mellor	Carter Jonas
Justin Ziegler	Marchini Curran Associates
Nick Marchini	Marchini Curran Associates
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Oxford Design  
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**Design  
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Rachel Fletcher	Historic England
Luciana Gallo	Historic England
Jade Huang	Design South East

### **Design Council**

Theo Harrison	Design Council
Gyorgyi Galik	Design Council

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## OXFORD CITY PLANNING COMMITTEE

12th April 2022

**Application number:** 21/02513/FUL

**Decision due by** 20th January 2022

### Extension of time

**Proposal** Demolition of existing hotel. Erection of a three storey 38no. bedroom hotel (use class C1) and creation of 1no. 2 bedroom maisonette (use class C3). Provision of plant room, soft landscaping, vehicular and cycle parking and bin storage.

**Site address** Victoria Hotel, 178 - 184 Abingdon Road, Oxford, Oxfordshire – see **Appendix 1** for site plan

**Ward** Hinksey Park

**Case officer** Jennifer Coppock

**Agent:** Mr Michael Gilbert      **Applicant:** The Edge Hotel (Oxford) Ltd

**Reason at Committee** Major development

---

## 1. RECOMMENDATION

1.1. The Committee is recommended to:

1.1.1. **resolve** that if an appeal had not been lodged the application would have been refused for the reasons given in the report

1.1.2. **delegate authority** to the Head of Planning Services to:

finalise the recommended reasons referred to in paragraph 1.1.1 above for the purposes of defending the appeal including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

1.1.3. The reasons that the application would have been refused for are as follows:

1. Having had regard to the proposals being situated in a high flood risk area and the proposals potentially putting more people at risk, insufficient information has been submitted, in particular the application is deficient in its failure to provide a comprehensive flood warning and evacuation plan in accordance with policy RE3 of the Oxford Local Plan 2036 and paragraphs 167 of the NPPF.

2. Insufficient information has been submitted, in particular the application is deficient in its failure to provide nocturnal bat surveys and therefore the extent to which the species may be impacted cannot be fully assessed on the basis of the submitted information. The application therefore does not conform to the requirements of Policy G2 of the Oxford Local Plan 2036.
3. Insufficient information has been submitted, in particular the application is deficient in its failure to provide a sufficient drainage strategy with consistent calculations and acceptable half drain down times and therefore, the proposal does not conform to the requirements of Policy RE4 of the Oxford Local Plan 2036.

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers the proposal to demolish the existing hotel on site and erect a part three, part two storey hotel in C1 use with 38no. guest bedrooms and 1no. 2 bedroom maisonette in C3 use with provision for vehicular and cycle parking, refuse storage, soft landscaping and a separate single storey building to accommodate mechanical plant. The applicant has sought to address a number of the reasons for refusal set out in the previous decision notice (ref. 20/01156/FUL) with regards to design and sustainability, however there are a number of outstanding matters that have not been resolved by the submission of this application. These include; the absence of bat surveys, the absence of justification for the demolition of a locally listed heritage asset following the listing of the building in March 2022, the submission of an inadequate drainage strategy and flood warning and evacuation plan. Therefore, Officers are recommending refusal for the reasons set out above and detailed within this report.
- 2.2. It is important for the Planning Committee to note that the applicant unexpectedly lodged an appeal against non-determination in March 2022, notwithstanding the efforts made by officers to work with the applicant to resolve outstanding matters as detailed at paragraphs 7.2 and 7.3 below.

## **3. LEGAL AGREEMENT**

- 3.1. If this application had been recommended for approval, it would not be subject to a legal agreement.

## **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 4.1. The proposal would be liable for CIL payments of £26,448.98.

## **5. SITE AND SURROUNDINGS**

- 5.1. The site comprises The Victoria Hotel, a two storey property which was originally three separate dwellings, all built in the 1800's. A number of run-down and unused outbuildings and a hard surfaced car park are located to the rear of the site. The hotel has an external footprint (including outbuildings) of 592sq. m. and an approximate gross internal area of 688.2sq.m. Vehicular and pedestrian access to the hotel is from Abingdon Road. The surrounding area does not form part of a Controlled Parking Zone (CPZ).

- 5.2. Nos. 182-184, originally a pair of Victorian semi-detached cottages, are red brick under a hipped roof with central chimney stack. No. 180, a more recent addition, dates back to the late 1800's and is double fronted with white rendered walls, a double pile pitched roof and a central chimney stack. Over time, the buildings have been unsympathetically altered with the insertion and alteration of inappropriately designed windows and the addition of a porch and a number of single storey extensions to the rear.
- 5.3. The principal building line of the three properties varies which is characteristic of Abingdon Road, illustrating the development of New Hinksey in the Victorian period.
- 5.4. Internally, the Hotel is run down, so much so, the current owners have been prohibited from operating due to health and safety concerns – the site is now vacant. When last in use, the hotel accommodated 16 letting rooms plus the owner's residential accommodation which is integrated into the footprint of the hotel.
- 5.5. Surrounding built form along the west side of Abingdon Road comprises 2 and 3 storey red brick and rendered properties under pitched tiled roofs. The area is characterised by an interesting variety of roof forms with gable ends of the double pile block adding to the attraction of the area. To the east side of Abingdon Road lies the stone built Oxford Spires Hotel which is set back from the street frontage and undeveloped green belt land.
- 5.6. In terms of planning policy constraints, the site lies within flood zone 3b (functional floodplain) and sits within the Hinksey Hill view cone. The site was adopted as a locally listed heritage asset at planning committee on 23<sup>rd</sup> March 2022. See site location plan below:



Figure 1: Site location plan

## 6. PROPOSAL

- 6.1. This application proposes to entirely demolish the existing buildings on site and replace them with a part two, part three storey 38 bedroom hotel with 1no. 2 bedroom maisonette as a replacement for the existing proprietor's accommodation. The hotel would have an external footprint of 571sq. m. (as opposed to the existing with a footprint of 592sq.m) and the proposed plant room would have a footprint of 18sq. m. therefore, the overall external footprint would result in a marginal decrease from the existing. The height of the hotel to the ridge of the gables at the front elevation would be a maximum of approximately 11m, grading down to 10m to the rear elevation and 8m at the two storey element. The proposed materials palette would include buff brick to the majority of the external walls, dark grey metal cladding to elements of the external walls and dormer windows and slate roof tiles.
- 6.2. A separate plant room, of brick and timber clad form, would be erected to the rear of the hotel to accommodate mechanical plant and Air Source Heat Pumps. Within the

curtilage of the site cycle parking, vehicular parking and soft landscaping would also be provided.

## 7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

20/01156/FUL - Demolition of existing hotel. Erection of a three storey 43no. bedroom hotel (use class C1) and creation of 1no. 2 bedroom dwelling (use class C3). Provision of vehicular and cycle parking and bin storage (amended description). Refused 18th November 2020.

APP/G3110/W/22/3294099 – An appeal was lodged to the Planning Inspectorate against non-determination on 2<sup>nd</sup> March 2022. At the time of report writing, the appeal has not yet started.

7.2. Notwithstanding frequent and pro-active engagement between the case officer and the applicant’s agent regarding deficiencies in the application including: the need for further bat surveys to be carried out between the months of May and September; outstanding objections raised by the Lead Local Flood Authority (LLFA) regarding the submitted, and subsequently amended, drainage strategies; an insufficient flood risk and evacuation plan; and the potential local listing of the buildings; the agent decided to appeal against non-determination. At no point in the consideration of the application had the agent indicated that the application needed to be determined prior to resolving outstanding matters, nor did the agent indicate that an appeal would be lodged. Indeed, at the time the appeal was lodged, officers were waiting for comments from the LLFA on the recently submitted third iteration of the Drainage Strategy. Officers had made it clear that the application would either need to be held in abeyance or withdrawn until bat surveys had been carried out and in the meantime, other matters could potentially be resolved (emails dated 10<sup>th</sup> December 2021 and 17<sup>th</sup> January 2022). The agent did not disagree with this approach.

