

Agenda



Planning - Oxford City Planning Committee

This meeting will be held on:

Date: **Tuesday 23 January 2024**

Time: **6.00 pm**

Place: **Long Room - Oxford Town Hall**

For further information please contact:

Emma Lund, Committee and Members' Services Officer

☎ 01865 252367

✉ DemocraticServices@oxford.gov.uk

Members of the public can attend to observe this meeting and:

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

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

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

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All public papers are available from the calendar link to this meeting once published

Committee Membership

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

Councillor Mary Clarkson (Chair)	Marston;
Councillor Alex Hollingsworth (Vice-Chair)	Carfax & Jericho;
Councillor Mohammed Altaf-Khan	Headington;
Councillor Nigel Chapman	Headington Hill & Northway;
Councillor Laurence Fouweather	Cuttesslowe & Sunnymead;
Councillor Emily Kerr	St Mary's;
Councillor Sajjad Malik	Temple Cowley;
Councillor Edward Mundy	Holywell;
Councillor Anna Railton	Hinksey Park;
Councillor Ajaz Rehman	Lye Valley;
Councillor Louise Upton	Walton Manor;

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

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

Agenda

Pages

Planning applications - background papers and additional information

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

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

1 Apologies for absence and substitutions

2 Declarations of interest

3 22/00409/FUL: Green Templeton College, Woodstock Road, Oxford OX2 6HG

15 - 64

Site Address: Green Templeton College, Woodstock Road, Oxford

Proposal: Demolition of squash courts, gardeners shed, existing porter's lodge and existing accommodation building. Construction of three accommodation buildings to house 51 student study bedrooms, associated communal spaces and landscape on the existing tennis courts site. Construction of a new Porter's Lodge and associated office facilities to replace the existing Porter's Lodge and Clock Tower. Construction of a new single storey informal study space to replace the existing glass house. Construction of a new dining hall and associated facilities replacing the existing Doll building. Change of use of residential gardens and retention of building used as a

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Oxford City Council, Town Hall, St Aldate's Oxford OX1 1BX

college gym

Reason at Committee: The proposal is a major development.

Recommendation:

The Oxford City Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission subject to:
 - The satisfactory completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 or Unilateral Undertaking and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and
2. **delegate authority** to the Head of Planning and Regulatory 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;
 - Finalise the recommended legal agreement or Unilateral Undertaking 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 and Regulatory Services considers reasonably necessary; and
 - On receipt of the completed section 106 legal agreement or Unilateral Undertaking and issue the planning permission.

4 22/00410/LBC: Green Templeton College, Woodstock Road, Oxford, OX2 6HG

65 - 80

Site Address: Green Templeton College, Woodstock Road, Oxford

Proposal: Alterations to grade II listed boundary wall fronting onto Woodstock Road and to

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curtilage listed walls to former walled garden associated with the construction of new buildings adjacent to and abutting these structures

Reason at Committee: Accompanying a concurrent major planning application 22/00409/FUL for associated development

Recommendation:

The Oxford City Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 11 of this report and grant listed building consent; and
2. **delegate authority** to the Head of Planning and Regulatory 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 and Regulatory Services considers reasonably necessary.

5 23/01482/FUL: 13-15 Oxenford House, Magdalen Street, Oxford OX1 3AE

81 - 120

Site Address: 13-15 Oxenford House, Magdalen Street, Oxford

Proposal: Change of use of the first to fourth floors and part basement and ground floor to office use (Class E). Erection of a roof extension to the front elevation above fourth floor and a two storey roof extension to rear elevation above third floor. Internal and external alterations to allow level access and provide lift services to all floors. Provision of bin and cycle storage. Alterations to fenestration. (Amended Plans)

Reason at Committee: The proposal is a major development

Recommendation:

The Oxford City Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission; and subject to:

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- the satisfactory completion of a legal obligation under section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and
2. **delegate authority** to the Head of Planning and Regulatory Services to:
- finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and
 - finalise the recommended legal obligation under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in the report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in the 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 obligation referred to above and issue the planning permission.

6 23/01483/FUL: 13-15 Oxenford House, Magdalen Street, Oxford OX1 3AE

121 - 166

Site Address:	13-15 Oxenford House, Magdalen Street, Oxford
Proposal:	Change of use of the first to fourth floors and part basement and ground floor to provide 55no. en-suite student accommodation rooms (Sui Generis). Erection of a roof extension to the front elevation above fourth floor and a two storey roof extension to rear elevation above third floor. Alterations to basement to create plant area and bin storage. Formation of new entrance lobby to Friars Entry with reception, break out area and cycle storage. Alterations to fenestration. (Amended Description and Plans)
Reason at Committee:	The proposal is a major development
Recommendation:	

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The Oxford City Planning Committee is recommended to:

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

7 23/02342/FUL: 34 Canal Street, Oxford OX2 6BQ

167 - 182

Site Address: 34 Canal Street, Oxford OX2 6BQ

Proposal: Removal of 1no. rooflight to rear elevation. Alterations to fenestration. Insertion of 3no. ventilation grilles to front elevation.

Reason at Committee: The application has been submitted on behalf of a Councillor.

Recommendation:

The Oxford City Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission; and

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2. **delegate authority** to the Head of Planning and Regulatory Services to:

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

8 Minutes

183 - 190

Recommendation: to approve the minutes of the meeting held on 12 December 2023 as a true and accurate record.

9 Forthcoming applications

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

22/02555/FUL: Plot 27, Oxford Science Park, Robert Robinson Avenue, Oxford OX4 4GA	Major
22/02954/OUT: Land at Oxpens Road, Oxford OX1 1TB	Major
22/02955/FUL: Land at Oxpens Road, Oxford OX1 1TB	Major
23/01001/CT3: Tumbling Bay, Head of Bulstake Stream, Botley Road, Oxford	Called-in
23/01198/FUL: Unit 1, Ozone Leisure Park, Grenoble Road, Oxford	Major
23/02114/FUL: John Radcliffe Hospital, Headley Way, Oxford OX3 9DU	Major
23/02262/FUL: Churchill Hospital, Old Road, Headington, Oxford OX3 7JT	Called-in
23/02411/FUL: Land North of Charlbury Road, Oxford, Oxfordshire	Major
23/02506/CT3: South Side, Oxpens Road, Oxford OX1 1RX	Major

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23/00516/FUL: The Annexe, Madina Mosque, 2 Stanley Road, Oxford OX4 1QZ	Called-in
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10 Dates of future meetings

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

20 February 2024

19 March 2024

23 April 2024

21 May 2024

25 June 2024

16 July 2024

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Information for those attending

Recording and reporting on meetings held in public

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

The Council asks those recording the meeting:

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

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

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

Councillors declaring interests

General duty

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

What is a disclosable pecuniary interest?

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

Declaring an interest

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

Members' Code of Conduct and public perception

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

Members' Code – Other Registrable Interests

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing** of one of your Other Registrable Interests*** then you must declare an

interest. You must not participate in discussion or voting on the item and you must withdraw from the meeting whilst the matter is discussed.

Members' Code – Non Registrable Interests

Where a matter arises at a meeting which **directly relates** to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, you must declare the interest.

Where a matter arises at a meeting which affects your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under Other Registrable Interests, then you must declare the interest.

You must not take part in any discussion or vote on the matter and must not remain in the room, if you answer in the affirmative to this test:

“Where a matter affects the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest You may speak on the matter only if members of the public are also allowed to speak at the meeting.”

Otherwise, you may stay in the room, take part in the discussion and vote.

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

** Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing.

*** Other Registrable Interests: a) any unpaid directorships b) any Body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority c) any Body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

Procedure for dealing with planning applications at the Oxford City Planning Committee and Planning Review Committee

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

The following minimum standards of practice will be followed:

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

Public requests to speak

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

Written statements from the public

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

Exhibiting model and displays at the meeting

Applicants or members of the public can exhibit models or displays of photos and/or pictures at the meeting or a room provided for that purpose as long as they notify the Committee Services Officer of their intention by noon two working days before the start of the meeting so that members can be notified. Applicants or members of the public are not permitted to exhibit photos and/or pictures in any electronic format.

Recording meetings

This is covered in the general information above.

Meeting Etiquette

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

This procedure is detailed in the Annex to part 24 of the Council's Constitution as agreed at Council in March 2023.

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Application number:	22/00409/FUL		
Decision due by	8 th June 2022		
Extension of time	2 nd February 2024		
Proposal	Demolition of squash courts, gardeners shed, existing porter's lodge and existing accommodation building. Construction of three accommodation buildings to house 51 student study bedrooms, associated communal spaces and landscape on the existing tennis courts site. Construction of a new Porter's Lodge and associated office facilities to replace the existing Porter's Lodge and Clock Tower. Construction of a new single storey informal study space to replace the existing glass house. Construction of a new dining hall and associated facilities replacing the existing Richard Doll building. change of use of residential gardens and retention of building used as a college Gym.		
Site address	Green Templeton College, Woodstock Road, Oxford, Oxfordshire – see Appendix 1 for site plan		
Ward	Walton Manor Ward		
Case officer	Michael Kemp		
Agent:	Mr Michael Crofton-Briggs	Applicant:	Green Templeton College
Reason at Committee	The proposals are major development		

1. RECOMMENDATION

1.1. The Oxford 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 or Unilateral Undertaking and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and

1.1.2. **Agree to delegate authority** to the Head of Planning and Regulatory 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;
- Finalise the recommended legal agreement or Unilateral Undertaking 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 and Regulatory Services considers reasonably necessary; and
- On receipt of the completed section 106 legal agreement or Unilateral Undertaking and issue the planning permission.

2. EXECUTIVE SUMMARY

2.1. This report considers a planning application on the Green Templeton College which involves the demolition of the Richard Doll Building; a building housing a squash court; several small buildings, and the removal of two tennis courts. Permission is sought for three buildings on the site of the tennis and squash court which would be three storeys in scale and would house student accommodation. A replacement porters lodge would be provided on the site of the existing two storey gatehouse building which would be between three and four storeys in scale and would house reception and office/meeting space for the college. A replacement building ranging between two and three storeys is proposed on the site of the Richard Doll Building, this would provide new dining space for the college. The application also seeks permanent retention of a single storey building located to the rear of properties in Observatory Street which is currently used as a gym.

2.2. The principle of providing additional student accommodation on the site would comply with Policy H8 of the Oxford Local Plan and would assist in addressing Green Templeton College's need to provide dedicated graduate accommodation and would assist in releasing additional housing back into the local market, which would be equivalent to the provision of 8 dwellings, where applying the formula outlined in the Government's Housing Delivery Test. There would be a minor increase in academic and administrative space on the site. The provision of this additional floorspace is intended to address deficiencies in the quantity and quality of teaching, administrative and dining space and would enable the relocation of kitchen and dining facilities from the Radcliffe Observatory, which would provide heritage benefits. Officers are satisfied that the proposals would not lead to an increase in student numbers at the college and the proposals are, in any event, delivered in conjunction with proposals to provide 21 new student rooms. Officers therefore consider that there would be no conflict with Policies E2 or H9 of the Oxford Local Plan.

2.3. The proposals would result in the loss of two tennis courts and a single squash court, which are used by students at the college but are not used by the wider public. There are existing public and university owned tennis courts within an

accessible distance to the site. The College have indicated that they intend to facilitate access for students to use the squash courts at Wolfson College, whilst there are other University and public squash courts that are within the area or are otherwise accessible. The proposals would secure the retention of the temporary gym, which the college intend to upgrade, and, on balance, it is considered that the proposals would comply with Policy G5 of the Oxford Local Plan.

- 2.4. Whilst there would be an impact on the amenity of the immediately adjoining properties, in particular No.45 Woodstock Road, in terms of overshadowing and loss of light, where considering the specific circumstances including the function of the windows and baseline levels of light, it is considered that the siting of the development would not have a significantly adverse impact on the amenity of these properties. The amenity impact associated with the siting of the dining hall and retention of the gym in relation to the immediately adjoining buildings would not be significantly harmful. In amenity terms the proposals would comply with Policies H14 and RE7 of the Oxford Local Plan. Acceptable standards of amenity would also be provided for future occupiers in line with Policy H8 of the Oxford Local Plan.
- 2.5. The design, scale and siting of the proposed buildings on the site is considered to be appropriate and responsive to the character of the site and the surrounding area, including the setting of surrounding heritage assets, including the Grade I listed Radcliffe Observatory and Osler House and the proposals would meet the sustainability and energy requirements set out within Policy RE1 of the Oxford Local Plan. The insertion of new openings within the listed boundary walls surrounding the tennis courts would result in a low level of less than substantial harm to the significance of the walls. The siting of the proposed buildings on the tennis courts site would result in a low level of less than substantial harm to the setting of the Grade I listed Observatory Tower, by virtue of the loss of views of the tower from Woodstock Road, although the demolition of the gatehouse building would open new, presently obscured views of the tower. There would be a very low level of less than substantial harm that would be caused to the setting of the Walton Manor Conservation Area as a result of the siting of the gym building. Overall, the assessed low level of less than substantial harm to the significance of these heritage assets is considered to be outweighed by the public benefits of the development.
- 2.6. There would be no adverse implications associated with the development in transport and accessibility terms. The proposals are accompanied by a BNG Assessment which indicates that the development would result in habitat creation that would amount to a biodiversity net gain increase of 17%, which would be provided on site and would exceed the statutory 5% biodiversity net gain requirement outlined under Policy G2 of the Oxford Local Plan.
- 2.7. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the prior completion of a legal agreement or Unilateral Undertaking.

3. LEGAL AGREEMENT

3.1. This application is subject to a legal agreement or Unilateral Undertaking requiring the Applicant to make a payment of £1440 to the County Council for the purposes of Travel Plan monitoring for a period of five years.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for a CIL contribution of £335,987.00

5. SITE AND SURROUNDINGS

5.1. The site subject of this planning application comprises three parcels of land falling within the Green Templeton College site. Green Templeton College is located in the northern part of the Radcliffe Observatory Quarter in the far north of the City Centre on the western side of Woodstock Road. The areas of the Green Templeton College site subject of this application can be broken down into three key areas, consisting of the 'tennis court' site; 'dining Hall' site, which includes the Richard Doll building; and the site of the single storey building housing the existing gym.

5.2. The 'Tennis Court Site' is located in the north east corner of the Green Templeton College Site. This includes an enclosed space located to the rear of a Grade II listed boundary wall which forms the north eastern boundary of the site and faces Woodstock Road. The adjoining sections of the boundary wall surrounding the tennis courts are curtilage listed, accounting for their relationship to the adjacent Grade II listed wall. This part of the site contains two full sized hard surfaced tennis courts which are used by the college, as well as small ancillary buildings and a timber clad flat roofed building currently used as a squash court, which was constructed in the 1970's. There is soft landscaping within the site including several trees. This part of the site also includes the Porters Lodge and Fellowship House, a pair of two storey stone buildings as well as the main entrance gates to the college. There is also a single storey greenhouse located adjacent to the squash courts.

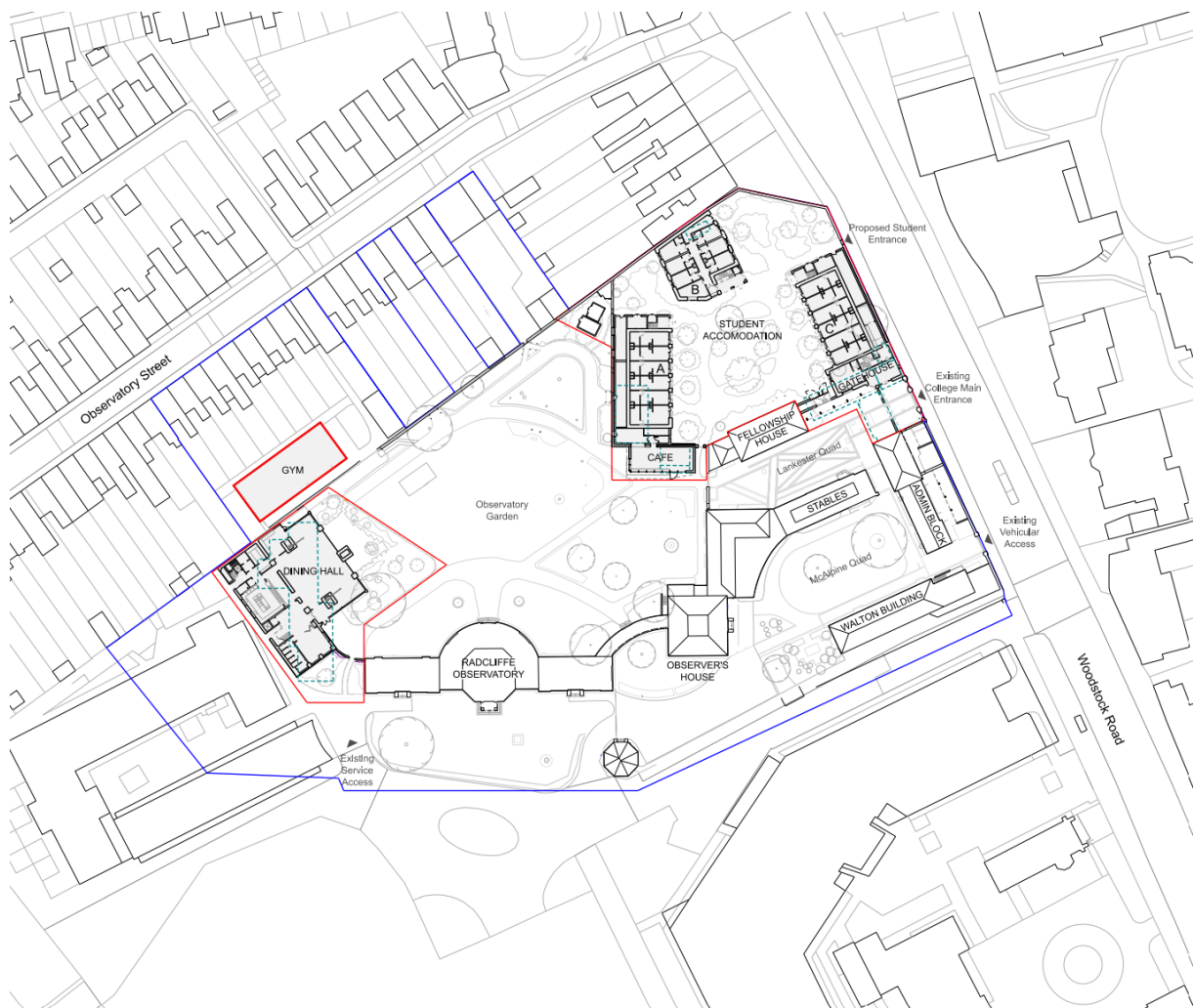
5.3. The 'Dining Hall Site' includes the three storey Richard Doll building located along the western boundary of the site, which was built to house student accommodation and was completed in 1981. This part of the application site also includes part of the Observatory Garden to the front of the Richard Doll building. The Observatory Garden is a formal landscaped garden that lies at the centre of the site to the north of the Radcliffe Observatory and to the east of the Richard Doll building.

5.4. The application site includes a single storey building located within the north west corner of the site which is currently used as a Gym. This building was first granted temporary planning permission in 2013 (12/02883/FUL), permission was extended in 2018 for a further 5 years (18/00123/FUL). The building lies immediately to the rear of the gardens of Nos. 10 to 16 Observatory Street.

5.5. The wider Green Templeton College site includes the Grade I listed Radcliffe Observatory and attached Observers House (Osler House), also Grade I listed. There are also several unlisted buildings within the site surrounding two small, landscaped quads, with the Admin Block and Walton Building fronting Woodstock

Road to the east. There is a small area of car parking used by staff and for servicing purposes which is located to the south east of the Radcliffe Observatory and is accessed via the existing vehicular access from Woodstock Road serving the Observatory Quarter.

- 5.6. The majority of the site lies within the North Oxford Victorian Suburb Conservation Area, with the exception of the gym building, which lies within the Walton Manor Conservation Area. The surrounding buildings to the north west of the application site including the properties in Observatory Street also lie within the Walton Manor Conservation Area. The site also lies within the wider setting of two further Conservation Areas. The Jericho Conservation Area, which lies to the south and south west of the site. The Central Conservation Area also extends to a position close to the south east of the application site and includes Somerville College.
- 5.7. The site lies between buildings of contrasting character and appearance. Nos. 45 to 55 Woodstock Road are a row of early 19th Century three storey townhouses constructed from red brick, set back from Woodstock Road behind sizeable front gardens and a low stone boundary wall. The side wall and front and rear garden of No.45 Woodstock Road adjoins the Tennis Court site at Green Templeton College. Belsyre Court to the north of this row of houses (Grade II listed) is a prominent five storey red brick building constructed in 1936 which incorporates a ground floor parade of shops and upper floor apartments.
- 5.8. Nos.1 to 21 Observatory Street adjoin the northern boundary of the Green Templeton College site and are a row of terraced houses faced with painted render. The properties typically have relatively large rear gardens, though the gardens of Nos.10 to 16 Observatory Street are around half of the size of the adjoining properties as the gym building on the Green Templeton College site has been constructed on what was previously garden space serving these properties.
- 5.9. To the south west of the site is the three storey Gibson Building, which is used by Oxford University. To the south of the Green Templeton College Site is the site of the Centre for Humanities which is under construction.
- 5.10. See site block plan below:



6. PROPOSAL

6.1. The application proposes the demolition of the Richard Doll Building, Porters Lodge, Squash Court and several ancillary buildings surrounding the tennis courts.

6.2. A replacement building would be constructed on the footprint of the existing Richard Doll building. The replacement building would be a two to three storey building with a flat roof constructed from natural stone. The maximum height of the building would be 14.9 metres, measured to the top section of three proposed chimneys. The height to the roof ridge of the main three storey section of the building would be 11.7 metres. The ground floor of the building would house dining space, alongside back of house space including kitchens, whilst private dining space would be provided on the first floor of the building. The main entrance to the building would be provided from the adjoining garden. Servicing/delivery access would be from the west of the building via the existing vehicular access, adjoining the Gibson Building. A roof terrace is proposed on the third floor of the building alongside access lobby space. Sedum roofs are proposed on the flat sections of the roof. New landscaping is proposed to the

front of the replacement building. The provision of the new dining spaces within the replacement building would allow for the relocation of the main dining room and kitchens from the observatory building. Once these spaces are relocated it is proposed that the ground floor of the observatory would be used for a combination of common room and seminar rooms.

- 6.3. Development on the tennis court section of the site includes three buildings arranged around a central landscaped space. The proposals involve the removal of three sheds, a small pavilion building and the 1970's timber clad, flat roofed squash court. The proposed three storey buildings would house student bedrooms at all levels, alongside shared communal spaces. The height of the three storey sections of the building would measure 10.6 metres to the roof ridge. A replacement porter's lodge is proposed which includes a prominent 'tower' facing Woodstock Road, The existing porters lodge would be demolished. The replacement porters lodge be three to four storeys and would extend to a maximum height of 14.7 metres to the roof ridge. Reception space would be provided on the ground floor, whilst meeting spaces would be provided on each of the upper levels of the replacement porter's lodge alongside office accommodation and a small staff kitchen. The existing listed walls surrounding the tennis courts would be retained apart from where small openings are proposed to provide access and circulation. The proposed accommodation buildings would provide 51 student rooms, which would be a mix of studio and ensuite bedrooms, arranged around a courtyard/garden space. Accommodation building C would be set back behind the Grade II listed stone boundary wall, preserving the wall. A new opening is proposed within the wall to provide an entrance for students from Woodstock Road, whilst a window opening is proposed at ground floor level within the new reception space in the replacement Porters Lodge.
- 6.4. A single storey 40 seat café is proposed adjacent to the landscaped garden to the rear of the Radcliffe Observatory. The building would be located on the site of an existing single storey glasshouse. The café would be a single storey building and would feature prominent glazing, above a low masonry plinth. The café would feature a dual pitched standing seam zinc roof.
- 6.5. The proposals include the permanent retention of the single storey gym building located to the rear of several houses in Observatory Street, which are under the ownership of the college. It is proposed that the facilities within the gym would be refurbished, with equipment upgraded and shower/changing facilities installed.

7. RELEVANT PLANNING HISTORY

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

00/01291/L - L/B consent for pedestrian gate in stone boundary wall to link No 9 Observatory Street to College.. Permitted 3rd November 2000.

00/01292/NFH - Planning permission for pedestrian gate in stone boundary wall to link No 9 Observatory Street to college, together with pergola and ramped access.. Permitted 3rd November 2000.
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03/02419/FUL - Erection of 36 student study rooms (including 6 for disabled use), library, seminar room, IT room and ancillary accommodation in 2 wings each on 3 floors; together with construction of underground lecture theatre and single storey building housing fitness room, laundry, workshops etc. on site of existing tennis courts. Permitted 14th October 2004.

03/02420/LBD - Listed Building consent for demolition of squash courts and workshops, alterations to Woodstock Road boundary wall and north garden walls to provide new pedestrian accesses and erection of 3 storey student accommodation incorporating library, lecture theatre (below ground) and IT facilities. Alterations to North garden gate to provide new entrance.. Permitted 16th July 2004.

03/02421/CAC - Conservation Area consent for demolition of pavilion, squash courts and technology workshops.. Permitted 14th October 2004.

49/00790/A_H - Conversion of stables. Permitted 2nd November 1949.

51/01928/A_H - Tennis pavilion. Permitted 25th September 1951.

66/17864/A_H - Erection of single storey court and replacement of garden shed. Permitted 16th August 1966.

67/18659/A_H - Erection of timber building to provide office accommodation. Permitted 23rd May 1967.

73/01008/A_H - Change of use from library on ground floor to post graduate office and residential accommodation. Permitted 24th July 1973.

74/00061/L_H - Removal of Victorian additions to tower. Permitted 17th April 1974.

77/00479/AH_H - Erection of entrance block to medical graduate society as first stage of college development. The uses include offices , entrance lodge , teaching rooms , changing rooms and some residential accommodation. Permitted 2nd August 1977.

77/00480/AH_H - Outline application for the erection of new buildings and alterations to existing buildings to form a medical graduate society (stage 2and3) involving the demolition of animal houses and workshops and the removal of temporary offices.. Permitted 21st September 1977.

77/01095/AH_H - Conversion of existing lodge building to form 2 flats. Connection with Green College development (reserved matters of App. No. H/A480/77. Permitted 4th January 1978.

86/00618/NFH - Erection of office and residential buildings containing 13 study bedrooms, 2 flats, and 2 visitors flats. Appeal Allowed 23rd October 1986.

86/00619/L_H - Listed Building consent for demolition of The Lodge (unlisted

building in Conservation Area). Appeal Allowed 3rd September 1986.

12/01927/FUL - Extensions at basement level of Walton Building to create new light shafts, store room and plant room. Insertion of new door to south elevation. Erection of new railings and gate.. Permitted 25th September 2012.

18/00123/FUL - Application for the retention of the sports pavilion and change of use from residential gardens to college sports pavilion approved under 12/02883/FUL for a temporary period of 5 years. (Additional plans). Permitted 21st March 2018.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan
Design	117-123, 124-132	DH1 - High quality design and placemaking DH2 - Views and building heights DH3 - Designated heritage assets
Conservation/Heritage	184-202	DH4 - Archaeological remains
Housing	59-76	H8 - Provision of new student accommodation H9 - Linking new/used/refurb University H14 - Privacy, daylight and sunlight
Natural environment	91-101	G2 - Protection of biodiversity geo-diversity G7 - Protection of existing Green Infrastructure
Social and community	102-111	G5 - Existing open space, indoor and outdoor
Transport	117-123	M1 - Prioritising walking,cycling and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M5 - Bicycle Parking
Environmental	117-121, 148-165, 170-183	RE1 - Sustainable design and construction RE2 - Efficient use of Land RE4 - Sustainable and foul drainage, surface RE5 - Health, wellbeing, and Health Impact Assessment RE6 - Air Quality RE7 - Managing the impact of development RE8 - Noise and vibration RE9 - Land Quality

Miscellaneous	7-12	S1 - Sustainable development E2 - Teaching and Research
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8.2. The draft Local Plan 2040 has been approved by Oxford City Councils cabinet and the period for public consultation has recently expired. The policies within the draft local plan are however afforded very limited weight at the present time where considering development proposals.

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 17th March 2022 and an advertisement was published in the Oxford Times newspaper on 17th March 2022.

Statutory and non-statutory consultees

Oxfordshire County Council

Highways

9.2. The proposal involves the replacement of 30 units of student accommodation on site and the provision of 51 new high-quality units of student accommodation within the walled garden, resulting in a net increase of 21 units.

9.3. The submission has not been supported by a transport statement. That said, the transport/ highways information set out in the planning statement is sufficient to draw out a vision of the proposed development's potential impact to the local highway.

9.4. Apart from a new pedestrian access off Woodstock Road, no new accesses are proposed.

9.5. The proposal is for a car free development with the exception of operational parking and disability spaces. No new parking has been proposed as part of this development, which adheres to Policy M3 of the Local Plan.

9.6. More detailed plans should be provided of all cycle parking spaces to be provided, irrespective of whether they are internal or external. These detailed plans should show that parking will comply with local policy in terms of accessibility and design, and ideally taking into account Policy M5 of the city council's Local Plan 2036.

9.7. It is considered that the development will not lead to additional traffic generation significantly over and above the existing levels. Any impact will be at the start/end of term which is only considered a small addition on top of the existing use. The proposals aim to reduce the need for movement amongst the college students with increasing uptake of graduate students living on campus from 38% to 60%.

9.8. There are bus stops within acceptable walking distance of the development. At this stage we have not identified a need for further bus stops or additional bus services.

9.9. The applicant has not submitted a Travel Plan. For the increased capacity, there is need for an updated travel plan which can be secured by condition.

9.10. Should planning permission be granted, then a detailed Construction Traffic Management Plan shall be required before the commencement of development. The surrounding area is sensitive to an increase in traffic movement and the site is restricted which means careful consideration must be given to ensure that adequate mitigation is put in place to minimise construction related traffic on the local network.

Drainage

9.11. No objection subject to provision of a detailed surface water drainage scheme to be provided prior to the commencement of development and subject to details of completed SuDS to be provided prior to first occupation of the building. Details to be secured by planning condition.

Thames Water

9.12. No objection with regard to impact of development on surface water network infrastructure capacity.

9.13. No objection in relation to impact of the development on water network and water treatment infrastructure capacity.

Natural England

9.14. No objection

Sport England

9.15. The mitigation for the loss of the sports facilities section on page 11 of the planning statement is a very fair summary of our discussions. The onsite gym will be of greater benefit to the college student, compared to the loss of the 2 poor quality tennis courts. Sport England are satisfied that the squash element can be met elsewhere, as indicated in the planning statement.

9.16. Sport England considers that the application is consistent with the relevant policy objectives. This being the case, Sport England does not wish to raise an objection to this application.

Thames Valley Police

9.17. Residential blocks should follow the best practice recommendations of Secured by design, and details of proposed building security arrangements including access controls, cycle and bin stores should be included within the application. Unrestricted access to apartment blocks should not be possible, and

residential access should be controlled by a two-way audio-visual system with remote access controls. No trade button should be present.

9.18. Lift/Stairwell cores should not be merged i.e., two or more cores accessing the same area. Merged cores provide permeability through the development undermining access controls and creating a circular movement within the development which is beneficial to crime and anti-social behaviour.

9.19. I am unable to find a lighting plan within the current application. It is important for pedestrian safety that all movement routes within the development are well lit after dark to aid in facial recognition and reduce the fear of crime. Bollard lighting should not be used, as it does not provide sufficient light at the right height to do this. I ask that the applicant submits a lighting plan which should be approved by the local planning authority prior to permission being granted. Lighting should be designed holistically with landscaping and CCTV to ensure there is no conflict, and to avoid areas where shadowing or pooling of light can occur.

Oxfordshire Architectural and Historical Society (OAHS)

9.20. The buildings to be demolished – the porters' lodge, including the clock tower, and the Doll Building – are all attractive buildings. They are built in stone with pitched roofs and chimneys. The latter two features enhance the Oxford roofscape unlike modern flat roofed boxed construction, as is acknowledged in the council's conservation area appraisals. The buildings have character and distinctive architectural details; the 'carriage-style' entrance beneath the clock tower echoes the stables originally used by the Observatory. Their windows are sash windows with, typically, 3 over 6 and 6 over 6 panes, which are more enhancing, appropriate and in keeping, than the modern industrial aesthetic generated by using anodised or metal-effect boxed-out windows without glazing bars. The existing buildings have doors with architraves, fanlights and stone doorhoods with slim, scrolled supporting brackets. The massing is subtle with linear breaks and small elements stepping backwards or forward, to be read as different wings. The fabric appears to be in good condition. Their size and scale work well with James Wyatt's (and Keene's) work in the Observatory. They are subservient to it and do not compete with it. They permit views through the site from Woodstock Road to Walton Street and, as one circumnavigates the site externally, views open up through various avenues. These may not be as the Observatory site was originally designed, since obviously the site has changed since becoming a college site, but they are attractive and enhancing of the neighbouring conservation areas, and the setting of the listed buildings. Demolition of these buildings would be harmful to the setting of the listed buildings and to the appearance and character of the neighbouring conservation areas.

9.21. Moreover, we are struck by how wasteful of resources and energy it seems to be to knock down so many good, attractive and working buildings to build others. The embodied carbon in these buildings will be considerable and the whole-life carbon cost of entire demolition and building new buildings from scratch equally considerable. Given the climate situation, and Oxford City Council's declaration of a climate emergency, we do not think that the current proposals represent a sustainable approach for the environment. This is something on which others

have commented frequently in recent years: see the Architects' Journal Retrofit First campaign or Historic England's extensive Heritage Counts 2019 report There is no place like old homes: Reuse and recycle to reduce carbon. We doubt whether the original intention when building these buildings was to knock them down after c.40 years of use, and if it was, this kind of short life building is not tenable in the current climate situation.

9.22. We are concerned about the proposed new student gate through the listed boundary wall which is part of the original Observatory complex. Listed historic fabric should not be lost or harmed without robust justification and evidence of public benefit which outweighs the harm. This has not been provided here, not least since the gate is so close to the main entrance which could easily be used instead, as it is now, and which would be better in any event for the security of the site. The concern about loss of historic fabric, minimising harm and investigating and recording the fabric first applies also to the proposed new openings in the internal boundary walls.

9.23. The timber framed pavilion, thought to date to the late 1940s/1950 and given as a gift, appears to have historic character and to be in good order. We would welcome knowing what is to happen to that, and whether another home can be found for it, rather than its destruction.

Officer Response

9.24. In relation to the comments submitted above by OAHS, the impact of the development on the Grade II listed walls and the setting of the surrounding heritage assets including the Conservation Areas and listed buildings is discussed in the section of this report that deals specifically with design and heritage matters. Equally the impact of the removal of the existing porters lodge and Doll Building is also addressed within this section of the report and officers note that the buildings are considered to not be of heritage significance, such that their removal is considered harmful.

9.25. In relation to the comments submitted in respect of the loss of embodied carbon resulting from demolition of the existing buildings, officers consider that this would not in itself represent a material reason for refusing planning permission. Neither the existing Oxford Local Plan nor NPPF reference embodied carbon, where considering development proposals to demolish existing buildings. The proposed replacement buildings on the tennis court and dining hall sites would each meet the sustainability requirements set out under Policy RE1 of the Oxford Local Plan and would be built to a higher sustainability specification compared with Doll Building and existing Porters Lodge.

Public representations

9.26. 3 comments have been received from members of the public in objection to the application. The main points of objection are as follows:

- Object to the demolition of the clock tower and porter's lodge.
- Concerns regarding removal of trees and shrubs on the site.
- Demolition of the existing buildings would be shocking waste of resources.

- The proposed replacement buildings are boxy, over-large and will do significant harm to views from the Woodstock Road that have remained virtually unchanged since the late 18th century.
- The application includes the current view, but it is notable that it does not provide an overall impression of that same view after highly regrettable alterations to the listed boundary wall and the erection of blocks of buildings oversailing that wall.
- The proposal will seriously harm the setting of adjacent listed buildings at 45-55 Woodstock Road, and will be detrimental to the character and setting of Woodstock Road and nearby conservation areas.
- The unity of the design of the college will be lost if the archway and clocktower are replaced by a gatehouse of a very different character.
- Green Templeton College can generate additional student accommodation on the tennis court site, which is an unexceptionable objective, without feeling the need to aggrandize its appearance on the street.
- There is weight given in the proposals to the 'glimpsed views' of the Observatory that the demolition of the archway and clocktower will facilitate. If views of internal college buildings are a serious consideration in the evaluation of college entrances, there are a very large number of colleges that fail the test.
- There would be minimal additional gain in floorspace from demolishing the porters lodge and gatehouse (170sqm).

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design and Heritage
- Neighbouring amenity
- Transport
- Trees
- Sustainability
- Drainage
- Ecology
- Land quality

Principle of development

Provision of Student Accommodation

10.2. Policy H8 of the Oxford Local Plan is permissive in principle of the provision of student accommodation on or adjacent to existing University college campuses or academic sites; within the city centre or district centres; or on a site allocated in the development plan to include student accommodation.

