

West Area Planning Committee

8 June 2011

Application Number: 11/00317/FUL

Decision Due by: 29 March 2011

Proposal: 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)

Site Address: The Clarendon Centre Cornmarket Street. (Site plan at **Appendix 1**)

Ward: Carfax Ward

Agent: Marchini Curran Associates

Applicant: Clarendon LP GP Ltd And Clarendon Nominees Limited

Recommendation:

Committee is recommended to support the proposal but defer the application in order to allow completion of a Unilateral Undertaking and to delegate to Officers the issuing of the notice of permission subject to conditions on its completion.

Reasons for approval:

- 1 Officers conclude that the proposal accord with all the relevant policies within the Oxford Core Strategy 2026, the Oxford Local Plan 2001-2016 and the West End Area Action Plan 2007-2016 and therefore recommends approval as the proposal is considered to positively enhance the role of the City centre as the principal retailing centre of Oxford. It will increase the prominence of the entrance in views from New Inn Hall Street, improve the shopping experience and improve the quality of the public realm. Changes in the roofscape will be seen in the context of the existing equipment on the roof of the Clarendon Centre and include use of solar PV panels which achieves 10% on-site renewables.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

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

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples in Conservation Area Central,
- 4 Landscape hard surface design - tree roots
- 5 Landscape underground services - tree roots
- 6 Tree Protection Plan (TPP) 1
- 7 Arboricultural Method Statement (AMS) 1
- 8 Archaeology
- 9 Mechanical plant
- 10 Construction Travel Plan
- 11 Drainage details
- 12 Cycle parking details required
- 13 Gates - opening/closing hours
- 14 Details of gates
- 15 Cleaning regime

Legal Agreement:

Financial contributions of £182,322 towards infrastructure works to serve the Oxford West End area are sought.

Main Local Plan Policies:

Oxford Local Plan 2001-2016

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP9 - Creating Successful New Places
- CP10 - Siting Development to Meet Functional Needs
- CP13 - Accessibility
- CP21 - Noise
- NE16 - Protected Trees
- NE21 - Species Protection
- NE22 - Independent Assessment
- HE2 - Archaeology
- HE3 - Listed Buildings and Their Setting

HE7 - Conservation Areas
HE9 - High Building Areas
HE10 - View Cones of Oxford
RC3 - Primary Shopping Frontage

Core Strategy

CS1_ - Hierarchy of centres
CS5_ - West End
CS9_ - Energy and natural resources
CS12_ - Biodiversity
CS18_ - Urb design, town character, historic env
CS19_ - Community safety
CS31_ - Retail

West End Area Action Plan

WE1 - Public realm
WE10 - Historic Environment
WE12 - Design & construction
WE13 - Resource efficiency
WE29 - Pooled contrib & forward funding

Other Material Considerations:

This application is in or affecting the Central Conservation Area.
PPS1 Delivering Sustainable Development
PPS4 Planning for Sustainable Economic Growth
PPS5 Planning for the Historic Environment
PPS6 Planning for Town Centres
PPS9 Biodiversity and Geological Conservation

Relevant Site History:

64/01330/P_H - Former F W Woolworth Shoe Lane - Illuminated name box sign on wall on rear entrance. REF 27th October 1964.

82/00756/A_H - Retail & office development for 1 large & 22 small/medium retail units, additional offices, 2 rear service areas & cycle parking. Pedestrian mall linking Cornmarket St, Shoe Lane & Queen St. Revised Plans-Schemes A&B). PER 9th March 1983.

84/00414/A - Two neon entrance signs to Clarendon Centre off Shoe Lane and Queen Street. PER 2nd July 1984.

93/00569/AH - Entrance to Clarendon Centre Shoe Lane - Erection of 2 poster boards (Amended plans). PER 21st July 1993.

97/01978/NFH - 2 emergency exit doors on to Frewin Court. PER 6th March 1998.