7.3. Paragraph: 002 Reference ID: 16-002-20140306 of the Planning Practice Guidance states that *applicants should first consider engaging with the local planning authority to establish when an application might be decided, before deciding whether to appeal against non-determination*. Given the absence of any engagement in this regard, it is considered that the applicant has acted unreasonably in lodging a premature appeal against non-determination in this instance.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents
Design	126-136	DH1 - High quality design and placemaking  DH7 - External servicing features and stores	

<b>Conservation/ Heritage</b>	189-208	DH2 - Views and building heights	
<b>Housing</b>	119-125	H5 - Development involving loss of dwellings  H14 - Privacy, daylight and sunlight  H15 - Internal space standards  H16 - Outdoor amenity space standards	
<b>Commercial</b>	81-91	V5 - Sustainable tourism	
<b>Natural environment</b>	152-188	G2 - Protection of biodiversity geo-diversity  G7 - Protection of existing Green Infrastructure  G8 - New and enhanced Green and Blue Infrastructure	
<b>Transport</b>	104-113	M1 - Prioritising walking, cycling and public transport  M2 - Assessing and managing development  M3 - Motor vehicle parking  M4 - Provision of electric charging points  M5 - Bicycle Parking	Car and Bicycle Parking TAN
<b>Environmental</b>	7-14, 119-125, 183-186.	RE1 - Sustainable design and construction  RE2 - Efficient use of Land  RE3 - Flood risk management  RE4 - Sustainable and foul drainage, surface  RE6 - Air Quality  RE8 - Noise and vibration  RE9 - Land Quality	Energy Statement TAN

Miscellaneous	7-14, 92-103, 114-118, 119-125.	S1 - Sustainable development  RE5 - Health, wellbeing, and Health Impact Assessment  RE7 - Managing the impact of development	

## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 2nd November 2021 and an advertisement was published in The Oxford Times newspaper on 11th November 2021.

### Statutory and non-statutory consultees

#### Oxfordshire County Council (Highways)

- 9.2. No objection, subject to a condition requiring a Construction Traffic Management Plan.

#### Oxfordshire County Council (Drainage)

- 9.3. Objection due to inaccuracies in calculations within the Drainage Statement and the half drainage down time not meeting LLFA standards.

#### Oxfordshire Architectural and Historical Society

- 9.4. Objects to the application as it does not provide justification for the demolition of the buildings that have been nominated as locally listed heritage assets. Further, the proposal would damage the streetscape by removing historic varying pitched roof lines, gable ends and chimney stacks. It would remove the historic variety of building lines and frontage and eliminate the historic evolution in building plots which is traceable through historic mapping and is still legible on the ground. The proposal would increase flood risk and parking congestion in the area. The Society also raised that demolishing the buildings and to build from scratch is not a responsible use of energy resources, particularly given climate change. Retention and enhancement of existing building stock is to be preferred where possible.

#### Oxford Civic Society

- 9.5. The applicants have presented a positive response to the reasons for the refusal in 2020 and have incorporated measures in the current application which are intended to overcome earlier objections. The current state of the buildings on this site are an eyesore and it is concluded that the proposed buildings will present a greatly enhanced frontage to the Abingdon Road as well as providing needed welcome facilities for the tourist business in Oxford.

#### Natural England

- 9.6. No comments to make.

#### Thames Water Utilities Limited

- 9.7. No objection subject to a condition requiring a piling method statement due to the sites proximity to a strategic sewer.

#### Oxford Preservation Trust

- 9.8. Supports the efforts made by the applicant to address the previous reasons for refusal. However, would like the impact on the streetscene and Eastwyke Farmhouse to be thoroughly addressed. OPT requested that the application is not determined until it is known whether the buildings are to be locally listed.

#### Environment Agency

- 9.9. No objection, subject to a planning condition to ensure compliance with the submitted Flood Risk Assessment. The submitted flood evacuation plan has not been assessed by the EA.

#### **Public representations**

- 9.10. 4 local people commented on this application from addresses in Lake Street, Norreys Avenue and Summerfield.
- 9.11. In summary, the main points of objection (4 residents) were :
- a. Overdevelopment of site
  - b. Effect on character of area and adjoining properties
  - c. Effect on traffic and increased on-street parking
  - d. Flood risk
  - e. Pollution

#### **Officer response**

- 9.12. Officers have sought to address the above concerns as detailed within the sections below.

### **10. PLANNING MATERIAL CONSIDERATIONS**

- 10.1. Officers consider the determining issues to be:
- a. Principle of development
  - b. Design
  - c. Impact on local heritage asset and nearby listed building
  - d. Ecology



- e. Flood risk and drainage
- f. Neighbouring amenity
- g. Living conditions
- h. Highways

**a. Principle of development**

- 10.2. Policy V5 of the Oxford Local Plan 2036 sets out a locational requirement for holiday and short stay accommodation which includes Oxford's main arterial roads where there is frequent and direct public transport to the City centre. Abingdon Road is listed as such an arterial road within footnote 33 and therefore the location of the application site is considered acceptable for new holiday and short stay accommodation in principle.
- 10.3. In accordance with policy V5, proposals must be considered a) acceptable in terms of access, parking, highway safety, traffic generation, pedestrian and cycle movements; b) must not result in a loss of residential dwellings; and c) not result in an unacceptable level of noise and disturbance to nearby residents.
- 10.4. In response to the criteria set out within policy V5:
- 10.5. The access off Abingdon Road would remain unchanged from the existing, and the proposal would result in a reduction in on-site parking in accordance with policy M3. Therefore, criterion a) would be satisfied;
- 10.6. As set out above, the current hotel includes residential accommodation for the owner and in order to comply with policy, the proposal includes the provision of 1no. self-contained 2 bedroom apartment. Therefore, there would be no loss of residential dwellings on site and as such criterion b) would be satisfied;
- 10.7. In terms of levels of noise and disturbance to nearby residents, no information has been provided assessing the potential noise impact from Air Source Heat Pump equipment but from the design of the scheme, noise has been given consideration by the applicant and been mitigated against by placing plant equipment within a separate enclosed structure. Conditions would be imposed to ensure that the proposed plant is designed / selected or the noise attenuated so that the noise emitted is 10dB below the existing background level. Therefore, criterion c) would be satisfied.
- 10.8. In light of the above, it is considered that the proposed development is acceptable in principle in compliance with policy V5 of the Oxford Local Plan 2036.

**b. Design**

- 10.9. Policy DH1 of the Oxford Local Plan 2036 stipulates that planning permission will only be granted for development which shows a high standard of design, and which respects the character and appearance of an area and uses materials appropriate to the site and surroundings.

- 10.10. As set out at Policy DH2, the City Council will seek to retain significant views both within Oxford and from outside, in particular to and from the historic skyline. Planning permission will not be granted for any building or structure that would harm the special significance of Oxford's historic skyline. Policy DH2 continues that proposals within view cones that may impact on roofscape should be based on a clear understanding of characteristic positive aspects of the roofscape in the area and should contribute positively to the roofscape, to enhance any significant long views the development may be part of and also the experience at street level.
- 10.11. It is considered that due to the articulated roof form with gables to the street elevation and eaves lines roughly in line with neighbouring properties, the development would sit comfortably within the street, appropriately referencing the existing character, form, scale and massing of the surrounding area. During the consideration of the application, the glazed elements of the building were reduced to ensure that the building would not appear overly dominant within the street scene.
- 10.12. A 3m high brick built enclosed structure with flat roof would be located to the rear of the hotel to accommodate mechanical plant. Attached to this would be a timber clad enclosure with no roof at 1.8m in height to house the Air Source Heat Pumps. It is considered that this relatively unobtrusive built form in sympathetic materials, complementing the palette of the hotel, would relate appropriately to the context of the site itself and the surrounding area.
- 10.13. The revised scheme would not cause harm to local, street level, views due to its reduced scale, bulk, height, massing and use of appropriate materials. The pitched and articulated roof would appropriately respond to the existing variety of adjacent roof forms. In terms of more long distance views, it is considered that the proposed development may be visible from the view cone, however given that the building would be roughly in line with the height of adjacent buildings, it would not materially alter or detract from views.
- 10.14. In light of the above, it is considered that the proposed development would respond appropriately to the character and context of the site, the visual amenity of the area and streetscene, in accordance with policy DH1 of the Oxford Local Plan 2036. Furthermore, the proposal is unlikely to materially impact on long distance views from Hinksey Hill view cone and therefore, the proposal would adhere to the requirements of policy DH2 of the Oxford Local Plan 2036.

**c. Impact on local heritage asset and nearby listed building**

- 10.15. Policy DH5 requires due regard to be given to the impact on the asset's significance and its setting and that it is demonstrated that the significance of the asset and its conservation has informed the design of the proposed development.
- 10.16. The NPPF requires proposals to be based upon an informed analysis of the significance of all affected heritage assets and expects applicants to understand the impact of any proposal upon those assets with the objective being to sustain their significance (paragraph 194). When assessing the impact of a proposal on a non-designated heritage asset the NPPF requires the Local Planning Authority to

undertake a balancing judgement having regard to the scale of any harm or loss and the significance of the heritage asset (paragraph 203).

