

<b>Application number:</b>	20/02480/FUL		
<b>Decision due by</b>	7th January 2021		
<b>Extension of time</b>	19 <sup>th</sup> February 2021		
<b>Proposal</b>	Change of use from mixed use retail (Use Class A1) and educational use (Use Class D1) to Hotel (Use Class C1) with associated facilities, including bar, restaurant and roof lounge.		
<b>Site address</b>	1-5 Broad Street, And 31 Cornmarket Street, Oxford, Oxfordshire – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Carfax Ward		
<b>Case officer</b>	Michael Kemp		
<b>Agent:</b>	Mr Ed Rehill	<b>Applicant:</b>	Reef Estates And Boswells Properties Limited
<b>Reason at Committee</b>	The proposals are a major planning application		

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## 1. RECOMMENDATION

1.1. West Area 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; subject to:

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

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

- Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and
- Finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in 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 issue the planning permission.

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers a planning application for the change of use of the former Boswells Store at 1-5 Broad Street and 31 Cornmarket Street, alongside a series of extensions and external alterations to the buildings. The proposals would involve the change of use of the existing retail and Class F1 (a) teaching floorspace within the building to a hotel use which would include 101 rooms and ancillary spaces including a basement gym. A bar/restaurant/café and flexible workspace is proposed at ground floor level. The proposals involve the replacement of the existing fifth floor mansard roof and the erection of a replacement fifth floor and new sixth floor incorporating a roof terrace and publically accessible bar. The proposals also include alterations to the façade of the building, including alterations to the Broad Street and Cornmarket Street ground floor frontages and the replacement of upper floor windows, as well as a smaller third/floor extension to the south elevation of the building and the replacement of a flat roof 1970's extension to the south west corner of the building with a new infill extension to match the height of the adjacent five storey section of the building.
- 2.2. The proposals would result in a loss of 3152sqm of retail floorspace associated with the former Boswells Store and the two smaller ground floor retail units. Policy V2 of the Oxford Local Plan affords protection to ground floor retail frontages within primary shopping streets in the City Centre. The policy allows some flexibility for ground floor premises to be used for purposes falling within Classes A2-A5 of the Oxford Local Plan, as long as the percentage of Class A1 uses within the City Centre primary shopping frontage does not fall below 60% of the total number of frontage units. The change of use of the ground floor of the building to a restaurant/café/bar use would not result in the number of retail units within the primary shopping frontage falling below this threshold and the proposed uses would contribute positively to the overall vitality of the City Centre and would retain active frontages to Broad Street and Cornmarket Street. The changes to the Use Classes Order, effective as of September 2020 place retail uses within a much wider class of uses (Class E). This means that retail uses may be changed to other uses falling within Class E, unless specifically restricted through a planning condition, this is indicative of the government's objective of allowing more flexible town centre uses. Upper floor retail spaces are not afforded statutory protection under Policy V2 of the Oxford Local Plan and protection is not afforded to the existing Class D1 use of a section of the upper floors which was formerly used as a language school. The proposed use of the building as a hotel would be consistent with Policies V1 and V5 of the Oxford Local Plan and would represent a main town centre use, one which would contribute to the overall vitality of the City Centre.
- 2.3. The building is located within the Central Conservation Area and lies within the setting of several listed buildings, including the Grade I listed Church of St

Michael at the Northgate, as well as the Grade II listed Baliol College Quad, 35 Cornmarket Street and a row of adjacent listed buildings (No.6 to 25 Broad Street), as well as an adjacent bastion, which is a scheduled ancient monument. The former Boswells Building at 1-5 Broad Street and 31 Cornmarket Street is a prominent and significant building within the Conservation Area and would be considered as a local heritage asset which has architectural and communal interest.

- 2.4. The replacement of the existing fourth floor mansard roof is considered to be acceptable in design terms as this existing element of the building does not provide an important contribution to the historic character of the building. The replacement fourth and fifth floors would be of a contemporary design, which is considered acceptable and the approach to the massing, elevational treatment and use of materials assist in mitigating the visual impact of these additional floors. As identified within the applicant's Design and Access Statement, the extensions would have a significant visual impact in several key views, most notably from street level in Broad Street and Magdalen Street and in elevated views particularly from St Michael's Tower. The extensions would add to the bulk and mass of the upper sections of the building, increasing its visual presence. This would impact on the setting of the Conservation Area and the significance of adjacent heritage assets, including the adjacent row of listed buildings in Broad Street and views of the Balliol College tower from St Michael's Tower. Overall this would result in a level of less than substantial harm to the significance of the Conservation Area and surrounding heritage assets. There would also be less than substantial harm to the building subject of this application (1-5 Broad Street), which is a local heritage asset.
- 2.5. Policy DH3 of the Oxford Local Plan and Paragraph 196 of the NPPF requires that any less than substantial harm to significance of these designated heritage assets, namely the Central Conservation Area and the setting of the aforementioned listed buildings must be weighed against the public benefits of the proposed development having given great weight to their conservation (paragraph 193 of the NPPF). Policy DH5 of the Oxford Local Plan and Paragraph 197 of the NPPF requires that less than substantial harm to a non-designated heritage asset, which in this case would be Nos. 1 to 5 Broad Street and 31 Cornmarket Street must also be weighed against the public benefits of the development.
- 2.6. The development would deliver a notable package of public benefits. The proposals would bring back into use a large, prominent and historically significant building in the City Centre. The intended use would provide notable economic benefits and would enhance the provision of tourist accommodation within the City Centre, whilst the intended hotel and ground floor restaurant/café/bar uses would contribute positively to the vitality of the City Centre. The provision of the upper floor roof terrace and bar would be beneficial in providing an additional public vantage point, opening up views of the historic skyline of the city and bastion, which is a scheduled monument, largely hidden from public view at the present time. The proposed alterations to the ground floor shopfront facing Broad Street would also be beneficial in terms of enhancing the appearance of a prominent City Centre shopping frontage within the Conservation Area. The accompanying legal agreement would also secure a package of public realm

enhancement works within the vicinity of the site. Overall the development is considered to deliver significant public benefits which are considered to outweigh the less than substantial harm to the Central Conservation Area, adjacent listed buildings and the buildings subject of this application, which are locally significant heritage assets.

- 2.7. In terms of accessibility and transport impacts, the development would be car free and it is considered that there would be no adverse implications in terms of highway safety or amenity. The development is surrounded by mainly commercial uses and student accommodation, with the only residential uses being located on the upper floor of the adjacent building at No.30 Cornmarket Street. The development has been assessed in relation to the impact on the amenity of these adjacent residential uses and it is considered that the development would not have an adverse impact in terms of overlooking and overshadowing/loss of light.
- 2.8. For the reasons outlined within the report below, officers recommend approval of the planning application subject to the prior completion of a legal agreement.

### **3. LEGAL AGREEMENT**

- 3.1. This application would be subject to a legal agreement to secure a financial contribution of £25,000 towards public realm improvement works within the vicinity of the site in Broad Street, Magdalen Street and Cornmarket Street.
- 3.2. The legal agreement would include a requirement that the upper floor roof terrace is accessible to the wider public, as opposed to being restricted only to hotel guests.
- 3.3. A Travel Plan monitoring fee of £1,426 which will be payable to Oxfordshire County Council will also be secured through the Section 106 agreement.