98/01716/NFH - Demolition of existing roof structure over Queen St & Shoe Lane Malls. Replacement structure over Queen St & Shoe Lane Malls & external alterations to Shoe Lane & Queen St facades as part of refurbishment of the Clarendon Centre. PER 12th January 1999.

99/00459/NFH - Construct 2 storey extension fronting Shoe Close (fully glazed with entrance doors). Demolish single storey shop front (No. 16) at side of Shoe Lane & rebuild 2 storey extension with new shop front & windows above. (Amended plans). PER 25th June 1999.

02/01901/ADV - High level logo sign to Shoe Lane entrance and retailer identity signage above Shoe Lane, Queen Street and Cornmarket Street entrances. PER 6th December 2002.

Representations Received:

Flat above 6 - 8 New Inn Hall Street: concerns over noise due to the demolition and construction.

Centre for Medieval and Renaissance Studies, St Michael's Hall: concerns over increase in noise levels, timing of works, hours of works, duration of works, access for deliveries during works and after, restricted pedestrian access during works.

Statutory and Internal Consultees:

Crime Prevention Design Advisor, Thames Valley Police: a number of offences including personal robbery, drug possession and assaults have been reported from the location of Shoe Lane. The service area with the sliding gates will reduce the opportunity for this area to become an area for potential offenders to loiter and wait to commit crime. The recessed service area has featured in offences recorded by Thames Valley Police.

Highway Authority: see below.

Officers Assessment:

Site Description

1. The application site is located in the centre of Oxford and comprises the Clarendon Centre, a shopping mall with entrances off Cornmarket Street, Queen Street and Shoe Lane.
2. Shoe Lane (originally Sewy's Lane) connected New Inn Hall Street with Cornmarket. The Clarendon Shopping Centre maintains this connection under cover. The entrance to the shopping centre is accessible via Shoe Lane from New Inn Hall Street. Flanking either side of the entrance are service yards and the quality of the space and visual appeal are low. The garden wall at Frewin Hall fronting Shoe Lane is Grade II Listed as an ancient rubble wall forming southern boundary to garden, fronting Shoe Lane.

Proposal

3. The application is seeking permission for the demolition of the existing Currys unit, re-configuration of the existing office entrance and construction of a new three story retail unit over part of the existing Show Lane Mall to incorporate the existing retail space on the first and second floors.
4. Part of the existing building is to be demolished and the new build will sit on the same footprint at ground floor level with a cantilevered extension to the building over the existing 'north' service yard. The new unit will remain as A1 retail use and will utilise the upper floor spaces. Servicing will be directly to the second floor from the 'north' service area via the existing service lift provision.
5. The main west elevation will be constructed of rusticated stone to the ground floor with dressed stone to the upper two floors. The two storey projecting window will be made of glazing and bronze cladding and will include a canopy/frame. The glazing at ground floor level will be full height on a low stall riser.
6. Amended drawings were submitted which now retain the Shoe Lane Mall rather than incorporating it into the retail unit. Therefore it will continue to function as it currently does and as required in the Walkway Agreement signed under application 82/00756/A_H. The office entrance alterations have been simplified. The 'north' service yard is now a similar configuration to the existing layout i.e. no angled gate and thus no loss of space. The floor to ceiling heights to all floors have been raised to achieve minimum floor to ceiling heights of 3.3m. This has resulted in the projecting feature window on the west elevation being lifted to provide the necessary clearance required for vehicles to pass and maneuver in the service yard.
7. Officers consider the principal determining issues in this case to be:
 - Principle
 - Planning Obligations
 - Design/Impact on Conservation Area/Public Realm
 - Highway Issues
 - Sustainability:
 - Archaeology
 - Trees
 - Protected Species
 - Other Issues

Principle

8. PPS4 provides the main guidance in relation to the principle of this retail extension. Given the proposal is directly related to a main town centre use; will be located in the City centre; and is in accordance with an up to date plan (adopted Core Strategy) it then accords with the thrust of the Governments' policy approach. It is in line with the key spatial objective in PPS4 which seeks to "promote the vitality and viability of town centres". Therefore in terms

of the sequential approach and scale of development the proposal is in the preferred location and will be likely to have a positive impact in promoting the economic prosperity of the City centre.