- 10.17. Nos. 182 & 184, otherwise known as Tenby Cottage and Swansea Cottage, were constructed as part of the first phase of the development of a settlement at New Hinksey; laid out in response to a demand for housing from workers on Oxford's first railway, which was built parallel to the Abingdon Road in 1844. They are therefore of local historic interest as they provide material evidence of the early effects of the arrival of the railway in Oxford, which would go on to serve as a major stimulus for the development of the suburbs to the south of the city.
- 10.18. Lake Street, Vicarage Road and some of the smaller streets between them also formed part of this first phase of development at New Hinksey, and where mid-19th century dwellings survive these too help to illustrate this period of the local area's history. However, Tenby Cottage and Swansea cottage stand out amongst these mid-19th century dwellings due to their unusual form – having a hipped roof with central stack – attractive polychromatic chequered brickwork, and detailing such as their rubbed brick lintels, which provide the properties with aesthetic/architectural interest.
- 10.19. The buildings therefore meet the criteria for inclusion on the Oxford Heritage Asset Register and were adopted onto the register on 23<sup>rd</sup> March 2022. Nonetheless it is recognised that they have undergone considerable alteration in their conversion to use as part of the Victoria Hotel, which has eroded their architectural interest and their contribution to the streetscape along Abingdon Road, and whilst of a sufficient level for inclusion on the Register the overall level of local heritage significance they possess is relatively low.
- 10.20. The applicant was made aware of the OHAR nomination in December 2021 and that the nominations would be heard at committee in early 2022 (at the time, it was anticipated that the nominations would be heard at February committee but the applicant was updated regarding the anticipated committee dates as internal deadlines shifted). It was understood that the application would be held in abeyance until the outcome of the committee meeting was known. Notwithstanding this, the applicant decided to appeal against non-determination on 2<sup>nd</sup> March 2022 and as such, there was no opportunity to assess the potential impact of the proposal on the local heritage asset as no justification for the entire demolition of the asset had been provided as part of the application. Curiously, the applicant has submitted a heritage statement as an appendix to the submitted appeal statement but did not submit this report as part of the application package. Nevertheless, officers have assessed the appeal heritage statement and comment as follows.
- 10.21. The proposed scheme would see Tenby Cottage and Swansea Cottage demolished in their entirety, which would result in the total loss of their local heritage significance. Therefore, as per the requirements of paragraph 203 of the NPPF and Local Plan policy DH5, a balanced judgement must be made having regard to the low local heritage significance of the asset and the total loss of this significance as balanced against the public benefits that would result from the development proposals, including making more efficient use of a sustainable brownfield site with the development of a highly sustainable new building to

provide much needed short stay accommodation, and associated employment, in this area of the City. It is considered that, undertaking the balancing act, in this particular instance the public benefits offered by the scheme would outweigh the loss of the buildings.

- 10.22. However, as per policy DH5, should the buildings' demolition be permitted at appeal, publicly accessible recording should be made to advance understanding of the significance of the local heritage asset in a manner proportionate to their importance and the impact. In this instance level 3 historic building recording would be considered proportional, and it would be recommended to the Inspectorate that this be secured by a condition on any consent. It is therefore considered that the proposed development would adhere to the requirements of policy DH5 of the Oxford Local Plan and paragraph 203 of the NPPF.
- 10.23. Policy DH3 of the Oxford Local Plan 2036 states that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset and locality. For all planning decisions, great weight will be given to the conservation of that asset and to the setting of the asset, where it contributes to that significance or appreciation of that significance. Where a development proposal will lead to less-than-substantial harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal, which should be identified by the applicant.
- 10.24. The application site lies approximately 150m from Eastwyck Farmhouse which is a grade II listed building. This listed building is an important reminder of the rural nature of what was once the southern fringes of the City; although converted into a hotel annexe, the farm house is still legible as a rare survival of a detached rural countryside farmhouse set in a rural, verdant, pastoral setting. The proposals would give rise to a very low degree of less than substantial harm to the setting of the listed building. Officers consider that the existing site does not contribute positively to the setting of the listed building and on balance the less than substantial harm in this case would be outweighed by the public benefit of providing a redevelopment and increased efficient use of land. The significant distance between the listed building and the application site significantly reduces the impact of the proposals on the setting of the listed building. In reaching this view, officers have had regard to paragraphs 199-202 of the NPPF in reaching a decision. Therefore, the proposals would be acceptable in terms of their impact on these designated heritage assets.
- 10.25. Special attention has been paid to the statutory test of preserving the listed buildings or their settings under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the setting of the nearby listed buildings and so the proposal accords with Section 66 of the Act in respect of listed buildings.

**d. Ecology**

- 10.26. Local Plan policy G2 states that development that results in a net loss of sites and species of ecological value will not be permitted. On sites where there are species and habitats of importance for biodiversity that do not meet criteria for individual protection, development will only be granted where a) there is an exceptional need for the new development and the need cannot be met by development on an alternative site with less biodiversity interest; and b) adequate onsite mitigation measures to achieve a net gain of biodiversity are proposed; and c) offsite compensation can be secured via legal obligation.
- 10.27. A preliminary roost assessment was completed in October 2019, during which small numbers of bat droppings were found in three separate lofts across the building. Additional internal and external inspections were undertaken in June 2021 and February 2022 during which no evidence of roosting bats was found. The updated report (submitted in February 2022, following the Council's request for three nocturnal bat roost surveys) states: *"Although a very small number of bat droppings were found, this is not considered to indicate the presence of a bat roost, and roosting [sic] are considered to be currently absent."* The report assesses the building to be of low suitability for roosting bats on account of the presence of loft voids. Additional potential roosting features are identified in the form of a gap in a boxed eave and an area of missing mortar under roof tiles. The report states that, in the professional judgement of the ecologist, no further surveys are required.
- 10.28. The report does not explicitly discount that bats may have roosted in the lofts previously. However, it states that: *"The most likely scenario is that a bat has investigated the loft spaces in the past, only to leave again without sheltering."* The three loft voids are described as being "separate" in the report. Therefore, for this assessment to be accurate, one bat (or multiple bats) must have flown into three different loft voids and not roosted in any of them.
- 10.29. Officers are not satisfied that the applicant's ecologist has sufficient evidence to support that conclusion. The small number and pattern of older droppings is not sufficient to conclude that bats have never roosted in the loft voids. A more sensible and robust conclusion would be that bats have occasionally roosted in all three voids. Another point of concern with the submitted information is the lack of potential access points identified into the voids with droppings present. The absence of information about how bats may have accessed / exited the loft voids indicates an incomplete understanding of how bats have used /are using the building.
- 10.30. When presence is established, roost characterisation surveys are required. These take the form of nocturnal surveys (i.e. emergence/re-entry surveys). No such surveys have been undertaken. Instead, internal inspections were undertaken in June 2021 and February 2022, with a view to demonstrating that bats are likely absent. Officers do not accept this is an appropriate survey methodology given the evidence recorded within the site previously. Given the evidence recorded, Officers have requested (on three separate occasions) that three nocturnal surveys be undertaken to enable roost characterisation. These should be completed in line with best practice guidance (i.e., between May and September,

with at least two completed before the end of August). Protected species, such as bats, are a material consideration in the planning process and as such, there is a duty of care to give them due regard. At present there is insufficient information to do so.

- 10.31. Protected species surveys cannot be conditioned except in exceptional circumstances - being out of the survey season is not considered an exceptional circumstance.
- 10.32. There is a reasonable likelihood that European Protected Species are present and likely to be impacted by the proposed development. The extent to which the species may be impacted cannot be fully assessed on the basis of the submitted information and therefore this deficiency forms a further reason for refusal if the Council had been in a position to determine the application in line with the requirements of the National Planning Policy Framework (July 2021) and the Conservation of Habitats and Species Regulations 2017 (as amended) and policy G2 of the Oxford Local Plan 2036.

**e. Flood Risk**

- 10.33. Policy RE3 of the Oxford Local Plan 2036 permits development in flood zone 3b where it is on previously developed land and it will represent an improvement for the existing situation in terms of flood risk. Planning permission will only be granted for development within flood zone 3 where: the proposed development will not increase flood risk on site or off-site; and safe access and egress in the event of a flood can be provided; and details of the necessary mitigation measures to be implemented have been provided.
- 10.34. Paragraph 167 of the NPPF also requires planning proposals in flood risk areas to provide safe access and escape routes as part of an agreed emergency plan.
- 10.35. As set out above, the site lies within flood zone 3b (functional floodplain). Flood Zone 3b is defined as “land where water has to flow or be stored in times of flood”, in accordance with Table 1 ‘Flood Risk’ of the Planning Practice Guidance. The proposed development is classed as ‘more vulnerable’ in accordance with Table 2 ‘Flood risk vulnerability classification’ of the Planning Practice Guidance. The proposed land use would however remain the same as the existing with a reduced built footprint. Proposed flood mitigation measures include setting the finished floor levels no lower than 56.65 metres above Ordnance Datum and providing an open undercroft (void) beneath the building floor slab forming a void for flood storage. The Environment Agency raised no objection to the proposal.
- 10.36. However, the proposed development is not considered acceptable in terms of safe access and egress during times of flood – a matter that the Environment Agency do not assess. The proposal would increase the number of rooms to 38 plus 1 no. dwelling from 17, which is a potential increase in occupants at any one time from 34 to 78. Environment Agency /DEFRA guidance is that a route of access/egress should be provided that is safe for all, on the basis that this is not provided, there may be additional burden placed on emergency services in times of flood, if occupants are required to be evacuated. The flood hazard map attached at appendix H of the submitted Flood Risk and Drainage Assessment shows that the

routes to a safe area, along Abingdon Road, have been classified as posing a 'Danger to Most' i.e. there will be danger of loss of life for the general public. Pedestrian and vehicular access and egress along existing roads from the hotel is not an option during a flood event and no alternative routes or modes of transport have been proposed by the applicant. The applicant has accepted that the hotel would need to close upon receipt of a flood warning and state that guests would be relocated to either Heather House, a B&B on Iffley Road which is co-owned by the applicant or a 30 bedroom hotel in Abingdon which, at the time of submission of the application, the applicant was due to complete on. Further, the applicant has a hotel operator 'booking.com' account which would enable the last minute booking of hotels. Whilst these are potential solutions, there is absolutely no certainty that these alternative forms of accommodation would have capacity when needed by guests seeking refuge from a site in the floodplain and as above, the guests and occupants of the dwelling would not have a safe route to flood zone 1 from the application site.