- 10.3. The accommodation proposed would be provided on the Green Templeton College campus site and would therefore represent an appropriate location in principle for the provision of student accommodation in accordance with Policy H8 of the Oxford Local Plan.
- 10.4. Officers note that planning permission was granted in 2004 (03/02419/FUL) for the development of two and three storey buildings housing 36 student study rooms and academic floor space within the area of the site where the proposed student rooms would be located.
- 10.5. The applicants Planning Statement outlines that Green Templeton College currently has 600 post graduate students. Presently the college have 230 bedrooms in its estate, 50 of which are on site, in addition to off-site accommodation including 13 homes in Observatory Street currently owned by the college and other accommodation at St Margaret Street, Norham Gardens and Rewley Road. It is stated that 63% of the colleges students are living in privately rented accommodation throughout the city. To meet the University of Oxford's aims of providing accommodation to 60% of its graduates, GTC would need to provide an additional 133 student rooms. The proposal includes the demolition of the Richard Doll Building, which currently houses 30 student rooms, though these rooms are identified to be of a poor standard. The accommodation provided in the new buildings on the Tennis Court site would provide a total of 51 rooms. Accounting for the loss of the existing accommodation in the Richard Doll Building, this would equate to a net provision of 21 student rooms.
- 10.6. In November 2018, the Government introduced the Housing Delivery Test which looks at housing data based on Local Authority housing returns from 2015/16 onwards and calculates what the provision of student accommodation achieves in terms of releasing C3 housing back onto the open market. As the average student household is calculated as being 2.5 persons per dwelling, it is calculated that for every 2.5 rooms created within purpose-built accommodation, this would release a total of 1 additional dwelling back into the local housing market. Where applying the Governments Housing Delivery Test, the provision of 21 additional rooms on the site would equate to the release of 8 dwellings back into the local housing supply.
- 10.7. Policy H8 states that student accommodation will be restricted in occupation to students in full-time education on courses of an academic year or more. This restriction does not apply outside the semester of term-time, provided that during term-time the development is occupied only by university students. This ensures opportunity for efficient use of the buildings for short-stay visitors, such as conference delegates or summer language school students, whilst providing permanent university student accommodation when needed. A restrictive condition would be required to ensure that the accommodation is restricted to use as student accommodation during term time.
- 10.8. In summary the principle of providing additional student accommodation on the site is considered to comply with Policy H8 of the Oxford Local Plan and would assist in addressing GTC's need to provide dedicated graduate accommodation as would help to release additional housing back into the local market.

Academic Floorspace

10.9. Policy E2 of the Oxford Local Plan states that planning permission will only be granted for new or additional academic or administrative floorspace for educational institutions if it can be demonstrated that Policy H9 is met or, where this policy does not apply, that a suitable form of student accommodation for all students will be provided, with controls in place to ensure that the provision of accommodation is in step with the expansion of student places.

10.10. Policy H9 of the Oxford Local Plan also states that:

Planning permission will only be granted for new/redeveloped or refurbished academic, research or administrative accommodation for the University of Oxford where it can be demonstrated that:

a) the new accommodation would not generate or facilitate any increase in student numbers; or

b) the number of their full-time taught course students living in Oxford in non-university- provided accommodation does not exceed 2,500 at the time of the application. This threshold will be reduced to 1,500 at 01 April 2022.

10.11. The proposal involves the creation of a replacement dining hall, so that the spaces in the Observatory Tower and West Wing used for dining and kitchen activities can be returned to their former academic use, notably as library and common room facilities. As noted in the relevant section of this report below, there are also substantial heritage benefits that would result from relocating this space from the Observatory. The larger dining facilities are being provided to address identified issues associated with the capacity and suitability of the dining room spaces. A new larger Porters Lodge and associated offices are proposed in the same location as the existing lodge and clocktower, which would house re-provided, or relocated minor office and administrative space which is currently provided around the campus.

10.12. In total there would be around 1000sqm of additional academic, research and administrative space provided. The proposals are being delivered with the aim of enhancing existing spaces within the college site that do not adequately meet the colleges requirements in terms of dining, study and administrative space. The relative increase in academic floorspace would be small and the college have confirmed that there are no plans to increase the number of students at the college. Furthermore, the proposed increase in academic floorspace is in conjunction with the delivery 21 additional student rooms. Officers therefore consider that the proposals would not therefore conflict with Policies H9 or E2 of the Oxford Local Plan.

Affordable Housing

10.13. Policy H2 of the Oxford Local Plan states that new student accommodation developments comprising 25 or more bedrooms will be required to make a financial contribution towards delivering affordable housing elsewhere in Oxford. The Policy lists circumstances where sites will be exempt from this requirement, which includes where developments are proposed within an existing campus site.

10.14. The proposed development would be sited within an existing campus site (Green Templeton College) therefore the development would be exempt under Policy H2 from a requirement to make a financial contribution towards the delivery of off-site affordable housing.

Loss of Tennis and Squash Courts and Retention of Gym

10.15. Policy G5 of the Oxford Local Plan affords protection to existing open space, sports and recreational buildings and land. Policy G5 directly reflects Paragraph 99 of the NPPF and states that existing open space, indoor and outdoor sports and recreational facilities should not be lost unless:

- a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

10.16. The proposals would result in the loss of two hard surfaced tennis courts and a squash court. The accompanying planning statement indicates that there is low demand for use of the tennis courts given the condition of the courts. Students have access to other facilities provided by the University which the college contributes towards funding; this includes 8 grass tennis courts at University Parks which are located approximately 1km from the site and are available from May to September. There are also university tennis courts available for use at the Iffley Road Sports Centre. The tennis courts at Green Templeton College are used privately by students of the college and are not used by the wider public. There are also a number of public tennis courts within North Oxford which are accessible in relation to the site, including at Summertown (Alexandra Courts) and Cutteslowe Park. The applicants Planning Statement sets out that the tennis courts are surplus to requirements and there would not be requirement to replace the courts elsewhere or otherwise compensate for the loss of the tennis courts. Sport England have indicated within their response that they agree with this assessment. Accounting for the private use of the tennis courts, which is restricted to students only and the relative availability of other public and university owned tennis courts that would be accessible by walking, cycling or public transport, officers concur with this assessment.

10.17. The applicants have stated that the squash court is well used by students at the college. The squash court is housed in a building adjacent to the tennis courts and it is proposed that the loss of the squash courts would not be directly compensated for. The squash courts are a private facility for students, and it is outlined that students would have access to the University Sports Facility at Iffley Road, whilst the College have confirmed that discussions have taken place with Wolfson College to allow for students to use the two squash courts on the Wolfson College site. There is also a public squash court at the Ferry Leisure Centre in Summertown which would be relatively accessible for students to use. Sport England have outlined that they consider that existing demand for squash facilities can be met elsewhere, as indicated by the applicants within their

Planning Statement and therefore do not object to the loss of the squash courts. Officers are satisfied that provision is met for squash within the area and that permanent retention of the gym, which would represent an overall enhancement in terms of the on-site sports provision. The loss of the squash court is therefore considered acceptable in relation to Policy G5 of the Oxford Local Plan.

- 10.18. Planning permission is sought to retain the single storey building currently used by the college as a gym. The building is sited to the rear of Nos. 10 to 18 Observatory Street and was granted temporary planning permission in 2012 (12/02883/FUL). Temporary permission was extended for a further five years in 2018 (18/00123/FUL) but this permission has now expired. The gym is used by students and is understood to be one of the most well used facilities on the College site.
- 10.19. Both previous planning permissions were temporary as it was envisaged that the gym would be re-provided and incorporated into a wider masterplan for the site, alongside the student accommodation. It was noted when temporary planning permission was originally granted for the gym in 2013 (12/02883/FUL) that The University, which owns the Radcliffe Observatory Quarter to the south and west of the college campus, had made a commitment to transfer a plot of land which contained the Gibson and Harkness Buildings located to the south west of the college site to enable expansion of the college campus. The adjoining buildings are owned by the University of Oxford rather than Green Templeton College and removal or repurposing the buildings for use by the college is no longer an option that the University are considering.
- 10.20. The gym has not been incorporated into the replacement student housing or the replacement building on the site of the Richard Doll Building as these new buildings are required to provide additional student rooms and other essential facilities respectively. The college site is relatively small and there are various heritage implications associated with siting the gym elsewhere. The design, heritage and amenity implications associated with the retention of the gym are discussed in the relevant sections of this report, however officers consider that there would not be any significant adverse implications associated with retaining this building permanently.
- 10.21. The permanent retention of the gym would enable the college to refurbish and improve the gym, including improvements to equipment and changing/shower facilities. The retention of the building and the proposed improvements would represent an enhancement in terms of sports provision on site. Sport England within their consultation response have advised that the benefits of retaining the on-site gym would be greater than the retention of the two poor quality tennis courts, whilst Sport England are satisfied that the loss of the squash courts would not be detrimental as other squash courts may be used by students.
- 10.22. The application does not provide for the direct replacement of the tennis or squash courts; however, officers are satisfied that the permanent retention of the gym and proposed improvements to this facility as well as the existence of existing tennis courts and squash facilities in the area which students would be able to access would be adequate where assessing access and availability of

sports provision for students, such that there would be no conflict with Policy G5 of the Oxford Local Plan.

Design and Heritage Matters

10.23. The majority of the buildings on the site are located within the North Oxford Victorian Suburb Conservation Area, whilst the gym building which is located to the rear of Observatory Street lies within the Walton Manor Conservation Area. The application site also lies within the setting of the Jericho Conservation Area, which extends up to the edge of the Radcliffe Observatory Quarter and the Central Conservation Area which includes Somerville College, which lies around 50 metres to the south of the site.

10.24. The western boundary wall of the site is a Grade II listed structure and the proposals would impact directly on this heritage asset. This is a high stone wall that forms the eastern boundary of the former Radcliffe Infirmary and separates the college site from Woodstock Road. The adjoining attached boundary walls to the north and west which form the boundary to the tennis courts are curtilage listed structures by virtue of their physical relationship, ownership both past and present and function both past and present. An application for listed building consent has been sought for the new, gated openings to be made through the walls, together with alterations associated with the weathering and abutment, above and below ground for the buildings proposed within this planning application (22/00410/LBC).

10.25. The Green Templeton College Site contains the Grade I listed Radcliffe Observatory and Osler House, whilst the development site also lies within the setting of several other listed buildings, which include:

- Nos. 45-55 Woodstock Road (Grade II listed) – A red brick terrace of early 19th houses which immediately adjoins the site to the north.
- Belsyre Court (Grade II listed) – A large block of apartments with a shopping parade at ground floor level constructed in the mid 1930's.
- Royal Oak Public House (Grade II listed). A 17th Century building located to the south east of the site.
- St Annes College, Hartland House (Grade II listed) stone building located to the east of the site.

10.26. 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), responding positively to the significance, character and distinctiveness of the heritage asset and locality. For all planning decisions for planning permission 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).

10.27. 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.”

10.28. 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 205 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”. Paragraph 206 of the NPPF outlines 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.

10.29. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10.30. It should be noted that paragraph 212 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. Paragraph 213 of the NPPF adds that not all elements of the Conservation Area will necessarily contribute to its significance, which is applicable in the case of the application site given the nature of the existing buildings and general condition of the site.

10.31. Notably the site lies between distinct character areas. The area to the north of the site is characterised by Victorian townhouses, villas and modest red brick terraces. The area to the south of the site comprises the Radcliffe Observatory Quarter, which has been subject of considerable redevelopment in recent years. St Anne’s College lies to the east of the site. The frontage of St Anne’s College facing Woodstock Road includes a recent development, which includes the three storey library building constructed from ashlar stone, which faces the Green Templeton College Site.

Alterations to Listed Boundary Walls

10.32. The boundary wall fronting Woodstock Road is part of the original boundary wall that enclosed the Radcliffe Infirmary Site and subsequently the grounds and pleasure gardens of the Radcliffe Observatory.

10.33. The walls that bound the north side of the site, running along the back of properties on Observatory Street and enclosing the tennis court garden were probably constructed slightly later than the Woodstock Road wall but are nevertheless of significance and due to their physical relationship to the listed

structure, their function and purpose which is similar to that of the Woodstock Road wall both at their construction, at the time of listing of the principal listed structure, June 1972 and their ownership which has remained the same from date of building, through date of listing to present day they are considered by officers to be curtilage listed structures.

- 10.34. The principal listed structure, a mix of ashlar stone with considerably weathered and delaminated faces and coursed rubble stone with distinctive, round, ashlar detailing to gateways at college entrance with a flat capping stone was built in the C18, probably at a similar time to the Observatory. The building has a moderate significance derived in the main from its, materiality and its function as a boundary wall, initially to the Infirmary Site but later to the Observatory and its pleasure gardens.
- 10.35. The slightly later constructed curtilage listed walls are of a lower significance than the principal listed structure but nevertheless they do have significance. This significance, importance or value is derived from their function, their materials and construction and the fact that they formed part of the contiguous enclosing boundary to the Radcliffe Infirmary and Radcliffe Observatory site, some of which has been removed during the second part of the C20 and early C21, thus making the preservation of the surviving sections of wall more important to the understanding of the historical values of the site. These walls are substantially devoid of the more decorative or ostentatious architectural details such as railings (to the courtyard of the earliest Infirmary buildings) and entrance gateways and piers that front the Woodstock Road facing part of the Infirmary site. Officers consider the significance of these walls to be low to moderate.
- 10.36. This application, alongside the linked application for listed building consent seeks permission for a number of openings to be made through the stone walls. These openings would result in some loss of the masonry fabric of the wall in each case together with the introduction of some new fabric, stone or brick to frame and finish the opening.
- 10.37. It is proposed that each of the openings should have either a gate, where it connects outdoor spaces or a door where there will be an interior space. In the case of the opening which adjoins the new porters lodge, a window opening is proposed. The design of the proposed gates and doors are to be simple and solid thus preserving the important sense of boundary and the contiguity of the present boundary structures whether this is a boundary to “the outside world” i.e. the public realm or between internal, college spaces, primarily gardens or new buildings. In addition, the siting of the new buildings and structures directly adjacent to the walls will require small interventions to effect weathering of the abutments and the efficient dispersal of rainwater.
- 10.38. By virtue of the proposed design of these openings and their gates and or doors/windows, their modest size and plain but elegant detail, as well, as the carefully designed and the architect’s intelligent, “light touch” approach to the abutment of new building and wall, officers consider that the impact on the significance of the listed structures, primarily their sense of enclosure, but also their appearance would be preserved and any harm to their significance would

occur through the loss of a small amount of masonry fabric, and the small change in appearance which officers consider would be extremely small.

10.39. Officers consider that the extremely low level of less than substantial harm to significance of the listed walls, including curtilage listed walls would be justified to achieve a high-quality designed development with the highest architectural sustainability. The opening in the principal listed wall that fronts Woodstock Road would provide, discrete, level access to the new residential quad in particular for those with bicycles thus encouraging by making the process easy the use of bicycles. In addition this entrance, together with gates in other sections of wall will create a highly legible, physically connected route into and across the site for college residents, making stronger connections between the newly ordered and historically significant spaces on this site in manner that responds intelligently to the surrounding context and opens up new views of the important buildings, including the Observatory enabling users of the routes to seek and gain a stronger understanding of the architectural and historical significance of these extremely important heritage assets.

10.40. Any harm caused to the significance of the listed walls, including the curtilage listed walls by virtue of the introduction of new fabric to weather abutments and by the interruption in the contiguity of walls in views from within the site resulting from the siting of new buildings would be justified through the need to protect, for the purposes of preservation the fabric of the walls and through the creation of focussed and framed views that will allow the value and the significance of the walls to be an integral part of the place rather than simply, as at present what might be seen as a constant backdrop. Highlighting the walls will raise their visible presence within the spaces of the new, proposed development reinforcing rather than diminishing their value and significance.

Tennis Court Site – Student Accommodation and Café

10.41. The squash court is a dark timber clad building, which was constructed in the late 1970's. The building does not provide a positive contribution to the setting of the site and surrounding heritage assets and there would be no harm associated with the removal of the building. There are other smaller buildings on the site including a timber tennis pavilion, believed to date from 1949 or 1950 alongside a series of sheds. The removal of any of these buildings would not be harmful in heritage terms. The tennis pavilion is a structure which is valued by the college, and it is understood that the college would seek to either relocate the structure on another site owned by the college, or potentially on other land owned by surrounding colleges, therefore the intention is to preserve the pavilion, albeit that this is likely to be relocated off site. The greenhouse building on the site of the proposed café is a modern building and its removal would not be harmful in heritage terms.

10.42. The existing gatehouse and clock tower is a relatively modern building which was constructed in the 1970's but is sympathetic to the Conservation Area and the character of the Observatory and Osler House in terms of its architectural design, scale and use of stone materials. Notwithstanding this, the building is considered to not be of architectural or historic significance, such that the demolition of the building would be harmful to the setting of the Conservation

Area and the surrounding listed buildings. Whilst sensitively designed in architectural terms, the existing gatehouse and clock tower obscures views of the Observatory Tower from Woodstock Road and the removal of the building and its replacement with a new building that opens up framed views of the tower, would provide notable heritage benefits.

10.43. Three buildings are proposed on the site of the existing tennis courts. The buildings have been designed as a cluster of buildings proposed to be placed in an enclosed (historically walled) garden setting. The retention of a garden offers an important reference to the historic use of the space. Presently the site is occupied by two, hard surface tennis courts and a squash court building which sits in the south west corner, tucked hard against the stone enclosing wall. The proposed design places three buildings to the perimeter of the enclosed garden, each building having a distinct relationship to a section of the boundary wall. Each of the three buildings is slightly different in overall form but part of a family of buildings with a shared architectural language and contributes to a strong sense of place. The eastern and western buildings have most similarity, as the buildings are linear and the types of rooms/spaces within them are comparable. The ground floor rooms are larger suites that open out onto gardens. The upper storeys have been designed as a series of individual rooms that open off, and are connected by, a linear, communal or shared space to the building's outer or public edge. This design has evolved from the intelligent interrogation of both function and potential use of the different types of accommodation space and thoughtfully places the more private spaces on the inner, quieter side of the building range. The smaller, western building tucks into the bottom corner of the garden in a similar manner to the squash court building that it would replace. The eastern building range is linear set alongside the Woodstock Road stone boundary wall, which is considered to be successful in design terms. The ground floor studio rooms are set away from the wall, facing out into the central garden space. The western building range has a similar relationship to the adjacent section of boundary wall.

10.44. The building range has been designed to include a new Porter's Lodge and a new entrance to the College with a much stronger presence than the existing entrance buildings set in a square tower that terminates the southern end of the three-storey block of student rooms. The top of the Lodge tower has been designed to align with the shoulder of the Observatory tower setting up an important visual connection between the two in views from the east but the restrained architectural expression of the Lodge tower would allow it to remain subservient to and not distract from the importance of the Observatory tower. The proposed Lodge tower is articulated or broken in its form and the smaller element would sit forward to the line of the boundary wall, defining the college's connection with the public street and joining the progression of collegiate and University faculty buildings that enclose this section of the Woodstock Road, a section that conversely feels generously open and wide, where the sky makes an important contribution to views. The prominence of the building is considered acceptable in the street scene, where assessed against the scale of the surrounding buildings either side along the Woodstock Road frontage including the similarly prominent three storey building opposite on the St Annes College site.

- 10.45. The design of a vertical element at the Woodstock Road entrance gives the College a stronger presence in the public realm than it presently has and, combined with the linear façade and considered architectural expression of the eastern accommodation building, this makes a distinct contribution to the architectural composition of this stretch of Woodstock Road. The junctions, physical and visual between existing structures, stone boundary wall and entrance gates and piers will need very careful design in order for the composition to come together seamlessly.
- 10.46. The eastern façade of the east building range, which is most visible from the public realm, sets a contrast to the solid stone boundary wall above which it appears with an open, highly glazed corridor. This suggests a lightness of structure and would express a strong rhythm of bays that reflect a domestic scale comparable to, and providing a transition from, the larger, faculty and collegiate buildings to the south and the domestic architecture of the North Oxford Victorian Suburb whilst also intelligently holding on to the present domestic scale synonymous with the college. The upper storey sits back reducing the buildings presence in the public arena. The open appearance of this façade and its corridor function would give the college the opportunity to have a distinctly more active presence within the public arena than it presently has. The northern building proposes a very different, cluster plan form which would produce a building mass that sits more comfortably alongside the C19 Grade II listed terrace immediately to the north of the site.
- 10.47. The design, layout and massing is well-considered and would relate positively to the character of the street scene in Woodstock Road. The façade of the buildings would be ashlar stone, which would relate appropriately to the adjoining boundary wall and other collegiate buildings within the context, including those on the Green Templeton College site.
- 10.48. The siting of the new garden between the three buildings would provide a positive sense of place. The connection between the buildings and the gardens will be important in achieving a successful and functional series of outdoor spaces in what is quite a limited area.
- 10.49. The proposed café is considered to be of an appropriate design and scale and will perform an important role in providing a functional communal space that connects both inside and outside and allows the appreciation of the gardens.
- 10.50. The careful and considered design of the proposed development is such that officers consider that there would be no harm caused to the significance, the special character or appearance including the setting of the North Oxford Victorian Suburb Conservation Area. The site lies in the bottom, south-west corner of this conservation area but is not typical of the character of this conservation area which is one principally of large Victorian villas in gardens that were developed on land owned by St John's College and divided into and sold off in plots from the second half of the C19 through to the early C20. Immediately to the north of the site, a terrace of three/four storey C19 red brick houses, not the large villas but a grander example of the brick terraces of Walton Manor Conservation Area immediately to the north of the site and Jericho Conservation Area that lies to the west, equally different in both character and appearance to

the application site. In contrast the application site, which formed part of the original Radcliffe Infirmary site was enclosed by tall, coursed rubble stone walls and laid out with gardens to provide a “calm and retired” setting for Dr John Radcliffe’s Observatory built between 1772 and 1795, designed initially by Henry Keene and then following his death, James Wyatt who introduced the design for the tower, based upon the Tower of the Winds in Athens.

10.51. The Observers House (Osler House) is also grade I listed and is connected to the Observatory building by a curved wing which is in turn balanced by another wing on the west side of the central octagon. It is these buildings, and the surviving elements of the garden and enclosing boundary walls that provide the context for the proposed development, together with the former Radcliffe Infirmary Site; the continuous tall, stone enclosing walls with gates, railings and pillared entrances that front Woodstock Road; the generous width of Woodstock Road immediately to the east of the site and the individual C20 and C21 buildings of St Anne’s College and Keble College on the east side of the road.

10.52. The present Green Templeton College buildings that sit behind and project above the stone boundary wall have a distinctly domestic small-scale appearance in contrast to that of their neighbours. The proposal seeks to readdress the balance, introducing a taller built element to mark the entrance to college in turn punctuating a new building range that has been designed to sit above but clearly behind and subservient to the stone wall. A building, one of three that have been designed to appear as buildings within a walled garden taking precedent from significant previous, collegiate interventions in Oxford as well as more highly considered domestic exemplars, holding on to the existing domestic character of Green Templeton College buildings on the site. As a result of this careful, contextual response, officers consider that whilst there would be change and that change would be visible in the public domain.

10.53. The design quality comprises not only a carefully considered, highly crafted architectural response to the development’s immediate and wider context, but also receives a contribution from the highest possible sustainability credentials which in turn contribute to the public benefits arising from the development proposal. The siting of proposed new buildings will frame a view of the Observatory Tower from Woodstock Road and preserve a number of glimpsed views from the surrounding area, thus helping to preserve the setting of this important heritage asset. There would however be a loss of some of the presently available views of the tower from Woodstock Road as a result of the siting of the new buildings. This would result in a low level of less than substantial harm to the significance of the Grade I listed Observatory and how this is experienced in terms of its wider setting in views from Woodstock.

10.54. The proposals, with the exception of small openings involve the retention of the boundary wall, whilst the new buildings would sit to the rear of the wall. The proposals preserve this important boundary enclosure, which is important in preserving the sense of width across this section of Woodstock Road. The proposed buildings are of a scale that is appropriate and commensurate with the surrounding buildings within the street scene in Woodstock Road.

Dining Hall Proposals

- 10.55. The Richard Doll Building is a three-storey stone building, which was constructed in 1981. The building appears to be of a good architectural design standard externally, however the building is not architecturally or historically significant and the removal of the building would not result in harm to the setting of any surrounding heritage assets, in particular the adjoining Observatory Tower. The building is thermally and acoustically inefficient and there are issues with condensation, cold temperatures, and internal noise. The building currently houses small, single bed study bedrooms without ensuite facilities.
- 10.56. The college have outlined that retention of the Richard Doll building was explored, this included refurbishing the building, however there were limited benefits from refurbishing the building and this would incur significant financial costs. Other options were considered, including using the building for office space, seminar rooms or dining facilities. However, the scale, construction type (load bearing internal walls), and low floor to ceiling heights of the building make it difficult to re-purpose for alternative uses.
- 10.57. The college have identified the need to relocate the existing dining facilities housed in the observatory for functional purposes, whilst there are also considerable heritage benefits that would arise from repurposing the ground floor spaces within the Grade I listed Radcliffe Observatory. The spatial and operational requirements for kitchen and dining facilities and prominent location would make the site of the proposed building the optimum location for new dining facilities. The applicants design and access statement outlines that the existing dining hall space can seat up to 62 people and the college use a marquee during the summer to cater for larger numbers of guests (up to 200 people). The proposed main ground floor dining room in the new building would provide seating for 128 guests along with kitchen, servery and catering facilities. A new curved stone wall is proposed between the new building and the observatory.
- 10.58. The design of the new building would make a positive contribution to the arena of the Observatory acting as a comfortable transition from the scale of the Observatory “wing” maintaining a subservience to the older building, to the northern boundary and the domestic housing of Observatory Street. The overall height and mass of the building would be reduced compared with the existing Richard Doll Building. The façade is proposed to be constructed with high quality materials (Clipsham Stone) which would relate appropriately to the adjoining historic buildings on the College site, including the Radcliffe Observatory and Osler House. The openness of the ground floor would provide a connection with the adjoining central garden space. The solid vertical elements reflect the vertical towers, chimneys and buttresses that define Oxford’s classical architecture and would enable the building, despite its overt modernist vernacular, to take its place within the surrounding context. The proposed building would, in officers view make a positive contribution to the site and the setting of surrounding heritage assets. The proposed building would sit back from the Observatory and offers an architecture that has a simplicity of both form and language that will not compete with the Observatory Building and will consequently will not cause any harm to the setting of the Grade I listed Observatory or the adjoining Osler House. Equally the siting of the building would not in itself result in harm to the setting of any other surrounding heritage assets, including the setting of the North Oxford Victorian Suburb Conservation Area.

Retention of Gym

- 10.59. The gym building is located to the north of the proposed dining hall and has been in situ for over 10 years despite being initially consented as a temporary building. The building sits behind a relatively high stone boundary wall, which separates the College site from the adjoining properties in Observatory Street. The building is located in what was formerly the rear gardens of 10-16 Observatory Street, a two-storey row of terraced houses which are under the ownership of the college.
- 10.60. The building is utilitarian and functional in terms of its appearance and whilst the building design is not of the highest standard in architectural terms, equally the form and design of the building is simple and is not considered to be harmful. The scale of the building is relatively limited and given its siting to the rear of the stone wall; the building is largely hidden in terms of its visibility from within the college site. As noted in the above sections of the report, which relate to sports provision on site, the gym is a well-used and valued sports facility for students at the college. The limited size and heritage sensitivities of the college site and need for the college to provide student accommodation and dining facilities limits the ability to provide a new gym elsewhere on the site.
- 10.61. The locational siting and scale of the existing building is considered appropriate and permanent retention of the building is considered acceptable. The building is discretely sited, such that it does not adversely affect the setting and significance of surrounding listed buildings, including the Observatory, Osler House. Owing to the buildings siting to the rear of the existing properties in Observatory Street, the building is not experienced in public views from within the Walton Manor Conservation Area from Observatory Street. Officers consider that there would be a very low level of less than substantial harm to the setting of the Walton Manor Conservation Area resulting from the siting of the building as a result of the loss of the historic rear garden plots and the introduction of a new building to the rear of the existing terraced housing. It is however noted that the siting of larger outbuildings and workshops to the rear of the properties within the Conservation Area is equally not entirely uncharacteristic. In terms of the retention of the building, officers are satisfied that this is necessary to provide appropriate on-site sport provision, particularly considering the loss of the tennis and squash courts on the site. The proposed retention of the building is therefore important in facilitating the development as a whole, which would deliver an overall package of significant public benefits, as outlined in greater detail below.

Summary of Heritage Impact and Assessment of Public Benefits

- 10.62. There would be a low level of less than substantial harm that would be caused as a result of the works to create new openings within the Grade II listed boundary walls facing Woodstock Road and surrounding the tennis courts. Officers consider that there would be no harm to the setting of the North Oxford Victorian Suburb or Jericho Conservation Area. The siting of the gym building would result in a very low level of less than substantial harm to the setting of the Walton Manor Conservation Area. There would be a low level of less than substantial harm to the significance of the Radcliffe Observatory Tower as a

result of changes to the presently available views of the upper part (tower) of the Observatory building from the public realm (Woodstock Road).

- 10.63. Nos. 45-55 Woodstock Road are of a notably differing character to the proposed buildings and the other buildings on the Green Templeton College site, as the buildings sit on the very periphery of the North Oxford Victorian Suburb Conservation Area. Neither the design, scale nor siting of the proposed buildings would result in harm to the setting of these listed buildings. In terms of the other surrounding listed buildings (Hartland House, Belsyre Court and Royal Oak Public House) officers consider that the scale of the proposed buildings and appropriateness of the design approach, in addition to the spatial detachment between the listed buildings and the proposed buildings would mean that the development would not result in harm to setting and significance of these heritage assets.
- 10.64. In the context of Paragraph 202 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm must be weighed against the public benefits of the proposal. Within this context, officers consider that there is clear and convincing justification for this level of harm in line with Paragraph 206 of the NPPF. The proposed development would result in the removal of harmful functions with their associated, damaging services and required interventions from parts of the interior of an extremely important, grade I listed building, The Radcliffe Observatory. This will enable the appropriate repair and refurbishment of the important heritage asset both preserving and enhancing its architectural and historical significance and will enable it to be seen in its entirety and properly appreciated by present and future generations of both college members but also the public, through a full programme of public events and visits that the college, as custodian of the building will be able to provide as a result of the proposed changes.
- 10.65. In addition, the provision of buildings of a high-quality architectural quality, which would be of a high standard in terms of their sustainability and energy efficiency. The proposed landscaping works within the areas surrounding the student accommodation, café and dining hall would enhance the setting of the site and surrounding listed buildings including the Radcliffe Observatory and Osler House and must also be considered as a direct public benefit of the proposed development.
- 10.66. As noted above in the relevant section of this report, the net provision of an additional 21 student rooms, which would be provided within the college site would equate to the release of 8 dwellings back into the general housing market, where applying the Governments Housing Delivery Test. This would provide notable public benefits in terms of addressing local housing need.
- 10.67. Overall officers consider that the public benefits of the development are significant and outweigh the low level of less than substantial harm that would be caused to the Grade II listed boundary walls and setting of the Grade I listed Radcliffe Observatory. As such it is considered that the development accords with Policies DH1 and DH3 of the Oxford Local Plan and the NPPF. In coming to this conclusion great weight and due regard has been given to the requirements

of Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990

Archaeology

10.68. This site lies adjacent to recorded elements of an extensive Middle Neolithic-Early Bronze Age ritual and funerary landscape, including the Middle Neolithic enclosure and Late Neolithic-Early Bronze Age linear barrow cemetery recorded at the ROQ site in 2009. Further unknown enclosures, barrows, flat graves or satellite burials are likely to be located in the vicinity This prehistoric landscape also attracted early Saxon settlement and associated burials. A c6th century sunken featured building and other related features were recorded at the western edge of the ROQ site in 2009 and previous investigations within the Infirmary grounds suggest that Anglo Saxon burials may be present along the northern fringe of the ROQ site. Subsequently a poorly understood settlement known as 'buricroft' is recorded in the vicinity of the Radcliffe Infirmary building in the 12th century, the site of was not established during the 2009 ROQ works. At nearby St Anne's College on the opposite side of Woodstock Road investigations in 2011 recorded previously unknown roadside activity. Here residual pottery of late Saxon and medieval date and a silver halfpenny of Edward I were recovered along with two rubbish pits containing 16th century pottery. One of the 16th century pits contained a sawn deer antler which may indicate small scale antler working in this location. Thus, highlighting the potential for intermittent settlement activity located along the Woodstock Road in the medieval and post medieval periods.

10.69. Officers recommend that the development should be subject to completion of a Written Scheme of Investigation (WSI) for trial trenching and a programme of archaeological mitigation. Subject to the submission of an acceptable WSI and programme of archaeological mitigation, the proposals would not conflict with Policy DH4 of the Oxford Local Plan.

Amenity

Existing Occupiers

10.70. Policy H14 of the Oxford Local Plan states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes. Planning permission will not be granted for any development that has an overbearing effect on existing homes. Policy RE7 of the Oxford Local Plan requires that new development protects the amenity of occupiers and neighbours.

10.71. Nos.45-55 Woodstock Road is a row of residential dwellings which adjoins the site of the existing tennis courts. The side elevation of No.45 Woodstock Road immediately adjoins the application site. The property contains a number of west facing rear windows, as well as a number of roof lights within rear extensions to the original dwelling. There is a single side (south) facing window in this property, which currently overlooks the application site. No windows are proposed within the north facing elevation of House B, the proposed building sited adjacent to the boundary of this property. Side windows are also not proposed within House A,

which is located slightly further from the boundary of these houses. Overlooking of the garden areas of Nos.45-53 Woodstock Road would therefore be prevented.

10.72. The applicants have prepared a Daylight and Sunlight Assessment, which includes an assessment of the impact of the development on all windows in the adjoining row of properties (45-53 Woodstock Road). The impact associated with the siting of the student accommodation is assessed against all relevant BRE criteria relating to daylight and sunlight, this includes the Vertical Sky Component (VSC); No Sky Line (NSL); and Annual Probable Sunlight Hours (APSH). The daylight and sunlight assessment indicates that there would be an impact on several windows serving the adjoining property, No.45 Woodstock Road. The greatest impact would be on the side (south) facing window which overlooks the site, where there would be a -20.9% change in the VSC and a -20.2% change in APSH, this window is noted to be one of three windows serving a habitable room, the other east facing windows would be considerably less affected and the degree of change is considered to be minor. Two roof lights, referenced as windows 19 and 20 in the Daylight and Sunlight Assessment would also be affected given their proximity to the adjoining building, and there would be a -17.8% and -15.3% reduction in VSC and -46.3% and -44.2% reduction in APSH respectively. These are secondary windows serving a habitable room. Window 18 is a large window also serving a habitable room, which serves as the primary window to this room and is also served by windows 19 and 20. In respect of window 18, there would be a -29.2% reduction in APSH. In terms of the No Sky Line (NSL) there is assessed to be a minimal reduction in terms all of the rooms within No.45 Woodstock Road. Where applying the VSC, and APSH tests, the siting of the development would not result in any windows that are currently compliant under these tests subsequently failing to achieve compliance as a result of the development. In summary, whilst there would be a loss of light to several windows serving No.45 Woodstock Road, owing primarily to the siting of House B, where this is assessed in the context of the baseline levels of light provided to each of the windows and where accounting for in the case of several of the windows, that the rooms are served by other windows, officers consider that there would not be a significantly adverse impact on the amenity of this adjoining property by reason of loss of light.

10.73. In terms of No.47 Woodstock Road, there would be a loss of light of more than 20% to 6 windows as a result of overshadowing from the proposed development, however all windows are currently assessed to be BRE compliant would remain so following completion of the development, therefore it is considered that the impact on this property in terms of loss of light would not be significant.

10.74. The impact of overshadowing of the rear amenity areas serving No.45 Woodstock Road is also assessed within the Daylight and Sunlight Assessment. In terms of No.45 Woodstock Road there would be a -6.6% reduction in sunlight compared with the baseline assessment. Even where accounting for this reduction, the Daylight and Sunlight Assessment outlines that 70% of the garden would receive more than 2 hours of direct sunlight on the 21st March, which is in excess of the BRE recommendation of 50% and the impact is therefore considered to not be significantly adverse. In terms of the other adjoining properties there would be no predicted reduction in sunlight to the rear gardens.