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

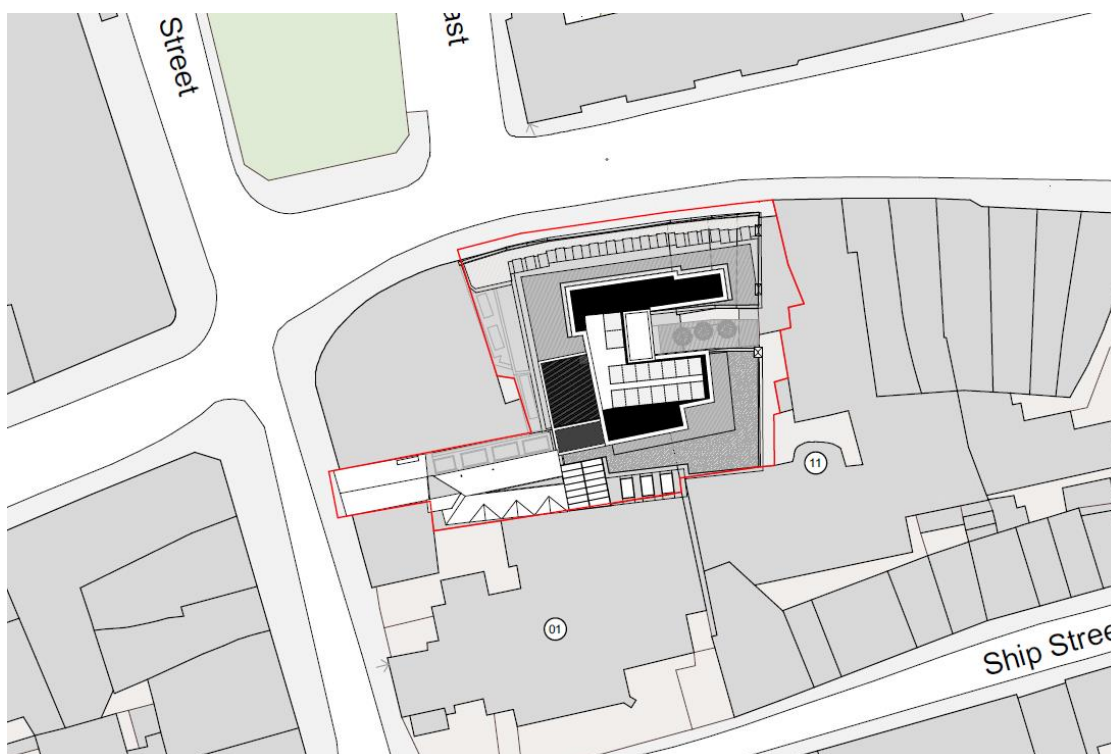
- 4.1. The proposal is liable for a CIL contribution of £72,684.96.

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

- 5.1. The site is located within Oxford City Centre and consists of No.31 Cornmarket Street and Nos. 1-5 Broad Street. The buildings were formerly occupied by Boswells, a longstanding department store, who vacated the premises in March 2020. A section of the building was formerly used by Bellerbys College, a language school who vacated the premises in August 2017. The building comprises retail space, ancillary storage and back office space across five levels. There is also a basement, which was formerly used as retail floorspace and a sub-basement used for ancillary storage.
- 5.2. The building includes two frontages, facing Cornmarket Street and Broad Street. The frontage facing Cornmarket Street (No.31) consists of a four storey red brick single gable frontage, which features a small ground shopfront and upper floor front facing windows. The design of this elevation contains characteristics typical of Arts and Crafts, including decorative brick bandings and a prominent timber

framing and render detail to the apex of the gable. The two frontages of the building are separated by No.31A, Cornmarket Street which is a large and prominent curved five storey building, occupied by Waterstones which marks the corner of Cornmarket Street and Broad Street.

- 5.3. The more prominent and extensive elevation of the premises forms a frontage to Broad Street and partially faces the junction of Broad Street and Magdalen Street East. 1-5 Broad Street was completed in the early 1930's and stands on the site of three earlier shops. The building is five storeys in height and is constructed from ashlar stone. The building features large and distinctive windows along the first and second floor of the front facing elevation of the building in a grid arrangement, with the individual window panes separated by individual glazing bars. The applicant's Design and Access Statement concludes that these are likely to be original windows. The fourth floor of the building comprises a partially recessed mansard roof with front facing dormer windows. 1-5 Broad Street has a flat roof covered with solar PV panels. There is an extensive ground floor shop front, previously used by Boswells adjacent to the Broad Street frontage. The building also contains two smaller shopfronts formerly occupied formerly by Fudge Kitchen and a newsagents.
- 5.4. The majority of the side and rear of the building, this being the east, west and south elevations, with the exception of the frontage to 31 Cornmarket Street, are largely hidden in street level public views from Cornmarket Street, Ship Street and Broad Street, aside from in glimpsed views from Ship Street. The side and rear elevations of the building are however visually prominent from the adjacent, publically accessible Saxon Tower at St Michael's Church at the Northgate.
- 5.5. The rear elements of Nos. 1 to 5 Broad Street and 31 Cornmarket Street consist of a somewhat co-ordinated arrangement of later extensions, this includes a large utilitarian red brick four storey section of the building. There is a large stairwell and metal fire escape stairs on the east side of the building accessible via an existing passageway leading from Broad Street. There is also a 1970's three storey flat roofed extension, which infills a space between the original elements of the building and adjacent building to the south.
- 5.6. The site lies in a prominent location in the Central Conservation Area and the building lies within the immediate setting of a number of listed buildings including the Grade I listed Mary Magdalene Church and the Grade I listed Church of St Michael at the Northgate, in addition to several Grade II listed buildings, most notably the Baliol College Garden Quadrangle buildings opposite the Broad Street frontage and 35 Cornmarket Street, which is opposite the Cornmarket Street entrance to the site. The existing row of buildings to the east of the site, which consist of Nos.13 to 9 Broad Street are all Grade II listed.
- 5.7. To the rear of the site is a section of the former city wall (Bastion 4), which is currently hidden in public views from Broad Street, this structure is a Grade I listed scheduled monument. The bastion is visible from the service yard and east facing windows of the building but is unseen from public views at street level as the structure is surrounded by existing buildings.
- 5.8. See block plan below:



## 6. PROPOSAL

- 6.1. The application proposes a change of use of the upper floors of the building and basement space to use as a hotel and ancillary uses associated with the hotel. It is proposed that the ground floor would be used principally as restaurant/café/bar space. This would be split across both the Broad Street and Cornmarket Street frontages and would be accessible to the wider public rather than restricted for the exclusive use of hotel guests. There would also be a hotel lobby and rooms at ground floor level as well as access and circulation space and stair and lift access to the upper floors.
- 6.2. 101 hotel rooms are proposed in total, mainly within the upper floors of the building. A gym, kitchen and staff facilities would be provided within the basement, alongside 5 hotel rooms located adjacent to a lightwell, which would provide natural light to these rooms. In the centre of the lightwell would be a sunken garden featuring planting.
- 6.3. Various external works and alterations are also proposed. This includes the replacement of the fifth floor mansard roof of the building with a replacement fifth storey and the addition of a sixth storey, incorporating a roof terrace and bar, along with three hotel bedrooms. An upper floor third and fourth floor extension is proposed to the rear of the building in the position of a deep catslide roof which faces Ship Street. The metal stairwell would be removed to the east elevation of the building and this section of the building would be remodelled to form a landscaped central atrium. The application includes the extensive replacement of windows across all elevations of the building. A 1970's extension to the south east elevation would be removed and replaced by a new extension matching the height of the adjacent section of the building.

6.4. Cycle parking is proposed at ground floor level in a position adjacent to the pedestrian access from Broad Street. No car parking is proposed on site.

## 7. RELEVANT PLANNING HISTORY

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

50/01699/A_H Covered Way, Approved, 10 Apr 1950
73/01795/A_H 1st and 2nd floor extension to provide new shop stock room areas, Approved, 12 Feb 1974
89/01145/NFH, Change of use of part of 4th floor from dance studio to offices, Approved, 13 Feb 1990
98/00530/NFH Change of use of 1st and 2nd floors from restaurant to mixed use as Travel Cafe (A3), including facilities to book travel tickets & obtain immunisation (D1), in addition to food & drink Approved 08 Jun 1998
99/02008/NFH New shop fronts on to Broad Street, including separate entrance to upper floors, and new entrance for shop. Alteration to retained part of shop front. (Amended plans) Approved 01 Apr 2000
04/00669/FUL - Change of use of first to fourth floors from Class B1 offices to Class D1 education – Approved – 15 March 2005
08/00669/FUL - Modernisation of retail store to include alterations to existing shopfront and change of use of additional floor space being annexed to the store from restaurant (Use Class A3) to retail (Use Class A1). Permitted 23rd May 2008.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Oxford Local Plan 2016-2036
Design	117-123, 124-132	DH1, DH6, DH7
Conservation/Heritage	184-202	DH2, DH3, DH4, DH5
Commercial	170-183	V1, V2

Natural environment	91-101	G2
Transport	117-123	M1, M2, M3, M4, M5
Environmental	117-121, 148-165, 170-183	RE1, RE2, RE3, RE4, RE5, RE6, RE7, RE8, RE9
Miscellaneous	7-12	SR1, SR2

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 14<sup>th</sup> October 2020 and an advertisement was published in The Oxford Times newspaper on 15th October 2020.