- 10.37. On balance, it is therefore considered that the proposal does not comply with requirement f) of policy RE3 of the Oxford Local Plan 2036 and paragraph 167 of the NPPF.

**f. Drainage**

- 10.38. Policy RE4 of the Oxford Local Plan 2036 requires all development proposals to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Developers are encouraged to separate foul and surface water sewers on all brownfield sites delivering new development.
- 10.39. The applicants propose to discharge rainwater to a surface water drain. This technique is second from the bottom in the hierarchy set out within the SuDS Manual (CIRIA C753, 2015). The proposed SuDS techniques include permeable paving to the parking spaces. Runoff from the roof would be collected and conveyed via a pipe network into the main sewers in Abingdon Road, with any excess run-off attenuated in the tank located under parking spaces 3-9 to the rear of the site and in the gravel sub-base of parking bays. Potential sediments would be trapped using catchpits. The development proposal would discharge foul water from the application site into the existing foul drainage network running north along Abingdon Road, to the east of the site. Thames Water confirmed, on the 4<sup>th</sup> February 2022, that there is capacity for this strategy.
- 10.40. The Local Lead Flood Authority (LLFA) has objected to the proposal as there are unacceptable inconsistencies in the calculation and drainage plans. Further, there are multiple porous paving sections shown on plan which have not been referenced or modelled in calculations. Further, the half drain down time exceeds 24 hours which does not meet LLFA requirements.
- 10.41. It is therefore considered that the drainage strategy is not acceptable in compliance with policy RE4 of the Oxford Local Plan 2036.

**g. Impact on neighbouring amenity**

- 10.35. Policy H14 of the Oxford Local Plan 2036 requires new development to provide reasonable privacy, daylight and sunlight for occupants of existing homes. Consideration must be given to the degree of overlooking to and from neighbouring properties or gardens, the orientation of windows in both new and existing development in respect of access to daylight, sunlight and solar gain and existing and proposed walls, hedges, trees and fences in respect of their impact on overshadowing both existing and new development. Planning permission will not be granted for any development that has an overbearing effect on existing homes.

#### Privacy

- 10.36. It is considered that the proposed development would not give rise to unacceptable overlooking or perceived overlooking onto residential dwellings to the rear, fronting Summerfield, as there would be a distance of between 23.5m and 27m between these neighbouring dwellings and the proposed development. With regards to nos. 178, 188 and 190 Abingdon Road, the only first floor window to the northern elevation would be obscurely glazed protecting the privacy of no. 178 Nos. 188 and 190 do not feature windows to their side (northern) elevations, further, the proposed windows to the southern elevation of the hotel would serve a stairwell and corridor rather than guest bedrooms where there would be more opportunity for overlooking in any case. It is therefore considered that the proposed development would not materially impact on neighbouring privacy in accordance with Local Plan policy H14.

#### Overbearing

- 10.37. The northern elevation of the hotel would be set 11.3m away from the boundary of no. 178's rear garden which is an acceptable distance, particularly given the dense suburban form of the site location. Further, taking into account the distance between the development and neighbours to the west (Summerfield) and the absence of side windows to nos. 188 and 190, it is not considered that the proposed development would be unduly overbearing on neighbours in accordance with Local Plan policy H14.

#### Daylight and Sunlight

- 10.38. In terms of the impact on light for neighbouring residential properties and specifically the 45/25 degree test set out in Policy H14 of the Oxford Local Plan 2036, the 45 degree line would not be contravened when applied to the nearest habitable windows of no. 188 Abingdon Road. However, the 45 degree line would be contravened when applied to the nearest habitable windows of no. 178 Abingdon Road. When applied to the rear elevation plan, the 25 degree line would not be contravened and therefore it is considered that the proposal would not materially impact on the level of daylight and sunlight enjoyed by this property.
- 10.39. With regards to the residential properties to the rear of the application site, it is considered that the orientation of the proposed building and distance from neighbouring properties is such that the proposal would not unacceptably impact on the levels of daylight and sunlight to these residential neighbours.



- 10.40. A daylight and sunlight assessment plan was submitted as part of the application which further illustrates that the proposed development would not impact on surrounding dwellings with regards to daylight and sunlight received in accordance with Local Plan policy H14.
- 10.41. Taking into account all of the above, it is considered that the proposed development would not materially impact on neighbouring amenity in compliance with policy H14 of the Oxford Local Plan 2036.

**h. Living conditions**

- 10.42. Proposed dwellings are required to meet nationally described space standards as required by policy H15 of the Oxford Local Plan 2036. In accordance with the national space standards (March 2015), a two storey, 2 bedroom dwelling for 3 people is required to have a minimum floor area of 70sq. m. with single bedrooms measuring 7.5sq. m. and at least 2.15m in width. Double bedrooms must measure 11.5sq. m. and at least 2.55m in width. The floorspace of the proposed 2 bedroom apartment would measure 82.4sq. m. The bedrooms would measure between 8.5sq. m. (single) and 13.6sq. m. (double) with a minimum width of 2.9m. Windows to the apartment would be orientated to the south and west, benefitting from the afternoon and early evening sun.
- 10.43. Policy H16 requires 1 or 2 bedroom flats to provide either a private balcony, terrace or direct access to a private or shared garden. The proposed apartment would provide an area of outdoor amenity space to the rear of the property measuring approximately 27.5sq. m., meeting policy requirements.
- 10.44. It is considered that the proposed internal and external living conditions would comply with the requirements of policies H15 and H16 of the Oxford Local Plan 2036.

**i. Highways**

- 10.45. In the case of the redevelopment of an existing or previously cleared site, policy M3 of the Oxford Local Plan 2036 states that there should be no net increase in parking on the site from the previous level and requires a reduction in parking where there is good accessibility to a range of facilities.
- 10.46. The application proposes to reduce the number of vehicular parking spaces by 4, from 17 to 13. The application site is in a highly sustainable location with good access to public transport and local amenities and is therefore considered an appropriate location to reduce parking on-site in accordance with policy M3. In light of the requirements of policy M3, the proposal is considered acceptable in terms of its vehicular parking provision.
- 10.47. Policy M5 of the Oxford Local Plan 2036 requires hotels to provide at least 1 bicycle parking space per 5 non-resident staff (or other people), plus 1 space per resident staff. The proposal provides 10 covered and secure cycle parking spaces, which is considered satisfactory in accordance with policy requirements.

**j. Other Matters**

- 10.48. The application site address is listed as 178-184 Abingdon Road whereas the application site location plan only demarcates 180-184 Abingdon Road. 178-184 Abingdon Road is listed as the application site address by the applicant. This is because the application site address is taken from the address of the application property and it is listed this way in the Royal Mail database and the Council's database. Officers are satisfied that the application site location plan is correct and this defines accurately the area where the development is proposed to take place.

## **11. CONCLUSION**

- 11.1. The application is deficient in its failure to provide a number of sufficient and required surveys and assessments and therefore Officers have not been able to assess the proposals fully. Further, the submitted Flood Warning and Evacuation Plan and Drainage Strategy are considered insufficient for the reasons set out above. Therefore, Officers are recommending that the committee resolve that had it been in a position to refuse the application, it would have been refused for the reasons given at paragraph 1.1.3 of this report.
- 11.2. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the consideration of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.3. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.
- 11.4. Therefore it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 11.5. In summary, the proposed development is not considered acceptable for the reasons set out within this report and would not accord with the relevant policies of the Oxford Local Plan 2036.

### *Material consideration*

- 11.6. The principal material considerations which arise have been addressed in earlier sections of this report.
- 11.7. National Planning Policy: the NPPF has a presumption in favour of sustainable development.

