

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

---

## 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)**

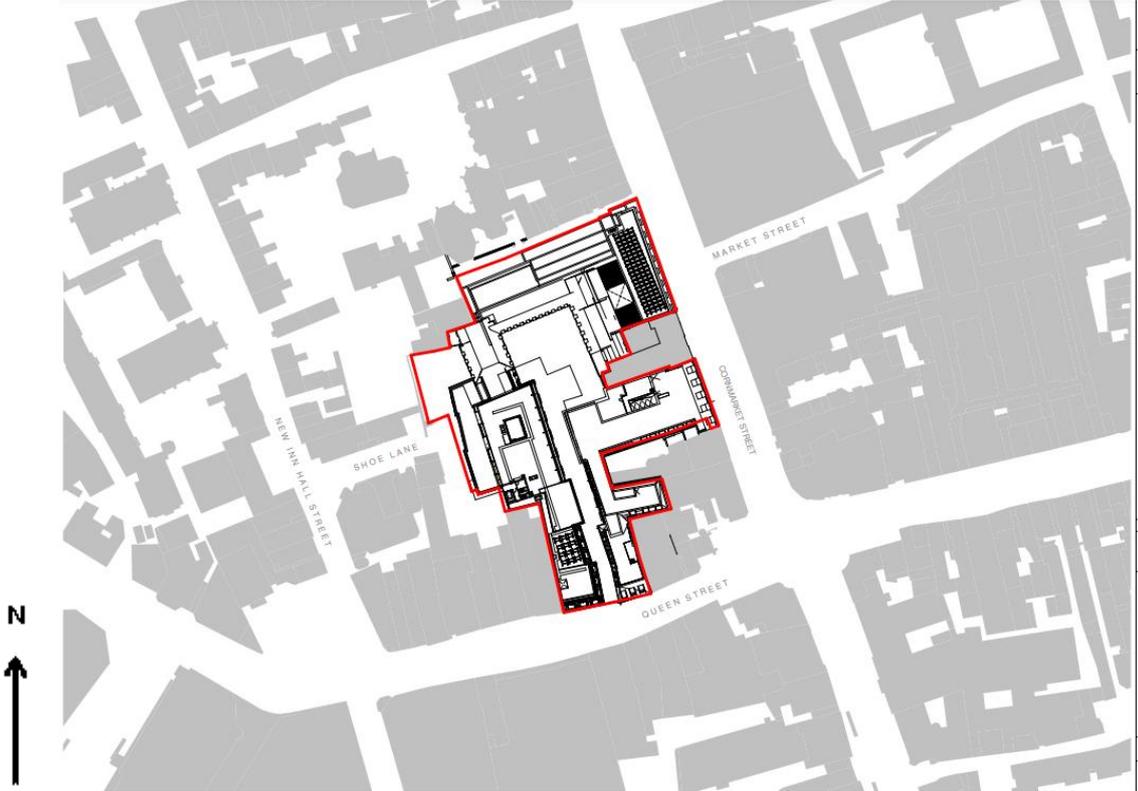
4.1. The proposal is liable for CIL amounting to £74,270.37.

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

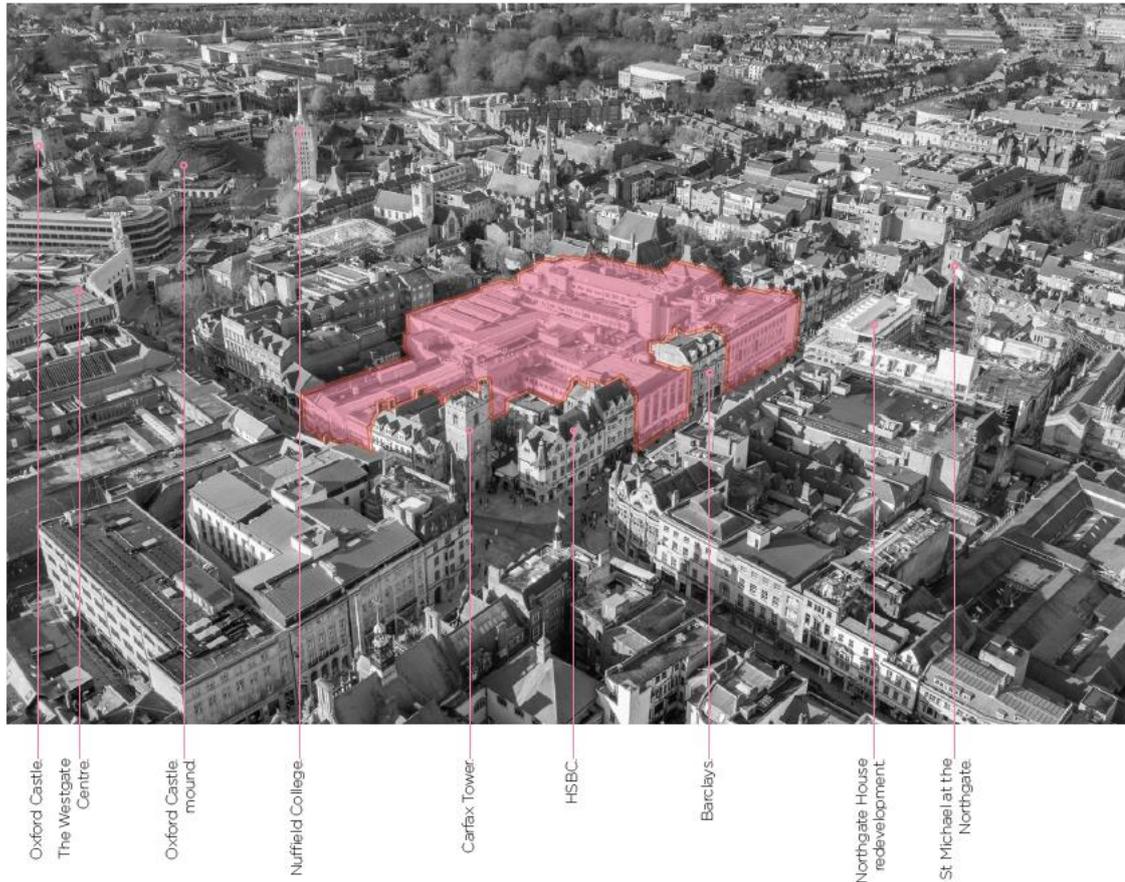
5.1. The site, known as The Clarendon Centre, is an indoor shopping centre within the heart of the City Centre and the Primary Shopping frontage. It is a large commercial scale five storey site. At ground floor there are retail and café/ restaurant units, at upper levels there is a mix of further retail 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>
---

**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 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 be 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, metallised 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.