- 10.75. The gym is sited to the rear of several properties in Observatory Street and was constructed as a temporary structure which previously benefitted from planning permission, which expired in March 2023. The properties benefit from relatively long gardens and the existing building is a single storey structure of a relatively limited scale. The impact of the building on the amenity of the adjoining properties, with regard to scale, sense of enclosure, loss of light and privacy was assessed under planning application 12/02883/FUL when the building was first approved in January 2013. The adjoining houses are under the ownership of the college and are used for student housing.
- 10.76. The properties previously benefitted from large gardens, prior to the construction of the gym building. Whilst the site of the rear gardens has been reduced by around 50% the gardens remain of an appropriate size and occupy a footprint similar to that of the existing houses and officers consider that there would be an acceptable amount of external amenity space retained to serve these properties. The proposed scale of the building would be limited, such that officers consider that this would not be overbearing and would not result in any significant loss of light to the surrounding houses and the gardens of these properties. The building is single storey and there are no windows currently facing the existing houses, so there would be no resulting overlooking. In terms of noise disturbance, the gym is sited closest to existing properties which are under the ownership of the college. In terms of its siting, officers are satisfied that the building would not result in any adverse impacts in terms of noise disturbance, given its detachment from the surrounding properties. Overall officers are satisfied that the permanent retention of the gym would not have an adverse impact on the residential amenity of the adjoining occupiers in Observatory Street.
- 10.77. The rear gardens of nos.14 to 18 Observatory Street adjoin the site of the proposed replacement building on the site of the Richard Doll Building and are sited to the north of the new building. The new building abuts the boundary of the site facing these properties, however there are no windows proposed that would overlook the adjoining gardens. There is likely to be some minor overshadowing at the far end adjoining gardens, however the gardens are sufficiently large that there would not be a substantial impact in terms of overshadowing. The scale of the proposed building reduced compare with the Richard Doll building in terms of height and volume, albeit that the proposed building would abut the site boundary. Overall, it is considered that the impact associated with the siting of the building would not have a significantly adverse impact on the amenity of the adjoining occupiers.

Future Occupiers

- 10.78. Policy H8 of the Oxford Local Plan states that for developments of 20 or more bedrooms, indoor communal amenity space for students to gather and socialise must be included in the design. Each of the three new blocks housing student flats would include shared kitchen and living space, therefore it is considered that the proposed design would meet these requirements. The site benefits from external amenity space including the existing Observatory Garden, whilst a new external landscaped space would be provided on the site of existing tennis courts adjacent to the student accommodation. Overall, it is considered that the

accommodation would benefit from good standards of amenity consistent with Policy H8 of the Oxford Local Plan.

Transport

10.79. With the exception of disabled and operational parking, it would be expected that student developments are otherwise car free in accordance with Policies M3 and H8 of the Oxford Local Plan. The site is in a sustainable location within the City Centre and is less than 100 metres from bus stops on the Woodstock Road which benefit from frequent services.

10.80. There is existing parking on the Green Templeton College site, which is understood to be used by staff and for servicing. It is proposed that this parking would not be altered or increased. No parking is proposed for the new accommodation, which aligns with the requirements of Policies M3 and H8 of the Oxford Local Plan. A Travel Plan would be required by condition to set out long term management and measures to promote sustainable travel. There would be a need to manage the movements of construction traffic, therefore a Construction Traffic Management Plan would also be required by condition.

10.81. There are 80 cycle parking spaces currently located on site to the south of the porter's lodge. A further 51 cycle parking spaces would be provided within the new student accommodation Block C (eastern block) and 40 new spaces will be provided within the new porter's lodge. The net provision of 91 additional cycle parking spaces would exceed the minimum cycle parking standards required and would comply with Policy M5 of the Oxford Local Plan. Specific details of the cycle parking would be required by planning condition.

10.82. A full travel plan has been requested by Oxfordshire County Council, this would be required prior to the first occupation of the new build elements of the college development. In addition to this, a financial contribution has been requested by the County Council for the ongoing monitoring of the Travel Plan. It will be required that this contribution is secured through a Unilateral Undertaking, which will need to be secured prior to the issue of any planning permission.

Trees

10.83. Policy G7 of the Oxford Local Plan specifies that planning permission will not be granted for development proposals which include the removal of trees, hedgerows and other valuable landscape features that form part of a development site, where this would have a significant adverse impact upon public amenity or ecological interest.

10.84. An Arboricultural Impact Assessment has been prepared in support of the planning application, which identifies 23 trees on the site and 4 tree groups. This includes 1 Category A Tree (T9 – Giant Redwood), which would be retained; 7 category B trees; 13 category C trees; a 2 category U trees. It is proposed that 1 category B tree, 6 category C trees; and 1 category C tree group would be removed. The trees proposed for removal with the exception of a single category U tree, are all located within the position of the proposed buildings, or

immediately adjoin the site of the proposed buildings, including the student accommodation, replacement dining hall and café building.

10.85. The proposed landscaping strategy includes significant additional tree planting within the new garden and landscaped quad between the student accommodation buildings on the tennis courts site, as well as further planting to the front of the dining hall building and café. The application is accompanied by a Tree Canopy Cover Assessment, which concludes that the planting as proposed would result in a 212m² gain in tree canopy cover after 20 years.

10.86. Officers are satisfied that the proposals seek to retain, as many of the trees on the site as would be practically possible, accounting for the location of the proposed buildings. Significant replacement planting is proposed throughout the site which when established would significantly increase tree canopy cover across the site and would provide adequate mitigation for the trees that would be lost. The proposals would therefore comply with Policy G7 of the Oxford Local Plan.

Sustainability

10.87. Proposals for development are expected to demonstrate how sustainable design and construction methods will be incorporated in line with Policy RE1 of the Oxford Local Plan. All development must optimise energy efficiency by minimising the use of energy through design, layout, orientation, landscaping and materials, and by utilising technologies that help achieve Zero Carbon Developments. The Policy requires that planning permission will only be granted for development proposals for new build residential developments which achieve at least a 40% reduction in the carbon emissions from code 2013 Building Regulations, which has now been superseded by the 2021 Part L Building Regulations. Given that the previous regulations have been superseded, it is a requirement that new planning applications are measured against the 2021 Part L standards for the purposes of considering carbon reduction against Policy RE1.

10.88. An Energy Statement was submitted alongside the planning application, which has since been revised to account for the updated 2021 Part L Building Regulations. The updated Energy Statement outlines that the following energy efficiency measures will be incorporated into the new buildings in the development:

- Air source heat pumps
- Ground source heating
- High standards of insulation and air tightness including use of triple glazing throughout.
- Mechanical ventilation and high energy heat recovery.
- Efficient LED lighting.

10.89. The proposed energy strategy would achieve a 43% site wide reduction in carbon emissions compared with Part L.2. 2021 building regulations. The report identifies that the non-residential element of the scheme would be capable of achieving standards equivalent to BREEAM excellent. The new dining hall

building and new buildings on the tennis court site would therefore comply with Policy RE1 of the Oxford Local Plan.

10.90. In terms of the gym building, whilst this is an existing structure, as the permanent retention of the building is sought, it is appropriate to consider the development against Policy RE1 of the Oxford Local Plan. The building which was constructed in 2013 and would not meet the 40% reduction in carbon emissions, were assessed against the 2021 Part L Building Regulations or BRE AAM excellent standards. The building, were its permanent retention to be assessed within a standalone planning application would not be expected to demonstrate compliance with this element of Policy RE1 as the size of the building is less than 1000sqm. The building incorporates sustainable design measures in accordance with Policy RE1 of the Oxford Local Plan, this was outlined within a sustainability specification approved prior to the building being constructed and the building design includes high standards of air tightness and insulation as well as the incorporation of solar panels as an integral design feature. Furthermore, as the building is in place already, there are sustainability benefits in terms of retaining this structure, as opposed to its removal and replacement with a new building, by minimising wasted resources that would be involved in removal and rebuilding a new structure.

Drainage

10.91. Policy RE3 of the Oxford Local Plan requires new development to be located in areas of low flood risk (Flood Zone 1). In considering proposals elsewhere, the sequential and exceptional tests will be applied. Applications on sites within Flood Zones 2, 3 and on site larger than 1ha in Flood Zone 1 must be accompanied by a Flood Risk Assessment (FRA).

10.92. Policy RE4 of the Oxford Local Plan states that all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites.

10.93. The application site is located in Flood Zone 1 and is considered to be at a low risk of flooding.

10.94. It is proposed that all hardscape areas shall be infiltration type permeable paving. The specified type of soakaway is an underground crate system wrapped in a geotextile to allow for infiltration. The soakaway and permeable paving substrate would be sized for storms up to and including 1in100y plus 40% increase for climate change. The proposal includes source control in the case of permeable paving and site control SuDS management measures with no discharge off site for all event up to and including 100-year return storms with 40% increase for climate change.

10.95. Oxfordshire County Council as Lead Local Flood Authority have raised no objection to the proposals following the provision of additional details relating to surface water drainage.

10.96. Overall, it is considered that the proposals make adequate provision for the management of surface water drainage and the proposals are considered to comply with Policies RE3 and RE4 of the Oxford Local Plan.

Ecology

10.97. Policy G2 of the Oxford Local Plan states that development that results in a net loss of sites and species of ecological value will not be permitted. Policy G2 also identifies that compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity. For all major developments proposed on greenfield sites or brownfield sites that have become vegetated, this should be measured through use of a recognised biodiversity calculator. To demonstrate an overall net gain for biodiversity, the biodiversity calculator should demonstrate an improvement of 5% or more from the existing situation.

10.98. The application is accompanied by a Preliminary Ecological Assessment (PEA) which identified the site to be of low ecological value given that the majority of the site consists of buildings and amenity grassland with scattered trees and some hedgerows and ornamental planting. Buildings on the site were assessed as offering low to negligible potential to support roosting bats. Existing trees on the site offered potential to provide foraging and sheltering opportunities for birds and small mammals, as well as limited foraging opportunities for bats. Tree T1, which was to be retained was also determined to be of Low Suitability for roosting bats.

10.99. As there are buildings on the site that are proposed for demolition, which were assessed to offer low potential for roosting bats, the PEA recommended that further survey work in respect of bats was carried out. A bat survey has since been carried out in August 2023, including dusk emergence and dawn re-entry surveys, which found no records of bats emerging or re-entering the buildings on site, although occasional foraging and commuting activity was observed. Officers satisfied that the development would not adversely impact on protected species. The provision of bat and bird boxes is recommended and would be secured by planning condition.

10.100. The application is accompanied by a Biodiversity Net Gain Assessment which includes a habitat assessment and strategy for delivering biodiversity net gain. The BNG Assessment indicates that the development would result in an increase of 17% net gain in habitat units, which would be provided on site.

10.101. Officers consider that the proposals would not conflict with Policy G2 of the Oxford Local Plan.

Land Quality

10.102. Significant contamination risks are not expected to be present on site due to the lack of historical industrial use, but due to part of the site being previously occupied by hospital buildings, there may be areas of made ground present which could present potential contamination risks to construction workers and future site end-users.

10.103. In this regard it is considered necessary that an intrusive site investigation is carried out to determine potential contamination risks and what remedial actions may be necessary to ensure that the site is made suitable for the proposed use. Conditions requiring that a phased risk assessment is carried out and that a remediation strategy is prepared are recommended to ensure that the site is investigated for potential contamination risks and remediation is carried out as necessary. Subject to the details required under these conditions, the development would comply with Policy RE9 of the Oxford Local Plan.

11. CONCLUSION

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

11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver sustainable development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.

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

11.4. The principle of providing additional student accommodation on the site would comply with Policy H8 of the Oxford Local Plan and would assist in addressing Green Templeton College's need to provide dedicated graduate accommodation as well as providing the opportunity to release additional housing back into the local market, which would be equivalent to the provision of 8 dwellings where applying the criteria outlined in the Governments Housing Delivery Test. There would be a minor increase in academic and administrative space on the site. The provision of this additional floorspace is intended to address deficiencies in the quantity and quality of teaching, administrative and dining space and would enable the relocation of kitchen and dining facilities from the Radcliffe Observatory, which would provide heritage benefits. Officers are satisfied that the proposals would not lead to an increase in student numbers at the college and the proposals are, in any event, delivered in conjunction with proposals to provide 21 new student rooms. Officers therefore consider that there would be no conflict with Policies E2 or H9 of the Oxford Local Plan.

11.5. The proposals would result in the loss of two tennis courts and a single squash court, which are used by students at the college but do not benefit for wider public access. There are existing public and university owned tennis courts

within an accessible distance to the site, which may be used by students that would otherwise use the existing tennis courts. The College have indicated that they would intend to facilitate access for students to the squash courts at Wolfson College, whilst there are other University and public squash courts that may also be used. The proposals would also secure the retention of the temporary gym, which the college intend to upgrade and on balance it is considered that the proposals would comply with Policy G5 of the Oxford Local Plan.

11.6. Whilst there would be an impact on the amenity of the immediately adjoining properties, in particular No.45 Woodstock Road, particularly with respect to the siting of House B, in terms of overshadowing and loss of light, where considering the specific circumstances in terms of the function of the windows and baseline levels of natural light, it is considered that this would not be significantly harmful in amenity terms. The amenity impact associated with the siting of the dining hall and retention of the gym in relation to the immediately adjoining buildings would not be significantly harmful in amenity terms and the proposals would comply with Policies H14 and RE7 of the Oxford Local Plan. Acceptable standards of amenity would also be provided for future occupiers in line with Policy H8 of the Oxford Local Plan.

11.7. The design, scale and siting of the proposed buildings on the site is considered to be appropriate and responsive to the character of the site and surrounding area, including the setting of surrounding heritage assets, including the Grade I listed Radcliffe Observatory and Osler House and the proposals would meet the sustainability and energy requirements set out within Policy RE1 of the Oxford Local Plan. The insertion of new openings within the listed boundary walls surrounding the tennis courts would result in a low level of less than substantial harm to the significance of the walls. The siting of the proposed buildings on the tennis courts site would result in a low level of less than substantial harm to the setting of the Grade I listed Observatory Tower, by virtue of the loss of views of the tower from Woodstock Road. There would also be a very low level of less than substantial harm caused to the setting of the Walton Manor Conservation Area as a result of the permanent retention of the gym building. Overall the assessed low level of less than substantial harm to the significance of these heritage assets is considered to be outweighed by the public benefits of the development.

11.8. There would be no adverse implications associated with the development in transport and accessibility terms. The proposals are accompanied by a BNG Assessment which indicates that the development would result in a 17% increase in biodiversity net gain, which would exceed the statutory 5% requirement outlined under Policy G2 of the Oxford Local Plan.

11.9. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the prior completion of a legal agreement or Unilateral Undertaking.

12. CONDITIONS

Time Limit – College Development

1. The College Development, excluding the College Gym Building (“The Gym“) on the Site shown edged red on the Location / site plan (reference GTC-FF-00-XX-DR-A-00100 P00) shall 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.

Approved Plans – Gym Building

2. The College Gym Building (“The Gym“) on the Site shown edged red on the site location plan (reference GTC-FF-00-XX-DR-A-00100 P00) shall be retained strictly in accordance with the approved plans. The Gym shall be used as a Gym ancillary to the use of the other development permitted by this Permission (“The College Development“) and for no other purpose.

Reason: To avoid doubt as no objection is raised only in respect of the deemed consent application as submitted and to ensure an acceptable development as indicated on the submitted drawings in accordance with Policy S1 of the Oxford Local Plan.

Approved Plans – College Development

3. The College Development referred to shall be provided strictly in complete accordance with the specifications in the application and the approved plans unless otherwise required by other conditions imposed on this Permission

Reason: To avoid doubt as no objection is raised only in respect of the deemed consent application as submitted and to ensure an acceptable development as indicated on the submitted drawings in accordance with Policy S1 of the Oxford Local Plan.

Material Samples

4. Samples of the exterior materials to be used in the College Development shall be submitted to, and approved in writing by, the Local Planning Authority before the start of above ground works on the site and only the approved materials shall be used. Sample panels for materials shall be provided and retained on site for inspection.

Reason: In the interests of visual amenity in accordance with Policy DH1 of the Oxford Local Plan.

Drainage Strategy

5. The College Development shall not commence until a detailed surface water drainage scheme for the site forming part of the College Development (“The Site“), has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall subsequently be provided in accordance

with the approved details before the College development is brought into first use. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems

Reason: To ensure the incorporation of adequate measures to manage surface water drainage and to prevent an increase in flood risk in accordance with Policies RE3 and RE4 of the Oxford Local Plan 2036.

SuDS Details

6. Prior to first occupation of the College Development, a record of the installed SuDS and Site wide drainage scheme shall be submitted to and be approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
 - (a) As built plans in both .pdf and .shp file format;
 - (b) Photographs to document each key stage of the drainage system when installed on site;
 - (c) Photographs to document the completed installation of the drainage structures on site;
 - (d) The name and contact details of any appointed management company information.

Reason: To ensure the incorporation of adequate measures to manage surface water drainage and to prevent an increase in flood risk in accordance with Policies RE3 and RE4 of the Oxford Local Plan 2036.

Travel Plan

7. Prior to the first occupation of the College Development a Residential Travel Plan and Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The Travel Plan should be updated within 3 months of full occupation.

Reason: To promote the use of sustainable modes of travel in accordance with Policy M1 of the Oxford Local Plan.

Construction Traffic Management Plan

8. A Construction Traffic Management Plan (CTMP) shall be submitted to the Local Planning Authority and approved in writing prior to commencement of development. The CTMP should follow Oxfordshire County Council's unless otherwise agreed in writing with the Local Planning Authority template. This should identify;
- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
 - Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
 - Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
 - Contact details for the Site Supervisor responsible for on-site works,
 - Travel initiatives for site related worker vehicles,
 - Parking provision for site related worker vehicles,
 - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
 - Engagement with local residents Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

The College Development shall be carried out in full accordance with the approved CTMP.

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

Restrictive Clause – Car Ownership

9. The student study bedrooms comprised in the College Development shall not be occupied until the wording of a clause in the tenancy agreement under which the study bedrooms are to be occupied restricting students resident at the premises (other than those registered disabled) from bringing or keeping a motor vehicle in the city has been submitted to and approved in writing by the local planning authority; and the study bedrooms shall only be let on tenancies which include that clause or any alternative approved by the local planning authority.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with Policies H8 and M3 of the Oxford Local Plan.

Cycle Parking

10. Notwithstanding the submitted plans, details of the cycle parking storage for students shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the College Development and in accordance with the approved details prior to first occupation and retained at all times thereafter.

Reason: To encourage the use of sustainable modes of transport in line with policy M5 of the Oxford Local Plan 2016-2036.

Historic Building Recording

11. The College Development shall not commence until the implementation of a programme of historic building recording has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, 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, including 20th century college structures of local interest (Local Plan Policies DH4).

Controlled Demolition

12. The College Development shall not commence until a method statement for controlled demolition in such a manner to facilitate subsequent archaeological investigation, has been submitted to and approved by the planning authority. All works shall be carried out and completed in accordance with the approved method statement 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, including prehistoric, Early Saxon, medieval and post-medieval remains (Local Plan Policies DH4).

Archaeological Written Scheme of Investigation

13. No development shall take place until a written scheme of investigation (WSI) for 1) Archaeological Trial trenching and 2) A programme of archaeological mitigation 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 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 prehistoric, Early Saxon, medieval and post-medieval remains in accordance with Policy DH4 of the Oxford Local Plan.

Land Contamination

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

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

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

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

The development shall be carried out in accordance with the approved phase risk assessment.

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

Approved Remedial Works

15. The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in

accordance with the requirements of policy RE9 of the Oxford Local Plan 2016 - 2036.

Energy Statement Compliance

16. The development shall be carried out in accordance with the recommended energy efficiency and sustainability measures outlined in the Environmental and Energy Strategy Statement prepared by Ritchie and Daffin dated 6th October 2023.

Reason: To ensure that the development achieves the required sustainability and energy efficiency standards outlined under Policy RE1 of the Oxford Local Plan 2036.

Air Quality – Dust Management

17. No development shall take place until the complete list of site specific dust mitigation measures and recommendations that are identified on Chapter 8.2 (pages 24-27) of the IAQM Guidance on the assessment of dust from demolition and construction, are included in the current site's Construction Environmental Management Plan (CEMP). The new (updated) version of the CEMP will need to be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the updated CEMP.

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.

Restriction – Student Use Accommodation in term time

18. During term time, as published by the College for the relevant academic year, the parts of development hereby permitted as student rooms as defined on drawing Nos. GTC-FF-00-XX-DR-A-11100; GTC-FF-00-XX-DR-A-11100; GTC-FF-00-XX-DR-A-11101; and GTC-FF-00-XX-DR-A-11102 shall only be used for student accommodation.

Reason: To avoid doubt and to allow the Local Planning Authority to give further consideration to other forms of occupation which may result in the loss of student accommodation in accordance with policies S1 and H8 of the Oxford Local Plan 2036.

Restriction- Use of Student Accommodation out of term time

19. Subject to Condition 18 (see above) outside term time the permitted use may be extended to include accommodation for cultural and academic visitors and for conference and summer school delegates. The parts of development hereby permitted as student rooms as defined on drawing Nos. GTC-FF-00-XX-DR-A-11100; GTC-FF-00-XX-DR-A-11100; GTC-FF-00-XX-DR-A-11101;

and GTC-FF-00-XX-DR-A-11102 shall not be used for any other purpose unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To avoid doubt and to allow the Local Planning Authority to give further consideration to other forms of occupation which may result in the loss of student accommodation in accordance with policies S1 and H8 of the Oxford Local Plan 2036.

Landscaping Plan

20. A Landscape Plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to first occupation of the development hereby approved. The plan shall show details of treatment of paved areas, and areas to be grassed or finished in a similar manner, existing retained trees and proposed new tree, shrub and hedge planting. The plan shall correspond to a schedule detailing plant numbers, sizes and nursery stock types.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

Implement Landscaping

21. The Landscape Plan as approved by the Local Planning Authority shall be carried out no later than the first planting season after first occupation or first use of the development hereby approved unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

Landscaping Proposals – Reinstatement

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

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

Landscape Surface Design – Tree Roots

23. No development shall take place until details of the design of all new hard surfaces and a method statement for their construction shall first have been submitted to and approved in writing by the Local Planning Authority and the hard surfaces shall be constructed in accordance with the approved details

unless otherwise agreed in writing beforehand by the Local Planning Authority.

Details shall take into account the need to avoid any excavation within the Root Protection Area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which require hard surfaces to be constructed on top of existing soil levels in accordance with the current British Standard 5837: "Trees in Relation to Design, Demolition and Construction – Recommendations".

Reason: To avoid damage to the roots of retained trees in accordance with Policy G7 of the Oxford Local Plan 2016-2036.

Tree Protection Plan and Arboricultural Method Statement

24. No development shall take place until details of the location of all underground services and soakaways have been submitted to and approved in writing by the Local Planning Authority. The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas of retained trees as defined in the current British Standard 5837 "Trees in Relation to Design, Demolition and Construction - Recommendations". Works shall only be carried out in accordance with the approved details unless otherwise agreed in writing beforehand by the local planning authority.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

Arboricultural Monitoring Programme

25. Development, including demolition and enabling works, shall not begin until details of an Arboricultural Monitoring Programme (AMP) have been submitted to and approved in writing by the Local Planning Authority. The AMP shall include a schedule of a monitoring and reporting programme of all on-site supervision and checks of compliance with the details of the Tree Protection Plan and/or Arboricultural Method Statement, as approved by the Local Planning Authority. The AMP shall include details of an appropriate Arboricultural Clerk of Works (ACoW) who shall conduct such monitoring and supervision, and a written and photographic record shall be submitted to the LPA at scheduled intervals in accordance with the approved AMP.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036

Lighting Plan

26. Prior to the first occupation of the development, details of a proposed external lighting scheme shall be submitted to the Local Planning Authority. The lighting scheme shall be approved in writing by the Local Planning Authority

and shall be implemented before first occupation of the development and shall be retained thereafter.

Reason: In the interests of providing safe and suitable spaces for occupiers and users of the site and to prevent opportunities for crime in accordance with Policy DH1 of the Oxford Local Plan.

Ecological Enhancements

27. The development hereby approved shall be implemented strictly in accordance with the measures stated in Section 10.17 of the report 'Preliminary Ecological Appraisal' produced by Lockhart Garratt and dated March 2021. The proposed bat roosting devices and bird nesting devices shall be installed under the oversight of a suitably qualified ecologist by the completion of the development and retained as such thereafter. Photographic evidence and confirmation of installation should be provided by the ecologist to the Local Planning Authority.

To comply with The Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats Regulations 2017 (as amended) and enhance biodiversity in Oxford City in accordance with the National Planning Policy Framework.

Landscape and Ecological Management Plan

28. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

13. APPENDICES

- **Appendix 1** – Site location plan

14. HUMAN RIGHTS ACT 1998

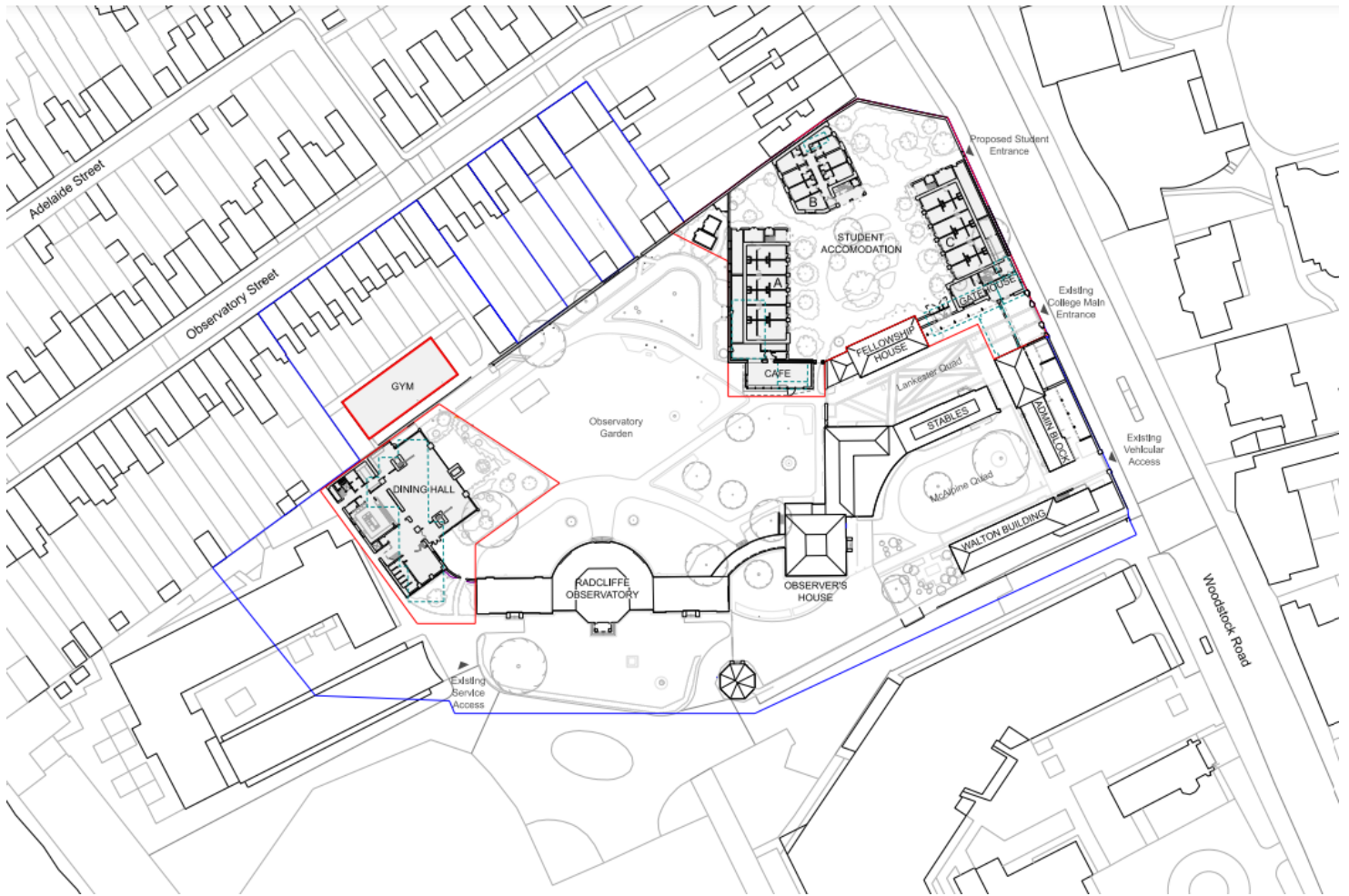
14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection 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.

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Appendix 1 – Site Plan



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Application number:	22/00410/LBC		
Decision due by	28th April 2022		
Extension of time			
Proposal	Alterations to grade II listed boundary wall fronting onto Woodstock Road and to curtilage listed walls to former walled garden associated with the construction of new buildings adjacent to and abutting these structures		
Site address	Green Templeton College, Woodstock Road, Oxford, Oxfordshire – see Appendix 1 for site plan		
Ward	Walton Manor Ward		
Case officer	Gill Butter		
Agent:	Mr Michael Crofton-Briggs	Applicant:	The Principal and Fellows of Green Templeton College.
Reason at Committee	Accompanying a concurrent major planning application 22/00409/FUL for associated development.		

1. RECOMMENDATION

1.1. 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 11 of this report and grant listed building consent

1.1.2. **agree to delegate authority** to the Head of Planning and Regulatory 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 and Regulatory Services considers reasonably necessary

2. EXECUTIVE SUMMARY

2.1. This report considers the impact of proposed alterations and interventions to section of a grade II listed stone wall that runs along the western side of Woodstock Road and contiguous sections of stone boundary walls that are contemporaneous with the identified wall, lie to its north and west and are

considered to be curtilage listed structures by virtue of their physical relationship, ownership both past and present and function both past and present. The wall is described as being the boundary wall to the Radcliffe Infirmary site and it now encloses the campus of Green Templeton College, the site of the Radcliffe Observatory, grade I listed building with its surviving gardens and to the south the now, Oxford University owned and occupied former Infirmary buildings and modern departmental additions where there are a number of historical gates, railing screens and entrances that punctuate and break through the wall.

2.2. The proposed alterations comprise a number of gated entrances to be made through both the listed and curtilage listed walls facilitating access and connection into buildings and garden spaces across the Observatory site.

3. LEGAL AGREEMENT

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

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL

5. SITE AND SURROUNDINGS

5.1. The site lies at the north-east corner of the original Radcliffe Infirmary site and wraps around the surviving, C18 Radcliffe Observatory building, grade I listed and its surviving pleasure gardens, enclosed by high stone and brick walls that historically bounded the entirety of the Infirmary site.

5.2. The site is bounded by three conservation areas. The south western edge of the North Oxford Victorian Suburb Conservation Area touches the north eastern edge of the site. Walton Manor Conservation Area lies immediately to the north of the site and the boundary of the Central Conservation Area runs along the western edge of Woodstock Road immediately to the east of the site.

5.3. The walls that are the subject of this application principally enclose a former garden primarily occupied by open, hard tennis courts and small building tucked into the south-western corner that houses a squash court. The southern boundary of the former garden is flanked by a series of two storey, C20, traditional domestic vernacular buildings that house the College's entrance, porters' lodge and administrative offices. Whilst outside the walls, adjacent to the squash court building, in the south western corner lies a lean-to traditionally designed green house.

6. PROPOSAL

6.1. The application seeks listed building consent for a number of new, gated openings to be made through the walls, together with alterations associated with the weathering and abutment, above and below ground of a number of new, college buildings that are proposed to be built adjacent to the walls. Details of

which are set out in a concurrent planning application, 23/00409/FUL also to be considered by this planning committee.

- 6.2. A single opening with gate is proposed to be made through the listed wall that fronts onto Woodstock Road at a point some 20 metres to the north of the present, principal college entrance.
- 6.3. Additional openings, again to be gated are proposed to be made through the curtilage listed wall that bounds the western edge of the present tennis court garden. These are intended to provide connections from the enclosed “garden” courtyard to the more open gardens that contribute to the setting of the Observatory building and across those gardens to college spaces beyond.
- 6.4. An additional opening is proposed to be made through the curtilage listed stone wall in the south western corner of the current tennis court garden alongside a present opening to facilitate both user and service access for the café building that is proposed to sit on the southern side of that wall, in a similar location to the present greenhouse.
- 6.5. There are a number of locations where proposed new buildings will sit alongside the existing boundary and enclosing walls and abutments are proposed to provide satisfactory weathering of these connections above ground as well as possible adaptations to existing arrangements of the walls below ground. The design of these points of interaction/intersection will be subject to additional interrogation of existing situations and a recommended condition covers the approval of these details to ensure that the important features of the existing walls will not be harmed.

7. RELEVANT PLANNING HISTORY

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

00/01291/L - L/B consent for pedestrian gate in stone boundary wall to link No 9 Observatory Street to College.. PER 3rd November 2000.

00/01292/NFH - Planning permission for pedestrian gate in stone boundary wall to link No 9 Observatory Street to college, together with pergola and ramped access.. PER 3rd November 2000..

03/02419/FUL - Erection of 36 student study rooms (including 6 for disabled use), library, seminar room, IT room and ancillary accommodation in 2 wings each on 3 floors; together with construction of underground lecture theatre and single storey building housing fitness room, laundry, workshops etc. on site of existing tennis courts
. PER 14th October 2004.

03/02420/LBD - Listed Building consent for demolition of squash courts and workshops, alterations to Woodstock Road boundary wall and north garden walls to provide new pedestrian accesses and erection of 3 storey student

accommodation incorporating library, lecture theatre (below ground) and IT facilities. Alterations to North garden gate to provide new entrance.. PER 16th July 2004.

03/02421/CAC - Conservation Area consent for demolition of pavilion, squash courts and technology workshops.. PER 14th October 2004.

49/00790/A_H - Conversion of stables. PER 2nd November 1949.

51/01928/A_H - Tennis pavilion. PER 25th September 1951.

52/02685/A_H - Alteration to form changing room. PDV 13th December 1952.

66/17864/A_H - Erection of single storey court and replacement of garden shed. PER 16th August 1966.

67/18977/A_H - Alterations and extension to existing changing rooms. PER 11th July 1967.

75/00536/A_H - Renewal of temporary consent for erection of timber building to provide office accommodation. TEM 11th July 1975.

77/00479/AH_H - Erection of entrance block to medical graduate society as first stage of college development. The uses include offices , entrance lodge , teaching rooms , changing rooms and some residential accommodation. PER 2nd August 1977.

77/01095/AH_H - Conversion of existing lodge building to form 2 flats. Connection with Green College development (reserved matters of App. No. H/A480/77. PER 4th January 1978.

86/00619/L_H - Listed Building consent for demolition of The Lodge (unlisted building in Conservation Area). ALW 3rd September 1986.

88/00237/L - Listed Building consent for blocking of pedestrian gateway. PER 11th April 1988.

90/00641/L - Listed Building consent for new gates and railings to south boundary. PER 15th October 1990.

90/00642/NFH - New gates and railings to south boundary. PER 15th October 1990.

91/00773/L - Listed Building consent for the erection of new security fence re-using existing wrought iron gates.. PER 25th October 1991.

91/00774/NFH - Erection of new security fence, re-using existing wrought iron gates. PER 25th October 1991.

99/00013/NFH - Change of use from part of changing rooms and toilets to offices

ancillary to college use including external alterations (windows at side & 2 doors at rear).. PER 26th February 1999.

07/02840/LBC - Listed building Consent for reorganisation of social, dining and catering facilities and refurbishment of interior, involving stripping out existing equipment and inserted partitions, provision of new kitchen in west wing, relocation of dining area to ground floor, provision of common room on first floor, upgrading wc facilities and provision of disabled toilet facilities. External alterations involving removal of doorway on north elevation and reinstatement of window; plant and machinery on roof of west wing, connection through south door to temporary kitchen.. PER 4th April 2008.

08/00813/CND - Discharge of condition 4 of planning permission 07/02841/FUL - extraction equipment for restaurant.. PER 13th June 2008.

79/01164/NRH - Demolition of animal houses, workshops and offices in western corner of site and erection of new residential building in connection with Green College development (Reserved Matters of Application no. H/A480/77). PER 20th February 1980.

12/01927/FUL - Extensions at basement level of Walton Building to create new light shafts, store room and plant room. Insertion of new door to south elevation. Erection of new railings and gate.. PER 25th September 2012.

12/02661/PDC - PERMITTED DEVELOPMENT CHECK - Erection of railings with hand rail.. PNR 23rd October 2012.

13/01613/VAR - Variation of conditions 1-8 of planning permission 12/01927/FUL (Extensions at basement level of Walton Building, Insertion of new door to south elevation. Erection of new railings and gate) to allow submission of information for the discharge of conditions to be submitted post commencement.. PER 22nd August 2013.

Oxford Victorian Suburb Conservation Area. RNO 15th June 2015.

15/01833/FUL - Erection of archway between two existing buildings.. PER 11th August 2015.

15/01833/CND - Details submitted in compliance with condition 3 (Samples in Conservation Area) of planning permission 15/01833/FUL.. PER 20th October 2015.

15/03104/FUL - Installation of 8No. LED lights to tennis court.. PER 22nd March 2016.

15/03608/CAT - Fell 2No. Birch Trees to replace with specimens of Betula Pendula Tristis in North Oxford Victorian Suburb Conservation Area.. RNO 26th January 2016.

13/03041/CND - Details submitted in compliance with condition 3 (Details of

appearance and materials) of planning permission 13/03041/FUL.. PER 27th May 2016.

16/02723/CAT - Fell 2no. Birch trees in North Oxford Victorian Suburb Conservation Area.. RNO 8th November 2016.

17/00315/CAT - Various works to trees as identified in appendix 1 in North Oxford Victorian Suburb Conversation Area.. RNO 7th March 2017.

18/00123/FUL - Application for the retention of the sports pavilion and change of use from residential gardens to college sports pavilion approved under 12/02883/FUL for a temporary period of 5 years. (Additional plans). PER 21st March 2018.