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

#### Oxfordshire County Council (Highways)

9.2. A condition requiring the submission of a travel plan would be needed. A Section 106 agreement would be required to secure funding of £1,426 for monitoring the travel plan.

9.3. The conclusions of the transport assessment are accepted, as are the trip generation figures extracted from TRICS within the assessment. Despite the development being car free, the proposed use would represent a decrease in trip generation compared to the existing use. It is also accepted that the existing servicing requirements are likely more intense than the proposed servicing requirements. As such, the proposed servicing requirements are also considered acceptable.

9.4. The development conforms to planning policy with regards to cycle parking provision. Despite this, we would like to see an above minimum requirement provision with regards to staff cycle parking. As the site is in an excellent location for access via bicycle, we would expect usage of cycle parking for staff to be high and as such would like to see a modest increase in provision from the minimum.

9.5. The proposed ground floor plans demonstrate works to the pavement on Broad Street within the highway boundary. If works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council.

#### Historic England

9.6. Historic England considers that overall the proposals would serve to maintain the important character of the Central Conservation Area and would not harm the significance of nearby listed buildings. There are a couple of elements set out



below that we consider could improve the scheme and further minimise harm to the historic environment.

- 9.7. Generally, where viewed from St Michael's church, the massing of the roof additions, whilst a bit lumpy, incorporate a degree of variety of shape, colour and texture and would provide an acceptably layered appearance. The proposals would obscure from view some of Balliol College's roof, including a portion of the lower section of the 19<sup>th</sup> century gate tower designed by Waterhouse. It appears that the layout of the 5<sup>th</sup> floor has been designed to allow views of some of the gate tower to be maintained and it would remain visible and prominent in the view, but we question whether adjustments to the layout of the 5<sup>th</sup> floor might allow more of the gate tower to remain unobstructed. It may also be possible to provide some articulation on the dark elevations of the plant room element of the 5<sup>th</sup> floor extension that could help add a varied texture to better settle the proposal into the Oxford roofscape. Whilst relatively minor, we consider that these matters should be considered and addressed to ensure that where harm would be caused, even if it is low level harm, the proposals can meet the requirement to be fully justified, as set out in NPPF paragraph 194. Once this has been done any residual harm can be weighed up by the Council as set out in paragraph 196
- 9.8. The views of the building from street level, in particular looking south from Magdalen Street East, have been well designed to allow the main building to remain architecturally prominent and the roof extensions, despite being 2 floors, would not appear out of scale or result in a top-heavy appearance.
- 9.9. The impact of the proposals on the bastion are negligible, but improved views of it from the bedrooms would allow more people to see and appreciate this hidden historic feature.

#### Thames Water

- 9.10. Thames Water would advise that with regard to foul water sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.
- 9.11. Thames Water would advise that with regard to surface water network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

#### **Public representations**

- 9.12. Oxford Preservation Trust (OPT) have submitted detailed comments in relation to this application. OPT states that they regret the loss of Boswells Store but are supportive of the proposed conversion of the building for use as a hotel. OPT state that they have some concerns regarding the changes proposed, which are summarised below:
- The remodelling of the roof and removal of plant is welcomed, however there are concerns regarding the addition of the fifth floor.

- OPT is concerned that the visual impact of the increase in height will be considerable when viewed from the end of Broad Street, and from Magdalen Street East, as well as from views across the historic skyline. Moreover, given the width of the frontage of the building along Broad Street and its depth, the additional floor and increase in overall height of the building will be visible all along its length, across the depth of the building.
- The additional storey will sit above and dominate the adjoining 17th century listed buildings to the west of the site, replacing the current backdrop of sky and the outline of gabled roofs and chimney stacks, with the blank side elevation of the proposed new upper storey.
- From Magdalen Street East, we are concerned that the additional floor will result in the building simply appearing too high in its context and that it will both over-dominate and create a sense of overbearing from the street.
- Overall it is considered that more work should be done to the configuration of the upper floor to make it appear less bulky.
- OPT is keen to ensure that the history of the hotel is carried through the new development and is pleased to see that the iconic shop window frontages are proposed to be restored and incorporated into the proposals. OPT would urge Applicants to consider the historic recording of the building through its redevelopment and to visually convey the heritage of the department store within the new hotel.
- In terms of the wider public domain, the development presents an opportunity to improve the street scape in front of the building including the churchyard of St Mary Magdalen opposite.

9.13. No further members of the public have commented on this planning application.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development
- Design/Heritage
- Neighbouring amenity
- Transport
- Flooding/Drainage
- Ecology
- Air Quality
- Land Quality/Contamination

### **Principle of development**

Change of Use including loss of retail

10.2. The application proposes a change of use of the upper floors and basement space of the existing buildings from a predominantly retail use to a Class C1 hotel use. The ground floor of the building, would in part be used for a restaurant/café/bar use, whilst there would also be hotel rooms at ground floor level, towards the back of the building. Presently 3152sqm of the building is used for retail purposes, 314sqm was used as restaurant/café space, as there was a small café within the former Boswells store. 1175sqm of the building was used by Bellerbys College, a language school, though the school vacated the building in 2017. In total the proposals would result in the loss of 3152sqm of retail floorspace. Boswells was a longstanding department store and occupied a prominent position within two primary City Centre shopping frontages, Cornmarket Street and Broad Street.

10.3. Policy V2 of the Oxford Local Plan affords protection to shopping frontages in the City Centre, with the principal aim of preserving city centre retail uses. Policy V2 states that: Planning permission will only be granted at ground floor level within the city centre for the following uses:

*a) Class A1 (retail) uses; or*

*b) Class A2 – A5 (financial and professional services, restaurant, pub and take-away) uses where the proposed development would not result in the proportion of units at ground floor level in Class A1 use falling below 60% of the total number of units within the defined Primary Shopping Frontage or 40% of units in the rest of the Secondary Shopping Frontage; or*

*c) Other town centre uses where the proposed development would not result in the proportion of units at ground floor level in Class A1 use falling below 60% of the total number of units in the Primary Shopping Frontage or below 40% of the total number of units in the rest of the Secondary Shopping Frontage and where the proportion of Class A units at ground floor level does not fall below 85% in the Primary Shopping Frontage or the rest of the Secondary Shopping Frontage.*

10.4. The policy affords specific protection to ground floor uses, Policy V2, however states that planning permission will be granted for the use of upper storeys of buildings within the City Centre, for the purposes of providing housing, student accommodation and other uses consistent with a town centre use, as long as the functioning of the ground floor unit(s) in the shopping frontage is not undermined.

10.5. It must be noted that Policy V2 of the Oxford Local Plan predates The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which amended the Town and Country Planning (Use Classes) Order 1987 such that include retail uses now come within a much wider class of uses (Class E). The regulations are intended to allow additional flexibility in terms of the use of existing town centre premises. These legislative changes should be afforded due weight when considering the principle of the change of use of retail space on this site, which is not afforded specific protection by virtue of previous planning conditions or obligations. Notably the new use Class E does not include hotel accommodation uses, though restaurant/café/bar uses, which are proposed at ground floor level do fall within Class E.

- 10.6. In any event, Policy V2 is permissive in principle of the former Class A2 – A5 (financial and professional services, restaurant, pub and take-away) uses where the proposed development would not result in the proportion of units at ground floor level in the former Class A1 use falling below 60% of the total number of units within the defined Primary Shopping Frontage. The Council's most recent retail survey conducted in July 2020 calculates that 75.8% of existing ground floor units fall under a retail (former Class A1) use. The site encompasses three retail premises, these being the former Boswells Store and two smaller units, a newsagents and the Fudge Kitchen. The loss of these three ground floor frontages as retail premises would not result in the 60% retail use threshold being breached.
- 10.7. The proposed restaurant/café/bar uses are town centre uses and the uses would be available to the wider public and not restricted only to hotel guests. The internal design of the building and external ground floor frontage design ensures that the restaurant/café/bar spaces would be sited along both the Broad Street and Cornmarket Street frontages. This will ensure active frontages are retained, this alongside the nature of the proposed uses will contribute to the vitality of the City Centre and will bring into use what are two presently vacant ground floor frontages.
- 10.8. Notwithstanding the recent changes to The Town and Country (Use Classes) Order 1987, officers consider that it is reasonably necessary to condition that the use of the ground floor of the building is safeguarded for a restaurant/café/bar use only and shall not be used for no other purpose (including any other purpose in Class E of Part A of Schedule 2 to the Town and Country (Use Classes) Order 1987 (as amended)). Due weight should be given to Policy V2 of the Oxford Local Plan and the protection afforded under this policy to key town centre uses though this would also be considered in light of the recent changes to the use classes order. The buildings the subject of this application occupy two prominent frontages along primary City Centre shopping streets. It is important that the ground floor use of the building contributes towards the vitality of the city centre and is conducive to providing a level of activity along this frontage, as well as being compatible with the hotel use of the upper floors.
- 10.9. A front section of the building formerly used as office space was used by Bellerbys College, a language school, and planning permission was granted for this change of use in 2004 (04/00669/FUL). Bellerbys College vacated the site in 2017. The building was used temporarily by the University of Oxford between September 2019 and February 2020 for education training purposes.
- 10.10. The Oxford Local Plan does not afford specific protection to language school uses. The Local Plan takes a clear approach to restrict the future growth of private colleges and language schools to ensure that land is available for more important uses to be developed such as housing and student accommodation for the universities or B1 office use. Consequently the loss of this use is considered acceptable.