- 11.8. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 11.9. Officers consider that the proposal would not accord with the overall aims and objectives of the NPPF for the reasons set out within the report.
- 11.10. Officers would advise members that, having considered the application carefully, the proposal is not considered acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Local Plan 2036 when considered as a whole. There are no material considerations that would outweigh these policies.
- 11.11. It is recommended that the Committee resolve that had it been in a position to determine the application, planning permission for the development proposed would have been refused for the reasons given at paragraph 1.1.3 of this report.

## **12. APPENDICES**

Appendix 1 – Site location plan

Appendix 2 – OHAR nominations form

### **HUMAN RIGHTS ACT 1998**

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

### **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 refuse planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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# Appendix 1 – Site Location Plan

## 21/02513/FUL – Victoria Hotel



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### SITE LOCATION PLAN

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## Nominate a Heritage Asset

**Name and location of your candidate heritage asset** (please provide a photograph and a map showing its location):

Tenby Cottage and Swansea Cottage, 182 & 184 Abingdon Road, Oxford OX1 4RA



1. <b>WHAT IS IT?</b> Is it one of the following?	Tick
a <b>building or group of buildings</b>	<input checked="" type="checkbox"/>
a <b>monument or site (an area of archaeological remains or a structure other than a building)</b>	<input type="checkbox"/>
a <b>place (e.g. a street, park, garden or natural space)</b>	<input type="checkbox"/>
a <b>landscape (an area defined by visual features or character, e.g. a city centre, village, suburb or field system)</b>	<input type="checkbox"/>

2. <b>WHY IS IT INTERESTING?</b> Is it interesting in any of the following ways?	Tick / Rank
<b>Historic interest</b> – a well documented association with a person, event, episode of history, or local industry	<input checked="" type="checkbox"/>
<b>Archaeological interest</b> – firm evidence of potential to reveal more about the human past through further study	<input type="checkbox"/>
<b>Architectural interest</b> – an example of an architectural style, a building of particular use, a technique of building, or use of materials	<input checked="" type="checkbox"/>
<b>Artistic interest</b> – It includes artistic endeavour to communicate meaning or use of design (including landscape design) to enhance appearance	<input type="checkbox"/>

What is it about the asset that provides this interest?

These two cottages form part of the early Victorian settlement of New Hinksey. This was a new suburb laid out on two fields auctioned by Henry Greenaway in 1847 and 1849. Greenaway sold the land in response to a demand for housing from workers on Oxford's first railway, which had been built parallel to the Abingdon Road in 1844, terminating at a station just south-west of Folly Bridge. By 1851 New Hinksey housed almost 150 people, many of them railway workers. It remained as an isolated 'island' of housing, half a mile away from the city, until developments began to the north in the 1880s and to the south

## Nominate a Heritage Asset

in the 1890s. New Hinksey is noticeably different in character to the estates either side of it. It features narrow streets lined with small flat-fronted terraced cottages like nos. 182 and 184 Abingdon Road, built before the introduction of building bye-laws in the 1870s which produced much more standardised terraced housing.

3. <b>WHY IS IT LOCALLY VALUED?</b> Is the interest of the asset <b>valued locally</b> for any of the following reasons?	Tick / Rank
<b>Association:</b> It connects us to people and events that shaped the identity or character of the area	✓
<b>Illustration:</b> It illustrates an aspect of the area's past that makes an important contribution to its identity or character	✓
<b>Evidence:</b> It is an important resource for understanding and learning about the area's history	✓
<b>Aesthetics:</b> It makes an important contribution to the positive look of the area either by design or fortuitously	✓
<b>Communal:</b> It is important to the identity, cohesion, spiritual life or memory of all or part of the community	
How is the asset locally valued as heritage?	
<p>The cottages at 182 and 184 Abingdon Road provide tangible evidence of the early effects of the coming of the railway to Oxford, a significant economic change which eventually prompted the development of the whole of the suburb of south Oxford. Their style is characteristic of early and mid 19th-century housing in the city, once common, but now surviving only in New Hinksey, Jericho, and in small pockets of Summertown and St Clement's. As such the cottages are an important reminder of the early Victorian expansion of Oxford in response to economic growth and to changing demographics, as people moved into the city from the surrounding countryside in search of employment.</p> <p>The first occupier of no. 184 (Tenby Cottage) was Henry Weatherhead, a paper maker, who is likely to have worked at one of the two paper mills – New Hinksey Mill and Weirs Mill – which were on the river at the far southern end of the Abingdon Road, in Cold Harbour. Hence the cottages are linked, via their occupants, to an important industry which once characterised this part of Oxford.</p> <p>The cottages are very attractive and make a positive visual contribution to the Abingdon Road. They are built in a characterful, polychromatic chequer pattern, using Flemish bond and vitrified bricks, with a raised, tripartite string course of vitrified header and non-vitrified stretcher bricks. They have a hipped roof and central chimney stack, with symmetrically-placed windows.</p>	

4. <b>WHAT MAKES ITS LOCAL SIGNIFICANCE SPECIAL?</b> Do any of the following features make the heritage significance of the asset stand out above the surrounding environment?	Tick
<b>Age</b> ... Is it particularly old, or of a date that is significant to the local area?	✓
<b>Rarity</b> ... Is it unusual in the area or a rare survival of something that was once common?	✓
<b>Integrity</b> ... Is it largely complete or in a near to original condition?	✓
<b>Group value</b> ... Is it part of a group that have a close historic, aesthetic or	✓



## Nominate a Heritage Asset

communal association?	
<b>Oxford's identity</b> ... Is it important to the identity or character of the city or a particular part of it?	✓
<b>Other</b> ... Is there another way you think it has special local value?	
<p>How does this contribute to its value?</p> <p>Nos. 182 and 184 are part of the group of houses which make up the early suburb of New Hinksey, but they are two of the very few remaining houses of that suburb which are visible from the Abingdon Road, and hence to those travelling into and out of Oxford. They are of a character which is noticeably different to almost all the other buildings on the Abingdon Road; it is likely that, together with no. 202 which has a date stone of 1849, they are two of the oldest buildings on the street.</p> <p>The external elevations of the cottages are remarkably unaltered. Their window apertures are original and in situ, as shown by rubbed brick lintels and queen closer bricks down each side. (This is true at the rear also.) The southern side elevation retains evidence of a blocked doorway, which was originally the entrance to Tenby Cottage. Tenby Cottage retains its scrolled metal nameplate, as shown in the photograph above.</p> <p>References:</p> <ul style="list-style-type: none"> <li>• 1861, 1871 &amp; 1881 census returns for 182-4 Abingdon Road.</li> <li>• Malcolm Graham, <i>The Suburbs of Victorian Oxford: Growth in a Pre-Industrial City</i> (DPhil dissertation, University of Leicester, 1985).</li> <li>• The South Oxford History website, <a href="http://www.southoxford.org/local-history-in-south-oxford/grandpont-and-south-oxford-through-time/victorian-development">http://www.southoxford.org/local-history-in-south-oxford/grandpont-and-south-oxford-through-time/victorian-development</a></li> </ul>	

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## Oxford City Planning Committee

12<sup>th</sup> April 2022

<b>Application number:</b>	22/00003/FUL		
<b>Decision due by</b>	2nd March 2022		
<b>Extension of time</b>	TBA		
<b>Proposal</b>	Change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4). (Retrospective)		
<b>Site address</b>	40 Masons Road, Oxford, OX3 8QJ, – <b>see para 5.3 of report for site plan</b>		
<b>Ward</b>	Churchill Ward		
<b>Case officer</b>	Nia George		
<b>Agent:</b>	Jim Driscoll	<b>Applicant:</b>	H Raj
<b>Reason at Committee</b>	This application was called in by Councillors Brown, Turner, Clarkson, Chapman, Rowley, Munkonge and Walcott, for reasons of the loss of a family dwelling and parking pressures.		

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## 1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

1.1.1. **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

1.1.2. **agree to delegate authority** to the Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

## 2. EXECUTIVE SUMMARY

2.1. This report considers the proposal to retrospectively change the use of 40 Masons Road from a dwellinghouse (Use Class C3) to a house in multiple occupation (HMO, Use Class C4).

2.2. This application was called-in on the grounds of the loss of too many family homes in Masons Road as well as parking pressures on Masons Road.

2.3. This report considers the following material considerations:

- Concentration of HMOs
- Internal and External Space
- Parking and Highways
- Bicycle Storage
- Bin Storage

2.4. The report concludes that the development is considered acceptable in principle, complying with the concentration of HMOs allowed in the local area, and it would not result in a change to the character of the area or the community becoming unbalanced. The proposal would provide a good standard of accommodation that would comply with the City Council's Landlord's Guide to Amenities and Facilities for Houses in Multiple Occupation. The site is eligible to be car-free and would not give rise to any unacceptable impacts on public highways. Subject to the recommended conditions, the proposal is considered to comply with Policies S1, H6, H15, H16, DH7, RE7, M3 and M5 of the Oxford Local Plan and the NPPF. Officers therefore support the grant of planning permission.