9. The proposal would accord with the spatial strategy set out in the Local Plan 2016 and now adopted Core Strategy 2026, since it does seek to positively enhance the role of the City centre as the principal retailing centre of Oxford.

Planning Obligations

10. The application site lies within the 'West End' where the adopted West End Area Action Plan (June 2008) (WEAAP) seeks to set out a mechanism for assessing the impact of new development expected across the West End area, and establishes that each development should contribute its share to the mitigation costs of the overall impact. The West End is anticipated to be an area of major regeneration where the cumulative impacts of the developments envisaged will have profound impacts on travel patterns and movement both within the West End and more widely throughout the city. These impacts will be required to be supported by appropriate infrastructure within the wider planning context, and not on a piecemeal fashion.
11. The WEAAP has identified specific public realm and transport improvements seen as essential to the future success and vitality of the West End and which will assist in raising the profile and value of development in the area. Developer contributions are sought accordingly. In this instance a sum of £182,322 is sought.
12. Therefore, should planning permission be granted, it has been agreed to complete a Unilateral Undertaking for the contributions (original sum of £182,322) with an £8000 admin fee.

Design/Impact on Conservation Area/Public Realm

13. Planning Policy Statement No. 5: "*Planning for the Historic Environment*" (PPS5) of March 2010 explains the government's commitment to the protection of the historic environment and provides a policy framework on the effective management of the historic environment. The guidance asks that applicants and the local planning authority have sufficient information to understand the significance of a heritage asset and to understand the impacts that any proposal would have. It advises in particular that local planning authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and the positive role that their conservation can make to the establishment and maintenance of sustainable communities and economic viability
14. The proposals have been informed by contextual analysis. The approach has been to design the extensions in a way that increases the prominence of the entrance in views from New Inn Hall Street, improves the shopping experience and improves the quality of the public realm. The scheme has been submitted following pre-application discussions. The extensions remodel the façade,

articulating the entrance and selecting materials to avoid unrelieved areas of walling (as exists at present). The 'public' route through will be maintained and designed to retain the memory of Shoe Lane.

15. The extensions will increase the height of the building and the roofscape incorporates plant and equipment and photovoltaics. The roofscape is visible from Carfax Tower and the changes will be visible. These new elements will be seen in the context of the existing equipment on the roof of the Clarendon Centre and have been laid out to be a more integrated part of the building. Screening is shown around the plant and equipment and the given that there are the glazed atriums running through the Centre the reflective nature of the photovoltaics will read as part of a family of 'glazed' elements. The proposals will not harm the view.
16. The proposals involve reorganising the services aspects and improving the quality of the public realm. This is supported and will add to the post benefits from the New Inn Hall Street improvements carried out by the County Council recently.

Highway Issues

17. Initially the Highway Authority had some concerns mainly regarding adequate turning space for service and delivery vehicles. Revised drawings were submitted to show tracking of vehicles which are now accepted.
18. A new sliding gate is proposed to the 'north' service yard to which the Highway Authority has concerns as it may make it more likely that drivers will not attempt to turn in the service area and will park at the end of Shoe Lane in the pedestrian thoroughfare. However, it has been demonstrated that in the absence of the proposed gate, an adequate area for turning will be retained.
19. These comments are in direct conflict with the Crime Prevention Design Advisor at Thames Valley Police who has identified a number of offences including personal robbery, drug possession and assaults being reported from the location of Shoe Lane. The service area with the sliding gates would reduce the opportunity for this area to become an area for potential offenders to loiter and wait to commit crime.
20. Officers suggest the way forward be that the gates should remain open during servicing and opening hours and closed at all other times. This can be dealt with via a condition and will overcome the Highway Authorities concern regarding deliveries/ highway safety and the Crime Prevention Design Advisor concerns regarding crime.
21. There is cycle parking on the western side of the 'southern' service yard which will be rationalized, intensified and shelters over added. 13 cycle spaces are to be provided although no details have been provided. This can be requested via a condition. The additional cycle parking is more than adequate enough to comply with the cycle parking standards which requires 1 space per 113m². This would equate to an additional 7 spaces based on the increase in

floor space.