#### Proposed Hotel Use

10.11. Policy V1 of the Oxford Local Plan states that planning permission will be granted for the development of town centre uses within the City Centre to ensure the vitality of the City Centre, this includes tourist uses including hotel accommodation. Main town centre uses are also defined within the NPPF which includes hotels.

10.12. Policy V5 of the Oxford Local Plan is permissive of new short stay hotel accommodation in the city centre, providing the following criteria are met:

*a) It is acceptable in terms of access, parking, highway safety, traffic generation, pedestrian and cycle movements b) there is no loss of a residential dwelling; and c) it will not result in an unacceptable level of noise and disturbance to nearby residents.*

10.13. In relation to the above criteria points a) and c) are addressed in the relevant sections of the report below, whilst point b) is not applicable in this instance.

10.14. In locational terms, the proposed use of the site for a hotel is considered acceptable in line with Policies V1 and V5 of the Oxford Local Plan and the proposals are considered to represent a positive use of a prominent city centre building, which would contribute to the overall vitality of the City Centre.

## **Design and Heritage Matters**

10.15. Policy DH1 of the Oxford Local Plan states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness.

10.16. The site falls within a prominent position in the Oxford Central Conservation Area and also lies within the immediate setting of several listed buildings. Policy DH3 of the Oxford Local Plan specifies that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), and responds positively to the significance, character and distinctiveness of the heritage asset and locality. For all planning decisions affecting the significance of designated heritage assets (including Listed Buildings and Conservation Areas), 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).

10.17. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area." Section 66 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.

10.18. For development within or affecting the setting of Conservation Areas, the NPPF requires special attention to be paid towards the preservation or

enhancement of the Conservation Area's architectural or historic significance. Paragraph 193 of the NPPF requires that: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

- 10.19. The buildings at 1-5 Broad Street and 31 Cornmarket Street are not included within the Oxford Heritage Asset Register (OHAR), which includes buildings of local significance in the city. Notwithstanding this, it is the view of officers that the buildings should be considered as a local heritage asset, one which also provides a positive contribution to the setting of the Conservation Area. The buildings are of communal interest given their association with the Boswells business, which has been in existence in Oxford since 1738, whilst the front facades facing Cornmarket Street and Broad Street have notable architectural interest.
- 10.20. As the buildings should be appropriately considered as local heritage assets, the proposals must be considered in relation to Policy DH5 of the Oxford Local Plan, which states that planning permission will only be granted for development affecting a local heritage asset or its setting if it is demonstrated that due regard has been given to the impact on the asset's significance and its setting and that it is demonstrated that the significance of the asset and its conservation has informed the design of the proposed development. In determining whether planning permission should be granted for a development proposal which affects a local heritage asset, consideration will be given to the significance of the asset, the extent of impact on its significance, as well as the scale of any harm or loss to the asset as balanced against the public benefits that may result from the development proposals. This reflects the requirements of Paragraph 197 of the NPPF.
- 10.21. In terms of redeveloping the site, Paragraph 200 of the NPPF states that local authorities should look for opportunities for new development in Conservation Areas. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 10.22. As part of the pre-application process an earlier iteration of the plans were presented to the Oxford Design Review Panel (ODRP). The comments prepared by ODRP are included in full at Appendix 2 of this report. Overall the comments are positive in terms of the approach taken by the applicants towards the extensions to the building, incorporation of the roof terrace and the alterations to the ground floor frontages. The design has been further developed since ODRP's comments and reflects a careful consideration of the matters raised within the letter.
- 10.23. The most substantial and visually prominent element of the proposed development involves the replacement of the existing fourth floor mansard roof of the building with a new fourth floor, housing hotel rooms alongside the addition of a new fifth floor comprising a rooftop bar and terrace, which would

face northwards towards Broad Street and Magdalen Street. The addition of the fifth floor would subsequently increase the overall height and prominence of the upper floors of the building.

10.24. Policy DH2 of the Oxford Local Plan requires that protection is afforded to significant views both within Oxford and from outside, in particular to and from the historic skyline. There is a requirement that higher buildings or structures which affect the historic skyline must meet each of the following criteria:

*a) Design choices regarding height and massing have a clear design rationale and the impacts will be positive; and*

*b) Any design choice to design buildings to a height that would impact on character should be fully explained, and regard should be had to the guidance on design of higher buildings set out in the High Buildings Study TAN. In particular, the impacts in terms of the four visual tests of obstruction, impact on the skyline, competition and change of character should be explained; and*

*c) it should be demonstrated how proposals have been designed to have a positive impact through their massing, orientation, the relation of the building to the street, and the potential impact on important views including both in to the historic skyline and out towards Oxford's green setting.*

10.25. The development falls within a 1,200 metre radius of Carfax tower (the Historic Core Area). Policy DH2 of the Oxford Local Plan states that new developments that exceed 18.2 m (60 ft) in height or ordnance datum (height above sea level) 79.3 m (260 ft) (whichever is the lower) are likely to intrude into the historic skyline.

10.26. This does not mean that developments which are over 18.2 metres in height should be automatically prohibited, however development above this height should be limited in bulk and must be of the highest design quality. Applications for proposed development that exceeds that height will be required to provide extensive information so that the full impacts of any proposals can be properly assessed, this includes the preparation of a visual impact assessment, the use of 3D modelling and a detailed analysis as to the visual impact of the building, giving reference to the High Buildings Study Technical Advice Note.

10.27. In heritage and design terms officers consider that the replacement of the existing fourth floor mansard is acceptable. This element of the building contributes little to the heritage and architectural significance of the building and the replacement of this section of the building with a replacement fourth floor of an enhanced design has the potential to enhance the appearance of the building and make a positive contribution to the setting of the Conservation Area.

10.28. The replacement fourth floor is appropriate in terms of its massing and form. The articulation of the dormers on the north elevation relate to the rhythm and alignment of the façade below, which together with the use of glazed terracotta cladding, would help achieve a successful contemporary addition that would not detract from the high architectural qualities and character of the building. The use of a contemporary design approach is supported, providing the massing is articulated, the scale is appropriate for the building and context, and materials

are complementary to and do not detract from the surrounding existing materials and architecture.