### **3. LEGAL AGREEMENT**

3.1. This application is not subject to a legal agreement.

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

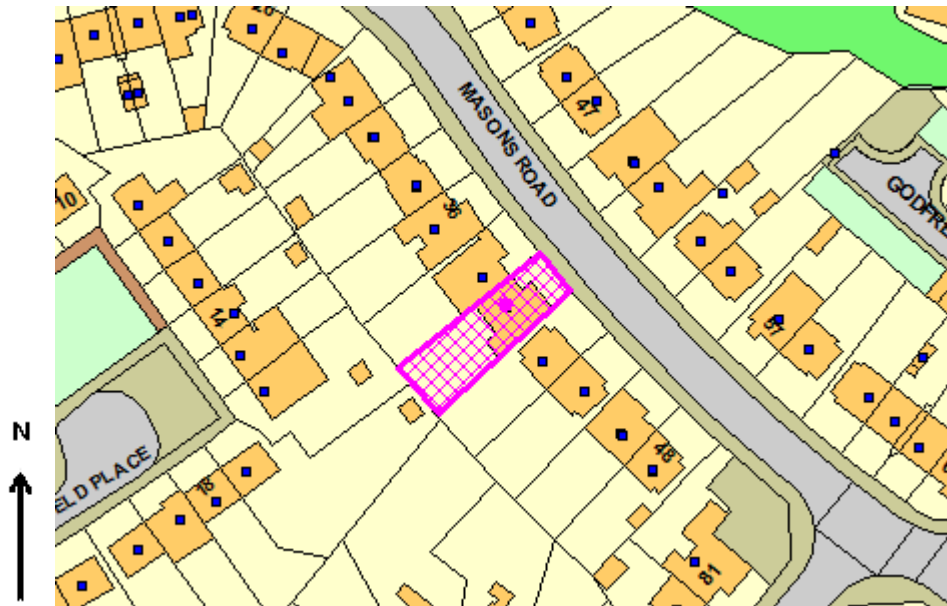
4.1. The proposal is not liable for CIL.

### **5. SITE AND SURROUNDINGS**

5.1. The application site is a two storey semi-detached property located on the south-western side of Masons Road. Masons Road is a residential road located within the Wood Farm area of Oxford City.

5.2. The site currently benefits from a single storey front and side extension and a front porch.

5.3. See block plan below:



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Ordnance Survey 100019348

## 6. PROPOSAL

6.1. The application proposes to retrospectively change the use of the property from a dwellinghouse (use class C3) to a house in multiple occupation (use class C4).

6.2. It is advised that the property has been in use as a HMO since 2014 and this application proposes to regularise its use as a HMO. No external changes are proposed.

## 7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

51/01745/A_H - 116 Easiform houses Wood Farm Estate.. Approved 22nd May 1951.
87/01278/NF - Single storey side extension to form garage with attached front porch. Approved 8th January 1988.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan
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<b>Design</b>	117-123, 124-132	<b>DH7</b> – External servicing features and stores
<b>Housing</b>	59-76	<b>H6</b> – Houses in Multiple Occupation (HMO) <b>H15</b> – Internal space standards <b>H16</b> – Outdoor amenity space standards
<b>Transport</b>	117-123	<b>M3</b> – Motor vehicle parking <b>M5</b> – Bicycle parking
<b>Environmental</b>	117-121, 148-165, 170-183	<b>RE7</b> – Managing the impact of development
<b>Miscellaneous</b>	7-12	<b>S1</b> – Sustainable development

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 12th January 2022.

### **Statutory and non-statutory consultees**

#### Oxfordshire County Council (Highways)

9.2. No objection subject to conditions requiring the exclusion of the property from eligibility for parking permits, and for further details of bicycle parking and bin storage to be provided to the Local Planning Authority.

#### Natural England

9.3. No objection.

#### Internal – HMO Enforcement

9.4. No objection, property suitable for 6 occupants.

### **Public representations**

9.5. No third party comments received

## 10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Concentration of HMOs
- Internal and External Space
- Car Parking
- Bicycle storage
- Bin storage

### **a. Concentration of HMOs**

- 10.2. As of 24<sup>th</sup> February 2012 planning permission is required to change the use of any dwellinghouse (Use Class C3) in Oxford City to a House in Multiple Occupation (Use Class C4), due to the removal of permitted development rights under an Article 4 Direction.
- 10.3. Policy H6 of the Oxford Local Plan states that the change of use of a dwellinghouse to an HMO will only be granted where the proportion of buildings used in full or part as an HMO within 100m of street length either side of the application site, does not exceed 20%. This includes side roads and footpaths.
- 10.4. Within 100m either side of 40 Masons Road, there is a total of 45 buildings, including the host property. The proposal would result in 6 of these buildings being classed as a HMO. The HMO at 40 Masons Road would result in a total of 13.3%, within the allowed 20%.
- 10.5. Therefore as demonstrated through this calculation, the proposals would maintain a balanced community and the proposal is considered not to change the character of the local area.
- 10.6. While the concerns over the loss of a family dwelling are noted, given the proposals comply with the calculation which has been undertaken in accordance with Policy H6, the proposal would not result in an over-concentration of HMOs within the immediate surrounding area. As such there would be no reason to refuse planning permission on the basis of the loss of a family dwelling. Indeed policy H5 of the Local Plan only resists the net loss of self-contained dwellings and as the proposals would still be in a C4 use class, it would not be regarded as the net loss of a dwelling.
- 10.7. The proposal is therefore considered to comply with Policy H6 of the Oxford Local Plan.

### **b. Internal and External Space**

- 10.8. Policy H6 states that the change of use of dwelling to an HMO will only be granted where the development complies with Policy H15 and the City Council's good practice guidance on HMO amenities and facilities. Policy H15 states that planning permission will only be granted for new dwellings that provide good quality living accommodate for the intended use.
- 10.9. Policy H16 states that planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space. Private outdoor areas should allow space for outside dining and/or clothes drying, with reasonable circulation.
- 10.10. 40 Masons Road is set over two storeys. The ground floor comprises a kitchen, living room, two bedrooms and a W.C. The first floor comprises two bedrooms and a bathroom. All of the rooms in the property meet the space requirements set out in Oxford City Council's Landlord's Guide to Amenities and

Facilities for Houses in Multiple Occupation. Two of the bedrooms are large enough to accommodate two occupants per room, and two are large enough to accommodate one occupant. The property also has enough living space and washing facilities for up to 6 people.

10.11. The property benefits from a private area of outdoor amenity space to the rear that would be of an adequate size for a HMO and would allow occupants space for clothes drying with reasonable circulation.

10.12. Officers note that the use of a property as a HMO is also dependent on a HMO licence being obtained from the Council. In obtaining a licence from the Council, the internal and external space are assessed and therefore at the licensing stage further controls can be imposed on the exact number of occupants etc if necessary. It is noted that this property already benefits from a HMO licence for up to 6 people.

10.13. The proposal would be considered to comply with Policies H6, H15 and H16 of the Oxford Local Plan.

### **c. Parking and Highways**

10.14. Policy M3 states that in CPZs where development is located within a 400m walk to frequent public transport services and within 800m walk to a local supermarket or equivalent facilities, planning permission will only be granted for residential development that is car free. In the case of the redevelopment of an existing or previously cleared site, there should be no net increase in parking on the site from the previous level.

10.15. 40 Masons Road is located within the Wood Farm Controlled Parking Zone. The property is located within 800m of a shop and 400m of a frequent bus service and therefore is eligible to be a car-free development. Although there is currently a hard-standing at the front of the site, due to the presence of the front boundary wall and the front porch and side extension, the hardstanding is not large enough or suitable to accommodate off-street parking. Although no off-street parking is provided at the site, given the site is eligible to be car-free the HMO would be acceptable in this regard. The proposal is therefore considered acceptable due to the property being located in a highly sustainable location, with good access to public transport and local amenities.

10.16. Due to the property being located within a CPZ, to ensure that the proposal does not result in demand for on-street parking, a condition has been recommended to require the Road Traffic Order to be varied to remove any eligibility for future parking permits. The highways authority have concluded that the proposals are unlikely to have a detrimental impact on the local highway network in traffic and safety terms, subject to the condition recommended.

10.17. Therefore while the parking pressures raised are noted, acknowledged and understood, given the proposals are eligible to be car free, the suggested condition above is the appropriate mechanism to ensure any on-street parking arising from the proposals can be prevented. As such there would be no reason



to refuse planning permission on the basis of the car parking pressures in the area as on-street parking from the proposals can be suitably controlled.