19/01338/CAT - Works to 1no.Mulberry Tree 1no Red Horse Chestnut Tree, 1no. Prune and 1no. Apple Tree as specified by Fiona Bradshaw as identified by North Oxford Victorian Suburb Conservation Area.. RNO 21st June 2019.

23/01549/FUL - Insertion of 1no. gate to boundary wall. Provision of pedestrian access ramp and associated alterations to landscaping. (Amended plans). PER 22nd November 2023.

23/01935/LBC - Installation of a new gate and access ramp to create access from no. 3-7 Observatory Street college campus.. PER 21st November 2023.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Conservation/ Heritage	189-208	DH3 - Designated heritage assets DH4 - Archaeological remains		

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 9th March 2022 and an advertisement was published in The Oxford Times newspaper on 10th March 2022.

Statutory and non-statutory consultees

Public representations

- 9.2. One local person commented indirectly on this application from an address in Observatory Street. The comment simply referred to a comment made on the planning application and the perceived absence of a listed building consent application for works to the listed walls. There were no observations or comments made on the person's opinion of the proposed alterations to the walls.
- 9.3. The Oxford Architectural and Historical Society questioned the justification for new openings through the listed wall fronting Woodstock Road and suggested that there should be investigation and recording of fabric.

Officer response

- 9.4 Clearly a listed building consent application had been submitted seeking consent for alterations to and interventions in the listed wall and the adjoining and contiguous walls that were considered to be curtilage listed structures to the listed wall.
- 9.5 Whilst a new gate and opening for a window through the wall would result in loss of historic fabric as well as a changed appearance of a small part of what had historically been a long, rarely broken, contiguous length of late C18 and early C19 enclosing stone wall to the Observatory and the adjacent Radcliffe Infirmary site, officers consider that the changes would be relatively modest, particularly in comparison to earlier, more substantial alterations that have been made immediately to the south of the college's site and that in part, the significance of the wall is as an enclosing structure to buildings and gardens. Therefore, the proposed openings, by virtue of their modest simplicity, the design of the window and gate, a solid gate within a very simple, understated opening in the stonework of the wall and a very simple, framed window opening would preserve the important sense of enclosure and privacy thus mitigating the level of harm that would be caused to the significance of the listed wall to the lowest level of less than substantial harm.

10. LISTED BUILDING CONSENT MATERIAL CONSIDERATIONS

- 10.1 Officers consider the determining issues to be:
- a. Significance of the listed, including curtilage listed boundary walls.
 - b. Potential impact of the proposed alterations to the listed walls on the significance of those listed structures. Whether the proposals would preserve or enhance the significance of the heritage assets or result in harm to their significance.
 - c. If harm would be caused to the significance of the heritage assets whether that harm has been clearly and convincingly justified.
 - d. If harm would be caused to the significance of the listed buildings what would be the weight of that harm.
 - e. If harm would be substantial then has the applicant provided a robust case for exceptionality.

- f. If harm would be less than substantial are there sufficient public benefits that would arise from the proposed alterations that would outweigh the weight of harm.

a Significance of the listed and curtilage listed walls.

- 10.2 The boundary wall fronting Woodstock Road is part of the original boundary wall that enclosed the Radcliffe Infirmary Site and subsequently the grounds and pleasure gardens of the Radcliffe Observatory.
- 10.3 The walls that bound the north side of the site, running along the back of properties on Observatory Street and enclosing the tennis court garden were probably constructed slightly later than the Woodstock Road wall but are nevertheless of significance and due to their physical relationship to the listed structure, their function and purpose which is similar to that of the Woodstock Road wall both at their construction, at the time of listing of the principal listed structure, June 1972 and their ownership which has remained the same from date of building, through date of listing to present day they are considered by officers to be curtilage listed structures.
- 10.4 The principal listed structure, a mix of ashlar stone with considerably weathered and delaminated faces and coursed rubble stone with distinctive, round, ashlar detailing to gateways at college entrance with a flat capping stone was built in the C18, probably at a similar time to the Observatory. The wall has a moderate significance derived in the main from its, materiality and its function as a boundary wall, initially to the Infirmary site but later to the Observatory and its pleasure gardens.
- 10.5 The slightly later constructed curtilage listed walls are of a lower significance than the principal listed structure but nevertheless they do have significance. This significance, importance or value is derived from their function, their materials and construction and the fact that they formed part of the contiguous enclosing boundary to the Radcliffe Infirmary and Radcliffe Observatory site, some of which has been removed during the second part of the C20 and early C21, thus making the preservation of the surviving sections of wall more important to the understanding of the historical values of the site. These walls are substantially devoid of the more decorative or ostentatious architectural details such as railings (to the courtyard of the earliest Infirmary buildings) and entrance gateways and piers that front the Woodstock Road facing part of the Infirmary site. Officers consider the significance of these walls to be low to moderate.

b. impact of proposed alterations.

- 10.6 This application seeks consent for a number of gated openings to be made through the stone walls as well as a small opening for a window adjacent to the new Porters Lodge.

- 10.7 These openings would result in some loss of the masonry fabric of the wall in each case together with the introduction of some new fabric, stone or brick to frame and finish the opening.
- 10.8 It is proposed that each of the “gate” or access openings should have either a gate, where it connects outdoor spaces or a door where there will be an interior space. The design of the proposed gate or door is to be simple and solid thus preserving the important sense of boundary and the contiguity of the present boundary structures whether this is a boundary to “the outside world” i.e. the public realm or between internal, college spaces, primarily gardens or new buildings that are being proposed under the concurrent planning application 22/00409/FUL. Where there is proposed to be a modest window opening, as part of the new Porters’ Lodge the design of the frame and window is proposed to be simple so as not to detract from the primacy of the wall itself.
- 10.9 In addition, the siting of a number of new buildings and structures directly adjacent to the walls will require small interventions to effect weathering of the abutments and the efficient dispersal of rainwater.
- 10.9 By virtue of the proposed design of these openings and their gates, doors and window, their modest size and plain but elegant detail, as well, as the carefully designed and the architect’s intelligent, “light touch” approach to the abutment of new building and wall, officers consider that the impact on the significance of the listed structures, primarily their sense of enclosure, but also their appearance would be preserved and any harm to their significance would occur through the loss of a small amount of masonry fabric, and the small change in appearance which officers consider would be extremely modest. A recommended condition seeks the recording of the structures in their present state and an additional recommended condition seeks the repair of the walls themselves where this is considered to be necessary, to be informed by a thorough condition survey.

c. justification of any harm that would be caused to significance of the heritage assets.

- 10.10 The extremely small harm to significance of the listed walls, including curtilage listed walls would, officers consider be justified, , in order to achieve a high quality designed development with the highest architectural sustainability, thus meeting the policy objective set out in the National Planning Policy Framework (NPPF) (Dec 2023) at paragraph 206 and policy DH3 of Oxford’s Adopted Local Plan 2036.
- 10.11 The opening in the principal listed wall that fronts Woodstock Road and is considered to be contemporaneous with the construction of the infirmary and the Observatory is considered to provide, discrete, level access to the new residential quad in particular for those with bicycles thus encouraging by making the process easy the use of bicycles. In addition this entrance, together with gates in other sections of wall will create a highly legible,

physically connected route into and across the site for college residents, making stronger connections between the newly ordered and historically significant spaces on this site in manner that responds intelligently to the surrounding context and opens up new views of the important buildings, including the Observatory enabling users of the routes to seek and gain a stronger understanding of the architectural and historical significance of these extremely important heritage assets.

- 10.12 Any harm caused to the significance of the listed , including curtilage listed walls by the introduction of new fabric to weather abutments and by the interruption in the contiguity of walls in views from within the site resulting from the siting of new buildings would be justified through the need to protect, for the purposes of preservation the fabric of the walls and through the creation of focussed and framed views that will allow the value and the significance of the walls to be an integral part of the place rather than simply, as at present what might be seen as a constant backdrop. Highlighting the walls will raise their visible presence within the spaces of the new, proposed development reinforcing rather than diminishing their value and significance.

d. weight of harm that would be caused to significance

- 10.13 Officers consider that where harm would be caused to the significance of the heritage assets it would be less than substantial harm and that it would be extremely small, at the very lowest level of less than substantial harm. The fundamental significance of the walls as historic boundary structures to important places, including listed buildings and their settings would be preserved through considered design of the interventions and in part the visual significance of the listed and curtilage listed structures would be heightened through the creation of focussed views that would give the walls a more important role or visual presence that would emphasise their values.

e. If harm would be substantial

- 10.14 Officers do not consider that any harm caused to the significance of the listed, including curtilage listed walls would be substantial and that therefore there is no case to be made for exceptionality or apply the tests set out in paragraph 207 of the National Planning Policy Framework (NPPF) (Dec 2023).

f. Where harm would be less than substantial.

- 10.15 Officers consider that any harm that would be caused to the significance of the listed, including curtilage listed walls would be less than substantial and that this would be at the very lowest end of this category of harm.
- 10.16 In accordance with paragraph 208 of the NPPF (Dec 2023) where harm to significance of heritage assets is considered to be less than substantial it should be weighed against public benefits that would arise directly from the proposed works.
- 10.17 The public benefits that would be considered to arise directly from the proposed works are through recording and appropriate repair a greater understanding and appreciation of the conservation values, the architectural and historical significance of the boundary walls to the Radcliffe Infirmary site and more particularly to the part of the site that was occupied by the Radcliffe Observatory would be gained and documented with full public access. Furthermore, the proposed interventions will enable a greater appreciation of the importance of the boundary walls and their role in the evolution of the Radcliffe Infirmary and Observatory sites.
- 10.18 Given the extremely low weight of less than substantial harm it is considered that the public benefits arising would be sufficient to outweigh that level of harm.

11. CONCLUSION

- 11.1 In conclusion officers consider that the proposed alterations to the listed and curtilage listed walls, through intelligent and contextually sensitive design would fundamentally preserve the significance of the heritage assets, the listed and curtilage listed walls thereby meeting the objectives of national planning policies as set out in the NPPF, including section 16 of that document. In addition, by preserving the listed and curtilage listed structures including their settings and any features of special architectural or historic interest that they possess the proposed alterations and interventions would meet the objectives of policies DH3 and DH4 of Oxford's Adopted Local Plan.
- 11.2 It is recommended that the Committee resolve to grant listed building consent for the development proposed subject to the recommended conditions set out in the following section of this report.

12. CONDITIONS

1. Commencement of listed building works
The works permitted shall be begun not later than the expiration of three years from the date of this consent.

Reason: In accordance with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in accordance with policy DH3 of the Adopted Oxford Local Plan 2036

2. Listed building consent approved plans

Unless specifically excluded by subsequent conditions the works permitted shall be carried out strictly in accordance with the terms of, and subject to, the conditions attached to this consent and in compliance with the details specified in the application and the submitted/amended plans listed in this decision notice.

Reason: As Listed Building Consent has been granted only in respect of the application as approved, to ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policy DH3 of the Adopted Oxford Local Plan 2036

3. Archaeology – building recording

No development shall take place until the applicant, or their agents or successors in title, have secured the implementation of a programme of historic building recording of the principal and curtilage listed boundary walls that will be subject to a number of alterations and interventions as a result of the proposed development together with the present group of buildings that form the entrance to the site and that are proposed to be demolished in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the 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 policies DH3 and DH4 of the Adopted Oxford Local Plan 2036.

4. Details

Full details of all alterations and interventions to listed and curtilage listed boundary and garden walls, including details of materials, methods and workmanship, structural details of proposed interventions including details of any underpinning of existing walls, drawn details of junctions between new structures and or buildings and the existing walls are to be submitted to the local planning authority and agreed in writing before any such works of alteration and or intervention are carried out. All works to be carried out in accordance with approved details unless subsequently approved otherwise and confirmed in writing by the local planning authority.

Reason: These works have not been described, either in text or drawn in sufficient detail requiring further interrogation of existing details and consequent development of proposed alterations and interventions and the local planning authority wishes to ensure the preservation of the significance of the heritage assets in accordance with the objectives of policies DH3 and DH4 of Oxford's Adopted Local Plan 2036

5. Programme of repair of listed walls

A full programme of necessary repairs, including details of materials, methods and workmanship to be carried out on the listed and curtilage listed walls shall be submitted to and approved in writing by the local planning authority and the approved works completed before any development is commenced adjacent to these walls. All works shall be carried out in accordance with the approved scheme of repairs unless subsequently otherwise approved and agreed in writing by the local planning authority.

Reason: The local planning authority wishes to ensure the long term preservation of the listed structures in accordance with policy DH3 of Oxford's Adopted Local Plan 2036.

13. APPENDICES

- **Appendix 1** – Site location plan

14. HUMAN RIGHTS ACT 1998

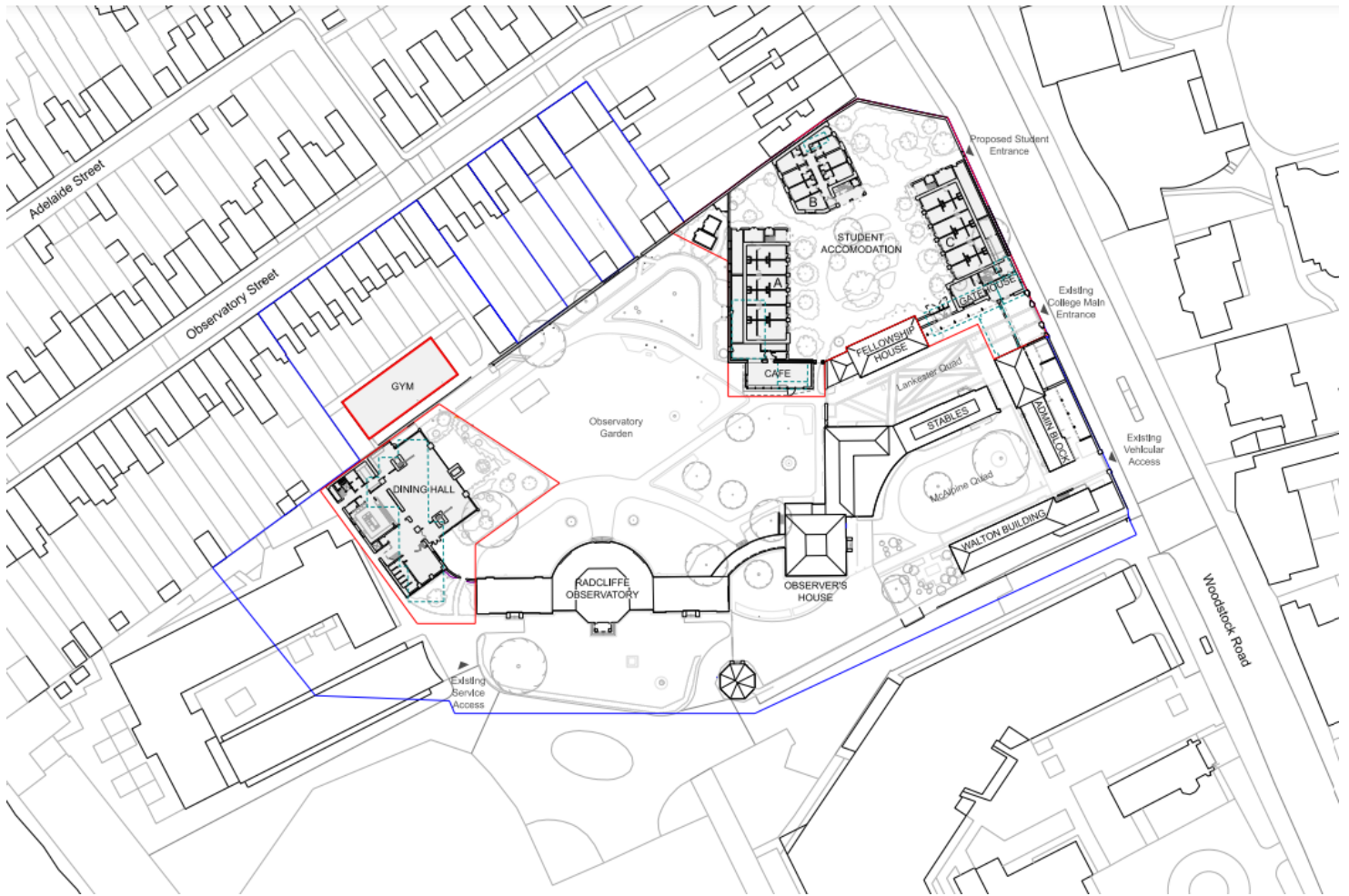
- 14.1 Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection 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 listed building consent, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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Appendix 1 – Site Plan



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Application number:	23/01482/FUL		
Decision due by	23rd October 2023		
Extension of time	Agreed until 23/02/2024		
Proposal	Change of use of the first to fourth floors and part basement and ground floor to office use (Class E). Erection of a roof extension to the front elevation above fourth floor and a two storey roof extension to rear elevation above third floor. Internal and external alterations to allow level access and provide lift services to all floors. Provision of bin and cycle storage. Alterations to fenestration. (Amended Plans)		
Site address	13-15 Oxenford House , Magdalen Street, Oxford, Oxfordshire – see Appendix 1 for site plan		
Ward	Carfax And Jericho Ward		
Case officer	Joanna Lishman		
Agent:	Mr Arron Twamley	Applicant:	Mr Aaron Glover
Reason at Committee	Major Development		

1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission; and subject to:

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

1.1.2. **agree to delegate authority** to the Head of Planning and Regulatory 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 obligation 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 obligation referred to above and issue the planning permission.

2. EXECUTIVE SUMMARY

- 2.1. This report considers the conversion and redevelopment of an existing city centre site, making best and most efficient of the land to provide increased speculative office space in a sustainable location. It would be of a high-quality design and have an appropriate massing, height and relationship to existing buildings and the street scene. It would be of a sustainable design and construction providing sustainable drainage, air source heat pump technologies and a 'fabric first' approach.
- 2.2. The development would cause low level less-than-substantial harm to the significance of the Oxford Central (City & University) Conservation Area. This harm is outweighed by the public benefits derived from the development in this case. The development would preserve the significance of the nearby listed buildings in the settings of which the site is located. In coming to this view great weight has been given to the preservation of the significance of these designated heritage assets and the higher duty placed on decision makers under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2.3. There would be no significant adverse impact on neighbouring residential amenities as a result of overlooking, loss of privacy, overbearing, visual intrusion, noise, loss of sunlight, daylight or overshadowing. Subject to relevant conditions, the development would not have an adverse impact in relation to biodiversity, land quality, air quality, archaeology, drainage and transport.
- 2.4. In conclusion, subject to conditions set out at Section 12 of this report, and the prior completion of a S106 obligation, the development would accord with the relevant policies of the Oxford Local Plan 2036, the policy framework set out in the NPPF and it would comply with the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Conservation of Habitats and Species Regulations 2017 (as amended).

3. LEGAL AGREEMENT

- 3.1. This application is subject to the prior completion of a s106 obligation to secure a s278 agreement for the highways works with the County Council and also to secure a financial contribution as a travel plan monitoring fee.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for CIL. The amount has been confirmed as £8,832.56.

5. SITE AND SURROUNDINGS

5.1. Oxenford House, built in 1965-6 by Fitzroy Robinson & Partners, is a five storey block situated in the Central Conservation Area. The front of the property extends over Friar's Entry to the south and benefits from a four storey outrigger to the rear which extends from the rear of the building along Friar's Entry to the west. To the east of the site lies Church of St Mary Magdalen (Grade I) and the Martyrs Memorial (Grade II*) and to the north of the sites lies the Odeon Cinema and The Randolph Hotel (both Grade II listed). The site lies within the Historic Core Area of the city as defined in the Local Plan.

5.2. The building itself was constructed in 1965-66. Deemed a modern Brutalist style building, designed by Fitzroy Robinson and Partners, the façade was a striking addition to the streetscape, with textured concrete columns, broken up by dark grey glass curtain walling in horizontal bands and multiple regular metal-framed pivot windows. To the rear elevations, the building was clad in concrete with gault brick facings.

5.3. In 1968, the basement of Oxenford House was converted to a restaurant, now a vacant nightclub, and in 2007 the 2nd – 4th floors were converted from offices to non-residential educational use (former British Study Centres School of English, accessed from Friar's Entry and currently vacant). The first floor is occupied by the Oxford Centre for Hindu Studies, accessed from Magdalen Street until the end of 2023. In 2009, the flat roof was approved as a terrace area and in 2017, the shop on the ground floor was approved for conversion to a restaurant and café (currently Five Guys).

5.4. The site includes the former Cinnamon Café on the ground floor at the Friar's Entry frontage, which is currently vacant. A lift overrun and plant equipment are located on the fifth floor. See block plan below:

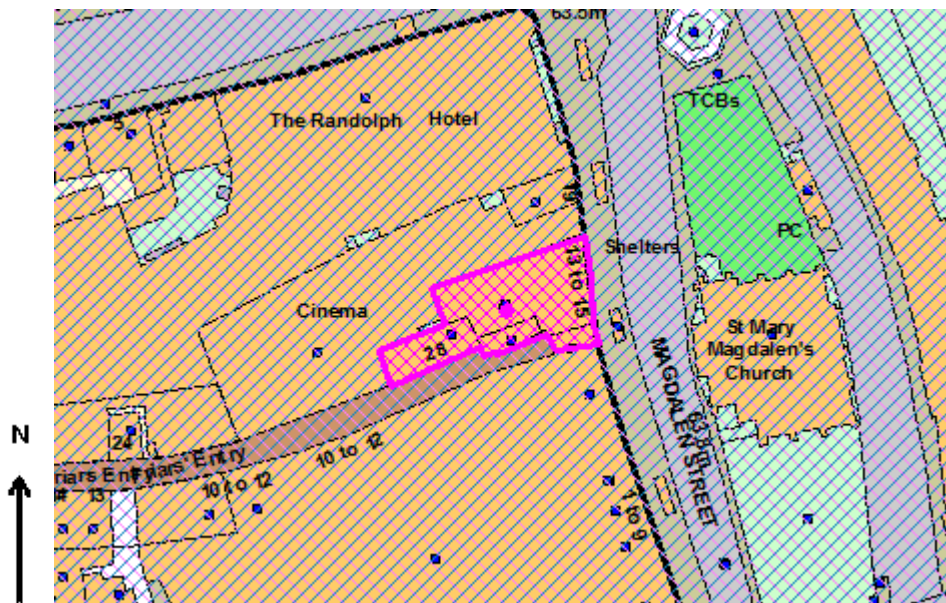


Figure 1: Existing Site Plan

6. PROPOSAL

- 6.1. The application proposes the change of use of the first to fourth floors and part basement and ground floor to office use (Class E). Erection of a roof extension to the front elevation above fourth floor and a two-storey roof extension to rear elevation above the third floor. The scheme also includes internal and external alterations to allow level access and provide lift services to all floors and alterations to fenestration. The scheme also includes the removal of redundant extraction equipment as indicated on the submitted plans.
- 6.2. Bin storage and cycle parking was originally shown in a basement location, however this has been amended as a result of consultation with OCC and Thames Valley Police. An addendum to the Design and Access Statement has been submitted which details the waste strategy and further details set out in the Travel Plan Statement.
- 6.3. The new building is speculative. The flexibility of the internal layout means that it could be occupied by a single tenant or a different tenant on each floor, thereby providing increased opportunity for a range of potential occupants. A statement relating to estimated occupancy of the building is being prepared by the applicant and will be summarised as an update to Members at Committee.
- 6.4. During the application process further information and amended plans were provided to address concerns raised by the Thames Valley Police and public consultation. The key amendments are:
- Clarification of fire exit for nightclub and Five Guys.
 - Relocation of cycle store from basement to ground floor.
 - Amendment of the siting of the roof top extension to addresses issues of ownership in relation to the Debenhams site.

7. RELEVANT PLANNING HISTORY

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

50/00076/P_H - Neon box signs. TEM 24th October 1950.
50/00945/A_H - Lavatories.. PDV 2nd February 1950.
57/00674/D_H - Change of use from offices to photographic establishment in principle.. PER 20th December 1957.
58/06643/A_H - Change of use from offices to photographic establishment.. PER 28th January 1958.
60/10019/A_H - Change of use from commission agents office to betting shop.. PER

25th October 1960.

60/09426/A_H - Change of use from university hostel to offices.. PER 14th June 1960.

60/09425/A_H - Outline application for demolition and rebuilding to form lock-up shops on the ground floor and office accommodation on all floors above.. PER 14th June 1960

63/13513/A_H - Shops with offices over. PER 26th August 1963.

64/13513/A_H - Shops with offices over (revised). PER 20th August 1964.

64/01328/P_H - Contractors board on site. PER 27th October 1964.

65/01426/P_H - Illuminated name lettering (Jaeger, Oxenford House). PER 17th August 1965.

65/13513/A_H - Shops with offices over (revised). PER 26th May 1965.

65/01416/P_H - 'To Let' hoarding sign on gantry on building. TEM 13th July 1965.

65/16655/A_H - New shop front (Jaeger, Oxenford House). PER 28th July 1965.

66/01416/P_H - 'To Let' hoarding sign on gantry on building site. TEM 25th January 1966.

66/13513/A_H - Shops with offices over (revised). PER 22nd February 1966.

67/18426/A_H - Installation of new shop front. (Jaeger, Oxenford House). PER 14th February 1967.

67/19252/A_H - Alterations to existing shop and new shop front. (Jaeger, Oxenford House). PER 12th September 1967.

67/01629/P_H - Illuminated shop fascia sign (Jaeger, Oxenford House). PER 9th January 1968.

67/01651/P_H - a) Illuminated trade projecting sign on elevation above shop window. b) Hanging sign in recessed doorway in Friars Entry. (Jaeger, Oxenford House). PER 5th December 1967.

68/19768/A_H - Conversion of basement into restaurant and extension on roof to provide plant room.. PER 13th February 1968.

69/21480/A_H - Alterations to rear entrance forming separate entrance for both basement, restaurant and 'Jaeger' shop on ground floor.. PER 6th May 1969.

85/00382/AH - Internally illuminated double-sided projecting sign (Jaeger, Oxenford House). WDN 3rd June 1985.

86/01250/NFH - New shop front (Jaeger, Oxenford House). PER 5th February 1987.

86/01284/AH - Non-illuminated fascia sign to front and side elevations (Jaeger, Oxenford House). PER 5th February 1987.

87/00390/NFH - Change of use of first floor from retail to office. PER 16th June 1987.

88/00702/AH - Internally illuminated fascia sign on Magdalen Street elevation. PER 31st October 1988.

90/00029/NFH - Alterations to entrance. PER 5th March 1990.

90/00030/AH - Internally illuminated double-sided projecting sign. PER 5th March 1990.

96/01078/NFH - New shop fronts to Friars Entry and Magdalen Street (Amended plans) (Jaeger, Oxenford House). PER 10th October 1996.

96/01079/AH - Illuminated fascia sign (letters only) (Amended plans) (Jaeger, Oxenford House). PER 10th October 1996.

97/00632/NFH - 3 condenser units on wall of plant room at roof level and duct on wall.. PER 1st August 1997.

97/01691/NFH - Air conditioning condensers on 4th floor roof. (Amended plans). PER 10th February 1998.

98/00064/NFH - Retention of air conditioning units and duct work on roof.. PER 21st September 1998.

00/00306/NFH - Air conditioning condenser unit on roof.. PER 16th June 2000.

07/01242/FUL - Alterations to include: over-cladding front facade onto Magdalen Street; removal of office entry and extension of shop facade: alterations to public passage of Friars Entry; alterations to ground floor office entrance. Roof extensions to building (single storey to front and two storey to rear). New plant enclosure on roof, and raise lift shaft to serve fifth floor.. PER 25th July 2007.

07/02328/FUL - Change of use from office (class B1) to non-residential institution (class D1) (2nd, 3rd and 4th floors, Oxenford House). PER 4th January 2008.

08/00195/FUL - Extension to rear of existing fourth floor to provide cafe and disabled w.c. for use by students within the building.. PER 27th March 2008.

08/00287/ADV - Display of advertisements. 1x non illuminated banner sign (1m high x 8m long).. PER 10th April 2008.

09/01522/FUL - Use of flat roof as a terrace/ break out area, including the erection of a balustrade, glass canopy and timber decking.. PER 4th September 2009.

11/00913/ADV - Display of 1 x Internally illuminated fascia sign. PER 24th May 2011.

17/03201/ADV - Display of 1 no. externally illuminated hanging sign (amended plans).. PER 2nd February 2018.

23/01483/FUL - Change of use of the first to fourth floors and part basement and ground floor to provide 55no. en-suite student accommodation rooms (Sui Generis). Erection of a roof extension to the front elevation above fourth floor and a two storey roof extension to rear elevation above third floor. Alterations to basement to create plant area and bin storage. Formation of new entrance lobby to Friars Entry with reception, break out area and cycle storage. Alterations to

fenestration. (Amended Description and Plans). PCO .

This application is to be considered by Members at the same Committee.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	131-141	H14 - Privacy, daylight and sunlight impact of development RE8 - Noise and vibration RE9 - Land Quality DH1 - High quality design and placemaking RE1 - Sustainable design and construction	Sustainable Design and Construction TAN	
Conservation/ Heritage	195-203 205-208	DH3 - Designated heritage assets DH4 - Archaeological remains		
Commercial	85-89 90-95	E1 - Employment sites - intensify of uses V1 - Ensuring the vitality of centres V2 - Shopping Frontages in the city centre		
Natural environment	157-179 180-194	G2 - Protection of biodiversity geo-diversity G7 - Protection of existing Green Infrastructure G8 - New and enhanced Green and Blue	Biodiversity TAN Green Spaces TAN	

		Infrastructure		
Transport	108-117	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M4 - Provision of electric charging points M5 - Bicycle Parking	Parking Standards SPD Car and Bicycle Parking TAN	
Social and community	96-107	V7, V8, V9		
Environmental	117-121, 148-165, 170-183	RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE6 - Air Quality RE7 - Managing the impact of development RE8 - Noise and vibration RE9 - Land Quality	Energy Statement TAN Sustainable Design and Construction TAN	
Miscellaneous	7-14 55-58 96-107 123-130	S1 - Sustainable development S2 - Developer contributions RE2 - Efficient use of Land RE5 - Health, wellbeing, and Health Impact Assessment	External Wall Insulation TAN,	

8.2. Other relevant documents and considerations:

- Town and Country Planning Act 1990
- Planning (Listed Buildings and Conservation Areas) Act 1990
- National Planning Policy Framework (NPPF)

- Planning Practice Guidance
- Historic Environment Good Practice Advice in Planning Note 3: 'The Setting of Heritage Assets (Second Edition)'
- The new Draft Local Plan 2040 was approved by Cabinet on 18th October 2023 and is currently out for public consultation until 5th January 2024. The draft local plan has very limited weight given its stage in the process.

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 10th August 2023 and an advertisement was published in The Oxford Times newspaper on 3rd August 2023. A further round of public consultation was undertaken and Site notices were displayed around the application site on 29th November 2023 and an advertisement was published in The Oxford Times newspaper on 30th November 2023.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

- 9.2. First round consultation response summarised as:

- Assuming access from the street is by stairs, then this is unacceptable. A DDA compliant ramp or a lift is required as a minimum. Ideally, the internal dimensions of the lift should be sufficient to enable at least two bicycles including their handlers. (Details shall be conditioned)
- Oxfordshire County Council acknowledges that the development will not have a detrimental impact on highway safety and/ or traffic and hence do not object to the granting of planning permission, subject to condition.

- 9.3. Second round consultation summarised as:

- Maintain objection based on the cycle storage in the basement.

- 9.4. Officers are liaising with Highway Officers to remove the objection as the plans have been amended with all cycle storage on the ground floor.

Lead Local Flood Authority

- 9.5. No comment.

Building Control Liaison & Fire Safety Inspector

- 9.6. It is taken that these works will be subject to a Building Regulations application and subsequent statutory consultation with the fire service, to ensure compliance with the functional requirements of The Building Regulations 2010.

Thames Valley Police

Cycle storage

9.7. Cycle theft is one of the most significant crime types in Oxford and creates a large amount of demand for policing. I have significant concerns that the proposed cycle store, accessed via staircase ramp and co-located with a bin store is not a suitable, accessible or desirable solution for the occupants of the building. Failing to provide sufficient secure storage for cycles in an accessible and convenient location also creates a secondary fire risk, where occupants may choose to store cycles within hallways instead, creating a fire egress hazard. Occupants may also consider leaving cycles locked up inappropriately to other structures or planting near to the block, where insufficient security will leave them vulnerable to theft. I am also unable to locate any proposed short stay visitor cycle parking to serve the development.

- Cycle stores must be conveniently located and easily accessible to all users including those with physical impairments.
- Cycles and bins must be in completely separate stores and must not be co-located. Cyclists should not have to navigate through a bin store to access cycle parking.
- I ask that the block is provided with secure cycle storage within fully enclosed and lit stores, which are of Secured By Design approved standards and secured to a minimum standard of LPS 1175 SR1 or equivalent.
- Provision for visitor cycle storage should be provided.

Bin stores

- It is unclear how the proposed internal bin stores at basement level will be accessed and serviced by refuse collection operatives. I do not feel it is appropriate for bins to be wheeled into the only passenger lift one by one and then through internal circulation areas for collection. This creates a significant security risk where it is highly likely that external and internal security doors will be propped open to facilitate this arrangement.
- Internal bin stores should be directly accessible from a single external door, secured and certificated to a minimum LPS 1175 SR2 or equivalent. Access control/physical security
- Plans indicate stair cores have additional external doorsets, which creates additional risk in terms of potential to bypass access control measures or undermining building security if propped open or left inadvertently insecure. I ask that all ground floor doorsets in fire stairwells must be designated for emergency egress only, and should be secured and alarmed to prevent use except in an emergency.
- I am unable to locate details of access control arrangements or postal services within this application. Unless a commitment or condition is made to achieve Secured By Design accreditation, I ask that an 'Access and

Security Strategy' document is submitted as part of the application. Once approved, I ask that a condition is placed on the applicant to meet the requirements set out within the strategy. This strategy should include;

- A CCTV strategy. Identifying camera positions, type of camera, data storage, the quality of the imagery capture and how these systems will be managed to ensure in the event of a crime that the data is accessible to the police.
- Attributes of the access control system (To aid the applicant, this should include):
- Access to the building controlled via the use of a security encrypted electronic key (e.g. fob, card, mobile device, key etc.);
- Vandal resistant external door entry panel with a linked camera;
- Live audio/visual communication between the occupant and the visitor;
- Compartmentation throughout each floorplate and office space to allow security for each office in the event of multiple tenants.
- Unrestricted egress from the building in the event of an emergency or power failure;
 - o Ability to recover from power failure instantaneously;
- Capture (record) images in colour of people using the door entry panel and store for those for at least 30 days. If the visitor door entry system is not capable of capturing images, then it should be linked to a CCTV system or a dedicated CCTV camera should be installed for this purpose. This information should be made available to police within 3 days upon request
- All visitor activity on the door entry system should be recorded and stored for at least 30 days. This information should be made available to police within 3 days upon request.
- Systems must comply with General Data Protection Regulations (GDPR) +

- Details of secure postal services.
- Specification of all doors and windows.

9.8. In order to ensure all opportunities are taken to design out crime from the outset, and to ensure all areas of the development are sufficiently secured to reduce the opportunities for crime and disorder to occur, I ask that the following or similarly worded condition be placed upon any approval;

Prior to commencement of development, an application shall be made for Secured by Design accreditation on the development hereby approved. The

development shall be carried out in accordance with the approved details, and shall not be occupied or used until confirmation of SBD accreditation has been received by the authority.

Reason: To ensure that appropriate physical security is provided, where detail is missing from this application relating to access controls, visitor entry, postal services. To safeguard future occupants and the buildings themselves from crime and antisocial behaviour.

Postal Service

It is unclear how this development will receive post outside of business opening hours. The building should facilitate postal deliveries either via a secure external post box certificated to DHF TS009, or via through-the-wall post boxes into a container also rated to protect against arson attacks.

Historic England

- 9.9. Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.

Thames Water Utilities Limited

- 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. 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. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Land Quality Officer

- 9.11. The site has had a long history of previous commercial and business use at ground and basement level so there is the potential for some made ground contamination to be present at the site. However the proposed development does not include any significant ground excavation work so the potential for encountering made ground is considered to be limited. 2. Due to the lack of any significant groundworks proposed it is not considered necessary that a detailed contamination risk assessment is completed at the site. I therefore recommend that the following informative is placed on any planning permission in case any unexpected contamination is encountered during development:

If unexpected contamination is found to be present on the application site, an appropriate specialist company and Oxford City Council should be informed

and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. If topsoil material is imported to the site the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use.

Environmental Health Officer

- 9.12. In relation to all plant and equipment design and selection, appropriate noise guidelines have been followed such as Noise Policy Statement for England, National Planning Policy Framework (NPPF), Planning Practice Guidance on Noise, British Standard 8233: 2014 “Guidance on sound insulation and noise reduction for buildings and BS4142:2014 +A1:2019 “Methods for rating and assessing industrial and commercial sound” and policy RE8 of the Oxford Local Plan 2036.
- 9.13. All plant noise level criteria have to be adequately predicted at suitably identified receptors taking into consideration distance losses, surface acoustic reflections and, where applicable, screening provided by any building.
- 9.14. Appropriate design parameters have been assessed and specified for the development that will meet current guidance.
- 9.15. The officer is satisfied that the scheme should meet our local plan criteria given appropriate design choice of plant and mitigation measures and therefore acceptable in environmental health terms. No objections to the application and suggest 3 conditions relating to noise of the plant, internal noise and anti-vibration measures.