- 10.29. The proposed fifth floor would add additional height and consequently further volume and mass to the upper sections of the building. There are however benefits in terms of the provision of the proposed upper floor roof terrace and bar and the ability to open up new public views over the historic skyline of the city. An accompanying legal agreement would ensure that this is accessible to the wider public, rather than restricted only to hotel guests.
- 10.30. The proposed fifth floor would project above the 18.2m Carfax tower height by approximately 1m, and the lift core would project above it by approximately 3m. The fifth floor would be approximately the same height as St Michael's tower and the lift core would project approximately 1.7m above it. Policy DH2 of the Oxford Local Plan requires development above the Carfax datum to be limited in bulk and of the highest design quality, to be based on a clear understanding of the positive aspects of the surrounding roofscape, and to contribute positively to the roofscape. In the majority of the key views, both at street level and high level, these upper level extensions would not detract from the architectural significance of the existing building, the character and appearance of the surrounding townscape and conservation area, or the setting of surrounding designated heritage assets.
- 10.31. The applicants design and access statement includes a detailed assessment of the impact of the development, including the impact of the replacement fourth storey and new fifth storey on several key identified views. At street level the additional storeys will be prominent when viewed from Broad Street, in a position to the north east of the site, where the upper floor is visible beyond the roofscape of the existing row of buildings to the east of the site. The upper floors would also be prominent in views from Magdalen Street East to the north of the main frontage of the site.
- 10.32. From Magdalen Street East the building is experienced directly rather than obliquely. The fifth floor extension, by reason of its height and glazing proportions would appear a relatively bulky and top heavy addition to the building when viewed from this aspect, causing some harm to the character and appearance of the existing building. However, its stepped-in position would minimise its impact and the articulation of its elevations and use of profiled glazed terracotta would provide a more animated surface that would help create a more lightweight and subservient appearance. The upper floor extensions would not, in officer's view, detract from the setting of Balliol College or St Mary Magdalen Church which are Grade II and Grade I listed buildings respectively.
- 10.33. In views from Broad Street to the East of the site, the full depth of the fifth floor would be experienced from this view, and would provide a new backdrop to the chimneys of the Georgian fronted listed building group on the south side of Broad St which would result in a loss of the prominence of the chimneys in this view. This would cause less than substantial harm to their setting and the character of Broad Street. Given the building's situation in relation to the other buildings at this junction (Debenhams, William Baker House and St George's



Mansions), the increased scale and mass as a result of the fifth floor extension would not appear incongruous within the context.

- 10.34. In terms of elevated publically accessible viewpoints, the most prominent views of the site would be from St Michael's Tower, which is adjacent to the south eastern boundary of the site. The tower offers substantial views over the historic skyline of the city and any development to the rear of the building or development involving alterations to the roof would be highly prominent in public views from St Michael's Tower in the foreground.
- 10.35. The fifth floor would be an unapologetic contemporary addition highly visible within the foreground of this high value view. The arrangement of its massing and form into several elements, together with the use of materials would help integrate it into the surrounding roofscape. The addition of the fifth floor plant room is also unavoidable as this is necessary to house the air source heat pumps proposed within the Energy Strategy and other necessary utilities. The proposal to introduce the profiled ceramic cladding along the south western face of the fifth floor is encouraged as this would improve the visual interest and design quality of the extension. This also aligns with the recommendations from Historic England that further articulation could be added to the fifth floor elevations, which would add a varied texture to better settle the proposal into the Oxford roofscape.
- 10.36. The fifth floor extension would obscure some of the views of the rooftops of Balliol and Trinity College, including the majority of the Balliol Chapel roof and spire, and the Trinity Chapel tower, and the lower section of Balliol's gate tower. Although several significant tall buildings would remain in view (the majority of Balliol's gate tower and its hall roof and spire, Sheldonian roof & cupola, and Natural History Museum spire) and the depth and layering of this part of the city's built environment would remain apparent, the obscuring of the Balliol and Trinity towers and roofs would cause less than substantial harm to this view from St Michael's tower.
- 10.37. The projection of the lift core overrun above the tree line, is not in itself considered harmful to the view as there are a number of built elements, both historically significant towers and spires and more recent 20th century developments, which break the tree line in this view. The design form and natural stone cladding of the lift overrun would ensure it would not appear an incongruous feature in the roofscape from this view. The lift overrun cannot be reduced in scale or height given accessibility needs required to access the fifth floor rooms and terrace and for safety and operational reasons.
- 10.38. In addition to the views from St Michael's Tower there would also be more distant views of the site from St George's Tower, which are assessed within the applicants Design and Access Statement. The fifth floor extension would be visible in this view and would obscure some of the Balliol tower causing a low level of less than substantial harm to the significance of this view.
- 10.39. Third and fourth floor extensions are proposed to the south facing elevation of the building. In design terms it is considered that the proposed extensions would relate well to the host buildings in terms of their form, massing and materials,

and subject to detailing and execution, would result in successful contemporary additions to this part of the site. It is not considered that the extensions, by reason of their massing, scale, size and siting would cause harm to the setting of St Michael's Tower at the North Gate Church or the character and appearance of the conservation area.

- 10.40. The setting of the bastion, which forms part of the original city wall and is a scheduled ancient monument has already been compromised by substantial built form (Jesus College student building and 1-5 Broad St) which dominates and over shadows the ancient monument, to the detriment of its setting and significance. The proposed infill extension, adjacent to the bastion, is not considered to cause further harm to its setting. The introduction of a corridor and hotel room windows and a roof terrace creating new views of the bastion would enhance appreciation and understanding of its heritage significance.
- 10.41. The proposals include the replacement of the majority of windows across all elevations of the building. The majority of the windows to the side and rear of the building and modern windows located on the modern additions to the building and the windows are not of any significance. Overall their replacement with new windows of a better design standard would be considered an enhancement. The plans for the south elevation of the building have been amended to substitute what were previously modern replacement windows to the rear of No.31 Cornmarket Street for a more traditional window design, which reflects the existing traditional windows on this element of the south elevation of the building which have some character from a heritage perspective. This is an appropriate change in officer's view, which would be in keeping with the overall character of the building.
- 10.42. The existing metal framed windows along the frontage of 1-5 Broad Street are understood to be original windows, which are key components of the buildings architectural and historic significance and overall character and appearance. The loss of these windows would cause less than substantial harm to the buildings heritage significance and the special interest of the conservation area
- 10.43. The justification for the loss of these windows is to enable the installation of the proposed ventilation strategy which will require a source of fresh air intake in each hotel bedroom. The preferred option to achieve this ventilation is through the window openings, which would require their replacement as the adaption of the existing windows is unlikely to be feasible. The alternative option to achieve this means of ventilation would be through openings within the stone façade, which would arguably have a more harmful visual and physical impact on the principal elevation. Overall officers are satisfied that there is a reasonable justification as to why the existing windows cannot be retained, though as noted their replacement would amount to less than substantial harm to what is a local heritage asset and to the Conservation Area. Full details of the replacement windows, including large scale drawings and sections will be required by condition.
- 10.44. The proposals involve replacement of the existing shopfront along Broad Street. Policy DH6 of the Oxford Local Plan outlines that planning permission will only be granted for new or changed shopfronts and advertisement consent will

only be granted for signage and other forms of advertisement where the design, positioning, materials, colour, proportion and illumination are not detrimental to assets with heritage significance or visual or residential amenity, as demonstrated through the following criteria, all of which should be met:

- a) The design responds to and positively contributes to the character and design of existing buildings and surroundings; and*
- b) Public safety would not be prejudiced; and*
- c) Visual pollution and clutter are avoided; and*
- d) Historic shop fronts are retained*

10.45. The proposals retain the original stone façade of the shopfront. Signage would form the basis of a later application for advertisement consent, though this is expected to consist of traditional non-illuminated signage. The hotel name 'The Store', which would form part of the signage is intended to reflect the heritage of the building. The proposals would open up the ground floor frontage of the building, compared with the existing arrangement which is somewhat untidy. The two smaller ground floor units would be amalgamated into a single frontage containing the hotel lobby and ground floor café/restaurant. Whilst the existing shopfronts and modern signage would be stripped away. Overall the proposed signage and shopfront design is considered to be an enhancement on existing arrangement and would make a positive contribution to the character of the Conservation Area. The Cornmarket Street façade and entrance would be unaltered.

10.46. Provision will be sought within the accompanying legal agreement to secure a package of city centre public realm enhancement works within the vicinity of the site, this would be to the sum of £25,000. This has the potential to enhance the appearance of some of the principal streets within the Conservation Area including Broad Street and Cornmarket Street, whilst also enhancing the City Centre visitor experience.

10.47. The floorplans indicate that refuse storage would be provided at ground floor level to the rear of the building in a non-intrusive position. This is considered acceptable in functionality and amenity terms and complies with Policy DH7 of the Oxford Local Plan, which specifies that where possible bin storage should be designed as an integrated part of the overall scheme.

#### Assessment of Heritage Harm and Public Benefits

10.48. The NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (para 194). Paragraph 193 requires great weight to be given to the conservation of designated heritage assets. For development that would lead to less than substantial harm, this harm should be weighed against any public benefits the proposed development may offer, including securing its optimum viable use (para 196).

10.49. The new fifth floor extension would result in less than substantial harm to the setting of designated heritage assets; namely the obscuring of the Balliol and Trinity towers in two of the high value views, and the detracting impact on the

setting of the building group on the southern side of Broad Street. The harm would be mitigated / lessened by the high quality architectural design of the new additions and improvement of the existing character and appearance of the buildings fifth elevation. Less than substantial harm would also be caused as a result of the loss of the existing windows from the north elevation of 1-5 Broad Street and the south elevation of 31 Cornmarket Street.