10.18. Subject to the recommended condition, the proposal would be considered to comply with Policy M3 of the Oxford Local Plan.

#### **d. Bicycle storage**

10.19. Policy M5 states that planning permission will only be granted for development that complies with or exceeds the minimum bicycle parking provision as set out in Appendix 7.3. Policy M5 also states bicycle parking should be well designed and well located, convenient, secure, covered (where possible enclosed) and provide level, unobstructed external access to the street.

10.20. Appendix 7.3 states that for HMOs at least 1 bicycle parking space should be provided per occupant. As discussed previously in this report, the property is large enough to accommodate up to 6. No details of bicycle parking have been provided with this application. Nevertheless, Officers consider that there is enough space at the front of the property to accommodate enough bicycle parking for one space per occupant if the property were to be used by 6 occupants. A condition has therefore been recommended requiring further details of bicycle storage to provide at least one cycle space per occupant to be submitted to the Local Planning Authority within 3 months of any planning permission being granted. Any storage would then need to be installed on the site within 3 months of it being approved and retained thereafter.

10.21. Subject to the recommended condition, the proposal would be considered to comply with Policy M5 of the Oxford Local Plan.

#### **e. Bin storage**

10.22. Policy DH7 states that planning permission will be granted where it can be demonstrated that bin and bicycle storage is provided in a way that does not detract from the overall design of the scheme or the surrounding area.

10.23. No details have been provided with this application regarding bin storage provision. Nevertheless it is considered that there would be enough space at the front of the property to accommodate a bin store which would be convenient and easily accessible for occupants to use. A condition has therefore been recommended requiring further details of bin storage to be submitted to the Local Planning Authority within 3 months of any planning permission being granted. Any storage would then need to be installed on the site within 3 months of it being approved and retained thereafter.

10.24. Subject to the recommended condition, the proposal would be considered to comply with Policy DH7 of the Oxford Local Plan.

## **11. CONCLUSION**

11.1. On the basis of the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act

2004 which makes it clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

11.2. In the context of all proposals paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development. This means approving development that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

11.3. Therefore it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.

#### *Compliance with development plan policies*

11.4. In summary the proposed development would make efficient use of an existing site to deliver multi-occupancy housing and is supported by the overall objectives of the Oxford Local Plan 2036 and Policies S1 and H6. The development would not result in any harm to the character of the surrounding area and would be in accordance with Policy H6. The proposals would provide a good standard of accommodation in terms of internal space and outdoor amenity space and would comply with Policies H15 and H16. The development would not have any unacceptable impacts in terms of highway safety, including to pedestrians and cyclists, and is compliant with Policies M3, M5 and RE7.

11.5. Therefore officers considered that the proposals would accord with the development plan as a whole.

#### *Material considerations*

11.6. The principal material considerations which arise are addressed above, and follow the analysis set out in earlier sections of this report.

11.7. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out in the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.

11.8. Officers would advise members that, having considered the application carefully, including all representations made with respect to the application, 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 Local Plan 2036, and that there are no material considerations that would outweigh these policies.

11.9. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 of this report.

## **12. CONDITIONS**

### **Development in accordance with approved plans**

1. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings and to comply with Policy DH1 of the Oxford Local Plan 2036.

### **Variation to Road Traffic Order**

2. The use hereby permitted shall cease if the Order governing parking at 40 Mason Road is not varied by Oxfordshire County Council to exclude the site the subject of this permission from eligibility for residents' parking permits and residents' visitors' parking permits within 6 months of the date of this permission unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development or change of use does not generate an increase in parking demand, restrict existing residents' access to on-street parking and to ensure that the low-car nature of the development is met, in accordance with Policy M3 of the Oxford Local Plan 2036.

### **Bicycle storage**

3. Within 3 months from the date of this permission, details of secure, covered bicycle storage, located at the front of the site, with level and unobstructed external access to the street to provide at least 1 space per occupant shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be provided in complete accordance with the approved details within 3 months from the date the details are approved and shall be retained on site thereafter for the purposes of cycle storage only.

Reason: In the interests of the character and appearance of the area and promotion of sustainable modes of transport in accordance with Policy M5 of the Oxford Local Plan 2036

### **Bin storage**

4. Within 3 months from the date of permission, details of discrete and conveniently accessible storage for bins for refuse and recycling, located at the front of the site, shall be submitted to and approved in writing by the Local Planning Authority. The bin storage shall be provided in complete accordance with the approved details within 3 months from the date the details are approved and shall be retained on site thereafter for the purpose of bin storage only.

Reason: To ensure adequate provision of bin storage in accordance with the requirements of Policy DH7 of the Oxford Local Plan 2016-2036.

### **13. HUMAN RIGHTS ACT 1998**

13.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

### **14. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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

## Minutes of a meeting of the Planning - Oxford City Planning Committee on Wednesday 23 March 2022



### Committee members present:

Councillor Cook (Chair)	Councillor Chapman (Vice-Chair)
Councillor Abrishami	Councillor Diggins
Councillor Fouweather	Councillor Fry (for Councillor Hollingsworth)
Councillor Rehman	Councillor Upton
Councillor Wade (for Councillor Altaf-Khan)	

### Officers present for all or part of the meeting:

Adrian Arnold, Head of Planning Services  
Andrew Murdoch, Development Management Service Manager  
Sally Fleming, Planning Lawyer  
Emma Lund, Committee and Member Services Officer  
Felicity Byrne, Principal Planning Officer  
Katharine Owen, Principal Conservation Officer  
Emma Winder, Heritage Officer  
Mike Kemp, Principal Planning Officer

### Also present:

Allison Blakeway, Evolution PDR Ltd

### Apologies:

Councillors Altaf-Khan, Hollingsworth, Hunt and Pegg sent apologies.

Substitutes are shown above.

## 81. Declarations of interest

**Councillor Cook** stated that as a Council appointed trustee for the Oxford Preservation Trust and as a member of the Oxford Civic Society he had taken no part in those organisations' discussions or decision making regarding the applications before the Committee. He said that he was approaching all of the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

**Councillor Upton** stated that as a Council appointed trustee for the Oxford Preservation Trust and as a member of the Oxford Civic Society she had taken no part in those organisations' discussions or decision making regarding the applications before the Committee. She said that she was approaching all of the applications with

an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

**Councillor Diggins** stated that as she would be speaking on applications 20/01276/FUL and 20/01277/LBC during the public slot, and had expressed a view, she would recuse herself from the Committee whilst these applications were considered.

**Councillor Wade** stated that as a member of the Oxford Civic Society she had taken no part in that organisation's discussions or decision making regarding the applications before the Committee. She said that she was approaching all of the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

## **82. 20/01276/FUL: Land At Jericho Canal Side And Community Centre, 33A Canal Street, Oxford, OX2 6BX**

Councillor Diggins withdrew from the committee table whilst this application was considered.

The Committee considered an application 20/01276/FUL for the demolition of existing structures and garages, redevelopment to provide mixed residential, community centre and boatyard uses, including associated works for the provision of new public realm, ramped access to the Church and works to the Oxford Canal.

The Planning Officer gave a presentation on both the planning application and the associated listed building application and provided the following updates:

- The officer's report contained some minor typographical errors – notably 'pizza' for 'piazza' and 'comprise' instead of 'compromise' at paragraphs 10.73 and 10.79.
- Some relevant planning history had been omitted; the planning history which was set out in the associated Listed Building Consent report also applied to the full application. However, both planning histories had omitted a previous outline approval in 2009 for a community centre in the same location which had been granted in 2010.
- The Highways Authority had removed its objection which had been based around the provision of three sub-standard car parking spaces. The amended plans before the Committee showed those spaces as lost and replaced by one.
- There are bats on site, and regard was needed to the likelihood of a Natural England licence being granted. Officers were of the view that the three tests required by the Conservation of Habitats and Species Regulations 2017 would be met and that it was likely that a licence would be granted. Updated bat surveys would be required in the event of approval.
- For clarity in terms of amenity for future occupiers, the internal space was sufficient in accordance with Policy H15. Whilst the external spaces were considered to be a low level provision, the proximity of the site to the towpath and Port Meadows was a material consideration and was considered to mitigate the small amenity space provided. Therefore, the proposal accorded with policy H16.

The Planning Officer highlighted that the site was constrained, of an unusual shape and involved a number of landowners, all of which presented challenges. It had been allocated for mixed use in the Local Plan and the principle of the proposal was considered acceptable.

Dr Phyllis Starkey, David Feeny and David Edwards, on behalf of the Jericho Wharf Trust, spoke against the application.

Councillor Lizzy Diggins spoke against the application.

George Taylor, resident, spoke against the application.

Oliver Holland, applicant, spoke in favour of the application.