Archaeology

- 9.16. In this case, bearing in mind the small scale of the proposed works, I would request that, in line with the advice in the National Planning Policy Framework, any consent granted for this application should be subject to an archaeological condition to secure an archaeological recording.

Public representations

- 9.17. Comments were received from the following addresses and interest groups:
- St John’s Street Resident’s Association
 - Savills on behalf of DTZ Investors, the owners of the former Debenhams building
- 9.18. In summary, the main points were:

Objection

St John’s Street Residents Association:

- We do not object to the extra floors or to the rear extension. However, the considerable new space creates considerable access and other design problems. These are exacerbated by the planned

retention of Five Guys and the now closed night club, which occupy most of the basement and ground floors.

- objection to the retention of the tall conspicuous metal flue visible the length of Friars Entry.
- Friars entry doorway should be maintained as an entrance.
- Lobby too small.
- Basement bike storage.
- Lift too small. Second lift required.
- Bin storage and disposal procedure is unconvincing.
- Redesign of ground floor required to ease congestion.
- No clear function for the former café area.
- Platform outside former café should be removed.

Savills:

- The application site redline boundary includes land within our client's ownership and it is not clear from the plans whether the proposed roof extension will be required to adjoin the former Debenhams building.

9.19. Comments made during second round consultation in addition to or different from those above were:

St John Street Area Residents Association

- We welcome the revised plan for an entrance via the former café and the removal of the shed and café platform from the public highway.
- The removal of bin storage and cycles from the basement is an improvement but there is no explanation of the new provision of two shower rooms or of the reduction in size of the basement with space being reallocated to the former night club.
- Since most of the floor area (ground floor) is occupied by Five Guys the circulation space is very restricted and inconvenient. The new main entrance is much better but other serious problems remain.
- The re-siting of the bins is an improvement but there is no indication of how waste will be handled within the building.
- Reduction of 55 cycle spaces to 15 is inadequate.
- Access to from reception via a locked door and narrow corridor to the cramped stair and lift lobby will not be satisfactory. Disabled access would be a considerable problem.
- It is probable that an occupant will expect changes to the internal organisation.
- There is no estimate of possible user numbers.
- The closing of the present entry to the first floor from Magdalen Street and the extensions to the upper floors will mean a substantial increase in use very cramped ground floor area and of the single entrance from Friars Entry.
- Overall we believe that reuse as offices is preferable to the original proposal for student accommodation. However internal significant redesign is required to improve circulation, cycle storage and the handling of waste.

- The alterations proposed for the basement would leave the night club with a single entrance/exit.
- We are opposed to extra floors with the main part merely being a higher flat roof than at present. This is not typical of all the surrounding buildings most of which are listed and will affect views.
- There is no illustration of the view or proposed elevation along Friars Entry. This is the direction from which the building will be mainly seen by the public and so is important. The proposed substantial increase in height at the back of the building must result in the very busy and presently dingy public highway, Friars Entry, being darker and more oppressed by the surrounding buildings.
- Bin store only accessible from outside. Inconvenient and will likely lead to rubbish left outside.
- Impact on fenestration due to unknown tenant. The detailed layout should be subject to a further application by the eventual occupant.

Thames Valley Police

9.20. I note the bin and cycle storage has been reconfigured and located where it is convenient and easily accessible from street level. I no longer object to this application, however maintain my request that a Security and Access strategy should be provided.

Officer response

9.21. Officers have carefully considered the responses raised in relation to the public consultation. These are responded to in the sections of the report below. If planning permission is granted then some of the matters raised (including by statutory consultees) would need to be addressed by condition.

9.22. Since the submission of the application the applicant has submitted revised plans that sought to address the concerns raised by officers specifically issues relating to cycle and bin storage.

9.23. There appears to have been some confusion over the plans and the cycle parking provision for this particular proposal for office use and the separate application for student accommodation. This scheme proposes 15 internally located cycle spaces for the office use and 4 additional externally located Sheffield stands.

9.24. Whilst a speculative redevelopment, estimated numbers of people employed in the construction and operation phases is provided in the accompanying Health Impact Assessment.

9.25. The red line of the site has been correctly drawn however in the interests of allaying concerns raised by DTZ Investors, the extension to the roof has been pulled away from the boundary.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- a) Principle of Development:
- b) Design and Heritage
- c) Amenity – Privacy, Appearing Overbearing and Loss of Sunlight/Daylight
- d) Amenity - Noise
- e) Transport
- f) Flood Risk and Drainage
- g) Biodiversity
- h) Land quality
- i) Air Quality
- j) Sustainable Design and Construction
- k) Utilities

a. Principle of development

10.2. At the heart of the National Planning Policy Framework (NPPF) remains a presumption in favour of sustainable development, which should be approved without delay unless material considerations dictate otherwise. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Any proposal would be required to have regard to the contents of the NPPF along with the policies of the current up-to-date development plan.

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

10.4. Policy SR2 sets out that where appropriate the Council will seek to secure physical, social and green infrastructure measures to support new development by means of planning obligations, conditions, funding through the Council's Community Infrastructure Levy (CIL) or other mechanisms.

10.5. Policy RE2 of the Oxford Local Plan 2036 states that planning permission will only be granted where development proposals make efficient use of land.

Development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford, as well as considering the criteria set out in the policy.

- 10.6. Policy V2 (Shopping Frontages) of the Oxford Local Plan 2036 states that in the city centre “[...] Planning permission will be granted for development of upper storeys for housing, student accommodation and other uses appropriate to a town centre as long as the functioning of the ground floor unit(s) in the shopping frontage is not undermined. [...] .
- 10.7. The Council’s policy approach to employment sites seeks to make the best use of all existing sites through intensification and modernisation to accommodate the forecast demand for new employment floorspace over the plan period.
- 10.8. The existing building is in a number of different uses. The basement was most recently used as a nightclub (Sui Generis) but is currently vacant. This would not be significantly altered by the proposals.
- 10.9. The ground floor is occupied by Five Guys restaurant and a former café accessed from Friars Entry (both Use Class Eb). Five Guys was permitted by application 17/00697/FUL. Following amendments to the scheme through the application process, the former café has been incorporated in the scheme. The loss of the café use is considered acceptable in terms of Policy V2 as it does not fall within the Primary Shopping Frontage.
- 10.10. The first floor of the building is currently occupied by the Hindu Study Centre which is claimed to be educational use with ancillary worship/prayer. It is unclear how long they have occupied this floor. There appears to be no change of use permitted to Use Class F1a (educational institution) from an office use. The last known permitted change was to B1a/A2 under application 87/00390/NFH (retail to office). The loss of a private educational institution (cultural studies centres and English language schools) would not be resisted in local plan policy terms, providing that it can be evidenced that there is no substantial loss of a place of worship (Policy V7).
- 10.11. Based on evidence submitted officers consider that the last lawful use of the first floor was as an educational use (cultural studies centre) with ancillary worship, that use having occurred since 1998. On the basis that the place of worship was ancillary to the educational use, its loss would be acceptable in this instance. For information, the Hindu Study Centre is relocating to an alternative site, subject to planning permission being obtained.
- 10.12. Floors 2, 3 and 4 of the building were permitted to change from an office to a language school (Use Class F1a) under application 07/02328/FUL. This use is not protected by Oxford City Council planning policy and therefore there is no objection to the loss of this use to student accommodation.
- 10.13. Oxford’s Economic Strategy 2022-2032 states seeks sustainable economic development. It seeks a three-pronged approach including a new standard for

economic inclusion, addressing environmental impacts and pursuing a zero-carbon economy.

- 10.14. Evidence in the Economic Strategy suggests that Oxford is constrained in terms of commercial space (there has been a 7% decline in central office and lab space since 2008) and that places within the city are not efficiently connected. The Economic Strategy states there is a 900,000 sq ft of office and lab requirements in 2021, which is more than the current supply. A key aim of the strategy is to provide an uplift in good quality space through planned sites and redevelopment of existing sites, to enable higher value sectors to grow and expand within the city. Within the city centre a particular focus is workspace for small and creative businesses, and digital sectors.
- 10.15. As detailed in the supporting Health impact Assessment the development would provide a number of jobs in the construction and operations phases which would also contribute towards the local economy.
- 10.16. Policy V1 seeks to direct town centre uses within Class E Use including office and retail, to defined centres in Oxford. The proposed use is compliant with Policy V1.
- 10.17. In conclusion it is considered that the development would make best and most efficient use of the site in a sustainable location. The principle of office use across all floors is therefore considered acceptable on this site, and the development accords with Policies S1, RE2 V2 and V7 of the OLP.

b. Design and Heritage Significance

- 10.18. In relation to design the NPPF emphasises that high quality buildings are fundamental to achieving sustainable development and good design creates better places in which to live and work and helps make development acceptable to communities. New development should function well, be visually attractive, sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site and create places that are safe, inclusive and accessible and which promote health and well-being.
- 10.19. The NPPF provides that in 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. 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.
- 10.20. Development proposals that would lead to substantial harm or result in total loss of the significance of a designated heritage asset should be refused unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm.

- 10.21. Where development would lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against any public benefits the proposed development may offer, including securing its optimum viable use.
- 10.22. 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.
- 10.23. Policies DH1 and DH3 of the OLP are consistent with the NPPF because they include the balancing exercise identified in paragraphs 207-208 of the NPPF. DH1 requires new development to be of high quality that creates or enhances local distinctiveness and that meets the key design objectives and principles set out in Appendix 6.1 of the OLP for delivering high quality development in a logical way that follows morphological layers and is inspired and informed by the unique opportunities and constraints of the site and its setting.
- 10.24. DH3 states that planning permission or listed building consent will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset and locality. For all planning decisions for planning permission or listed building consent affecting the significance of designated heritage assets, great weight will be given to the conservation of that asset and to the setting of the asset where it contributes to that significance or appreciation of that significance. Development that would or may affect the significance of heritage asset either directly or by being within its setting must be accompanied by a Heritage Assessment. Substantial harm to or loss of Grade II listed buildings, or Grade II registered parks or gardens, should be exceptional. Substantial harm to or loss of assets of the highest significance, notably scheduled monuments, Grade I and II* listed buildings, Grade I and II* registered parks and gardens, should be wholly exceptional. Development that will lead to substantial harm to or loss of the significance of a designated heritage asset, planning permission or listed building consent will only be granted if it meets the tests set out in the policy. Where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal.
- 10.25. Policy RE5 states that the Council seeks to promote strong, vibrant and healthy communities and reduce health inequalities. Proposals that help to deliver these aims through the development of environments which encourage healthier day-to-day behaviours and are supported by local services and community networks to sustain health, social and cultural wellbeing will be supported. Developments must incorporate measures that will contribute to

healthier communities and reduce health inequalities and for major developments details of implementation and monitoring should be provided.

- 10.26. Policy RE2 seeks to ensure development proposals make efficient use of land making best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford. Development should be of an appropriate density for the use, scale (including heights and massing), built form and layout, and should explore opportunities for maximising density.
- 10.27. Standards of amenity (the attractiveness of a place) are major factors in the health and quality of life of all those who live, work and visit Oxford. Policy RE7 is an all-encompassing policy covering different aspects to ensure a standard of amenity. Development should protect amenity, not result in unacceptable transport impacts affecting communities, occupiers and neighbours, and provide mitigation measures where necessary.

Heritage significance

- 10.28. Oxford City itself is nationally important and a significant heritage asset. The rural setting of Oxford is considered to make an important contribution to its historical significance. In views to and from the western hills, landscape rises to Botley and Boars Hill, with the famed view over the city that inspired the poet Matthew Arnold to first write of Oxford's 'dreaming spires', which are contained within the Central Conservation Area. The Thames, its tributaries and bifurcated streams are identified within this westerly view by the appearance of its riparian or river edge of trees and green that courses through the suburban edge and the river meadows of Hinksey. As such the rural green edge forms part of the landscape setting of Oxford. Elevated viewpoints from designated and non-heritage assets within the historic centre contribute to heritage significance by providing opportunities to experience and appreciate the historic character of central Oxford and the architecture of individual historic buildings in short range views; and by illustrating the historic relationship between the city and its rural setting.
- 10.29. Oxenford House contributes positively to the character and appearance of the Central (City & University) Conservation Area as one of the few remaining mid-twentieth century buildings in the City Centre; the façade design is simple and well ordered, making it an excellent example of its time, and worthy of preserving. It is identified a 'positive contributor' in the adopted Conservation Area appraisal. The fenestration contributes significantly to its character.
- 10.30. The site falls within a prominent position in the Oxford Central Conservation Area and also lies within the immediate setting of several listed buildings.
- 10.31. The Conservation Area Appraisal for the Central (City & University) Conservation Area considers the large, flat rooflines of post-war buildings, with their lack of vertical accents or details, detrimental to the historic skyline.
- 10.32. In distant views the existing site is visible from the 'Views from the North Eastern Hills' view cone at Elsfield and 'Views from the Eastern Hills' view

cone at South Park. It is not visible from the Western Hills, Thames Floodplain or South-East Oxford view cones. The supporting Heritage Statement considers the existing site currently makes a 'minor adverse' contribution to the significance of the Oxford Historic Skyline.

- 10.33. Historic England advise that "The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance." (HE GPA3).

Design and appearance and Heritage impact

- 10.34. In terms of redeveloping the site, Paragraph 212 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.
- 10.35. The most substantial and visually prominent element of the proposed development involves the additions to the roof which would subsequently increase the overall height and prominence of the upper floors of the building.
- 10.36. 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.
- 10.37. 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.
- 10.38. 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.

- 10.39. Due care has been given to the existing character of the building and context, in accordance with Policy DH1. The applicants supporting documents includes a detailed assessment of the impact of the development, including the impact of the additional storey on several key identified views.
- 10.40. Whilst the roof extension would exceed Policy DH2 measurements 18.2m/ 79.3m Above Ordnance Datum (AOD) (proposed elevations are 20.9m / 85m), it would remain lower than the Debenhams building that lies immediately to the south and the Randolph Hotel to the north, which limits its impact on the city's roofscape. The extension would also be stepped back 900mm from the north elevation of the building to maintain views of the roof parapet from street level. It would also provide depth and articulation, breaking up its form to retain an appropriate visual relationship with the adjacent Grade II listed four-storey Odeon Cinema building. A similar design approach has been adopted at the nearby Boswells Store which has been converted to a hotel and the roof-top restaurant at the Ashmolean Museum.
- 10.41. The upper-level rear extension comprises the new fourth floor which sits behind the existing stair tower, with a fifth floor angled back at 45-degrees along Friars Entry. This ensures the rear extension does not overwhelm Friars Entry and is subservient to front part of the building. This design also allows more daylight and sunlight penetration. The upper-level rear extension will be finished in metal spandrel panels.
- 10.42. The materials proposed for the extensions comprise fluted or ribbed aluminium to echo the texture of the existing building, in an aubergine/plum colour. It is considered this would respond well to the existing façades palette, aiding the assimilation of the proposals within the local townscape and helping to better settle the proposal into the Oxford roofscape. The proposed materials would enable the roof top extension to be distinct while demonstrating a clear response to the existing character of the main façade of the building, in accordance with Policy DH1. A sample condition would be required to agree the final colour and finish.
- 10.43. To the front elevation the glass spandrel panels on the façade will be replaced with insulated aluminium panels. This would detract somewhat from the distinctive mid-20th century character of the building and lessen the contribution it makes to the character and appearance of the conservation area as a good surviving example of Brutalist architecture in the city centre. However, proportions and arrangement of the primary façade would otherwise be unchanged, and the fluted concrete – the building's most distinctive feature – would be retained.
- 10.44. The existing windows are single glazed and will be replaced by double glazed PPC aluminium to a high specification. Original window locations, sizes and configurations in the existing building envelope will be retained. Windows in the new additions will also be double glazed PPC aluminium and lined up with

windows below. They have a slightly different configuration to differentiate them from the existing window design.

- 10.45. In distant views, Officers agree that the proposal would not alter the composition of the historical skyline of Oxford, as the scale of the proposed development is not of such magnitude to compete with the existing landmarks.
- 10.46. Officers are satisfied that the proposed additions, by reason of their massing, scale, size and siting would not cause harm to the setting of nearby listed buildings or the character and appearance of the conservation area and would not be harmful to the Oxford skyline.
- 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.
- 10.48. The submitted Health Impact Assessment demonstrates the development would have positive-neutral health outcomes in regard to access to physical activity, active travel, crime and anti-social behaviour, economy and employment, education and skills and local natural environment and energy and sustainability in accordance with RE5 of the OLP.

Archaeology

- 10.49. Policy DH4 of the OLP relates to Archaeological remains. NPPF paragraph 209 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. NPPF Paragraph 200 states that where appropriate local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.
- 10.50. Officers have consulted the Historic Environment Record and based on present evidence it is considered that the application is unlikely to have a significant archaeological implication and therefore the proposal would be acceptable with regard to archaeology and is acceptable having regard to Local Plan Policy DH4.

Harm to the historic environment and public benefits

- 10.51. Paragraph 205 of the NPPF states 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.

10.52. It is considered that the proposal would not lead to substantial harm to (or total loss of significance of) a designated heritage asset as set out in the NPPF and Planning Policy Guidance. The scheme is therefore considered to have less than substantial harm at the lower end. In line with Paragraph 208 of the NPPF any harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

10.53. The National Planning Policy Guidance sets out what is meant by the term public benefits:

“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secures its future as a designated heritage asset could be a public benefit.”

10.54. The proposal would create a change in the appearance of the building and in the way it is experienced from neighbouring properties and the street scene in general. The design has sought to combine a functional requirement which is required by its use as an office building, retrofitting the building to a high energy/sustainability standard, whilst ensuring that it sits comfortably in the street scene and site. It is considered to be a high quality design, and would not harm the settings of nearby listed buildings. However, it is considered that the development would erode the distinctive mid-20th century character of the building and lessen the contribution it makes to the character and appearance of the conservation area as a good surviving example of Brutalist architecture in the city centre, causing less than substantial harm to the Conservation Area.

10.55. A number of public benefits are set out in the application and the most relevant ones are considered to be:

- There are a range of economic benefits that the development will bring both in the shorter term during construction as well as longer term whilst in its operational stage such as jobs. A moderate level of weight is afforded to this.
- Provision of high-quality offices contributing towards the demand for office space. Flexible floorspace for a range of companies including home-grown spin out businesses on the back of the existing research capabilities, university graduates and the clustering effect of organisations with close ties in the City and in Oxfordshire. A moderate level of weight is afforded to this.

- Increased energy efficiency and resilience to climate change and is afforded a moderate level of weight in this case.
- Improvement to the character and appearance of the existing building.

10.56. On the basis of the above, having given great weight to the conservation of the designated heritage assets, it is considered that the benefits of the scheme collectively would on balance outweigh the identified low level of less than substantial harm that would be caused to the Conservation Area and would comply with the requirements of paragraph 208 of the NPPF. As a result, the proposals are considered to comply with the requirements of national and local planning policies in relation to the impact on designated heritage assets as required by section 16 of the NPPF and Policies DH1, DH2, DH3 and DH4 of the Oxford Local Plan 2036.

c. Impact on neighbouring amenity and adjacent uses – Privacy and Light

10.57. 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.

Privacy

10.58. Consideration has been given to the positioning of new window openings. The nearest habitable rooms are located within The Randolph Hotel, but these are located a sufficient distance away and will be seen within the wider urban context and roofscape. In Friars Entry the new openings would cause no additional harm over and above the existing arrangement on the lower floors. New windows in the rooftop extension facing Magdalen Street, overlook St Michaels church.

10.59. The proposals include an outdoor balcony on the second, third and fourth floors on the north facing rear elevation. As this is an existing feature of the building, this presents no material increase in overlooking of adjacent buildings.

10.60. Approved plans for the Debenhams building clearly show the single windows on the first, second and third floors in vertical alignment serving the lobby to the lift and stairwell. The windows within Oxenford House opposite, are existing. It is considered that the proposed development would not have a material impact on the future occupants of the building by way of loss of privacy.

Overbearing

10.61. The proposals involve the erection of an additional storey to the front of the building and two storeys to the rear, 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 and a sense of appearing overbearing.

- 10.62. Objections have been raised relating to the impact of the increased height of the building on Friars Entry. The Visual Impact Assessment has included views from Friars Entry as existing and proposed. In a city centre urban location, narrow walkways between buildings and higher densities are characteristic of the area. Overall the impact is not considered to be dissimilar to the existing arrangement. It is considered that the proposed development would not have a material impact on the public walk-way in a sense of overshadowing and appearing oppressive and overbearing.
- 10.63. Window openings in the Debenhams building have been carefully assessed. The majority are false as part of the approved scheme. Single windows on each floor serve a lobby to the lift and stairwell. It is considered that the proposed development would not have a material impact on the future occupants of the building by way of appearing overbearing or loss of outlook.
- 10.64. Habitable rooms located within The Randolph Hotel are located a sufficient distance away and windows within commercial property, 19 Magdalen Street, are on an oblique angle to the proposed development. It is considered that the proposed development would not have a material impact on these occupants by way of appearing overbearing or loss of outlook.

Daylight/Sunlight

- 10.65. A daylight and sunlight report has been submitted with the application. The impact of sunlight, daylight and overshadowing to gardens has been assessed relating to 19 Magdalen Street and St Marys Church using standard Building Research Establishment (BRE) Guidelines. For daylight this assesses both direct sunlight on an overcast day and distribution of daylight within a room. Any proportional reduction greater than 20% would result in a noticeable effect. In addition, the average daylight factor assesses the overall amount of diffuse daylight within a room accounting for external obstructions, the number of windows and their size in relation to the size of the room, the window transmittance and the reflectance of the internal walls, floor, and ceiling. For sunlight, annual probable sunlight hours is assessed, and again any proportional reduction greater than 20% would be noticeable. In all cases habitable rooms are considered more important than non-habitable.
- 10.66. Whilst the Debenhams building has not been included in the assessment, plans of the building clearly show the single windows on the first, second and third floors in vertical alignment serving the lobby to the lift and stairwell. It is considered that the proposed development would not have a material impact on the future occupants of the building by way of loss of light.
- 10.67. From the submitted Daylight and Sunlight Assessment it can be concluded that the development, subject to conditions, would not have an adverse impact on the amenity of the adjacent buildings assessed and as such would not result in an effect that would warrant refusal in this case and as such it accords with policies H14 and RE7 of the OLP.

d. Impact on neighbouring amenity and adjacent uses – Noise

- 10.68. 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.
- 10.69. The works include the installation of new building services equipment. The site is located in central Oxford and is bounded by commercial units and the Randolph Hotel to the north to the north, Magdalen Street to the east, Friars Entry and commercial units to the south and commercial units to the west. In relation to all plant and equipment, appropriate noise guidelines have been followed such as Noise Policy Statement for England, National Planning Policy Framework (NPPF), Planning Practice Guidance on Noise, British Standard 8233: 2014 "Guidance on sound insulation and noise reduction for buildings and BS4142:2014 +A1:2019 "Methods for rating and assessing industrial and commercial sound" and policy RE8 of the Oxford Local Plan 2036. All plant noise level criteria have to be adequately predicted at suitably identified receptors taking into consideration distance losses, surface acoustic reflections and, where applicable, screening provided by any building. Appropriate design parameters have been assessed and specified for the development that will meet current guidance.
- 10.70. The level of activity would not be materially different than to having the existing use in fully occupied educational use or under the previously approved office use.
- 10.71. In terms of the Agent of Change Principle, the effects of noise and odour from the ground and basement floor use have been considered. There would be no conflict in the use of the building as an office use. Measures are proposed relating to ventilation which does not require the opening of windows and the disused plant and ducting is to be removed. Five Guys inserted their own mechanical extraction plant which was updated and considered acceptable by Environmental Health.
- 10.72. It is considered therefore subject to conditions the development would be acceptable in environmental health terms and not adversely affect neighbouring amenity in accordance with policies RE7 and RE8 of the OLP.

e. Transport

- 10.73. Policy M1 states that planning permission will only be granted for development that minimises the need to travel and is laid out and designed in a way that prioritises access by walking, cycling and public transport. In accordance with policy M2, a Transport Assessment for major developments should assess the impact of the proposed development and include mitigation measures to ensure no unacceptable impact on highway safety and the road network and sustainable transport modes are prioritised and encouraged. A Travel Plan, Delivery and Service Management Plan and Construction Traffic and Environmental Plan Management Plan are required for major development.
- 10.74. 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 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. Employees 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.

10.75. Policy DH7 of the OLP sets out design requirements for bike and bin stores and external servicing features. As per the existing arrangement, the building would be serviced from the kerbside of Magdalen Street. On collection days, the management team will be responsible for bringing the bins to ground level. It is considered that the development would not have any adverse highways impacts and the conclusions of the applicants Transport Assessment and Travel Plan Statement are accepted.

10.76. Policy M5 and Appendix 7 sets out minimum cycle parking standards and for office uses. This would be 1 space per 90m² or 1 space per 5 staff or other people. A total of 15 ground floor cycle parking spaces within a separately accessed bike store are proposed for staff and visitors. 4 Sheffield stands are proposed externally in Friars Entry on highway land, adjacent to 4 existing stands. This meets the requirement based on office floorspace provision. A S278 agreement for the stands on the Highway land will be required for this and this will be secured by an appropriate mechanism to be agreed with Highway Officers.

10.77. Construction times, routes and access to their properties could be controlled by condition requiring a Construction Traffic Management Plan.

10.78. Overall this is considered acceptable in line with Policy M5 of the Oxford Local Plan.

f. Flood Risk and Drainage

10.79. The application site falls within Flood Zone 1 and is identified as being at low risk of flooding. Overall the development is considered to comply with Policies RE3 and RE4 of the Oxford Local Plan.

g. Biodiversity

10.80. OLP Policy G2 states that development that results in a net loss of sites and species of ecological value will not be permitted. Compensation and mitigation measures must offset the loss and achieve an overall net gain of 5% for biodiversity and for major development this should be demonstrated in a biodiversity calculator. Policy G8 requires new development that affects green infrastructure to demonstrate how these have been incorporated within the design, including health and wellbeing and biodiversity enhancement.

10.81. The Local Planning Authority has a duty to consider whether there is a reasonable likelihood of protected species being present and affected by

development at the application site. The presence of a protected species that may be affected by the development is a material consideration for the LPA in its determination of a planning application (paras' 98, 99 ODPM and Defra Circular 06/2005: Biodiversity and geological conservation). The LPA has a duty as a competent authority, in the exercise of its functions, to secure compliance with the Habitats Directive (Regulation 9(1) The Conservation of Habitats and Species Regulations 2017) (the '2017 Regulations'). The Habitats Directive is construed from 31 December 2020 to transfer responsibilities to UK authorities to enable it to function as retained EU law. This applies to European sites (SACs and SPAs) and European Protected Species (EPS), both in and out of European sites.

10.82. The 2017 Regulations provide a licensing regime to deal with derogations. It is a criminal offence to do the following without the benefit of a licence from Natural England:

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

10.83. The application site is located in the urban centre of Oxford. The application is accompanied by a preliminary Ecological Appraisal and Ecological Impact Assessment. 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 opposite.

10.84. A scheme of ecological enhancements is required by condition in order to achieve a net gain in on site biodiversity. It is recommended that two integrated bat and two integrated bird boxes are installed to ensure there is a positive gain as a result of the development.

10.85. Subject to the provision of these details, it is considered that the development would comply with Policy G2 of the Oxford Local Plan. Due regard has been given to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

h. Land quality

10.86. Policy RE9 relates to land quality. It is considered that the risk of significant contamination on the site is low due to any significant ground works proposed. An informative has been included in case any unexpected contamination is encountered during development. The proposal therefore complies with policy RE9 of the OLP.

i. Air Quality

10.87. 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..

10.88. Local air quality levels of the area are below the current EU/UK limit values for NO₂ and therefore the proposal would not result in the exposure of new receptors (residents) to areas that exceed the Air Quality legal limits.

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

10.90. The applicants Air Quality Assessment 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. The use of a VRF system and electric, point-of-use water heaters avoid the need for on-site combustion.

10.91. Appropriate dust mitigation measures have been set out in the report, to be included in a Dust Management Plan for the works. It is mandatory that these measures are set out in a Construction Environmental Management Plan (CEMP) which will be required by condition.

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

j. Sustainable Design and Construction

10.93. Policy RE1 states that planning permission will only be granted where it can be demonstrated that sustainable design and construction principles have been incorporated. In respect of carbon emissions the policy requires for major developments at least a 40% reduction carbon emissions from a 2022 Building Regulations compliant base case. This reduction could be secured through on-site renewable energy and other low carbon technologies and/ or energy efficiency measures.

10.94. An Energy and Sustainability Statement has been submitted with the application. The proposed development will be provided with heat by a Variable Refrigerant Flow (VRF) system and hot water via electric, point-of-use water heaters.

10.95. As it is an existing building, the energy target of 40% reduction would not need to be met, however efforts should be made to make the building as energy efficient as possible with the use of renewables. For this reason, BREEAM certification is not required for the proposed development. Subject to conditions securing the sustainable design and construction, the development would accord with policy RE1 of the OLP.

k. Utilities

10.96. Policy V8 seeks to ensure there is sufficient existing utilities capacity to support the development and that the capacity will be delivered to meet the needs of the development. The siting and appearance of utilities infrastructure should be designed to minimise impacts on amenity and to be as unobtrusive as possible. A Utilities Statement has been submitted. This identifies the existing utility connections to the building and identifies alterations and upgrades required for the proposed development. No constraints or capacity issues associated with the development proposals have been identified.

10.97. It is therefore considered that the development accords with Policy V8 of the OLP.

11. CONCLUSION

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

11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.

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

11.4. Officers would advise Members that having considered the application carefully including all representations made with respect to the application, that the proposal is considered to be acceptable in terms of the aims and objectives of the NPPF, and relevant policies of the Oxford Local Plan 2016-2036, when considered as a whole, and that there are no material considerations that would outweigh these policies.

- 11.5. The change of use of the building would make best and most efficient use of the land and the loss of the ancillary place of worship is considered acceptable in principle in line with Policies V1, V2 and V7 of the Oxford Local Plan.
- 11.6. The physical alterations and additions to the building by way of the roof top extensions include an additional floor built to the front (above the fourth floor) and two additional floors to the rear (above the third floor), will increase floorspace within the building and will make the development more commercially viable and attractive to future occupants. It will also make the building more sustainable and energy efficient, and therefore 'fit for the future'.
- 11.7. The scale of the proposal is proportionate to the rest of the immediately surrounding townscape. Through the high-quality design and materials proposed, the proposal would enhance the public realm in Friars Entry and the setting of this part of the Conservation Area and sit comfortably in the distinctive Oxford's skyline. Any harm to heritage assets identified would be outweighed by the public benefits derived from the development.
- 11.8. In amenity terms, officers consider there to be an overall improvement to amenity through the removal of redundant ducting and service installations above Five Guys and designing of new services with improved visual amenity and a reduction in noise.
- 11.9. It would provide net biodiversity gain, ecological benefit, sustainable drainage and Protected Species have been given due regard, harm minimised and mitigation measures proposed.
- 11.10. Subject to conditions, it is concluded that the development would accord with the relevant Policies of the Oxford Local Plan 2036 and the NPPF and complies with the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981.
- 11.11. 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 and Regulatory Services) of a legal obligation under section 106 of the Town and Country Planning Act 1990.

12. CONDITIONS

Time Limit

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

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

Develop in Accordance with Approved Plans

- 2 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 consent application as submitted and to ensure an acceptable development as indicated on the submitted drawings.

Materials - Samples

- 3 Notwithstanding the submitted details and approved plans samples of all exterior materials proposed to be used, including but not limited to, cladding, glass spandrel panels, window and door frames and louvred plant screen, 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 in which the materials are to be used. The development shall be carried out strictly in accordance with the approved materials.

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

Travel Plan

- 4 Notwithstanding any submitted Travel Plan, prior to first occupation of the building as approved, a Travel Plan should be submitted to and approved in writing by the Local Planning Authority. The office building shall be occupied and operated in accordance with the Travel Plan at all times thereafter.

Reason: In the interests of sustainable modes of transport in accordance with policy M1 of the Oxford Local Plan 2036.

Archaeology

- 5 No development shall take place until a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved by the Local Planning Authority and has been implemented. All works shall be carried out and completed in accordance with the approved written scheme of investigation, 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, including Late medieval and post-medieval remains (Local Plan Policy DH4)

Secured by Design

- 6 Prior to commencement of development, an application for Secured by Design accreditation shall be submitted and approved. The development shall be carried out in accordance with the approved details and shall not be occupied or used until confirmation of SBD accreditation has been received by the Local Planning Authority.

Reason: To ensure that appropriate physical security is provided, where detail is missing from this application relating to access controls, visitor entry, postal

services. To safeguard future occupants and the buildings themselves from crime and antisocial behaviour.

External Noise

- 7 The external noise levels emitted from proposed plant/ machinery/ equipment shall ensure that the rating level of the noise emitted from the proposed installation located at the site shall not exceed the existing background level at any noise sensitive premises when measured and corrected in accordance with BS4142:2014 +A1:2019 "Methods for rating and assessing industrial and commercial sound.

Reason: To ensure that the amenity of occupiers of surrounding premises are not adversely affected by noise from plant/mechanical installations/ equipment.

Internal Noise Levels

- 8 The noise level in offices at the development hereby approved shall meet the noise standard specified in British Standard 8233: 2014 "Guidance on sound insulation and noise reduction for buildings and British Council for Offices (BCO) Guide to Specification 2019.

Reason: To ensure that the amenity of occupiers of the development site are not adversely affected by noise.

Anti-Vibration

- 9 Prior to use, machinery, plant or equipment, ventilation systems and ducting proposed at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by vibration

Construction Impacts

- 10 No development shall take place until a Construction Environmental Management Plan (CEMP) is submitted to and approved in writing by the Local Planning Authority which shall include:

- the complete list of site-specific dust mitigation measures and recommendations that are identified within the Air Quality Assessment submitted with this application.
- Notification in writing to all occupiers surrounding the site at least 21 days prior to the commencement of any site works, including the nature and duration of works to be undertaken.
- Local residents to be kept informed of significant demolition or construction works including those out of agreed hours or days of working at least 14 days in advance 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.
- All waste materials and rubbish associated with demolition and/or construction shall be contained on site in appropriate containers which,

when full, shall be promptly removed to a licensed disposal site. No waste materials shall be burnt on site of the development hereby approved.

The development shall be completed in complete accordance at all times with the approved CEMP.

Reason: To ensure that the overall dust impacts during the demolition and construction phase of the proposed development will remain as "not significant" and to ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site in accordance with the results of the dust assessment and with Policies RE6 and RE7 of the new Oxford Local Plan 2036.

Cycle Parking

- 11 Prior to the first occupation of the development the areas allocated for the parking of at least 15 cycles internally and 4 cycles externally 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

Ecological Appraisal

- 12 This development shall be carried out in accordance with the recommendations set out in the Ecological Appraisal (June 2023) produced by SLR. The approved scheme of ecological enhancements shall be provided in full prior to first use of the Development.

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.

Written Scheme of Investigation

- 13 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, 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, including Late medieval and post-medieval remains (Local Plan Policy DH4).

Energy Statement

- 14 The development shall be carried out in accordance with the recommendations outlined within the submitted Energy Statement prepared by Etch Associates 9th November 2022 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.

Drainage Measures

- 15 The approved drainage system shall be provided in full in accordance with the approved Detailed Drainage Design and Sustainable Drainage Measures listed within the Drainage Strategy Report produced by Urban Water dated June 2023, prior to the first use of the Development approved.

Reason: To ensure that appropriate drainage and sustainable drainage are incorporated into this proposal in accordance with Policies RE1, RE3, RE4, RE7 and RE9 of the Oxford Local Plan 2036.

Construction Traffic Management Plan

- 16 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.

Hours of Construction

- 17 Construction and demolition works and associated activities at the development, audible beyond the boundary of the site should not be carried out other than between the hours of 07:00 - 19:00 Monday to Friday daily, 08:00 - 13:00 on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Council.

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

Lighting and CCTV

- 18 Prior to first occupation any external lighting and CCTV details shall be submitted to and approved in writing by the Local Planning Authority. The details shall include siting (plans and elevations), luminance & spill of lights and technical specifications. Details should ensure that external lighting, including zonal/security lighting, promotes a secure environment and does not cause a nuisance to local residents. The approved details shall be installed and retained thereafter.

Reason: In the interests of Secure by Design, biodiversity, neighbouring amenity and the character and appearance of the Conservation Area in which the site lies in accordance with Policies DH1, DH3 and G2 of the Oxford Local Plan 2036.

Ventilation, Pipework and Ducting

- 19 Prior to the occupation of the student accommodation, all ventilation, pipework and ducting shown on the approved plans to be removed, shall be removed in its entirety and thereafter retained as such.

Reason: To safeguard the amenities of the occupiers and in the interests of visual amenity in accordance with policies DH1 and RE7 of the Oxford Local Plan 2036.