- 10.50. Policy DH3 of the Oxford Local Plan and Paragraph 196 of the NPPF require that the less than substantial harm to the significance of these designated heritage assets, namely the Central Conservation Area and the setting of the listed buildings must be weighed against the public benefits of the proposed development. Policy DH5 of the Oxford Local Plan and Paragraph 197 of the NPPF requires that less than substantial harm to a non-designated heritage asset, which in this case would be Nos. 1 to 5 Broad Street and 31 Cornmarket Street must also be weighed against the public benefits of the development.
- 10.51. The proposed development would deliver notable public benefits, which must be afforded significant weight. Firstly, the re-use of the building as a hotel represents a significant public benefit. Policy V5 of the Oxford Local Plan promotes the development of additional tourist accommodation within the City Centre and the proposals provide an opportunity to bring a large, prominent, historically significant and presently vacant City Centre building back into viable use. The use would contribute positively to the vitality of the City Centre and would in turn provide benefits to the local economy including the provision of 43 new jobs. The proposals retain and enhance the Cornmarket and Broad Street shopping frontages and the intended use of the ground floor of the building for a restaurant/café/bar use would make a positive contribution to the city centre, retaining active frontages along both streets. The proposed ground floor use and upper floor roof terrace would retain public access to what is a locally significant building. The package of public realm enhancement secured through the accompanying legal agreement would constitute a further significant public benefit in terms of enhancing the experience of visitors to the City Centre and depending on the nature of the works, potentially the appearance of the Conservation Area.
- 10.52. The addition of the fifth floor terrace would open up a new high level public view across the historic skyline of the city and new views of the bastion 4 which would otherwise be hidden in public views.
- 10.53. A heritage recording condition would be attached to any planning permission, this would preserve a record of the history of the building and its former use by Boswells. It is also noted that the interior of the new building would include a presentation of Boswell's heritage, though this cannot be secured by planning condition.
- 10.54. Overall when assessed under the balancing exercise required under Paragraphs 196 and 197 of the NPPF, the proposals are considered to deliver significant public benefits, which would demonstrably outweigh the less than substantial harm to the Central Conservation Area, the adjacent listed range of buildings and the buildings subject of this application (1-5 Broad Street and 31 Cornmarket Street), which would be classed as non-designated heritage assets.

## **Archaeology**

- 10.55. Proposals which would or may affect archaeological remains or features which are designated as heritage assets will be considered against the policy approach as set out in policy DH3 of the Oxford Local Plan. 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. Within the City Centre Archaeological Area, on allocated sites where identified, or elsewhere where archaeological deposits and features are suspected to be present (including upstanding remains), applications should include sufficient information to define the character, significance and extent of such deposits so far as reasonably practical.
- 10.56. The Planning Statement states that the proposals will not incorporate any significant level of new ground disturbance or alterations to the fabric that would involve digging below the existing sub-basement. The application does however involve the installation of a large lift pit, and a smaller stair core pit in the centre of the study site. A small stair core pit may also be required a little to the south, but this will be avoided if possible. The main pit will be excavated to a depth of up to 2m below the current basement slab level, which would impact fills within the late Saxon and Medieval ditch, and potentially the underlying Summertown-Radley terrace gravels.
- 10.57. Whilst it is not adjudged that the development would be likely to result in harm to below ground archaeological deposits, a Written Scheme of Investigation (WSI) should be prepared to include a programme and methodology of site investigation and recording and post investigation assessment and analysis of resulting material.

## **Impact on neighbouring amenity and adjacent uses**

- 10.58. Policy RE7 of the Oxford Local Plan requires that all new developments should ensure that the amenity of communities, occupiers and neighbours is protected. This includes consideration of matters including privacy, outlook, loss of light/overshadowing and artificial lighting amongst other matters. Policy RE8 of the Oxford Local Plan requires consideration of issues relating to noise disturbance which may also impact on the amenity of adjacent occupiers and uses.
- 10.59. The proposals involve the addition of an additional storey to the building, which would increase the overall height of the building, this has the potential to result in overshadowing and a loss of light to adjacent buildings. The proposals involve the creation of several roof terraces, including smaller terraces adjacent to hotel rooms, as well as the larger fifth floor bar terrace, which have the potential to increase overlooking of adjacent buildings. The change of use of the building from a retail to a hotel use may also materially increase overlooking as a number of the rear and side facing rooms currently serve ancillary back office space and the alternative use as hotel space would increase levels of activity relative to the existing use.

- 10.60. 30 Cornmarket Street is understood to be the only surrounding property which is used for a Class C3 (dwelling) residential use, this is a four storey building, which adjoins the Cornmarket Street frontage of the former Boswells Building. It is understood that there are flats on the second and third floor of this building, whilst the first floor of the building is used as office space. The remainder of the surrounding uses consist of student accommodation and commercial uses. In respect of No.30 Cornmarket Street, there would be no significant increase in overlooking of the second and third floor flats as there would be no windows directly facing these properties.
- 10.61. The proposed roof terrace bar faces Broad Street and Magdalen Street. In the case of the east facing side element of the roof terrace, this would face the roofs of the row of buildings to the east of the site. The orientation of the terrace, distance and height relative to the student accommodation at 5B Broad Street to the south of the site would mean that this accommodation is unlikely to be overlooked by the terrace bar. Terraces are also proposed to three of the hotel rooms at upper floor level. In the case of the smallest of the three terraces, this would face St Michael's Church, whilst the other terraces would be orientated towards the rear elevations of the commercial buildings in Broad Street, as opposed to facing the rooms serving the student accommodation at 5B Broad Street. The building opposite the north facing terrace bar is used by Balliol College, it is understood that this contains student rooms. The terrace would be at a much higher level relative to the windows opposite and there would not be direct overlooking of any of the opposite rooms.
- 10.62. In order to assess the material impact of the development in respect of overshadowing and loss of light, the application is accompanied by a Daylight, Sunlight and Amenity Assessment, which objectively assesses this matter in accordance with BRE guidelines. The submitted Daylight and Sunlight Assessment indicates that 97% of the neighbouring windows, which is all but one of the windows, would remain adequately lit where applying the vertical sky component (VSC) test. The one window which falls short of the appropriate standards serves ground floor breakout space in the student accommodation at 5B Broad Street and the extent to which it falls short is marginal. When assessed in line with the direct daylight (DD) test, 100% of the neighbouring windows comply. Likewise the annual sunlight analysis indicated 100% compliance with the BRE criteria.
- 10.63. From the submitted Daylight and Sunlight Assessment it can be concluded that the development would not have an adverse impact on the amenity of the adjacent residential uses at 30 Cornmarket Street, or the student accommodation uses at 5B Broad Street.
- 10.64. Hotel bedrooms would not be expected to meet the same standards in terms of natural light as Class C3 habitable rooms, as persons using these spaces would only be staying within these rooms on a temporary basis as visitors, often for a relatively short period of time. It is noted that a number of the hotel rooms would not meet BRE criteria for VSC or DD. This would be largely unavoidable accounting for the urban context of the site. Notwithstanding this, effort has been made to ensure that all rooms have an appropriate outlook, including the basement rooms which would be lit through a new lightwell space and would

face an area of lower level landscaping. In any event the standards applied to natural light for regular residential uses would not typically be applied to hotel spaces where occupiers are temporary visitors, rather than permanent residents.

10.65. A noise impact report has been prepared for the site in order to assess the impact of development in terms of noise generation. Sources of potential noise include the installation of plant equipment and noise from the roof terrace use. The roof plant would consist of 12 condenser units, there would also be a plant room at basement level. Extraction from the kitchen at basement level would be ducted through a vent to roof level. The nearest condenser plant would be sited 20 metres from the window of No.30 Cornmarket Street. Subject to appropriate mitigation it is considered that this would not have an adverse impact on the amenity of occupiers of this property. The roof terrace would be orientated away from No.30 Cornmarket Street and the student housing at No.30 Broad Street. Subject to appropriate management in line with the recommendations outlined in the applicant's noise report, compliance with which is required by condition, it is considered that the use of the roof terrace would not have an adverse impact on the amenity of any adjacent uses.