Sustainability

22. While this development does not require an NRIA checklist, it is welcomed that one is submitted in any event. 10% on-site renewables is to be achieved through the use of solar PV panels on the roof. The remainder of the submission is also positive, with good energy efficiency and water efficiency measures being proposed, as well as a positive approach to choice of materials and use of recycled materials within the development.

Archaeology

23. A satisfactory desk based assessment was submitted with the application. As noted in the assessment the site is located in an area where the previous development impact is poorly understood and limited archaeological investigation has recorded the presence of significant multi-period urban deposits of Saxon, medieval and post medieval date.
24. PPS5 states that where the loss of the whole or a material part of a heritage asset's significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the heritage asset before it is lost, using planning conditions or obligations as appropriate. The extent of the requirement should be proportionate to the nature and level of the asset's significance. Developers should publish this evidence and deposit copies of the reports with the relevant historic environment record. Local planning authorities should impose planning conditions or obligations to ensure such work is carried out in a timely manner and that the completion of the exercise is properly secured.
25. In this case, bearing in mind the site constraints, the scale of the proposed development and the extent of the existing foundations and servicing in this location Officers would request that, in line with advice in PPS5, any consent granted should be subject to a condition securing the implementation of a scheme of archaeological mitigation of the full engineering impact of the development.

Trees

26. A TPO tree (horse chestnut) stands in the garden area of 18a New Inn Hall Street, overhanging Shoe Lane which is adjacent to the application site. The tree was TPO'd in 2007 to protect it in the interests of public amenity trees that make a valuable contribution to the appearance and character of the public scene at Shoe Lane.
27. Although it is likely that that boundary wall has restricted root growth into the site, paving will be removed and replaced in close proximity to the trunk so there is a risk of damage to roots if they have grown underneath the wall. The crown of the tree overhangs the access to the site so that its branches are vulnerable to damage during construction phase of development unless

adequate precautions are taken. If planning permission is granted it should be granted subject to conditions to protect the tree during construction,

Protected Species

28. An ecological habitat and protected species survey has been carried out as required by policy NE22 of the OLP. A site survey was carried out to establish the ecological value of the site and its potential to support notable and/or legally protected species. The report and survey established the habitat of the site offers low potential for the majority of protected species to be present and therefore no further surveys are recommended.

Other Issues

29. Concerns have been raised in relation demolition and construction works and associated environmental issues. Such matters are subject to control under separate legislation. A condition which duplicates the effect of other controls will normally be unnecessary, and one whose requirements conflict with those of other controls will be *ultra vires* because it is unreasonable.
30. A construction Travel Plan has been requested via a condition and Oxford City Council strongly encourages that when this permission is implemented, all building works and the management of the development site are carried out in accordance with the Code of Considerate Practice promoted by the Considerate Contractors scheme.

Conclusion:

31. For the reasons given above and taking into account all other matters raised Officers conclude that the proposal accord with all the relevant policies within the Oxford Core Strategy 2026, the Oxford Local Plan 2001-2016 and the West End Area Action Plan 2007-2016 and therefore recommends approval as the proposal is considered to positively enhance the role of the City centre as the principal retailing centre of Oxford. It will increase the prominence of the entrance in views from New Inn Hall Street, improve the shopping experience and improve the quality of the public realm. Changes in the roofscape will be seen in the context of the existing equipment on the roof of the Clarendon Centre and include use of solar PV panels which achieves 10% on-site renewables.