INFORMATIVES :-

- 1 If unexpected contamination is found to be present on the application site, an appropriate specialist company and Oxford City Council should be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. If topsoil material is imported to the site the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use
- 2 The archaeological investigation should consist of a watching brief during significant groundworks (in this case the new lift pit) with a contingency for targeted excavation if required. The archaeological investigation should be undertaken by a professionally qualified archaeologist working to a brief issued by ourselves.

13. APPENDICES

- **Appendix 1 – Site location plan**

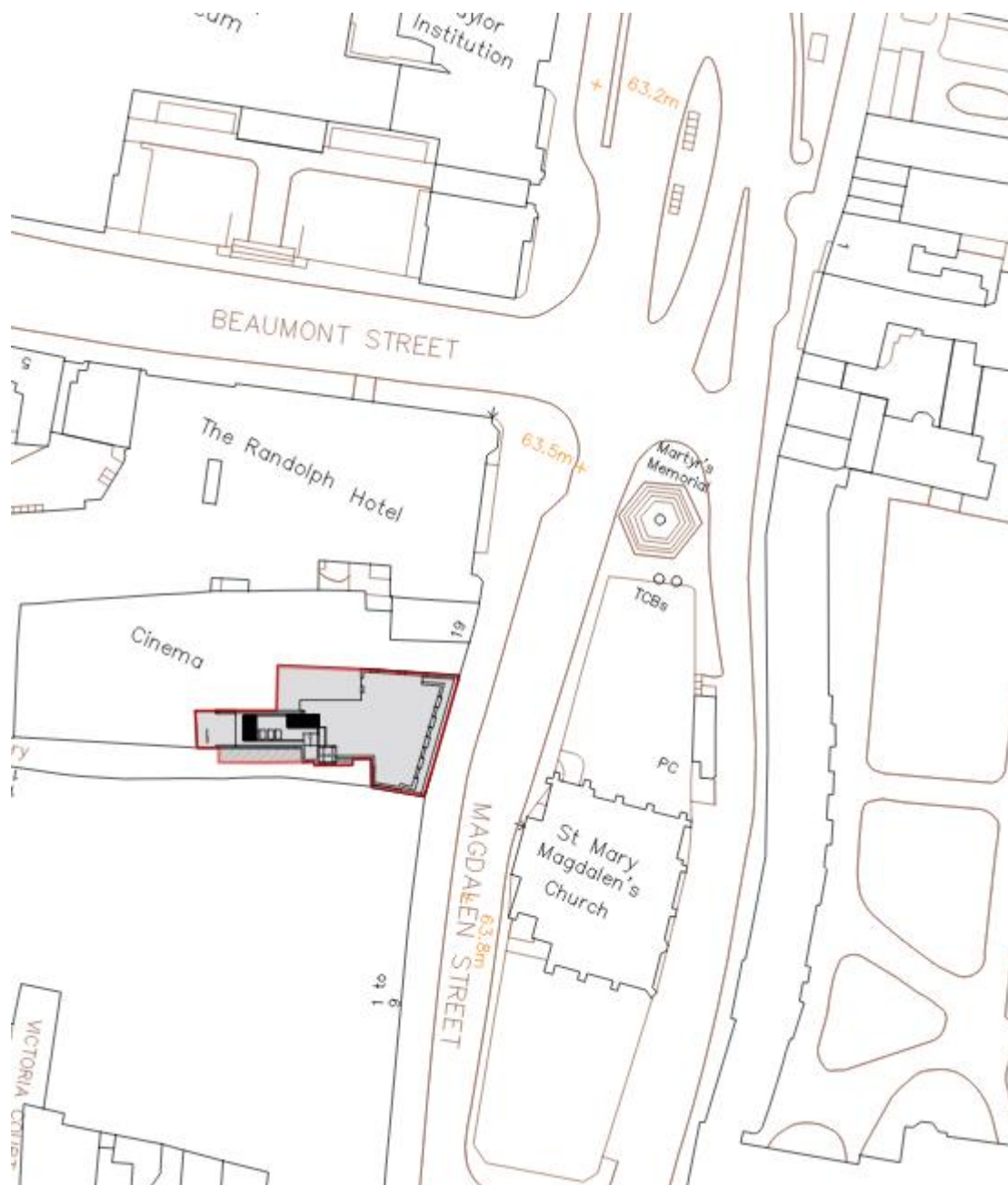
14. HUMAN RIGHTS ACT 1998

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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

Appendix 1 – Site Plan



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Committee Report

Application number:	23/01483/FUL		
Decision due by	17th October 2023		
Extension of time	Agreed until 23/02/2024		
Proposal	Change of use of the first to fourth floors and part basement and ground floor to provide 55no. en-suite student accommodation rooms (Sui Generis). Erection of a roof extension to the front elevation above fourth floor and a two storey roof extension to rear elevation above third floor. Alterations to basement to create plant area and bin storage. Formation of new entrance lobby to Friars Entry with reception, break out area and cycle storage. Alterations to fenestration. (Amended Description and Plans)		
Site address	13-15 Oxenford House , Magdalen Street, Oxford, Oxfordshire – see Appendix 1 for site plan		
Ward	Carfax And Jericho Ward		
Case officer	Joanna Lishman		
Agent:	Mr Arron Twamley	Applicant:	Mr Aaron Glover
Reason at Committee	Major Development		

1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission; and subject to:

- 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; and

1.1.2. **agree to delegate authority** to the Head of Planning and Regulatory 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 the conversion and redevelopment of an existing city centre site, making best and most efficient of the land to provide sought-after student accommodation in a sustainable location. It would be of a high-quality design and have an appropriate massing, height and relationship to existing buildings and the street scene. It would be of a sustainable design and construction providing sustainable drainage, air source heat pump technologies and a 'fabric first' approach.
- 2.2. The development would cause low level less-than-substantial harm to the significance of the Oxford Central (City & University) Conservation Area. This harm is outweighed by the public benefits derived from the development in this case. The development would preserve the significance of the nearby listed buildings in the settings of which the site is located. In coming to this view great weight has been given to the preservation of the significance of these designated heritage assets and the higher duty placed on decision makers under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2.3. There would be no significant adverse impact on neighbouring residential amenities or adjacent uses as a result of overlooking, loss of privacy, overbearing, visual intrusion, loss of sunlight, daylight or overshadowing. Subject to conditions, the occupants of the Development would also experience no significant adverse impact in terms of noise and odour from the uses below. Equally, the proposed use as student accommodation would not impact harmfully on the existing uses on levels below with regard to noise and odour experienced from these units (Agent of change principle). Subject to relevant conditions, the development would not have an adverse impact in relation to biodiversity, land quality, air quality, archaeology, drainage and transport.
- 2.4. In conclusion, subject to conditions set out at Section 12 of this report, and the prior completion of a S106, the development would accord with the relevant policies of the Oxford Local Plan 2036, the policy framework set out in the NPPF and it would comply with the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Conservation of Habitats and Species Regulations 2017 (as amended).

3. LEGAL AGREEMENT

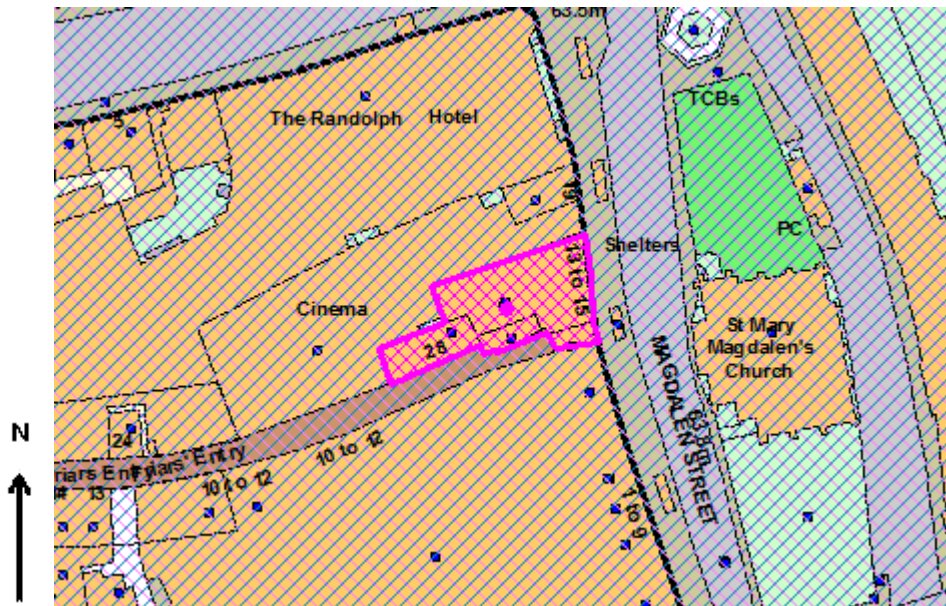
- 3.1. This application is subject to securing a S106 for a financial contribution towards off site affordable housing, entering into a s278 agreement for the works with the County Council and for the County Council travel plan monitoring fee.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is liable for CIL. The amount has been confirmed as £44,186.28.

5. SITE AND SURROUNDINGS

- 5.1. Oxenford House, built in 1965-6 by Fitzroy Robinson & Partners, is a five storey block situated in the Central Conservation Area. The front of the property extends over Friar's Entry to the south and benefits from a four storey outrigger to the rear which extends from the rear of the building along Friar's Entry to the west. To the east of the site lies Church of St Mary Magdalen (Grade I) and the Martyrs Memorial (Grade II*) and to the north of the sites lies the Odeon Cinema and The Randolph Hotel (both Grade II listed). The site lies within the Historic Core Area of the city as defined in the Local Plan.
- 5.2. The building itself was constructed in 1965-66. Deemed a modern Brutalist style building, designed by Fitzroy Robinson and Partners, the façade was a striking addition to the streetscape, with textured concrete columns, broken up by dark grey glass curtain walling in horizontal bands and multiple regular metal-framed pivot windows. To the rear elevations, the building was clad in concrete with gault brick facings.
- 5.3. In 1968, the basement of Oxenford House was converted to a restaurant, now a vacant nightclub, and in 2007 the 2nd – 4th floors were converted from offices to non-residential educational use (former British Study Centres School of English, accessed from Friar's Entry and currently vacant). The first floor is occupied by the Oxford Centre for Hindu Studies and is accessed from Magdalen Street. In 2009, the flat roof was approved as a terrace area and in 2017, the shop on the ground floor was approved for conversion to a restaurant and café (currently Five Guys).
- 5.4. The site includes the former Cinnamon Café on the ground floor at the Friar's Entry frontage, which is currently vacant. A lift overrun and plant equipment are located on the fifth floor.
- 5.5. See block plan below:



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Ordnance Survey 100019348

Figure 1: Existing Site Plan

6. PROPOSAL

- 6.1. The application proposes the change of use of the first to fourth floors and part basement and ground floor to student accommodation (sui-generis). It also includes the erection of a roof extension to the front elevation above the fourth floor, to form a fifth floor, and a two-storey roof extension to rear elevation above the third floor, for further provision of student accommodation. The scheme also includes internal and external alterations to allow level access and provide lift services to all floors and alterations to fenestration. The scheme also includes the removal of redundant extraction equipment as indicated on the submitted plans.
- 6.2. The proposals are for every bedroom to have an ensuite bathroom and occupants to share a kitchen on each floor level.
- 6.3. Bin storage and cycle parking was originally shown in a basement location, however the cycle storage has been amended as a result of consultation with OCC and Thames Valley Police. The bin storage remains in the basement. An addendum to the Design and Access Statement has been submitted which details the waste strategy and further details set out in the Travel Plan Statement.
- 6.4. The new building is speculative meaning that no specific end user has been identified at this stage.
- 6.5. During the application process further information and amended plans were provided to address concerns raised by the Thames Valley Police and public consultation. The key amendments are:
 - Clarification of fire exit for nightclub and Five Guys.

- Relocation of cycle store from basement to ground floor.
- Amendment of the siting of the roof top extension to addresses issues of ownership in relation to the Debenhams site.

7. RELEVANT PLANNING HISTORY

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

50/00076/P_H - Neon box signs. TEM 24th October 1950.
50/00945/A_H - Lavatories.. PDV 2nd February 1950.
57/00674/D_H - Change of use from offices to photographic establishment in principle.. PER 20th December 1957.
58/06643/A_H - Change of use from offices to photographic establishment.. PER 28th January 1958.
60/10019/A_H - Change of use from commission agents office to betting shop.. PER 25th October 1960.
60/09426/A_H - Change of use from university hostel to offices.. PER 14th June 1960.
60/09425/A_H - Outline application for demolition and rebuilding to form lock-up shops on the ground floor and office accommodation on all floors above.. PER 14th June 1960
63/13513/A_H - Shops with offices over. PER 26th August 1963.
64/13513/A_H - Shops with offices over (revised). PER 20th August 1964.
64/01328/P_H - Contractors board on site. PER 27th October 1964.
65/01426/P_H - Illuminated name lettering (Jaeger, Oxenford House). PER 17th August 1965.
65/13513/A_H - Shops with offices over (revised). PER 26th May 1965.
65/01416/P_H - 'To Let' hoarding sign on gantry on building. TEM 13th July 1965.
65/16655/A_H - New shop front (Jaeger, Oxenford House). PER 28th July 1965.
66/01416/P_H - 'To Let' hoarding sign on gantry on building site. TEM 25th January 1966.
66/13513/A_H - Shops with offices over (revised). PER 22nd February 1966.
67/18426/A_H - Installation of new shop front. (Jaeger, Oxenford House). PER 14th February 1967.
67/19252/A_H - Alterations to existing shop and new shop front. (Jaeger, Oxenford House). PER 12th September 1967.

67/01629/P_H - Illuminated shop fascia sign (Jaeger, Oxenford House). PER 9th January 1968.

67/01651/P_H - a) Illuminated trade projecting sign on elevation above shop window. b) Hanging sign in recessed doorway in Friars Entry. (Jaeger, Oxenford House). PER 5th December 1967.

68/19768/A_H - Conversion of basement into restaurant and extension on roof to provide plant room.. PER 13th February 1968.

69/21480/A_H - Alterations to rear entrance forming separate entrance for both basement, restaurant and 'Jaeger' shop on ground floor.. PER 6th May 1969.

85/00382/AH - Internally illuminated double-sided projecting sign (Jaeger, Oxenford House). WDN 3rd June 1985.

86/01250/NFH - New shop front (Jaeger, Oxenford House). PER 5th February 1987.

86/01284/AH - Non-illuminated fascia sign to front and side elevations (Jaeger, Oxenford House). PER 5th February 1987.

87/00390/NFH - Change of use of first floor from retail to office. PER 16th June 1987.

88/00702/AH - Internally illuminated fascia sign on Magdalen Street elevation. PER 31st October 1988.

90/00029/NFH - Alterations to entrance. PER 5th March 1990.

90/00030/AH - Internally illuminated double-sided projecting sign. PER 5th March 1990.

96/01078/NFH - New shop fronts to Friars Entry and Magdalen Street (Amended plans) (Jaeger, Oxenford House). PER 10th October 1996.

96/01079/AH - Illuminated fascia sign (letters only) (Amended plans) (Jaeger, Oxenford House). PER 10th October 1996.

97/00632/NFH - 3 condenser units on wall of plant room at roof level and duct on wall.. PER 1st August 1997.

97/01691/NFH - Air conditioning condensers on 4th floor roof. (Amended plans). PER 10th February 1998.

98/00064/NFH - Retention of air conditioning units and duct work on roof.. PER 21st September 1998.

00/00306/NFH - Air conditioning condenser unit on roof.. PER 16th June 2000.

07/01242/FUL - Alterations to include: over-cladding front facade onto Magdalen Street; removal of office entry and extension of shop facade: alterations to public passage of Friars Entry; alterations to ground floor office entrance. Roof extensions to building (single storey to front and two storey to rear). New plant enclosure on roof, and raise lift shaft to serve fifth floor.. PER 25th July 2007.

07/02328/FUL - Change of use from office (class B1) to non-residential institution (class D1) (2nd, 3rd and 4th floors, Oxenford House). PER 4th January 2008.

08/00195/FUL - Extension to rear of existing fourth floor to provide cafe and disabled w.c. for use by students within the building.. PER 27th March 2008.

08/00287/ADV - Display of advertisements. 1x non illuminated banner sign (1m high x 8m long).. PER 10th April 2008.

09/01522/FUL - Use of flat roof as a terrace/ break out area, including the erection of a balustrade, glass canopy and timber decking.. PER 4th September 2009.

11/00913/ADV - Display of 1 x Internally illuminated fascia sign. PER 24th May 2011.

17/03201/ADV - Display of 1no. externally illuminated hanging sign (amended plans).. PER 2nd February 2018.

23/01482/FUL - Change of use of the first to fourth floors and part basement and ground floor to office use (Class E). Erection of a roof extension to the front elevation above fourth floor and a two storey roof extension to rear elevation above third floor. Internal and external alterations to allow level access and provide lift services to all floors. Provision of bin and cycle storage. Alterations to fenestration. (Amended Plans). PDE

This application is to be considered by Members at the same Committee.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	131-141	H14 - Privacy, daylight and sunlight impact of development RE8 - Noise and vibration RE9 - Land Quality DH1 - High quality design and placemaking RE1 - Sustainable design and construction H15 - Internal space standards H16 - Outdoor amenity space standards	Sustainable Design and Construction TAN	

Conservation/ Heritage	195-203 205-208	DH3 - Designated heritage assets DH4 - Archaeological remains		
Housing	60-84	H2 - Delivering affordable homes H5 - Development involving loss of dwellings H8 - Provision of new student accommodation		
Commercial	90-95	V1 - Ensuring the vitality of centres V2 - Shopping Frontages in the city centre		
Natural environment	180-194	G2 - Protection of biodiversity geo-diversity G7 - Protection of existing Green Infrastructure G8 - New and enhanced Green and Blue Infrastructure	Biodiversity TAN Green Spaces TAN	
Transport	108-117	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M4 - Provision of electric charging points M5 - Bicycle Parking	Parking Standards SPD Car and Bicycle Parking TAN	
Social and community	96-107	V7, V8, V9		
Environmental	157-179 180-194	RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE6 - Air	Energy Statement TAN Sustainable Design and Construction TAN	

		Quality RE7 - Managing the impact of development RE8 - Noise and vibration RE9 - Land Quality		
Miscellaneous	7-14 55-58 96-107 123-130	S1 - Sustainable development S2 - Developer contributions RE2 - Efficient use of Land RE5 - Health, wellbeing, and Health Impact Assessment	External Wall Insulation TAN,	

8.2. Other relevant documents and considerations:

- Town and Country Planning Act 1990
- Planning (Listed Buildings and Conservation Areas) Act 1990
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance
- Historic Environment Good Practice Advice in Planning Note 3: 'The Setting of Heritage Assets (Second Edition)'
- The new Draft Local Plan 2040 was approved by Cabinet on 18th October 2023 and is currently out for public consultation until 5th January 2024. The draft local plan has very limited weight given its stage in the process.

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 25th July 2023 and an advertisement was published in The Oxford Times newspaper on 27th July 2023. A further round of public consultation was undertaken and Site notices were displayed around the application site on 29th November 2023 and an advertisement was published in The Oxford Times newspaper on 30th November 2023.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

- 9.2. First round consultation response summarised as:

- Assuming access from the street is by stairs, then this is unacceptable. A DDA compliant ramp or a lift is required as a minimum. Ideally, the internal dimensions of the lift should be sufficient to enable at least two bicycles including their handlers. (Details shall be conditioned)
- Oxfordshire County Council acknowledges that the development will not have a detrimental impact on highway safety and/ or traffic and hence do not object to the granting of planning permission, subject to condition.

9.3. Second round consultation summarised as:

- Maintain objection based on the cycle storage in the basement.

9.4. Officers are liaising with Highway Officers to remove the objection as the plans have been amended with all cycle storage on the ground floor.

Lead Local Flood Authority

9.5. No comment.

Building Control Liaison & Fire Safety Inspector

9.6. It is taken that these works will be subject to a Building Regulations application and subsequent statutory consultation with the fire service, to ensure compliance with the functional requirements of The Building Regulations 2010.

Thames Valley Police

Cycle storage

9.7. Cycle theft is one of the most significant crime types in Oxford and creates a large amount of demand for policing. I have significant concerns that the proposed cycle store, accessed via staircase ramp and co-located with a bin store is not a suitable, accessible or desirable solution for the occupants of the building. Failing to provide sufficient secure storage for cycles in an accessible and convenient location also creates a secondary fire risk, where occupants may choose to store cycles within hallways instead, creating a fire egress hazard. Occupants may also consider leaving cycles locked up inappropriately to other structures or planting near to the block, where insufficient security will leave them vulnerable to theft. I am also unable to locate any proposed short stay visitor cycle parking to serve the development.

- Cycle stores must be conveniently located and easily accessible to all users including those with physical impairments.
- Cycles and bins must be in completely separate stores and must not be co-located. Cyclists should not have to navigate through a bin store to access cycle parking.
- I ask that the block is provided with secure cycle storage within fully enclosed and lit stores, which are of Secured By Design approved

standards and secured to a minimum standard of LPS 1175 SR1 or equivalent.

- Provision for visitor cycle storage should be provided.

Bin stores

- It is unclear how the proposed internal bin stores at basement level will be accessed and serviced by refuse collection operatives. I do not feel it is appropriate for bins to be wheeled into the only passenger lift one by one and then through internal circulation areas for collection. This creates a significant security risk where it is highly likely that external and internal security doors will be propped open to facilitate this arrangement.
- Internal bin stores should be directly accessible from a single external door, secured and certificated to a minimum LPS 1175 SR2 or equivalent. Access control/physical security
- Plans indicate stair cores have additional external doorsets, which creates additional risk in terms of potential to bypass access control measures or undermining building security if propped open or left inadvertently insecure. I ask that all ground floor doorsets in fire stairwells must be designated for emergency egress only, and should be secured and alarmed to prevent use except in an emergency.
- I am unable to locate details of access control arrangements or postal services within this application. Unless a commitment or condition is made to achieve Secured By Design accreditation, I ask that an 'Access and Security Strategy' document is submitted as part of the application. Once approved, I ask that a condition is placed on the applicant to meet the requirements set out within the strategy. This strategy should include;
 - A CCTV strategy. Identifying camera positions, type of camera, data storage, the quality of the imagery capture and how these systems will be managed to ensure in the event of a crime that the data is accessible to the police.
 - Attributes of the access control system (To aid the applicant, this should include):
 - Access to the building controlled via the use of a security encrypted electronic key (e.g. fob, card, mobile device, key etc.);
 - Vandal resistant external door entry panel with a linked camera;
 - Live audio/visual communication between the occupant and the visitor;
 - Compartmentation throughout each floorplate and office space to allow security for each office in the event of multiple tenants.

- Unrestricted egress from the building in the event of an emergency or power failure; o Ability to recover from power failure instantaneously;
- Capture (record) images in colour of people using the door entry panel and store for those for at least 30 days. If the visitor door entry system is not capable of capturing images, then it should be linked to a CCTV system or a dedicated CCTV camera should be installed for this purpose. This information should be made available to police within 3 days upon request
- All visitor activity on the door entry system should be recorded and stored for at least 30 days. This information should be made available to police within 3 days upon request.
- Systems must comply with General Data Protection Regulations (GDPR) +

- Details of secure postal services.
- Specification of all doors and windows.

9.8. In order to ensure all opportunities are taken to design out crime from the outset, and to ensure all areas of the development are sufficiently secured to reduce the opportunities for crime and disorder to occur, I ask that the following or similarly worded condition be placed upon any approval;

Prior to commencement of development, an application shall be made for Secured by Design accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until confirmation of SBD accreditation has been received by the authority.

Reason: To ensure that appropriate physical security is provided, where detail is missing from this application relating to access controls, visitor entry, postal services. To safeguard future occupants and the buildings themselves from crime and antisocial behaviour.

Postal Service

- It is unclear how this development will receive post outside of business opening hours. The building should facilitate postal deliveries either via a secure external post box certificated to DHF TS009, or via through-the-wall post boxes into a container also rated to protect against arson attacks.

Historic England

9.9. Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.

Thames Water Utilities Limited

- 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. 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. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Land Quality Officer

- 9.11. The site has had a long history of previous commercial and business use at ground and basement level so there is the potential for some made ground contamination to be present at the site. However, the proposed development does not include any significant ground excavation work so the potential for encountering made ground is considered to be limited. 2. Due to the lack of any significant groundworks proposed it is not considered necessary that a detailed contamination risk assessment is completed at the site. 3 However the development does involve the creation of new residential dwellings which is considered to be a sensitive end-use and it is the developer's responsibility to ensure that the site is suitable for the proposed use. I therefore recommend that the following informative is placed on any planning permission in case any unexpected contamination is encountered during development:

If unexpected contamination is found to be present on the application site, an appropriate specialist company and Oxford City Council should be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. If topsoil material is imported to the site the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use.

Environmental Health Officer

- 9.12. The applicant will have to ensure that future occupiers are protected from excessive external noise and internal noise transfer by way of adequate sound insulation. No objections to the application and suggest conditions if mindful to grant the application.

Archaeology

- 9.13. In this case, bearing in mind the small scale of the proposed works, I would request that, in line with the advice in the National Planning Policy Framework, any consent granted for this application should be subject to an archaeological condition to secure an archaeological recording.

Public representations

9.14. Comments were received from the following addresses and interest groups:

- St John's Street Resident's Association
- Savills on behalf of DTZ Investors, the owners of the former Debenhams building
- Three Third party representations from residents, 6 Lake Street, 9 Beaumont Buildings and 37 Bickerton Road.

9.15. In summary, the main points were:

Objection

- St John's Street Residents Association:
 - We do not object to the extra floors or to the rear extension. However, the considerable new space creates considerable access and other design problems. These are exacerbated by the planned retention of Five Guys and the now closed night club, which occupy most of the basement and ground floors.
 - objection to the retention of the tall conspicuous metal flue visible the length of Friars Entry.
 - Friars entry doorway should be maintained as an entrance.
 - Lobby too small.
 - Basement bike storage.
 - Lift too small. Second lift required.
 - Bin storage and disposal procedure is unconvincing.
 - Redesign of ground floor required to ease congestion.
 - No clear function for the former café area.
 - Platform outside former café should be removed.
- Savills:
 - The application site redline boundary includes land within our client's ownership and it is not clear from the plans whether the proposed roof extension will be required to adjoin the former Debenhams building.
 - The proposal to convert Oxenford House into student accommodation conflicts with the strategic planning policy to ensure the vitality and viability of the City Centre
 - The proposed use would be in conflict with the establish 'Agent of Change' principle. If real windows were to be inserted in the Debenhams building where false windows are installed (under PD Rights for the established E Use Class), there would be privacy issues for the residents of Oxenford House. The ability to not install real windows could prevent the use of the building under its established lawful use terms, which would be in direct conflict with the terms of Paragraph 187 of the NPPF and the established 'Agent of Change' principle.
 - The proposal would compromise the policy objective to secure sustainable economic growth to which national policy in the National Planning Policy Framework (the 'NPPF') confirms significant weight

should be applied to.

- Local resident objections:
 - Student accommodation allows one of the two universities to house more students but we need to know who the end user will be.
 - Concerns over the design including open balconies and inadequate social space.
 - Congestion at the entrance, both internally and externally.
 - Lift too small
 - Ground floor reception/break/out space would make a better entrance.
 - Too many units for students already. More affordable provision for local people required.

9.16. Comments made during second round consultation in addition to or different from those above were:

St John Street Area Residents Association

- We welcome the revised plan for an entrance via the former café and the removal of the shed and café platform from the public highway.
- The removal of bin storage and cycles from the basement is an improvement but there is no explanation of the new provision of two shower rooms or of the reduction in size of the basement with space being reallocated to the former night club.
- Since most of the floor area (ground floor) is occupied by Five Guys the circulation space is very restricted and inconvenient. The new main entrance is much better but other serious problems remain.
- The re-siting of the bins is an improvement but there is no indication of how waste will be handled within the building.
- Reduction of 55 cycle spaces to 15 is inadequate.
- Access to from reception via a locked door and narrow corridor to the cramped stair and lift lobby will not be satisfactory. Disabled access would be a considerable problem.
- It is probable that an occupant will expect changes to the internal organisation.
- There is no estimate of possible user numbers.
- The closing of the present entry to the first floor from Magdalen Street and the extensions to the upper floors will mean a substantial increase in use very cramped ground floor area and of the single entrance from Friars Entry.
- Overall we believe that reuse as offices is preferable to the original proposal for student accommodation. However internal significant redesign is required to improve circulation, cycle storage and the handling of waste.
- The alterations proposed for the basement would leave the night club with a single entrance/exit.

- We are opposed to extra floors with the main part merely being a higher flat roof than at present. This is not typical of all the surrounding buildings most of which are listed and will affect views.
- There is no illustration of the view or proposed elevation along Friars Entry. This is the direction from which the building will be mainly seen by the public and so is important. The proposed substantial increase in height at the back of the building must result in the very busy and presently dingy public highway, Friars Entry, being darker and more oppressed by the surrounding buildings.
- Bin store only accessible from outside. Inconvenient and will likely lead to rubbish left outside.
- Impact on fenestration due to unknown tenant. The detailed layout should be subject to a further application by the eventual occupant.

Thames Valley Police

9.17. I note the bin and cycle storage has been reconfigured and located where it is convenient and easily accessible from street level. I no longer object to this application, however maintain my request that a Security and Access strategy should be provided.

Officer response

9.18. Officers have carefully considered the responses raised in relation to the public consultation. These are responded to in the sections of the report below. If planning permission is granted then some of the matters raised (including by statutory consultees) would need to be addressed by condition.

9.19. Since the submission of the application the applicant has submitted revised plans that sought to address the concerns raised by officers specifically issues relating to cycle and bin storage.

9.20. There appears to have been some confusion over the plans and the cycle parking provision for this particular proposal for student accommodation and the separate application for office use. This scheme proposes 55 internally located cycle spaces and 4 additional externally located Sheffield stands adjacent to 4 existing cycle stands.

9.21. The red line of the site has been correctly drawn however in the interests of allaying concerns raised by DTZ Investors, the extension to the roof has been pulled away from the boundary.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- a) Principle of Development:
- b) Affordable Housing
- c) Design and Heritage
- d) Impact on neighbouring amenity and adjacent uses – Privacy and Light

- e) Impact on neighbouring amenity and adjacent uses - Noise
- f) Occupier Amenity
- g) Transport
- h) Flood Risk and Drainage
- i) Biodiversity
- j) Land quality
- k) Air Quality
- l) Sustainable Design and Construction
- m) Utilities

a. Principle of development

- 10.2. At the heart of the National Planning Policy Framework (NPPF) remains a presumption in favour of sustainable development, which should be approved without delay unless material considerations dictate otherwise. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Any proposal would be required to have regard to the contents of the NPPF along with the policies of the current up-to-date development plan.
- 10.3. Policy S1 of the OLP states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF, working with applicants so that sustainable development can be approved that secures economic, social and environmental improvements. Planning applications that accord with Oxford's Local Plan (and, where relevant, with neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Development should make efficient use of land making best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford in accordance with RE2 of the OLP.
- 10.4. Policy SR2 sets out that where appropriate the Council will seek to secure physical, social and green infrastructure measures to support new development by means of planning obligations, conditions, funding through the Council's Community Infrastructure Levy (CIL) or other mechanisms.
- 10.5. Policy RE2 of the Oxford Local Plan 2036 states that planning permission will only be granted where development proposals make efficient use of land. Development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford, as well as considering the criteria set out in the policy.

- 10.6. Policy V2 (Shopping Frontages) of the Oxford Local Plan 2036 states that in the city centre “[...] Planning permission will be granted for development of upper storeys for housing, student accommodation and other uses appropriate to a town centre as long as the functioning of the ground floor unit(s) in the shopping frontage is not undermined. [...]].
- 10.7. The large number of students resident in Oxford has an impact on the availability of general market housing. Provision of purpose-built student accommodation in suitable locations can help to reduce the demand from students on the general housing stock. Policy H8 of the OLP sets out the criteria for locating student accommodation and permission will only be granted for student accommodation which is on or adjacent to an existing university or college campus or academic site, hospital or research site, city or district centres, or an allocated site. The policy also sets out other criteria for new student accommodation development including restricted occupation to full-time students enrolled in courses of one academic year or more; agreed term time and out of term time management regimes; out of term time use by non-students; indoor communal amenity space for larger schemes; operational and disabled parking only. Any loss of student accommodation is resisted unless new student accommodation is re-provided.
- 10.8. The proposal is speculative development but it is widely known that both universities rely on additional market rental accommodation to supplement their current stock. This proposal would contribute 55 rooms to this provision with adequate provision of indoor communal amenity space.
- 10.9. The National Planning Practice Guidance (NPPG) (Paragraph 021) requires that student accommodation should now be considered as contributing towards the supply of housing, based on the amount of accommodation it releases onto the housing market. A gain of 55 rooms would be provided by the development and based on the ratio of one house released on the open market per 2.5 student rooms provided by a new development (based on the nationally used Housing Delivery Test standard) the equivalent of 22 houses would be released back onto the general housing market as a result of the student accommodation.
- 10.10. Policy H8 requires that students must be on full time courses of a year or more and should not bring cars into Oxford. Conditions would be imposed to secure the use as student accommodation and occupation by those on full time courses together with out of term time use, a management plan and a mechanism for preventing students bringing cars to Oxford (normally a clause within any tenancy or similar agreement between College and student).
- 10.11. In terms of the consideration of the loss of existing uses, the ground floor is occupied by Five Guys restaurant and a former café accessed from Friars Entry (both Use Class Eb). Five Guys was permitted by application 17/00697/FUL. Following amendments to the scheme through the application process, the former café has been incorporated in the scheme. The loss of the café use is considered acceptable in terms of Policy V2 as it does not fall within the Primary Shopping Frontage.

- 10.12. The first floor of the building is currently occupied by the Hindu Study Centre which is claimed to be educational use with ancillary worship/prayer. There appears to be no change of use permitted to Use Class F1a (educational institution) from an office use. The last known permitted change was to B1a/A2 under application 87/00390/NFH (retail to office). The loss of an existing use as a private educational institution (cultural studies centres and English language schools) would not be resisted in local plan policy terms, providing that it can be evidenced that there is no substantial loss of a place of worship (Policy V7).
- 10.13. Based on evidence submitted officers consider that the last lawful use of the first floor was as an educational use (cultural studies centre) with ancillary worship, that use having occurred since 1998. On the basis that the place of worship was ancillary to the educational use, its loss would be acceptable in this instance. For information, the Hindu Study Centre is relocating to an alternative site, subject to planning permission being obtained.
- 10.14. Floors 2, 3 and 4 of the building were permitted to change from an office to a language school (Use Class F1a) under application 07/02328/FUL. This use is not protected by Oxford City Council planning policy and therefore there is no objection to the loss of this use to student accommodation.
- 10.15. As detailed in the supporting Health Impact Assessment the development would provide a number of jobs in the construction and operations phases which would also contribute towards the local economy.
- 10.16. In conclusion it is considered that the development would make best and most efficient use of the site in a sustainable location. The principle of student accommodation across all floors is therefore considered acceptable on this site, and the development accords with Policies S1, RE2 V2 and V7 of the OLP.

b. Affordable Housing

- 10.17. The OLP states in Policy H2 that planning permission will only be granted for residential development if affordable homes are provided in accordance with the range of criteria. Contributions towards affordable housing provision will not be sought where the proposal is within an existing student campus site or comprises the redevelopment of an existing purpose-built student accommodation site which is owned by a university and which will continue to be owned by a university to meet the accommodation needs of the its students.
- 10.18. In this instance, as off-campus accommodation, there is a requirement for the applicant to make a financial contribution towards off site affordable housing. This will be secured by a S106 legal agreement - the final amount to be determined by the Head of Planning and Regulatory Services under delegated authority as per the recommendation. The scheme therefore complies with Policy H2 of the OLP.

c. Design and Heritage Significance

- 10.19. In relation to design the NPPF emphasises that high quality buildings are fundamental to achieving sustainable development and good design creates better places in which to live and work and helps make development acceptable to communities. New development should function well, be visually attractive, sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site and create places that are safe, inclusive and accessible and which promote health and well-being.
- 10.20. The NPPF provides that in 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. 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.
- 10.21. Development proposals that would lead to substantial harm or result in total loss of the significance of a designated heritage asset should be refused unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm.
- 10.22. Where development would lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against any public benefits the proposed development may offer, including securing its optimum viable use.
- 10.23. 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.
- 10.24. Policies DH1 and DH3 of the OLP are consistent with the NPPF because they include the balancing exercise identified in paragraphs 207 and 208 of the NPPF. DH1 requires new development to be of high quality that creates or enhances local distinctiveness and that meets the key design objectives and principles set out in Appendix 6.1 of the OLP for delivering high quality development in a logical way that follows morphological layers and is inspired and informed by the unique opportunities and constraints of the site and its setting.
- 10.25. DH3 states that planning permission or listed building consent will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset and locality.