10.66. In assessing the amenity impact of the proposed development with respect to overlooking, loss of light, overshadowing and noise disturbance, it is considered that the proposals would not adversely impact on adjacent land uses including residential, student accommodation or other commercial uses. The development is therefore considered to comply with Policies RE7 and RE8 of the Oxford Local Plan.

## **Transport**

10.67. The site is located within the City Centre and lies in close walking distance to existing public transport connections, including bus stops and the railway station. No parking is currently provided on site. Policy M3 of the Oxford Local Plan outlines the need to limit car parking where possible where practically possible, within sustainable locations in the city, including within the City Centre. This includes a requirement that there is no net increase in parking compared to existing levels. No guest or staff parking is proposed on the site, which accounting for the City Centre location of the site would be expected and in any event this would not be practically possible. Hotel guests and staff would be able to easily access the site by public transport and the car free nature of the development is supportable in line with Policy M3 of the Oxford Local Plan.

10.68. Servicing for the former retail use was from Broad Street and Cornmarket Street. The hotel and ground floor uses would also be serviced from the kerbside of Broad Street and Cornmarket Street. It is indicated that the proposed hotel would have lower servicing demands compared with the existing retail use. The applicants Transport Assessment suggests that the hotel use would generate a total of 4 two way service vehicle movements per day. It is considered that the development would not have any adverse highways impacts and the conclusions of the applicants Transport Assessment are accepted.

10.69. A total of 20 cycle parking spaces are proposed on site for staff and guests. This has been increased from the previously proposed provision of 8 spaces,

following advice from the County Council that additional cycle parking on the site would be desirable. Overall this is considered acceptable in line with Policy M5 of the Oxford Local Plan.

### **Flooding/Drainage**

10.70. The application site falls within Flood Zone 1 and is identified as being at low risk of flooding. The basement/sub-basement has been identified at potential risk of flooding from sewers, and groundwater, due to the discovery of a submersible pump. The application is accompanied by a Flood Risk Assessment, it should be conditioned that the development is carried out in accordance with the recommendations outlined in the FRA to mitigate the aforementioned flood risk to the basement. A condition is also required to secure a final drainage strategy. Overall the development is considered to comply with Policies RE3 and RE4 of the Oxford Local Plan.

### **Ecology**

10.71. Policy G2 of the Oxford Local Plan states that development will not be permitted where this results in a net loss of sites and species of ecological value. Where there is opportunity, development will be expected to enhance Oxford's biodiversity.

10.72. The application is accompanied by a preliminary Ecological Appraisal. The site comprises entirely of the existing buildings, therefore the ecological value of the site is adjudged to be minimal. No protected species, or evidence of protected species including bats were found within the buildings and no potential nesting areas for birds were found. The buildings on the site are adjudged to have negligible potential for accommodating roosting bats. No evidence of protected species was identified in any of the surrounding buildings or the churchyard to the north west.

10.73. A scheme of ecological enhancements is required by condition in order to achieve a net gain in on site biodiversity. The scheme will include details of new landscape planting of known benefit to wildlife and provision of artificial roost features, including specifications and locations of bird and bat boxes. Subject to the provision of these details, it is considered that the development would comply with Policy G2 of the Oxford Local Plan.

### **Sustainability**

10.74. Policy RE1 of the Oxford Local Plan states that planning permission will only be granted where it can be demonstrated that sustainable design and construction principles have been incorporated. Applications for non-residential developments of over 1000sqm of floorspace should be accompanied by an Energy Statement. It is also expected that non-residential developments of this scale shall meet BREEAM excellent (or equivalent) standard. Policy RE1 outlines the requirement that developments incorporate a design approach which achieves at least a 40% reduction in the carbon emissions compared with a 2013 Building Regulations (or future equivalent legislation) compliant base case. This



reduction is to be secured through on-site renewables and other low carbon technologies and/ or energy efficiency measures.

10.75. In accordance with Policy RE1 an Energy Statement has been prepared in support of this application. The Energy Statement outlines that the proposals will include measures to improve the energy efficiency of the scheme, which will include enhancements to the building fabric and air tightness and the replacement of glazing, which will maximise day lighting and winter sun solar gain. Measures also include meeting energy needs through low carbon technologies, this would include high efficiency mechanical ventilation with heat recovery (MVHR) for the guestrooms and heating/cooling which would be provided through roof mounted Air Source Heat Pumps (ASHP). An array of solar PV is proposed on the roof of the building as a means of generating renewable electricity.

10.76. The submitted Energy Statement calculates that the recommended measures would equate to a 40.8% reduction in carbon emissions compared with a 2013 Building Regulations (or future equivalent legislation) compliant base case. The development would therefore meet the requirements of Policy RE1 of the Oxford Local Plan.

### **Air Quality**

10.77. Policy RE6 of the Oxford Local Plan states that planning permission will only be granted where the impact of new development on air quality is mitigated. The planning application is accompanied by an Air Quality Assessment which looks at the potential impact of development on local air quality.

10.78. Local air quality levels of the area are below the current EU/UK limit values for NO<sub>2</sub> and therefore the proposal would not result in the exposure of new receptors (residents) to areas that exceed the Air Quality legal limits.

10.79. The development would be car free and service vehicle activity would be below present levels and the estimation of potential air quality impacts caused by traffic will not be required.

10.80. The applicants Energy Statement confirms that energy consumption would be minimised through use of good design and specification of the building envelope, ventilation and M&E equipment, which also improves thermal comfort. VRF heat pumps are proposed and contribute to the Low carbon energy use. Photovoltaic panels are considered on the roof of the building. The Air Source Heat Pumps would provide heating, cooling and domestic hot water for the development and PV will be mounted on the roof to provide electricity. As such, there would be no emissions associated with energy centres and therefore the need to assess impacts from energy centre emissions has been scoped out.

10.81. A construction dust risk assessment was undertaken in accordance with the IAQM construction dust guidance. The risk of dust impacts during the construction phase was evaluated by assessing the dust emissions magnitude of the planned construction activities and by taking into account the existing sensitivity of the area. According to the risk assessment presented, the impact of

dust soiling and PM10 can be reduced to negligible through appropriate site specific mitigation measures, which are listed in the Air Quality Assessment. It is mandatory that these measures are included in a Construction Environmental Management Plan (CEMP) which will be required by condition.

10.82. Overall it is considered that the development would comply with the provisions of Policy RE6 of the Oxford Local Plan.

### **Land Quality/Contamination**

10.83. The development would utilise the existing footprint of the building and no significant groundwork or landscaping is proposed. There is also no record of potential contaminative uses on the site in the past. The overall risk in terms of land contamination is adjudged to be low and no specific mitigation conditions are required.

### **Assessment of Health Impacts**

10.84. Under the provisions of Policy RE5 of the Oxford Local Plan for major development proposals, the Council require a Health Impact Assessment to be submitted. In accordance with these requirements the applicants have completed a rapid HIA, which is proportionate to the scale of development.

10.85. The conclusions which can be drawn from the HIA are that the majority of the works would have positive health outcomes, or at worst the impact of the development would be neutral.

10.86. The overall impact on air quality would be neutral, whilst the development promotes sustainable transport measures and active travel. The proposals are designed to meet high standards of energy efficiency and incorporate sustainability measures including on site renewable energy which, as mentioned in the above sections achieves a significant reduction in carbon emissions. The development would also utilise the fabric of the existing building which contributes towards minimising the use of resources. The development would also have notably positive impacts in terms of providing local employment opportunities.

10.87. There are no notable adverse health impacts associated with the development and a multitude of benefits, therefore the proposals are considered to comply with Policy RE5 of the Oxford Local Plan.