Human Rights Act 1998

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

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

Section 17 of the Crime and Disorder Act 1998

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

Background Papers:

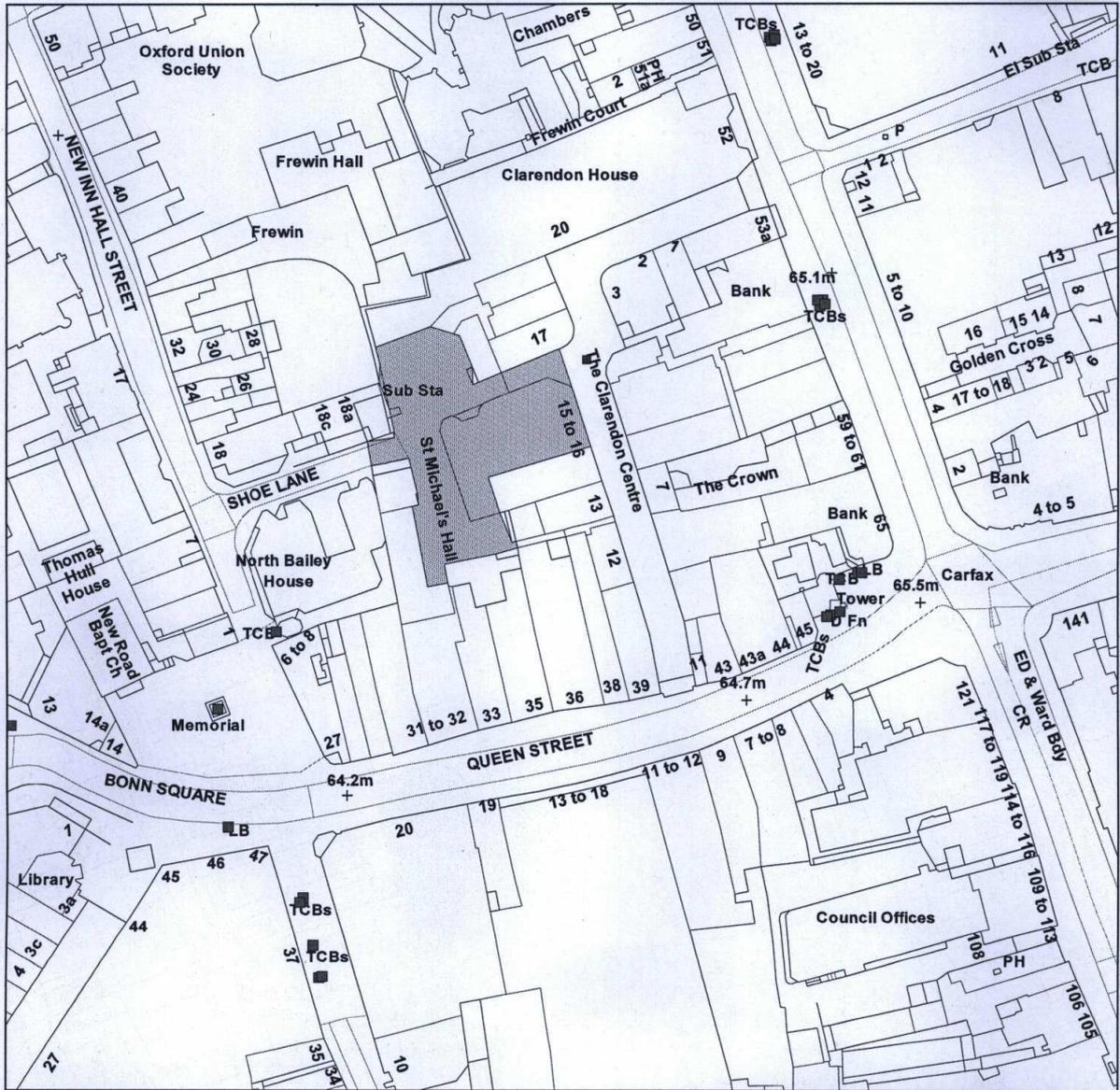
Contact Officer: Lisa Green

Extension: 2614

Date: 25 May 2011

Appendix 1

11/00317/FUL The Clarendon Centre



Scale : 1:1250



Organisation	Oxford City Council
Department	City Development
Comments	
Date	26 May 2011
SLA Number	LA100019348

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