For all planning decisions for planning permission or listed building consent affecting the significance of designated heritage assets, great weight will be given to the conservation of that asset and to the setting of the asset where it contributes to that significance or appreciation of that significance. Development that would or may affect the significance of heritage asset either directly or by being within its setting must be accompanied by a Heritage Assessment. Substantial harm to or loss of Grade II listed buildings, or Grade II registered parks or gardens, should be exceptional. Substantial harm to or loss of assets of the highest significance, notably scheduled monuments, Grade I and II* listed buildings, Grade I and II* registered parks and gardens, should be wholly exceptional. Development that will lead to substantial harm to or loss of the significance of a designated heritage asset, planning permission or listed building consent will only be granted if it meets the tests set out in the policy. Where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal.

- 10.26. Policy RE5 states that the Council seeks to promote strong, vibrant and healthy communities and reduce health inequalities. Proposals that help to deliver these aims through the development of environments which encourage healthier day-to-day behaviours and are supported by local services and community networks to sustain health, social and cultural wellbeing will be supported. Developments must incorporate measures that will contribute to healthier communities and reduce health inequalities and for major developments details of implementation and monitoring should be provided.
- 10.27. Policy RE2 seeks to ensure development proposals make efficient use of land making best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford. Development should be of an appropriate density for the use, scale (including heights and massing), built form and layout, and should explore opportunities for maximising density.
- 10.28. Standards of amenity (the attractiveness of a place) are major factors in the health and quality of life of all those who live, work and visit Oxford. Policy RE7 is an all-encompassing policy covering different aspects to ensure a standard of amenity. Development should protect amenity, not result in unacceptable transport impacts affecting communities, occupiers and neighbours, and provide mitigation measures where necessary.

Heritage significance

- 10.29. Oxford City itself is nationally important and a significant heritage asset. The rural setting of Oxford is considered to make an important contribution to its historical significance. In views to and from the western hills, landscape rises to Botley and Boars Hill, with the famed view over the city that inspired the poet Matthew Arnold to first write of Oxford's 'dreaming spires', which are contained within the Central Conservation Area. The Thames, its tributaries and bifurcated streams are identified within this westerly view by the appearance of its riparian or river edge of trees and green that courses through the suburban edge and the river meadows of Hinksey. As such the

rural green edge forms part of the landscape setting of Oxford. Elevated viewpoints from designated and non-heritage assets within the historic centre contribute to heritage significance by providing opportunities to experience and appreciate the historic character of central Oxford and the architecture of individual historic buildings in short range views; and by illustrating the historic relationship between the city and its rural setting.

- 10.30. Oxenford House contributes positively to the character and appearance of the Central (City & University) Conservation Area as one of the few remaining mid-twentieth century buildings in the City Centre; the façade design is simple and well ordered, making it an excellent example of its time, and worthy of preserving. It is identified a 'positive contributor' in the adopted Conservation Area appraisal. The fenestration contributes significantly to its character.
- 10.31. The site falls within a prominent position in the Oxford Central Conservation Area and also lies within the immediate setting of several listed buildings.
- 10.32. The Conservation Area Appraisal for the Central (City & University) Conservation Area considers the large, flat rooflines of post-war buildings, with their lack of vertical accents or details, detrimental to the historic skyline.
- 10.33. In distant views the existing site is visible from the 'Views from the North Eastern Hills' view cone at Elsfield and 'Views from the Eastern Hills' view cone at South Park. It is not visible from the Western Hills, Thames Floodplain or South-East Oxford view cones. The supporting Heritage Statement considers the existing site currently makes a 'minor adverse' contribution to the significance of the Oxford Historic Skyline.
- 10.34. Historic England advise that "The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance." (HE GPA3).

Design and appearance and Heritage impact

- 10.35. In terms of redeveloping the site, Paragraph 212 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.
- 10.36. The most substantial and visually prominent element of the proposed development involves the additions to the roof which would subsequently increase the overall height and prominence of the upper floors of the building.
- 10.37. 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.

- 10.38. 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.
- 10.39. 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.
- 10.40. Due care has been given to the existing character of the building and context, in accordance with Policy DH1. The applicants supporting documents includes a detailed assessment of the impact of the development, including the impact of the additional storey on several key identified views.
- 10.41. Whilst the roof extension would exceed Policy DH2 measurements 18.2m/ 79.3m Above Ordnance Datum (AOD) (proposed elevations are 20.9m / 85m), it would remain lower than the Debenhams building that lies immediately to the south and the Randolph Hotel to the north, which limits its impact on the city's roofscape. The extension would also be stepped back 900mm from the north elevation of the building to maintain views of the roof parapet from street level. It would also provide depth and articulation, breaking up its form to retain an appropriate visual relationship with the adjacent Grade II listed four-storey Odeon Cinema building. A similar design approach has been adopted at the nearby Boswells Store which has been converted to a hotel and the roof-top restaurant at the Ashmolean Museum.
- 10.42. The upper-level rear extension comprises the new fourth floor which sits behind the existing stair tower, with a fifth floor angled back at 45-degrees along Friars Entry. This ensures the rear extension does not overwhelm Friars Entry and is subservient to front part of the building. This design also allows more daylight and sunlight penetration. The upper-level rear extension will be finished in metal spandrel panels.

- 10.43. The materials proposed for the extensions comprise fluted or ribbed aluminium to echo the texture of the existing building, in an aubergine/plum colour. It is considered this would respond well to the existing façades palette, aiding the assimilation of the proposals within the local townscape and helping to better settle the proposal into the Oxford roofscape. The proposed materials would enable the roof top extension to be distinct while demonstrating a clear response to the existing character of the main façade of the building, in accordance with Policy DH1. A sample condition would be required to agree the final colour and finish.
- 10.44. To the front elevation the glass spandrel panels on the façade will be replaced with insulated aluminium panels. This would detract somewhat from the distinctive mid-20th century character of the building and lessen the contribution it makes to the character and appearance of the conservation area as a good surviving example of Brutalist architecture in the city centre. However, proportions and arrangement of the primary façade would otherwise be unchanged, and the fluted concrete – the building’s most distinctive feature – would be retained.
- 10.45. The existing windows are single glazed and will be replaced by double glazed PPC aluminium to a high specification. Original window locations, sizes and configurations in the existing building envelope will be retained. Windows in the new additions will also be double glazed PPC aluminium and lined up with windows below. They have a slightly different configuration to differentiate them from the existing window design. On the north facing elevation the existing balconies are to be enclosed with a curtain wall comprising glazing and sun screening mesh.
- 10.46. In distant views, Officers agree that the proposal would not alter the composition of the historical skyline of Oxford, as the scale of the proposed development is not of such magnitude to compete with the existing landmarks.
- 10.47. Officers are satisfied that the proposed additions, by reason of their massing, scale, size and siting would not cause harm to the setting of nearby listed buildings or the character and appearance of the conservation area and would not be harmful to the Oxford skyline.
- 10.48. The floorplans indicate that refuse storage would be provided at basement level to the rear of the building. Whilst not ideal, this is considered acceptable in functionality and amenity terms, considering the limitations of the building and the requirements for easily accessible cycle storage. Officers are satisfied this 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.
- 10.49. A Health Impact Assessment (HIA) has been submitted with the application and satisfactorily demonstrates, together with other relevant submitted documents, that the site has been positively designed throughout for health and well-being and would create a strong, vibrant and healthy community therein in accordance with RE5 of the OLP.

Archaeology

- 10.50. Policy DH4 of the OLP relates to Archaeological remains. NPPF paragraph 209 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. NPPF Paragraph 200 states that where appropriate local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.
- 10.51. Officers have consulted County Archaeology Officers and based on present evidence it is considered that, subject to condition the application is unlikely to have a significant archaeological implication and therefore the proposal would be acceptable with regard to archaeology and is acceptable having regard to Local Plan Policy DH4.

Harm to the historic environment and public benefits

- 10.52. Paragraph 205 of the NPPF states 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.
- 10.53. It is considered that the proposal would not lead to substantial harm to (or total loss of significance of) a designated heritage asset as set out in the NPPF and Planning Policy Guidance. The scheme is therefore considered to have less than substantial harm at the lower end. In line with Paragraph 208 of the NPPF any harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.54. The National Planning Policy Guidance sets out what is meant by the term public benefits:
- “Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secures its future as a designated heritage asset could be a public benefit.”*
- 10.55. The proposal would create a change in the appearance of the building and in the way it is experienced from neighbouring properties and the street scene in general. The design has sought to combine a functional requirement which is

required by its use as student accommodation, retrofitting the building to a high energy/sustainability standard, whilst ensuring that it sits comfortably in the street scene and site. It is considered to be a high quality design and would not harm the settings of nearby listed buildings. However, it is considered that the development would erode the distinctive mid-20th century character of the building and lessen the contribution it makes to the character and appearance of the conservation area as a good surviving example of Brutalist architecture in the city centre, causing less than substantial harm to the Conservation Area.

10.56. A number of public benefits are set out in the application and the most relevant ones are considered to be:

- There are a range of economic benefits that the development will bring both in the shorter term during construction as well as longer term whilst in its operational stage such as staffing of the building. A low level of weight is afforded to this.
- In redeveloping the site the proposal would make a positive contribution to Oxford's significant housing need by effectively releasing existing housing stock back into circulation for the general population. This would amount to the equivalent of 22 houses. This would constitute a public benefit and given the need for housing in Oxford this is afforded a moderate level of weight in this case;
- Provision of purpose-built student accommodation for the universities to take into their stock further enables them to capitalise on their reputation as a centre for excellence in a collegiate-based education to the benefit of the City, regional and UK economy. This is afforded a low level of weight in this case;
- Improvement to the character and appearance of the existing building and enhancement of the public realm, particularly in Friars Entry, through high quality design is afforded a moderate level of weight in this case;
- Increased biodiversity through the incorporation of ecological features is afforded a low level of weight in this case; and
- Increased energy efficiency and resilience to climate change and is afforded a moderate level of weight in this case.

10.57. On the basis of the above, having given great weight to the conservation of the designated heritage assets, it is considered that the benefits of the scheme collectively would on balance outweigh the identified low level of less than substantial harm that would be caused to the Conservation Area and would comply with the requirements of paragraph 208 of the NPPF. As a result the proposals are considered to comply with the requirements of national and local planning policies in relation to the impact on designated heritage assets as required by section 16 of the NPPF and Policies DH1, DH2, DH3 and DH4 of the Oxford Local Plan 2036.

d. Impact on neighbouring amenity and adjacent uses – Privacy and Light

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.

Privacy

10.59. Consideration has been given to the positioning of new window openings and the enclosure of the outdoor balconies on the second, third and fourth floors with glazing on the north facing rear elevation. The nearest habitable rooms are located within The Randolph Hotel, but these are located a sufficient distance away with no material increase in overlooking. New windows in the rooftop extension facing Magdalen Street, overlook St Michaels church.

10.60. It is considered that the proposed development would not have a material impact on the occupants of nearby properties by way of loss of privacy.

Privacy – Agent of Change Principle

10.61. Objections from Savills in relation to the future use of the Debenhams building and potential for window openings have been carefully considered. Approved plans for the Debenhams building (Use Class E) clearly show the single windows facing Oxenford House on the first, second and third floors in vertical alignment serving the lobby to the lift and stairwell, these rest are false windows. The existing windows directly opposite would overlook a corridor or communal seating area at a distance of 4m.

10.62. Savills considers the alteration from false windows to real windows would be Permitted Development and not require planning permission.

10.63. Under Part 7 (Non-domestic extensions, alterations) of the General Permitted Development Order 2015 (as amended), each of the possible PD rights for a building in E Use Class have been assessed. These are:

- Class A - *extensions etc of commercial, business or service premises*

10.64. In accordance with the regulations Class A development, only alterations at ground floor level are permitted, subject to other criteria and in any case not within a conservation area, as is the case in this instance.

10.65. Therefore, planning permission would be required for opaque windows which would face the proposed habitable rooms and as a currently vacant building, limited weight is given to the opening up of this façade as a future possibility.

10.66. It is considered that the proposed development in the layout proposed does not have a material impact on the occupants of the Debenhams building by way of loss of privacy and vice versa to the occupants of the student accommodation. A condition has been added to ensure any further alterations to the internal layout of the building would require planning permission.

Overbearing

- 10.67. The proposals involve the erection of an additional storey to the front of the building and two storeys to the rear, 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 and a sense of appearing overbearing.
- 10.68. Objections have been raised relating to the impact of the increased height of the building on Friars Entry. The Visual Impact Assessment has included views from Friars Entry as existing and proposed. In a city centre urban location, narrow walkways between buildings and higher densities are characteristic of the area. Overall, the impact is not considered to be dissimilar to the existing arrangement. It is considered that the proposed development would not have a material impact on the public walk-way in a sense of overshadowing and appearing oppressive and overbearing.
- 10.69. Window openings in the Debenhams building have been carefully assessed. The majority are false as part of the approve scheme. Single windows on each floor serve a lobby to the lift and stairwell. It is considered that the proposed development would not have a material impact on the future occupants of the building by way of appearing overbearing or loss of outlook.
- 10.70. Habitable rooms located within The Randolph Hotel are located a sufficient distance away and windows within commercial property, 19 Magdalen Street, are on an oblique angle to the propose development. It is considered that the proposed development would not have a material impact on these occupants by way of appearing overbearing or loss of outlook.

Daylight/Sunlight

- 10.71. A daylight and sunlight report has been submitted with the application. The impact of sunlight, daylight and overshadowing to gardens has been assessed relating to 19 Magdalen Street and St Marys Church using standard Building Research Establishment (BRE) Guidelines. For daylight this assesses both direct sunlight on an overcast day and distribution of daylight within a room. Any proportional reduction greater than 20% would result in a noticeable effect. In addition, the average daylight factor assesses the overall amount of diffuse daylight within a room accounting for external obstructions, the number of windows and their size in relation to the size of the room, the window transmittance and the reflectance of the internal walls, floor, and ceiling. For sunlight, annual probable sunlight hours is assessed, and again any proportional reduction greater than 20% would be noticeable. In all cases habitable rooms are considered more important than non-habitable.
- 10.72. The Debenhams building has not been included in the assessment as existing plans of the Debenhams building clearly show the single windows on the first, second and third floors in vertical alignment serve the lobby to the lift and stairwell. It is considered that the proposed development would not have a material impact on the future occupants of the Debenhams building by way of loss of light.

10.73. From the submitted Daylight and Sunlight Assessment it can be concluded that the development, subject to conditions, would not have an adverse impact on the amenity of the adjacent buildings assessed or the adjacent Debenhams building and as such would not result in an effect that would warrant refusal in this case and as such it accords with policies H14 and RE7 of the OLP.

e. Impact on neighbouring amenity and adjacent uses - Noise

10.74. 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.

10.75. The works include the installation of new building services equipment. The site is located in central Oxford and is bounded by commercial units and the Randolph Hotel to the north to the north, Magdalen Street to the east, Friars Entry and commercial units to the south and commercial units to the west. In relation to all plant and equipment, appropriate noise guidelines have been followed such as Noise Policy Statement for England, National Planning Policy Framework (NPPF), Planning Practice Guidance on Noise, British Standard 8233: 2014 "Guidance on sound insulation and noise reduction for buildings and BS4142:2014 +A1:2019 "Methods for rating and assessing industrial and commercial sound" and policy RE8 of the Oxford Local Plan 2036. All plant noise level criteria have to be adequately predicted at suitably identified receptors taking into consideration distance losses, surface acoustic reflections and, where applicable, screening provided by any building. Appropriate design parameters have been assessed and specified for the development that will meet current guidance.

10.76. The level of activity would not be materially different than to having the existing use in fully occupied educational use or under the previously approved office use.

10.77. It is considered therefore subject to conditions the development would be acceptable in environmental health terms and not adversely affect neighbouring amenity in accordance with policies RE7 and RE8 of the OLP.

11. Impact on adjacent uses – Agent of Change Principle

11.1. In terms of the Agent of Change Principle, the effects of noise and odour on the occupants of the student accommodation from the ground and basement floor use have been carefully considered. The building is under the same ownership however it is noted that different leaseholders are involved. Measures are proposed within the student accommodation relating to ventilation which does not require the opening of windows and the removal of disused plant and ducting. Five Guys inserted their own mechanical extraction plant which was updated and considered acceptable by Environmental Health. In terms of noise from the nightclub within the basement level, officers are satisfied that the uses can co-exist within the same building subject to planning conditions relating to the provision of soundproofing to be agreed prior to commencement of development. Environmental Health Officers have also not objected to the proposed use.

f. Occupier Amenity

- 11.2. Whilst there are no prescribed internal space standards for student accommodation, it is considered that each of the new rooms with en-suite shower rooms, storage and study space have been design to meet HMO standards but would be changed in the event an Oxford University college occupies the building. This is because the colleges have their own internal standards for student accommodation. In the event an Oxford University college does not take the building, an HMO licence would be required in order to operate.
- 11.3. Policy H16 sets out the expectations for the size and quality of indoor space across various types of dwellings. Policy H8 of the Oxford Local Plan 2036 requires developments of 20 or more bedrooms to provide indoor communal amenity space for students to gather and socialise. The proposed floorplans indicate communal kitchen/dining/ living areas as well as a communal laundry room. It is considered that this level of communal space is acceptable and compliant with Policy H8 of the OLP 2036.
- 11.4. Policy H16 of the Oxford Local Plan 2036 states that planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space. Whilst not strictly conforming to Policy H16, we must note that Policy H8 does not have an outdoor space requirement. In this scheme there are external balconies that run along the north façade that will be enclosed with glazed curtain walling to create ‘winter gardens’ on 2nd, 3rd and 4th floors; these form an extension to the kitchen dining rooms.
- 11.5. Given the city centre location and reuse of an existing building, it is considered that the scheme would provide an acceptable level of living accommodation for students, with sufficient natural daylight. The proposal would therefore offer sufficient amenity to future occupants having regard to policies H8 and H16 of the Local Plan.

g. Transport

- 11.6. Policy M1 states that planning permission will only be granted for development that minimises the need to travel and is laid out and designed in a way that prioritises access by walking, cycling and public transport. In accordance with policy M2, a Transport Assessment for major developments should assess the impact of the proposed development and include mitigation measures to ensure no unacceptable impact on highway safety and the road network and sustainable transport modes are prioritised and encouraged. A Travel Plan, Delivery and Service Management Plan and Construction Traffic and Environmental Plan Management Plan are required for major development.
- 11.7. 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 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. Employees 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.

- 11.8. Policy DH7 of the OLP sets out design requirements for bike & bin stores and external servicing features. As per the existing arrangement, the building would be serviced from the kerbside of Magdalen Street.
- 11.9. It is acknowledged that with the reuse of the building and the lack of a wider surrounding curtilage, there have been some practical constraints which has meant that the bin store is integrated within the building. It is proposed to be located within the basement level.
- 11.10. The building is proposed as a managed facility with permanent on-site staff. The refuse and recycling strategy is for building management operatives to move the bins from the basement store to the designated collection point at days/times agreed with the refuse collection services. It is considered that the development would not have any adverse highways impacts and the conclusions of the applicants Transport Assessment and Travel Plan Statement are accepted.
- 11.11. Policy M5 and Appendix 7 sets out minimum cycle parking standards and for office uses. This would be at least 4 spaces for every 4 study bedrooms unless site specific evidence indicates otherwise. A total of 55 ground floor cycle parking spaces within a separately accessed bike store are proposed for staff and visitors. 4 Sheffield stands are proposed externally in Friars Entry on highway land, adjacent to 4 existing stands. A mechanism to secure this will be agreed with the Highway Authority.
- 11.12. Construction times, routes and access to their properties could be controlled by condition requiring a Construction Traffic Management Plan.
- 11.13. Overall, this is considered acceptable in line with Policy M5 of the Oxford Local Plan.

h. Flood Risk and Drainage

- 11.14. The application site falls within Flood Zone 1 and is identified as being at low risk of flooding. Overall, the development is considered to comply with Policies RE3 and RE4 of the Oxford Local Plan.

i. Biodiversity

- 11.15. OLP Policy G2 states that development that results in a net loss of sites and species of ecological value will not be permitted. Compensation and mitigation measures must offset the loss and achieve an overall net gain of 5% for biodiversity and for major development this should be demonstrated in a biodiversity calculator. Policy G8 requires new development that affects

green infrastructure to demonstrate how these have been incorporated within the design, including health and wellbeing and biodiversity enhancement.

- 11.16. The Local Planning Authority has a duty to consider whether there is a reasonable likelihood of protected species being present and affected by development at the application site. The presence of a protected species that may be affected by the development is a material consideration for the LPA in its determination of a planning application (paras' 98, 99 ODPM and Defra Circular 06/2005: Biodiversity and geological conservation). The LPA has a duty as a competent authority, in the exercise of its functions, to secure compliance with the Habitats Directive (Regulation 9(1) The Conservation of Habitats and Species Regulations 2017) (the '2017 Regulations'). The Habitats Directive is construed from 31 December 2020 to transfer responsibilities to UK authorities to enable it to function as retained EU law. This applies to European sites (SACs and SPAs) and European Protected Species (EPS), both in and out of European sites.
- 11.17. The 2017 Regulations provide a licensing regime to deal with derogations. It is a criminal offence to do the following without the benefit of a licence from Natural England:
1. Deliberate capture or killing or injuring of an EPS
 2. Deliberate taking or destroying of EPS eggs
 3. Deliberate disturbance of an EPS including in particular any disturbance which is likely
 - a) to impair their ability –
 - i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
 4. Damage or destruction of an EPS breeding site or resting place.
- 11.18. The application site is located in the urban centre of Oxford. The application is accompanied by a preliminary Ecological Appraisal and Ecological Impact Assessment. 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 opposite.
- 11.19. A scheme of ecological enhancements is required by condition in order to achieve a net gain in on site biodiversity. It is recommended that two integrated bat and two integrated bird boxes are installed to ensure there is a positive gain as a result of the development.
- 11.20. Subject to the provision of these details, it is considered that the development would comply with Policy G2 of the Oxford Local Plan. Due regard has been

given to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

j. Land quality

11.21. Policy RE9 relates to land quality. It is considered that the risk of significant contamination on the site is low due to any significant ground works proposed. An informative has been included in case any unexpected contamination is encountered during development. The proposal therefore complies with policy RE9 of the OLP.

k. Air Quality

11.22. 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.

11.23. Local air quality levels of the area are below the current EU/UK limit values for NO₂ and therefore the proposal would not result in the exposure of new receptors (residents) to areas that exceed the Air Quality legal limits.

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

11.25. The applicants Air Quality Assessment 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. The use of a VRF system and electric, point-of-use water heaters avoid the need for on-site combustion.

11.26. Appropriate dust mitigation measures have been set out in the report, to be included in a Dust Management Plan for the works. It is mandatory that these measures are set out in a Construction Environmental Management Plan (CEMP) which will be required by condition.

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

l. Sustainable Design and Construction

11.28. Policy RE1 states that planning permission will only be granted where it can be demonstrated that sustainable design and construction principles have been incorporated. In respect of carbon emissions the policy requires for major developments at least a 40% reduction carbon emissions from a 2022 Building Regulations compliant base case. This reduction could be secured through on-site renewable energy and other low carbon technologies and/ or energy efficiency measures.

- 11.29. An Energy and Sustainability Statement has been submitted with the application. The proposed development will be provided with heat by a Variable Refrigerant Flow (VRF) system and hot water via electric, point-of-use water heaters.
- 11.30. As it is an existing building, the energy target of 40% reduction would not need to be met, however efforts should be made to make the building as energy efficient as possible with the use of renewables. For this reason, BREEAM certification is not required for the proposed development. Subject to conditions securing the sustainable design and construction, the development would accord with policy RE1 of the OLP.

m. Utilities

- 11.31. Policy V8 seeks to ensure there is sufficient existing utilities capacity to support the development and that the capacity will be delivered to meet the needs of the development. The siting and appearance of utilities infrastructure should be designed to minimise impacts on amenity and to be as unobtrusive as possible. A Utilities Statement has been submitted. This identifies the existing utility connections to the building and identifies alterations and upgrades required for the proposed development. No constraints or capacity issues associated with the development proposals have been identified.
- 11.32. It is therefore considered that the development accords with Policy V8 of the OLP.

12. CONCLUSION

- 12.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the consideration of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 12.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.
- 12.3. Therefore, it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 12.4. Officers would advise Members that having considered the application carefully including all representations made with respect to the application,

that the proposal is considered to be acceptable in terms of the aims and objectives of the NPPF, and relevant policies of the Oxford Local Plan 2016-2036, when considered as a whole, and that there are no material considerations that would outweigh these policies.

- 12.1. The change of use of the building would make best and most efficient use of the land and the loss of the ancillary place of worship is considered acceptable in principle in line with Policies V1, V2 and V7 of the Oxford Local Plan.
- 12.2. The physical alterations and additions to the building by way of the roof top extensions include an additional floor built to the front (above the fourth floor) and two additional floors to the rear (above the third floor), will increase floorspace within the building and will enable an increase in the offer of student accommodation for the universities. It will also make the building more sustainable and energy efficient, and therefore 'fit for the future'.
- 12.3. The scale of the proposal is proportionate to the rest of the immediately surrounding townscape. Through the high-quality design and materials proposed, the proposal would enhance the public realm in Friars Entry and the setting of this part of the Conservation Area and sit comfortably in the distinctive Oxford's skyline. Any harm to heritage assets identified would be outweighed by the public benefits derived from the development.
- 12.4. In amenity terms, officers considered to be an overall improvement to amenity through the removal of redundant ducting and service installations above Five Guys and designing of new services with improved visual amenity and a reduction in noise.
- 12.5. Acceptable levels of amenity are proposed to be provided to the occupants of the building and any potential harm to occupants from other nearby town centre uses can be mitigated through soundproofing and ventilations measures.
- 12.6. It would provide net biodiversity gain, ecological benefit, sustainable drainage and Protected Species have been given due regard, harm minimised and mitigation measures proposed.
- 12.7. Subject to conditions, it is concluded that the development would accord with the relevant Policies of the Oxford Local Plan 2036 and the NPPF, and complies with the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981.
- 12.8. 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 obligation under section 106 of the Town and Country Planning Act 1990.

13. CONDITIONS

Time Limit

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

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

Build in Accordance with Approved Plans

- 2 The development referred to shall be constructed strictly in complete accordance with the approved specifications in the application and the approved plans.

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

Materials – Samples and approved details

- 3 Notwithstanding the submitted details and approved plans samples of all exterior materials proposed to be used, including but not limited to, cladding, glass spandrel panels, window and door frames and louvred plant screen, 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 in which the materials are to be used. The development shall be carried out strictly in accordance with the approved materials.

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

Travel Plan

- 4 Notwithstanding any submitted Travel Plan, prior to first occupation of the building a Travel Plan should be submitted to and approved in writing by the Local Planning Authority. The student accommodation shall be occupied and operated in accordance with the Travel Plan at all times thereafter.

Reason: In the interests of sustainable modes of transport in accordance with policy M1 of the Oxford Local Plan 2036.

Archaeology

- 5 No development shall take place until a programme of archaeological work in accordance with a written scheme of investigation has been submitted to the and approved by the Local Planning Authority and has been implemented. All works shall be carried out and completed in accordance with the approved written scheme of investigation, 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, including Late medieval and post-medieval remains (Local Plan Policy DH4)

Secured by Design

- 6 Prior to commencement of development, an application for Secured by Design accreditation shall be submitted and approved. The development shall be carried out in accordance with the approved details and shall not be occupied or used until confirmation of SBD accreditation has been received by the Local Planning Authority.

Reason: To ensure that appropriate physical security is provided, where detail is missing from this application relating to access controls, visitor entry, postal services. To safeguard future occupants and the buildings themselves from crime and antisocial behaviour.

Noise Impacts

- 7 The external noise levels emitted from proposed plant/ machinery/ equipment shall ensure that the rating level of the noise emitted from the proposed installation located at the site shall not exceed the existing background level at any noise sensitive premises when measured and corrected in accordance with BS4142:2014 +A1:2019 "Methods for rating and assessing industrial and commercial sound."

Reason: To ensure that the amenity of occupiers of surrounding premises are not adversely affected by noise from plant/mechanical installations/ equipment.

Noise Levels

- 8 The internal noise levels at the development hereby approved shall meet the noise standard specified in British Standard 8233: 2014 "Guidance on sound insulation and noise reduction for buildings.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected.

Soundproofing

- 9 Prior to first occupation, a scheme of sound insulation works to the floor/ceiling and party wall structure between separate units showing an enhanced sound insulation value $D_{nT,w}$ [and $L'_{nT,w}$] of at least 5dB above the Building Regulations shall be implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained thereafter in perpetuity.

Reason: To ensure that the amenities of occupiers of separate units in the development are protected.

External noise levels – exposure to occupants

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

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise from transport, commercial noise sources.

Anti-Vibration Measures

- 11 Prior to use, machinery, plant or equipment, ventilation systems and ducting proposed at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by vibration.

Construction Impacts

- 12 No development shall take place until a Construction Environmental Management Plan (CEMP) is submitted to and approved in writing by the Local Planning Authority which shall include:

- the complete list of site-specific dust mitigation measures and recommendations that are identified within the Air Quality Assessment submitted with this application.
- Notification in writing to all occupiers surrounding the site at least 21 days prior to the commencement of any site works, including the nature and duration of works to be undertaken.
- Local residents to be kept informed of significant demolition or construction works including those out of agreed hours or days of working at least 14 days in advance 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.
- All waste materials and rubbish associated with demolition and/or construction shall be contained on site in appropriate containers which, when full, shall be promptly removed to a licensed disposal site. No waste materials shall be burnt on site of the development hereby approved.

The development shall be completed in complete accordance at all times with the approved CEMP.

Reason: To ensure that the overall dust impacts during the demolition and construction phase of the proposed development will remain as "not significant" and to ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site in accordance with the results of the dust assessment and with Policies RE6 and RE7 of the new Oxford Local Plan 2036.

Cycle Parking

- 13 Prior to the first occupation of the development the areas allocated for the parking of at least 55 cycles internally and 4 cycles externally 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

Ecological Appraisal

- 14 This development shall be carried out in accordance with the recommendations set out in the Ecological Appraisal (June 2023) produced by SLR. The approved scheme of ecological enhancements shall be provided in full prior to first use of the Development.

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.

Energy Statement

- 15 The development shall be carried out in accordance with the recommendations outlined within the submitted Energy Statement prepared by Etch Associates 9th November 2022 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.

Drainage Measures

- 16 The approved drainage system shall be provided in full in accordance with the approved Detailed Drainage Design and Sustainable Drainage Measures listed within the Drainage Strategy Report produced by Urban Water dated June 2023, prior to the first use of the Development approved.

Reason: To ensure that appropriate drainage and sustainable drainage are incorporated into this proposal in accordance with Policies RE1, RE3, RE4, RE7 and RE9 of the Oxford Local Plan 2036.

Construction Traffic Management Plan

- 17 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.

Hours of Work

- 18 Construction works and associated activities at the development, audible beyond the boundary of the site should not be carried out other than between the hours of 08:00 – 18:00 Monday to Friday daily, 08:00 – 13:00 on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Environmental Health Officer.

At least 21 days prior to the commencement of any site works, all occupiers surrounding the site should be notified in writing of the nature and duration of works to be undertaken. The name and contact details of a person responsible for the site works should be made available for enquiries and complaints for the entire duration of the works and updates of work should be provided regularly. Any complaints should be properly addressed as quickly as possible.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected.

External Lighting and CCTV

- 19 Prior to first occupation of the Development a scheme for any external lighting and CCTV details shall be submitted to and approved in writing by the Local Planning Authority. The details shall include siting (plans and elevations), luminance & spill of lights and technical specifications. Details should ensure that external lighting, including zonal/security lighting, promotes a secure environment and does not cause a nuisance to local residents. The Development shall be carried out in accordance with the approved details and the external Lighting and the CCTV shall be retained and operated in accordance with the Approved Scheme thereafter unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of Secure by Design, biodiversity, neighbouring amenity and the character and appearance of the Conservation Area in which the site lies in accordance with Policies DH1, DH3 and G2 of the Oxford Local Plan 2036.

Vents, Pipework and Ducting

- 20 Prior to the occupation of the student accommodation, all ventilation, pipework and ducting shown on the approved plans to be removed, shall be removed in its entirety and thereafter retained as such.

Reason: To safeguard the amenities of the occupiers and in the interests of visual amenity in accordance with policies DH1 and RE7 of the Oxford Local Plan 2036.

Use of Development

- 21 Subject to Condition 22 below the development shall be solely used for student accommodation and for no other purpose (including any other purpose in Class C2 Part C of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and also including any other purpose as may be permitted under the relevant provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order with or without modification).

Reason: To ensure the adequate provision of student accommodation and allow the Local Planning Authority to give further consideration to other uses in accordance with policies S1 and H8 of the Oxford Local Plan 2036.

Student Use

- 22 The student accommodation hereby permitted shall only be occupied during term time by students in full time education on courses of an academic year or more.

Outside term time the permitted use may be extended to include accommodation for academic visitors and for conference and summer school delegates.

The buildings shall be used for no other purpose without the prior written approval of the Local Planning Authority.

Reason: To avoid doubt and to allow the Local Planning Authority to give further consideration to other forms of occupation which may result in the loss of student accommodation in accordance with policies S1 and H8 of the Oxford Local Plan 2036.

Student Management Plan

- 23 Prior to commencement of the Development a Student Management Plan shall be submitted and approved by the Local Planning Authority. The Student Management Plan shall then be implemented upon first occupation of the Development and shall remain in place at all times thereafter unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the reason of highway safety and the efficient operation of the public highway in accordance with policies RE7, M2 and H8 of the Oxford Local Plan 2036.

Restrictive Use – Tenancy Clause for Car Use

- 24 The student study bedrooms comprised in the development shall not be occupied until the wording of a clause in the tenancy agreement under which the study bedrooms are to be occupied restricting students resident at the premises (other than those registered disabled) from bringing or keeping a motor vehicle in the city has been submitted to and approved in writing by the local planning authority; and the study bedrooms shall only be let on tenancies which include that clause or any alternative approved by the local planning authority.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with Policies H8 and M3 of the Oxford Local Plan.

INFORMATIVES :-

- 1 If unexpected contamination is found to be present on the application site, an appropriate specialist company and Oxford City Council should be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. If topsoil material is imported to the site the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use
- 2 The archaeological investigation should consist of a watching brief during significant groundworks (in this case the new lift pit) with a contingency for targeted excavation if required. The archaeological investigation should be

undertaken by a professionally qualified archaeologist working to a brief issued by ourselves.

14. APPENDICES

- **Appendix 1** – Site location plan

15. HUMAN RIGHTS ACT 1998

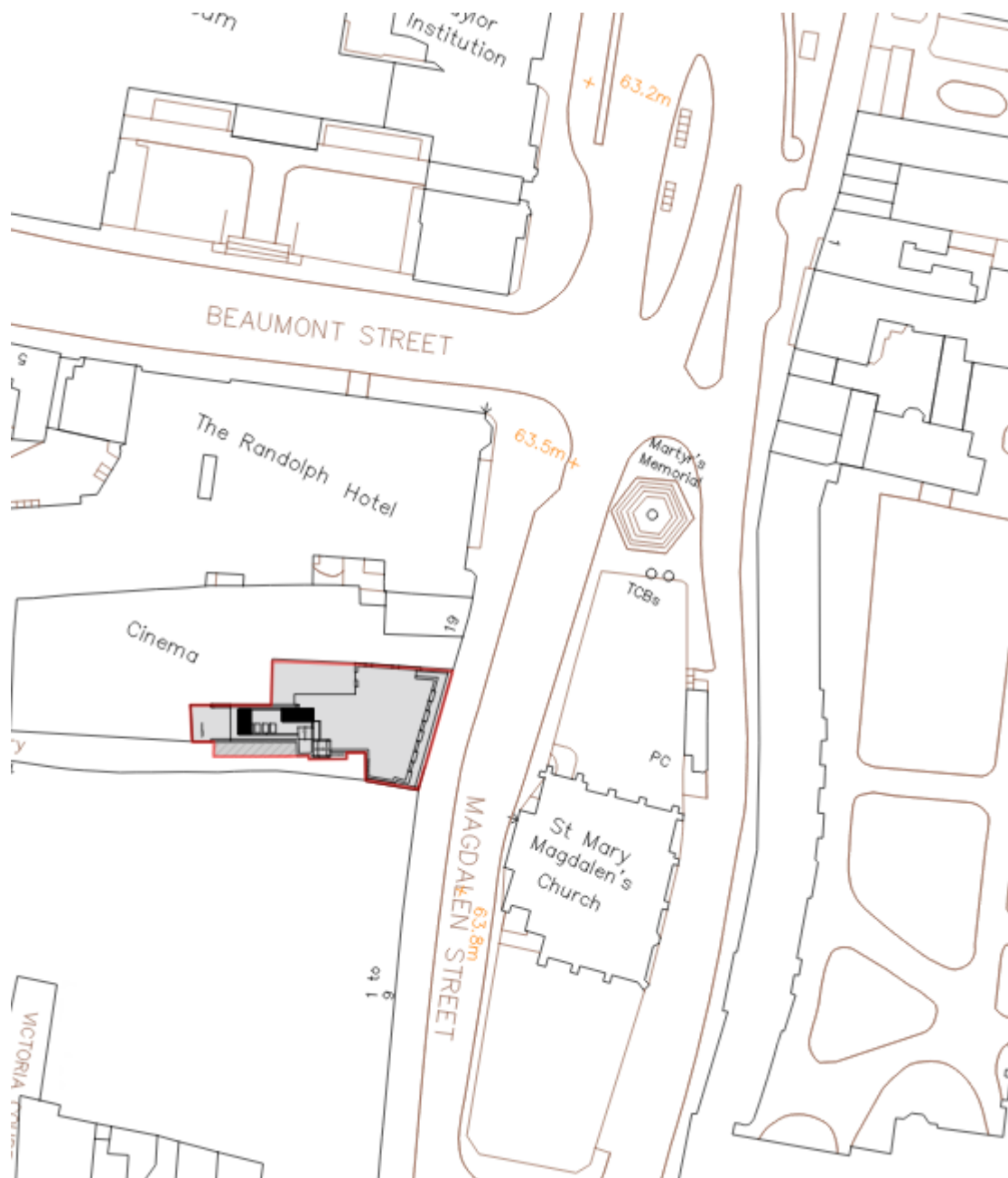
15.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to [approve/refuse] this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection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

16. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

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Appendix 1 – Site Plan



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Oxford City Planning Committee

23rd January 2024

Application number:	23/02342/FUL
Decision due by	5th December 2023
Extension of time	N/A
Proposal	Removal of 1no. rooflight to rear elevation. Alterations to fenestration. Insertion of 3no. ventilation grilles to front elevation.
Site address	34 Canal Street, Oxford, Oxfordshire, OX2 6BQ – see Appendix 1 for site plan
Ward	Carfax And Jericho Ward
Case officer	Rob Fowler
Agent:	Jessop And Cook Applicant: C/O Mr Harry Tuke Architects
Reason at Committee	The application has been submitted on behalf of a Councillor.