## **11. CONCLUSION**

11.1. On the basis of the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes it clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

11.2. In the context of all proposals paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development. This means approving development that accords with an up-to-date development

plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 11.3. The application proposes a change of use of the former Boswells stores building at 31 Cornmarket Street and 1-5 Broad Street from a retail and partial non-residential institutions use to a hotel use, with ground floor space to be used as a café/restaurant/bar and flexible working space. This is alongside various alterations to the building, including the replacement of the fourth floor and the addition of a new fifth floor.
- 11.4. The change of use of the building, including the proposed use of the building as a hotel and the loss of existing retail and former Class D2 space is considered acceptable in principle in line with Policies V1, V2 and V5 of the Oxford Local Plan.
- 11.5. The proposed hotel use would be classed as a main town centre use and would be supportable in line with Policy V1 of the Oxford Local Plan, whilst the site would represent an appropriate location for a hotel use in line with Policy V5 of the Oxford Local Plan. Policy V2 of the Oxford Local Plan does not afford specific protection to upper floor retail uses within the City Centre and allows for the use of upper floor spaces for other appropriate town centre uses, which includes hotel accommodation. In terms of the ground floor frontages, the change of use of these units to a restaurant/café/bar use would not result in the number of retail units within the City Centre primary shopping frontages falling below the permitted 60% threshold specified under Policy V2. The proposed ground floor restaurant/bar/café would be available for the wider public to use and active frontages to both Broad Street and Cornmarket Street would be retained.
- 11.6. The most substantial new additions to the building involve the replacement of the existing fourth floor mansard roof and the addition of a fourth floor replacement extension and new fifth floor extension, incorporating a roof terrace. The new extensions would add to the bulk and volume of the upper floor of the building, increasing its visual presence. This would impact on the setting of the Conservation Area and adjacent designated heritage assets, including the adjacent row of listed buildings in Broad Street. The new extensions would be highly prominent in views from the nearby Grade I listed St Michael's Tower, where the upper elements of the extensions, including the lift overrun would impact on views of the Balliol College tower. Overall this would result in less than substantial harm to the significance of the Conservation Area and surrounding designated heritage assets. There would also be less than substantial harm to 1-5 Broad Street, which is a local heritage asset. This would however be mitigated through a careful and well-considered approach to the design of these upper elements of the building, which reduces the presence of these extensions. There would also be less than substantial harm arising from the loss of the upper floor

front façade windows facing Broad Street, though a reasoned justification is put forward as to why it is appropriate and necessary for the windows to be replaced.

- 11.7. Policy DH3 of the Oxford Local Plan and Paragraph 196 of the NPPF requires that the less than substantial harm to the significance of these designated heritage assets, namely the Central Conservation Area and the setting of the aforementioned listed buildings must be weighed against the public benefits of the proposed development. Policy DH5 of the Oxford Local Plan and Paragraph 197 of the NPPF require that less than substantial harm to non-designated heritage assets must be weighed against the public benefits of the development.
- 11.8. The development would deliver a significant package of public benefits. Notably the proposals would bring back into use a large, prominent and historically significant building in the City Centre. The intended use would be viable and would provide numerous economic benefits and would enhance the provision of tourist accommodation within the City Centre, whilst the intended hotel and ground floor restaurant/café/bar uses would contribute positively to the vitality of the City Centre. The provision of the upper floor roof terrace and bar would be beneficial in providing an additional public vantage point, opening up views of the historic skyline of the city and Bastion, which is a scheduled monument, largely hidden from public view at the present time. The proposed alterations to the ground floor shopfront facing Broad Street would also be beneficial in terms of enhancing the appearance of a prominent City Centre shopping frontage within the Conservation Area, whilst the proposed works would improve the appearance of the largely hidden side and rear elements of the building. Overall the development is considered to deliver significant public benefits which outweigh the less than substantial harm to the Central Conservation Area, adjacent listed buildings and the buildings subject of this application, which are locally significant heritage assets.
- 11.9. It is assessed that the change of use and extensions to the building would not have any adverse implications in respect of residential amenity, highway amenity or environmental impacts including air quality or biodiversity.
- 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 legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers.

## **12. CONDITIONS**

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.

2. Subject to conditions 3, 4, 5, 6 and 7, the development referred to shall be constructed strictly in complete accordance with the specifications in the application and the submitted plans.

Reason: To avoid doubt as no objection is raised only in respect of the application as submitted and to ensure an acceptable development as indicated on the submitted drawings.

3. Samples of all exterior materials proposed to be used, including but not limited to, ceramic cladding, glass balustrading, metal cladding, brick, stone, window and door frames, roof materials, shall be made available for inspection on site and details shall be submitted to and approved in writing by the Local Planning Authority before the start of the relevant work and only the approved materials shall be used.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the building and conservation area, in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2036.

4. Sample panels of brickwork / stonework demonstrating the colour, texture, face bond, mortar and pointing for the extensions shall be erected on site and approved in writing by the Local Planning Authority before relevant parts of the work are commenced. The development shall be completed in accordance with the approved sample panels which, where feasible, shall remain on site for the duration of the development works; and sample panels of ceramic cladding and metal cladding demonstrating the colour, texture, reflectivity and joints for the new extensions shall be erected at a high level on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved sample panels which, where feasible, shall remain on site for the duration of the development works.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the building and conservation area, in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2036.

5. The following large scale drawn section details 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:
  - a) Typical junction details for the new extensions, including dormers, roof junctions, fascias, soffits, window and door reveals;
  - b) Glass balustrading;
  - c) Replacement shopfronts;
  - d) Metal gate.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the building and conservation area, in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2036.

6. Typical large scale full section details of the replacement windows shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced and the works shall be carried out in accordance with the approved details only. A typical sample of the replacement windows for the 1-5 Broad Street façade shall be provided on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced and the works shall be carried out in accordance with the approved details only.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the building and conservation area, in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2036.

7. Large scale drawings and details showing the siting, design and finished appearance of the following elements 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:

- a) Integrated solar panels
- b) Metal grille over plant room
- c) Green roof
- d) Pavement lights

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the building and conservation area, in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2036.

8. Sample areas no bigger in size than 1m<sup>2</sup> showing the proposed stone cleaning methods shall be made available for inspection on site and details shall be submitted to and approved in writing by the Local Planning Authority before the start of the relevant work and only the approved methods shall be used.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the building and conservation area, in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2036.

9. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

10. Prior to the first occupation of the development the areas allocated for the parking of at least 20 cycles shall be constructed and laid out in accordance with the approved plans and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of promoting sustainable means on transport, in accordance with Policy M5 of the Oxford Local Plan.

11. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The CTMP shall include, as a minimum, the following:

- The CTMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction. Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc.) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with

through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.

- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

12. A Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The CEMP shall include site specific dust mitigation measures. The development shall be carried out in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure that the overall dust impacts during the construction phase of the proposed development will remain as “not significant”, in accordance with the results of the dust assessment, and with Core Policy RE6 of the new Oxford Local Plan 2016- 2036.

13. Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to, and approved in writing by, the Local Planning Authority to ensure a net gain in biodiversity will be achieved. This shall follow recommendations set out in the Ecological Appraisal (June 2020) produced by SLR. The scheme shall include details of new landscape planting of known benefit to wildlife and provision of artificial roost features, including specifications and locations of bird and bat boxes. The approved scheme shall be implemented before first occupation of the building.

Reason: To comply with the requirements of the National Planning Policy Framework and Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

14. The development shall be carried out in accordance with the submitted acoustic assessment reference: 20212-R02-B dated 25 August 2020, with all mitigation in place before first occupation of the building.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises are not adversely affected by vibration in accordance with Policy RE8

15. No development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall



include the statement of significance and research objectives, and the following:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- The 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: 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 early modern remains (Local Plan Policy DH4).

16. No development shall take place until the applicant, or their agents or successors in title, has submitted a written scheme of investigation (WSI) for the implementation of a programme of historic building recording and social/oral history project, and this has been approved in writing by the Local Planning Authority. Once approved, development work shall proceed in accordance with the approved written scheme of investigation. The historic building report and social history study shall be archived within two years of the completion of development works unless otherwise agreed in writing by 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, in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

17. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015, the floor space on the ground floor, as shown on the approved plans to be used as a restaurant/café/bar use shall be used only for these specified purposes and shall be used for no other purpose (including any other purpose in Class E of Part A of Schedule 2 to the Town and Country (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class revoking and re-enacting that order with or without modification.

Reason: In the interests of preserving a ground floor frontage use which contributes to the overall vitality of the City Centre and aligns with the objectives of Policies V1 and V2 of the Oxford Local Plan.

18. The development shall not be occupied until confirmation has been submitted to, and approved in writing by, the Local Planning Authority 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.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

19. The development shall be carried out in accordance with the recommendations outlined within the submitted Energy Statement prepared by Energy Council, reference Ref: Z38013B dated August 2020 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is of a sustainable design and meets the carbon reduction targets outlined under Policy RE1 of the Oxford Local Plan 2016-2036.

### **13. APPENDICES**

- **Appendix 1** – Site location plan
- **Appendix 2** – Oxford Design Review Panel Letter

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

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

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