The Committee's discussion included the following points:

- No affordable housing was included as part of the proposal, nor any contribution to affordable housing elsewhere off-site. Officers considered that the independent viability assessment had been robust and had demonstrated that the proposed development was not viable to provide affordable housing. Mitigation would be provided by way of a review mechanism secured by a S106 legal agreement, which would secure a 60% proportion of any surplus profit as a contribution to affordable housing in the City. The Committee considered that this was not guaranteed, but was contingent on profits which may or may not grow. Additionally, the affordable housing would not be provided within the Jericho area.
- The Committee raised questions about the viability appraisal and associated valuations. There was a lack of directly comparable new-build properties in Jericho on which to base an assessment and the use of Barton, Wolvercote and Headington as comparators had been strongly challenged.
- The Canal and River Trust had expressed objection and strong concerns about the proposal. Whilst officers had given great weight to this, there was a question as to whether even greater weight should be given.
- Car parking had been included as part of the proposal, in order to increase property values which in turn would fund some of the benefits to be provided. This included, potentially, some affordable housing. It was considered that this represented an unacceptable compromise against the accepted policy in relation to parking provision where there was existing access to shops and buses.
- The size of the public space had been reduced and the Design Review Panel had not been invited to comment.
- There was a lack of consensus around the proposal. This was significant given the importance of the development.

Contrary to the officer's recommendation of approval, the Committee was not persuaded that the viability assessment had successfully demonstrated that the delivery of affordable housing would make the scheme unviable, and after debate and being proposed, seconded and put to the vote the Committee agreed that the application should be refused on that basis.

**The Oxford City Planning Committee resolved to:**

**1. Delegate authority to the Head of Planning Services to:**

- Finalise the recommended reasons for refusing the application including such refinements, amendments, additions and / or deletions as the Head of Planning Services considers reasonably necessary; and
- Refuse the planning application.

**83. 20/01277/LBC: Land At Jericho Canal Side And Community Centre, 33A Canal Street, Oxford, OX2 6BX**

Councillor Diggins withdrew from the committee table whilst this application was considered.

The Planning Officer amended the recommendation to require that any consent granted be subject also to the completion of the section 106 agreement referred to in the recommendation for the associated planning application.

The Committee considered an application (20/01277/LBC) for the construction of a ramp and steps to the south-west elevation of the church and demolition of curtilage boundary walls to the south-west.

The associated full planning application 20/01276/FUL having been refused, it was agreed that the Listed Building Consent application should also be refused on the basis that the harm identified was only justified by the main associated development and outweighed the public benefits derived thereof and after being proposed, seconded and put to the vote it was agreed that it should be refused on that basis.

**The Oxford City Planning Committee resolved to:**

**1. Delegate authority to the Head of Planning Services to:**

- Finalise the recommended reasons for refusing the listed building consent including such refinements, amendments, additions and / or deletions as the Head of Planning Services considers reasonably necessary; and
- Refuse the listed building application.

**84. 21/02580/FUL: Marston Paddock, Butts Lane, Oxford, OX3 0QN**

The Committee considered an application (21/02580/FUL) for full planning permission for a proposed development comprising 40 dwellings (Use Class C3), access arrangements and public open space, landscaping, associated infrastructure and works including pedestrian and cycle routes at Marston Paddock, Butts Lane.

The Planning Officer gave a presentation and made the following updates:

- Sections 10.34 and 10.46 of the officer's report referred to Paragraph 193 of the NPPF. This should read Paragraph 199, which was the correct policy to consider in the context of assessing significance in relation to heritage assets;
- Oxfordshire County Council had advised that it no longer intended to object to the development following the submission of the applicant's surface water drainage



strategy. This was subject to two drainage conditions, which were listed in the conditions list. Accordingly, the recommendations at 1.1.1 and 1.1.2 were to be amended to reflect that approval was no longer subject to further consultation with the Local Lead Flood Authority.

- In relation to paragraph 10.13, which stated a definitive time when the First Homes policy would start to apply, a wider interpretation was being taken of the wording of the written ministerial statement around the meaning of determination and the transitional arrangements, which could enable a longer time before First Homes applies.

The Planning Officer summarised that the proposal represented development on an allocated site which would exceed the number of units required under the site policy, including 20 affordable units. It was considered that the proposals were well designed and complied with the wider aims of the Local Plan. The low level of less than substantial harm to the Conservation Area would be demonstrably outweighed by the public benefits of the development, and the proposal was therefore recommended for approval subject to conditions and to the measures to be secured through the S106 agreement as outlined in the report.

Ian Ashcroft, agent, spoke in favour of the application.

The Committee's discussion included the following points:

- The access via Butts Lane was single track and would be shared for vehicles, pedestrians and cycles. Oxfordshire County Council had considered that separate arrangements were not required due to predicted low vehicle speeds. The narrow width of the lane also did not allow for a separate pedestrian / cycle access.
- Acoustic barriers would be installed adjacent to the two properties nearest to the A40. The orientation of the flats would be facing into the site, and the area to the north closest to the A40 would not be used for public amenity, in order to preserve biodiversity. The Council's Environmental Health Officer had been satisfied that the correct noise abatement measures had been taken in terms of building design, securing the right amenity standards for those living in the flats.
- The financial contribution to be secured towards compensatory measures to account for the site's release from the Green Belt would involve works to improve recreation and biodiversity at Cutteslowe and Sunnymead Parks. Officers had consulted with the Council's Parks and Leisure Services Team and had taken the view that there was sufficient latitude and need to improve those areas to give confidence that this was a reasonable approach to take and no contrary evidence had been received. At the suggestion of a Councillor, it was agreed that provision should be included in the S106 agreement to allow for a 'cascade' of alternative projects to secure equivalent Green Belt compensatory measures in the event that the aforementioned measures were found to be unviable.

After debate and being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application subject to conditions and the prior completion of a S106 agreement, subject to the agreement allowing sufficient flexibility for suitable compensatory measures to be included were the projects at Cutteslowe and Sunnymead Parks found to be unviable.

**The Oxford City Planning Committee resolved to:**

1. **Delegate authority to the Head of Planning Services to approve the application** for the reasons given in the report subject to the planning conditions set out in section 12 of the report and the satisfactory completion of a legal agreement under Section 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 the report; and
2. **Delegate authority to the Head of Planning Services to:**
  - Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonable necessary; and
  - Finalise the recommended legal agreement under Section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in the 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 Services considers reasonably necessary. The S106 agreement to include flexibility for alternative projects for the use of the financial contribution to be secured towards compensatory measures to account for the site's release from the Green Belt should the projects at Cutteslow and Sunnymead parks be found to be unviable; and
  - Complete the Section 106 agreement referred to above and issue the planning permission.

## **85. Nominations for the Oxford Heritage Asset Register**

The Committee considered nominations for addition to the Oxford Heritage Asset Register: a register of buildings, structures, features or places within Oxford, outside of Conservation Areas, which make a special contribution to the character of Oxford and its neighbourhoods through their locally significant historic, architectural, archaeological or artistic interest.

The proposed nominations before the Committee had been made between Spring 2018 (which was the last time that assets had been added to the Register) and November 2021. The nominations had been subject to a public consultation.

On being proposed, seconded and put to the vote the Committee agreed with the officer recommendation in the report.

**The Committee resolved to approve the following nominations listed in the appendix to the report for addition to the register:**

1. Temple Cowley Library, Temple Road, Cowley
2. Headington Shark, 2 New High Street, Headington
3. The Printworks, Crescent Road, Cowley
4. 69 London Road, Headington
5. 105 London Road, Headington
6. Medieval Wall, The Grates, Cowley
7. The Lodge, Binsey Lane

8. The Lodge, Rose Hill Cemetery, Church Cowley Road
9. Weirs House, Weirs Lane
10. The Chapel, Rose Hill Cemetery, Church Cowley Road
11. Bailey Bridge, Port Meadow
12. Crown and Thistle Pub, 132 Old Road, Headington
13. The Westgate Hotel, 1 Botley Road
14. 182 – 184 Abingdon Road
15. Scout Hall, 238 Marston Road
16. The Old Vicarage, 41 Lake Street, New Hinksey
17. United Reformed (formerly Congregational) Church, Temple Cowley

## **86. Minutes**

The Committee resolved to approve the minutes of the meeting held on 8 March 2022 as a true and accurate record.

## **87. Forthcoming applications**

The Committee noted the list of forthcoming applications.

## **88. Dates of future meetings**

The Committee noted the dates of future meetings.

**The meeting started at 6.00 pm and ended at 9.00 pm**

**Chair .....**

**Date: Tuesday 12 April 2022**

*When decisions take effect:*

*Cabinet: after the call-in and review period has expired*

*Planning Committees: after the call-in and review period has expired and the formal decision notice is issued*

*All other committees: immediately.*

*Details are in the Council's Constitution.*

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