1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission

1.1.2. **delegate authority** to the Head of Planning and Regulatory 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 and Regulatory Services considers reasonably necessary

2. EXECUTIVE SUMMARY

2.1. This report considers the removal of one rooflight to the rear elevation, alterations to the fenestration (including the replacement of windows) and the insertion of three ventilation grilles to the front elevation.

2.3. Officers conclude that the proposed development is acceptable with regards to its design and although it would cause a low level of less than substantial harm to the character and appearance of the Jericho Conservation Area, the benefits of the scheme are considered to outweigh this low level of harm. The

proposal would not cause any detrimental impacts to the amenity of any neighbouring dwellings, subject to the recommended conditions and informatives. Overall, the proposal is considered to accord with Policies DH1, DH3 and RE1 of the Oxford Local Plan 2036, the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2.4. This report has been cleared by the Council's monitoring officer.

3. LEGAL AGREEMENT

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

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

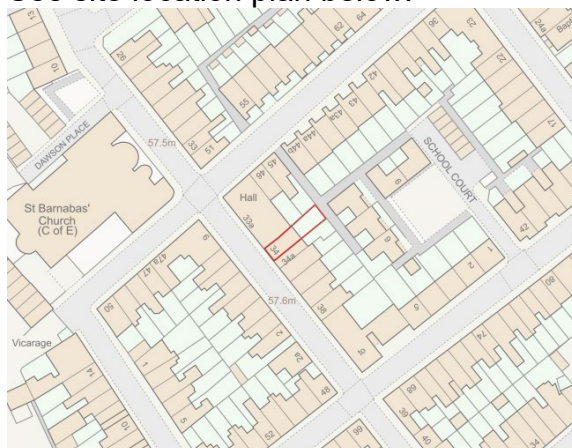
5.1. The site is located within the Jericho Area of Oxford, to the north west of the City Centre. The application site is located on the north east side of Canal Street. The property is a three storey (two storeys plus attic) terraced dwelling finished in red brick.

5.2. There is an existing single storey rear element with patio doors, sidelight windows and one rooflight in the lean-to roof which has slate finish tiles and matches an adjacent extension at 34a Canal Street.

5.3. Canal Street is predominantly residential in character, although the site is located adjacent to the Jericho Community Centre, at 33 Canal Street. To the north west of the site is St Barnabas Church which is a Grade I listed building.

5.4. The site is located within the Jericho Conservation Area. The property is also covered by an Article 4 Direction meaning permitted development rights have been removed for certain changes to the property, including alterations to the front elevation and windows.

5.5. See site location plan below:



6. PROPOSAL

- 6.1. The application proposes the removal of the existing rooflight to the rear elevation of the existing extension. The application also proposes alterations to the fenestration and the insertion of three ventilation grilles to the front elevation.
- 6.2. The alterations to the fenestration include the replacement of the three existing single glazed timber framed sash windows with double glazed timber framed sash windows to the front elevation. The proposals also include replacing the existing single glazed timber casement window to the dormer on the front elevation with a triple glazed timber casement window. To the rear, it is proposed to replace the existing single glazed timber casement windows with triple glazed timber casement windows. It is also proposed to replace the rear patio doors with double glazed timber framed doors. Lastly, it is proposed to replace the existing solid timber front door with a replacement solid timber front door.
- 6.3. The proposed ventilation grilles would be installed to the front elevation, with one at ground floor level, one at first floor level and one at second floor level, serving the kitchen and bathrooms.

7. RELEVANT PLANNING HISTORY

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

00/01855/NF - Demolition of single storey extension . Second floor and single storey extensions at rear, and change of use of 34A from office and builders yard to form 2x3 bedroom houses. PER 23rd March 2001.

23/02342/FUL - Removal of 1no. rooflight to rear elevation. Alterations to fenestration. Insertion of 3no. ventilation grilles to front elevation.. PCO .

8. RELEVANT PLANNING POLICY

- 8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents
Design	131-141	DH1: High quality design and placemaking	
Conservation/Heritage	195-214	DH3: Designated heritage assets	Jericho Conservation Area Appraisal

Housing		H14: Privacy, daylight and sunlight	
Environmental	180	RE7: Managing the impact of development	
Miscellaneous	7-12	S1: Presumption in favour of sustainable development	

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 25th October 2023 and an advertisement was published in The Oxford Times newspaper on 27th November 2023. An amended Design and Access Statement was submitted on the 29th November to provide additional information on the justification for the proposals and consideration of other options to improve the thermal performance of the property. In addition, a section drawing of the proposed window was submitted on 29th November to confirm the sitting of the glazing bars on the window.
- 9.2. On 3rd January 2024 amended plans were submitted that altered the proposed ground and first floor windows from the originally proposed triple glazed windows to double glazed windows. This alteration to the plans was made following discussions between the applicant's agent and officers; as this reduces the visual difference between the existing and proposed plans it is considered that it was not necessary to carry out further consultation on the amended proposals.

Statutory and non-statutory consultees

Local Highways Authority

- 9.3. No objection.

Jericho Community Centre

- 9.4. No objection.

North Oxford Association

- 9.5. No objection.

William Lucy Way Association

- 9.6. No objection.

Oxford Preservation Trust

9.7. The property is located within the Jericho Conservation Area with the area being covered by an Article 4 Direction. The designated area is vulnerable to the cumulative impact of alterations to windows, particularly those which are street facing, as the fenestration on properties can play a key part in forming the wider character of the area. OPT supports the principle behind the proposals to reduce the carbon footprint and energy use of 34 Canal Street. However, a balance needs to be struck between carbon reduction and avoiding damage to the overall character of the Conservation Area. OPT questions whether alternative ways to increase the energy efficiency of the house which does not damage the historic fabric, such as installing secondary glazing, has been explored by applicants.

9.8. **Officer Response**

As a result of receiving the comments, further clarification was sought from the agent in regard to details of the glazing bars. Following this, a revised section drawing was submitted. Further clarification was also sought on the drawings and the Design and Access Statement, as some of the statements on the window design, as highlighted above, were contradictory. An amended Design and Access Statement clarified this. Finally, clarification was sought from the agent in regard to consideration of other locations for the proposed ventilation grilles. This was then included in the amended Design and Access Statement. This has been addressed in further detail in the below sections of this report. Changes to the plans to alter the proposed and ground floor windows from triple glazed to double glazed windows were submitted by the applicant's agent.

Public representations

9.9. No representations received.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- I. Principle of development
- II. Design and impact upon designated heritage assets
- III. Impact on neighbouring amenity

I. Principle of development

10.2. Policy S1 of the Oxford Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This applies to paragraphs 10 and 11 of the NPPF which state that a presumption in favour of sustainable development is at the heart of national planning policy. The Council will work proactively with applicants to find solutions jointly which mean that applications for sustainable development can be approved where possible, and to secure development that improves the

economic, social and environmental conditions in the area. Planning applications that accord with Oxford's Local Plan and national policy will be approved without delay, unless material considerations indicate otherwise.

- 10.3. Specifically, where this application is concerned, the Council shall support enhancements to people's homes where they accord with the identified requirements of local and national planning policy, in addition to the legislative requirements the Council is required to undertake. As a householder development the proposals seek to specifically address the energy performance of the property and represent relatively small-scale changes to the dwelling. In this case, planning permission would be granted without delay subject to the acceptability of the design of the proposal in relation to Policies DH1 and DH3 of the Oxford Local Plan 2036. The proposal must also not be detrimental to the amenity of neighbouring occupiers' in accordance with Policies H14 and RE7 of the Oxford Local Plan 2036, in addition to the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.4. Since the submission of the application the NPPF has been revised (on 19th December 2023) with the insertion of an additional paragraph (Paragraph 164). The paragraph specifically refers to the need for local planning authorities to give **significant weight** to the need to support energy efficiency and low carbon heating improvements to existing buildings. Paragraph 164 of the NPPF is clear that where a proposal affects a Conservation Area (or any other designated heritage asset) then the existing requirements of the NPPF are still applicable including the **great weight** given to the conservation of a designated heritage asset (Paragraph 205 of the NPPF).

II. **Design and impact upon designated heritage assets**

- 10.5. Policies DH1 and DH3 of the Oxford Local Plan, seek to ensure that development is of a high-quality design, relates well to the existing house and its surroundings, and respects and enhances the historic environment.
- 10.6. Paragraph 205 of the NPPF states 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 208 also states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.7. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires Local Planning Authorities to have special regard to the desirability of preserving or enhancing the character and appearance of the Conservation Area to which great weight is attached and it is accepted is a higher duty.

- 10.8. No. 34 Canal Street lies within the Central Jericho area of the Jericho Conservation Area. The Conservation Area Appraisal defines Central Jericho as a blend of terraced cottages tightly packed along narrow streets. The overarching character is one of regularity, created from the building line, roof line, form, scale and materials of the buildings. It is enclosed and intimate with its core character supplemented by individual expressions of architectural details that reflect the styles and personality of the army of small-scale developers that built out the area. Other features that contribute to the consistency of the character of Jericho are wooden sash windows, and panelled doors.
- 10.9. The character and appearance of Jericho is principally defined by the terraced housing that makes up a large part of its built form. The design, scale and architectural language of the terraced housing makes an important contribution to the character and appearance of the Conservation Area. As part of that, the long, uninterrupted roof slopes of the terraces, frequently stretching the length of a street “block” and the consistent design and appearance of features of the facades, windows and doors (19th Century traditional, balanced, timber framed sash windows), although there will be some variation as to siting within the depth of the building façade there is some consistency in streets arising from the fact that these were built by the same builders using the same “pattern book designs”. There is also a consistency of materials with some variation in use/pattern in part to denote a building importance hierarchy.
- 10.10. This application proposes energy efficiency measures to reduce the energy use and carbon footprint of the building. The measures have been chosen as part of a whole house approach to retrofit that assesses the most appropriate number of measures for the individual house. The proposed double glazed windows at ground and first floor on the front elevation represent the minimum thermal performance to meet current building regulations.
- 10.11. The removal of the rear rooflight would not have any impact on either the character or appearance of the Jericho Conservation Area. The Article 4 Direction covering the Jericho area has removed permitted development rights for the insertion of rooflights facing onto a highway or waterway. As the rooflight to the rear at ground floor level would not face onto a highway or waterway, and includes the removal of the rooflight, this would not be relevant. The Article 4 Direction also restricts against changes in roofing material and therefore the re-roofing of the rear extension following the removal of the rooflight should be to match the existing material of the roof of the extension. This would be the case as the roof is proposed to be finished in slate to match the existing roof material of the extension. Given that the material of the roof would be reinstated to match the existing following the removal of the rooflight, this would be considered acceptable in design terms and would protect the character and appearance of the Conservation Area.
- 10.12. The sash windows are currently single glazed and other glazing is in need of replacement and therefore is considered to be poor performing and currently causes a loss of heat to the dwelling. Although secondary glazing is a potential approach to improving glazing performance, which has been considered by

the applicants, the existing sash windows extend beyond the internal wall finish, so there is not an internal reveal to properly fit secondary glazing. Robust trickle vents are also required which is difficult to achieve with secondary glazing. The sash windows are therefore proposed to be replaced with double glazed sash windows, with cord and weights, sitting in the same recessed opening, set back from the front facade. The second floor dormer windows is to be replaced with a triple glazed casement to match the general arrangement of the current windows as much as possible.

- 10.13. The proposed windows at ground and first floor would be a like-for-like replacement of the existing timber sash and casement windows, except that they would be double glazed, instead of single glazed. Although double-glazed units are not an original feature of these types of buildings and can cause harm due to their bulky appearance, this would not be the case with this proposal, as the materials proposed are to match the existing timber windows. Officers have taken a carefully considered approach when recommending this application for approval and taking into account the thermal performance upgrade the proposed windows would provide to the property having had regard to the requirements of Paragraph 164 of the NPPF). The sections show the depth of the window would be maintained within the reveals so as to preserve the external relationship. The cord and weights would sit in the same recessed opening, set back from the front elevation, although the frame profile would be slightly wider to accommodate double glazing, improved thermal performance and trickle vents. The external finishes of the timber windows would be white painted timber to match the existing windows, with the same glazing bars and arrangements as existing.
- 10.14. Therefore, as the double-glazed units at ground and first floor would be inserted into the existing timber box frames and would retain the same arrangement in terms of design and materiality, there would be a minimal visual difference of the proposed windows. Furthermore, the arrangement of the windows would remain the same, with three two-over-two sash windows and one casement window to the front elevation and two casement windows to the rear as well as replacement timber framed patio doors to the extension. Officers have sought additional information and changes to the plans to ensure that the impacts of the replacement fenestration would be minimal, due to the existing timber box sash frames remaining and sympathetic design in terms of arrangement and materiality. Where changes would be visually apparent further justification has been sought from the applicant's agent to demonstrate that there is no practical alternative. The proposed ground and first floor windows are directly adjacent to the pavement and as a result there would be a small visual difference with the thickness of the glazing and the nature of the glazing bars (as described above); these changes would be perceptible as the overall profile of the window would be thicker. Given the importance of windows to the significance of the Jericho Conservation Area there would be a low level of less than substantial harm caused to the character, appearance and special significance of the Conservation Area.
- 10.15. The replacement door is acceptable and would have a minimal impact on the street scene and wider Conservation Area. The replacement door would be of

timber construction and painted the same colour to match the existing which is considered acceptable, given there would be a minimal visual difference. This would not impact upon the character and appearance of the Conservation Area.

- 10.16. The external ventilation grilles are proposed to the front elevation, at each floor level, originally these were proposed to be grey to match to the rainwater goods but officers have specifically sought that these should be terracotta to match surrounding brickwork (and a condition is recommended to that effect). The Design and Access Statement submitted as part of the application states that due to the existing services and layouts in the corners of rooms where ducting would be possible, ventilation from the kitchen and bathrooms to the roof are not possible, making wall ventilation grilles the necessary option. Other options such as ventilation through the roof and locating this on the rear roof slope were considered, however the layout is not possible to fit a vertical run of ducting to the roof rather than walls from the ground floor kitchen and first floor bathroom. Additionally, ventilation ducts should not be more than 1.5 metres long under regulations.
- 10.17. The proposed insertion of mechanical ventilation termination grilles in the front façade of the building would minimally interrupt the brick façade with non-traditional elements. The brickwork facades of buildings make an important contribution to the special character and appearance of the Jericho Conservation Area and these insertions would result in a low level of less than substantial harm.
- 10.18. Officers acknowledge that the neighbouring property at No. 34A has installed a ventilation grille to the front façade at first floor level, although this was installed prior to the adoption of the Jericho Conservation Area in February 2011, which has since informed a better understanding of the contribution of development proposals to the character and appearance of the different character areas in the Conservation Area.
- 10.19. Officers note that although the grilles would partly interrupt the front façade of the property, the proposed ventilation grilles would be of a minimal size and officers consider that there would be clear and convincing justification for the unavoidable harm that would be caused through the proposed interventions to improve the thermal efficiency and reduce heat/energy use that the applicant is proposing. The information provided by the applicant, in particular the submitted Cosy Homes report which outlines the retrofitting measures for the property, states that a new boiler, new windows and doors, insulation and ventilation could reduce total carbon dioxide content by 46% from 3.53 tCO² to 1.92 tCO² annually; though this figure was based on the use of triple glazing at the front elevation and there will be a slight reduction in the improvements arising from the use of double glazing instead. The report has established that the proposed removal of the rooflight and alterations to fenestration would not cause harm to the character and appearance of the Conservation Area and that the ventilation installation would give rise to a low level of less than substantial harm.

- 10.20. Due to the reasons given above, the development proposal has been assessed as resulting in a low level of less than substantial harm to the significance of the Jericho Conservation Area, and in accordance with the NPPF, this harm should be weighed against the public benefits of the proposal.
- 10.21. Further to the above, in identifying public benefits that arise from a proposed development it should be made clear that normally an improvement to an existing home represents a private benefit rather than a public benefit. However, Paragraph 157 of the NPPF requires that Local Planning Authorities support the transition to a low carbon future and recognise that environmental objectives are an overarching objective of the planning system set out in Paragraph 8 of the NPPF.
- 10.22. Importantly the recent insertion of the new Paragraph 164 of the NPPF places significant weight on the need to support energy efficiency for existing buildings, both domestic and non-domestic. In this context, and in the context of the recognition of the shared societal challenge of reducing carbon emissions it is considered that carefully considered and justified energy efficiency improvements to existing buildings can be considered to represent a public benefit. Officers are satisfied that the harm identified to the Conservation Area has been reduced as far as is possible whilst still providing the energy efficiency measures that are reasonably required and further information has been provided to justify the proposals in the context of a holistic approach to improving the thermal and energy performance of the building. Where possible further mitigation is provided by the use of conditions to require specific materials to ensure that the harm to the Conservation Area is minimised. On balance, having considered the requirements of Policy DH3 and Paragraph 208 of the NPPF it is considered that the public benefit of improving energy efficiency and thermal performance of an existing building outweighs the low level of less than substantial harm to the Conservation Area.
- 10.23. On the above basis, officers are satisfied that the proposals therefore meet the requirements of Policy DH3, Paragraphs 205-208 of the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and Policies DH1 and DH3 of the Oxford Local Plan.

III. Impact on neighbouring amenity

- 10.21 Policy H14 states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes and does not have an overbearing effect on existing homes. Appendix 3.7 of the Oxford Local Plan sets out guidelines for assessing the loss of sunlight and daylight using the 45/25-degree code.
- 10.22 Policy RE7 states that planning permission will only be granted for development that ensures that the amenity of communities, occupiers and neighbors is protected.

- 10.23 The proposed removal of rooflight to the rear elevation, alterations to the fenestration, replacement front door, and installation of ventilation grilles to the front elevation would have no impacts on residential amenity including a loss of light or privacy.
- 10.24 The proposal would therefore accord with Policy H14 of the Oxford Local Plan 2036.

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 consideration 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 clear reasons for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 11.3 Therefore it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.

Compliance with development plan policies

- 11.4 In summary, the proposed development would enhance a residential property and is supported by the overall objectives of the Oxford Local Plan 2036 and Policy S1. Although the proposal would cause a low level of less than substantial harm upon the character and appearance of the Jericho Conservation Area, the public benefits of the scheme are considered to outweigh this low level of harm and it is considered to accord with Policies DH1 and DH3 of the Oxford Local Plan 2036, the NPPF, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposals would not be detrimental upon any neighbouring occupiers and would comply with Policies H14 and RE7.
- 11.5 Therefore officers consider that the proposal would accord with the development plan as a whole.

Material considerations

- 11.6 The principal material considerations which arise are addressed above, and follow the analysis set out in earlier sections of this report.
- 11.7 Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out in the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 11.8 Officers would advise members that, having considered the application carefully, including all representations made with respect to the application, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Local Plan 2036 and that there are no material considerations that would outweigh these policies.
- 11.9 It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 of this report.

12. CONDITIONS

Time limit

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

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

Development in accordance with approved plans

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

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

Materials

3. Notwithstanding the requirements of Condition 4 the materials and external finish of the approved development including with respect to the approved windows details shall be those specified in the submitted application form and approved plans.

Reason: To ensure that the development is acceptable in the context of its

impact on the Jericho Conservation Area as required by Policy DH3 of the Oxford Local Plan (2036).

4. Notwithstanding the approved plans the approved extract grilles shall match as closely as possible the surrounding brickwork.

Reason: In the interests of reducing the harm to the Jericho Conservation Area as required by Policy DH3 of the Oxford Local Plan (2036) and Paragraph 205-208 of the NPPF.

INFORMATIVES

NPPF

1. In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

13.APPENDICES

- **Appendix 1 – Site Plan**

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

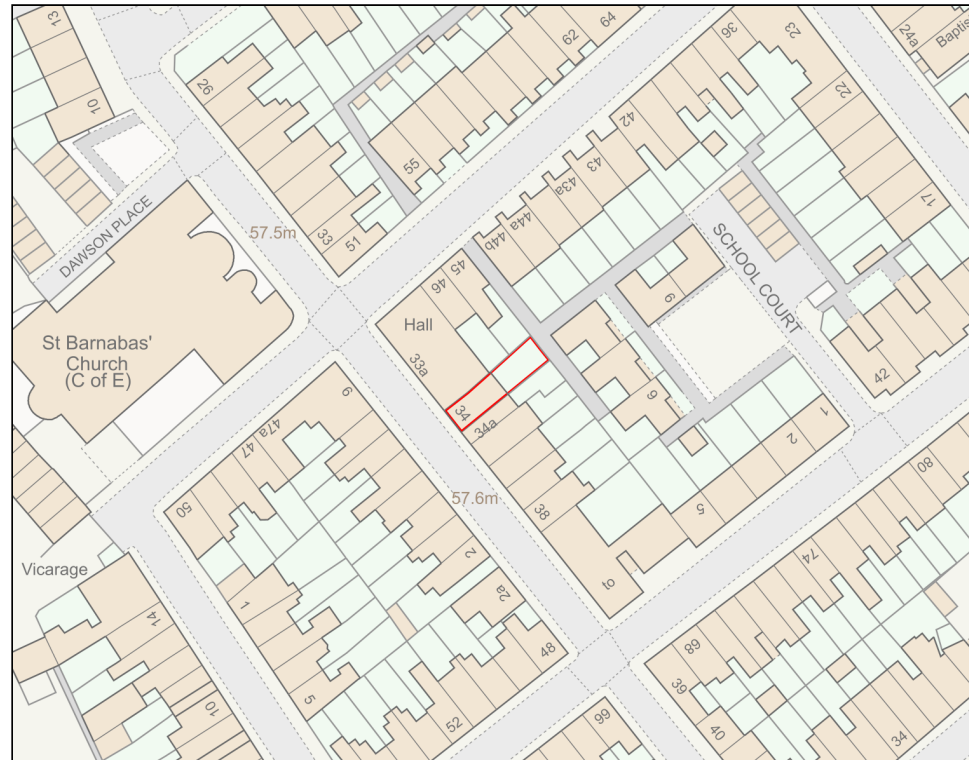
- 15.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission,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

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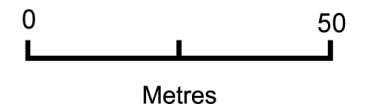
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Minutes of a meeting of the Planning - Oxford City Planning Committee on Tuesday 12 December 2023



Committee members present:

Councillor Clarkson (Chair)	Councillor Hollingsworth (Vice-Chair)
Councillor Altaf-Khan	Councillor Fouweather
Councillor Kerr	Councillor Malik
Councillor Mundy	Councillor Railton
Councillor Rehman	Councillor Upton

Officers present for all or part of the meeting:

Felicity Byrne, Principal Planning Officer
Jane Cotton, Planning Lawyer
Hayley Jeffery, Development Management Team Leader (East)
Emma Lund, Committee and Member Services Officer
Andrew Murdoch, Development Management Service Manager
Tobias Fett, Principal Planning Officer
Jonathan Gentry, Planning Officer

Apologies:

Councillor Chapman sent apologies.

52. Declarations of interest

General

Councillor Upton declared that as a member and trustee of the Oxford Preservation Trust she had taken no part in that organisation's discussions regarding any of the applications before the Committee. Councillor Upton said that she was approaching the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision on them.

23/02166/FUL

Councillor Hollingsworth declared that he rented an office within a building on Transport Way. Councillor Hollingsworth stated that he was declaring this for transparency reasons as Transport Way was referred to within the officer's report for the first item.

53. 23/02166/FUL: BMW UK Manufacturing Ltd, Garsington Road, Oxford, OX4 6NL

The Committee considered an application (23/02166/FUL) for the demolition of Buildings 30.5 and 31.5, extension of Integrated Logistics Centre (Building 80.0) and

Body-in-White/Logistics building (Building 31.0/31.3), provision of a new lorry parking area, expansion of external waste storage area, realignment of internal road and installation of associated landscaping, delivery decks, canopies, shutter doors, windows, plant and equipment and all other associated works at BMW UK Manufacturing Ltd, Garsington Road, Oxford.

The Planning Officer gave a presentation, provided the following update and also highlighted the following:

- Since the committee report had been published a trial trenching exercise had been carried out. This was satisfactory as it had not yielded significant finds and therefore no further mitigation or condition above the standard site-wide archaeology condition was required.
- The off-site mitigation referenced in paragraph 10.91 referred to the car park grassland. This was outside the red line boundary of development but was within the blue line of BMW's land ownership.
- Clarity was provided in relation to the conclusion in paragraph 10.33 that the development would not cause any adverse impacts on any conservation areas or other heritage assets.
- In relation to transport, clarity was provided that supporting assessments, surveys and details had been submitted and assessed as part of the planning application. Comments had also been received from the local Highways Authority, which was content that the development and its impact were acceptable and mitigated by the proposed conditions. As an additional benefit, BMW had agreed to make improvements to several access points to the site in order to improve access for pedestrians and cyclists. This would be controlled and managed by a Section 278 agreement with the Highways Authority and these works did not require planning permission. Mitigation for the impacts of the necessary additional HGV movements had been sought through a submitted travel plan which together with active travel improvements would encourage staff and people living and working in the surrounding area to arrive by non-car modes.
- Approval of the application was recommended by officers for the reasons set out in the report, subject to the conditions set out in the report but without the requirement for further archaeological information and including a unilateral undertaking with the County Council in terms of the travel plan monitoring fee.

Tom Bradford of BMW (the applicant) spoke in favour of the application.

The Committee asked questions about the details of the application which were responded to by officers and the applicant. The Committee's discussions included, but were not limited to:

- The application represented an investment in the Oxford site which would offer benefits to the local economy as well as employment opportunities, securing the future of car manufacturing in Oxford.
- The proposal also offered a sustainable future for car manufacturing through the production of electric vehicles, which was welcomed.

- The design was rated BREEAM excellent and offered 40% carbon reduction.
- A committee member commented that he hoped the travel plan associated with the proposal would help to ease congestion from lorries queueing to access or exit the site. Another committee member referred to the environmental impacts of lorries waiting in lay-bys on the Northern Bypass and commented that he hoped this could also be alleviated.

On being proposed, seconded and put to the vote the Committee agreed with the officer's recommendation to approve the planning application for the reasons set out in the report and subject to the conditions set out in the report and a legal agreement to secure the planning obligations set out in the report and removal of a requirement for archaeological trial trenching (as this had now been completed).

The Oxford City Planning Committee resolved to:

1. **approve the application** for the reasons given in the report subject to the required planning conditions set out in section 12 of the report and subject also to:-
 - the satisfactory completion of a legal agreement or unilateral undertaking under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in the report; and
2. **delegate authority** to the Head of Planning and Regulatory 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 and Regulatory Services considers reasonably necessary;
 - finalise the recommended legal agreement or Unilateral Undertaking 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 and Regulatory Services considers reasonably necessary; and
 - complete/receive the section 106 legal agreement or Unilateral Undertaking and issue the planning permission.

54. 22/03076/FUL: 135-137 Botley Road, Oxford

The Committee considered an application (22/03076/FUL) for the demolition of existing buildings and replacement with new building comprising Research & Development, office and café space (Use Class E), including external lighting, hard and soft landscaping, ramped access, service bay, bin store, car and cycle parking, altered vehicular access onto Botley Road, pedestrian and cycle paths, means of enclosure, utilities, and associated works at 135 – 137 Botley Road, Oxford.

The Planning Officer gave a presentation and provided updates and also highlighted the following:

- A correction was provided to paragraph 3.1 to reflect that the applicant was not now required to enter into a s278 agreement with the County Council.
- In relation to paragraphs 10.15 and 10.50 which referred to the NPPF in relation to heritage assets, clarification was provided that the NPPF also stated that substantial harm to or loss of a scheduled ancient monument should be 'wholly exceptional'. For this application, the Castle Mound and the Tower referred to in the report comprised the scheduled ancient monument.
- Confirmation was provided that the County Council had removed its objection in relation to the provision of cycle parking.
- In relation to paragraph 10.85, clarification was provided that the transport assessment showed a net gain of six traffic movements in peak hours, which included servicing and delivery.
- In relation to paragraph 10.157, a correction was provided that the first set of obligations related to the County Council, and the second set to the City Council.
- Since publication of the report several additional representations had been received. The points raised had largely been addressed in the officer's report. One additional matter had been raised which had related to a comment by the Oxford Design Review Panel about considering the application in the context of a wider masterplan. The Planning Officer clarified that there was no wider masterplan for the area: as set out in the report there was a Technical Advice Note which gave guidance only on how future development of the Botley Road area might come forward. One representation had also objected that proper public consultation had not taken place: the Planning Officer clarified that there had been three rounds of statutory advertisement in the newspaper and issuing of site notices as part of the application process. The applicant had also undertaken an extensive consultation during the pre-application process which had included a drop of 1800 letters to properties surrounding the site, as well as engagement in the media and with ward councillors and other stakeholders. Officers were satisfied that proper consultation had been undertaken.
- The principle of the development was considered acceptable: it was in a highly sustainable location and would provide flexible floor space offering high quality research and development labs and office space creating a total of 620 jobs for the local economy and would help meet the high need and demand for research and development space for life sciences in Oxford, thus contributing to Oxford's economic growth. It would also provide a café and ground floor amenity which would be open to the public.
- The development was considered to be of high quality and sustainably designed, and to enhance the character and appearance of that part of Botley Road and of the retail park. A new enhanced landscape area would be provided to the front of Botley Road, to include the removal of poor quality trees within the car park to the front of the existing buildings and replacement with a significant number of new trees.

- The proposal would meet policy requirements on biodiversity net gain and achieve a 40% carbon reduction.
- Officers considered that there would be no overbearing impact and no direct overlooking. The use of additional planting, distance and automated roller blinds would mitigate any perception of overlooking.
- The development was situated within Flood Zone 3. The Environment Agency had therefore stipulated that the ground floor of the new building could not be any larger in area than the existing footprint and this, together with moving the building as far away as possible from the Earl Street properties had resulted in the height and massing shown in the application. Whilst the height of the building would go above the guidance in the development brief technical note due to these site constraints, the applicant had minimised the floor to ceiling heights as much as possible. Officers were content that the building size, massing and height were justified in this case.
- The drainage strategy took account of climate change and would represent a betterment on the existing situation. The proposal would not lead to any increased flooding or risk of flooding elsewhere along Botley Road.
- A new cycle and pedestrian footpath from the north to the southern end of the site, offering a public benefit, would be secured by a s106 agreement.
- The proposal would result in a reduction of 84 car parking spaces. 28 EV charging spaces would be provided, a number of which could also be used by Earl Street residents, as well as a minimum of 1 and up to 5 car club spaces depending on future demand and also made available for use by Earl Street residents. The applicant had also agreed to contribute towards Botley Road improvements in order to facilitate employees choosing more sustainable travel options from either Thornhill Park and Ride or the train station. This would involve changing the junctions of Lamarsh Road, the application site, Earl Street and Duke Street as well as upgrading the bus stop at the front of the application site to provide real time travel information.
- There would be some less than substantial harm to views, to the setting of Oxford, to the setting of the Central Conservation Area and to the setting of the Castle scheduled ancient monument arising from the proposal. However, officers considered that the public benefits of the development would outweigh any harm to heritage assets. These public benefits included the improvements to Botley Road, the cycle and pedestrian footpath across the site, new publicly accessible landscaped area and café and the economic benefits provided by the creation of jobs. The application was therefore recommended for approval for the reasons set out in the report and subject to conditions and the relevant s106 agreements.

Andrew Tyson, local resident and Councillor Lois Muddiman spoke against the application.

Colin Brown and Artem Korolev (applicants) spoke in favour of the application.

Councillor Susanna Pressel spoke to request an additional condition.

The Committee asked questions about the details of the application which were responded to by the applicant and architect. The Committee's discussions included, but were not limited to:

- The current Local Plan had no car parking standard for research and development, and so each application needed to be considered on a case-by-case basis and justified for each site. Higher levels of car parking had been permitted in other recently approved research and development sites. The number of car parking spaces proposed was considered by the applicant to be necessary to allow the building to function properly in the event that it were occupied by either a single or several different occupiers. It included provision for disabled or vulnerable people who did not want to, or were not able to, walk from the park and ride or station, particularly late at night or in poor weather. The County Council had removed its objection on car parking grounds.
- It was not envisaged that the use of the site would involve late night deliveries, and a delivery and service management plan had been conditioned. At the suggestion of a committee member, officers undertook to include the avoidance of evening and late night deliveries, particularly by HGV, into the proposed condition for the delivery and service plan.
- A sympathetic external lighting strategy had been conditioned, to ensure that there would be no adverse impact on neighbouring amenity. Automated roller blinds would prevent light spill from the building.
- Members were reminded that the site could be used for Research and Development use without planning permission but this would be more harmful in planning terms and not achieve the benefits outlined.

The meeting paused at 7.59pm and reconvened at 8.03pm.

- A committee member expressed regret that the development included staff car parking spaces; however, it was recognised that the Council would not be able to justify refusal on that basis at appeal, given that the County Council as Highways Authority had withdrawn its objection.
- Some committee members expressed reservations about the number of traffic movements which might be generated as a result of the size of the car parks.
- A committee member commented that whilst the proposal involved some slight harms, these were outweighed by the clear benefits when applying the planning balance. These benefits included a new building which represented an improvement on the existing; development in a sustainable location which would be less impactful than in a more rural location; and the economic and public benefits.

On being proposed, seconded and put to the vote the Committee agreed with the officer's recommendation to approve the application for the reasons set out in the report, subject to the conditions set out in the report, inclusion of the avoidance of evening and late night deliveries, particularly by HGV, into the proposed condition for the delivery and service plan, and a legal agreement to secure the planning obligations set out in the report.

The Oxford City Planning Committee resolved to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and inclusion of the avoidance of evening and late night deliveries, particularly by HGV, into the proposed condition for the delivery and service plan 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 the report; and
2. **delegate authority** to the Head of Planning and Regulatory Services to:
 - finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning and Regulatory 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 the report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in the 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 and Regulatory Services considers reasonably necessary; and
 - on receipt of the completed section 106 legal agreement referred to above issue the planning permission.

55. 23/02423/FUL: 38 Stile Road, Oxford OX3 8AQ

The Committee considered an application (23/02423/FUL) for the raising of roof height, formation of 1no dormer and 1no rooflight to north-west roofslope, formation of 3no rooflights to south-east roofslope in association with loft conversion; insertion of 1no window to front and 2no windows to rear elevation; re-render of external walls and removal of chimney stack at 38 Stile Road, Oxford.

The Planning Officer gave a presentation and highlighted the following:

- The application was a householder application which was before the Committee as the applicant was employed within the Planning and Regulatory Services department of Oxford City Council.
- A correction was required to condition 4 as clarification had been received that the rooflights referenced in the condition would stand above head height in the room. There was therefore no risk of them generating harmful overlooking of neighbouring properties and so the requirement for obscure glazing was not needed. This would be replaced by a condition to ensure that the roof light on the opposite elevation shown in error on the proposed loft plan does not form part of the development and is not permitted.
- Officers considered that the application was acceptable in terms of design and would not adversely impact neighbouring amenity. Given that the works related

only to the upper level of the property there would be no identified impacts in terms of highways or parking. The application was therefore recommended for approval.

On being proposed, seconded and put to the vote the Committee agreed with the officer's recommended to approve the application, subject to the required planning conditions set out in the report and as amended / referred to above.

The Oxford City Planning Committee resolved to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission; and
2. **delegate authority** to the Head of Planning and Regulatory Services to:
 - finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning and Regulatory Services considers reasonably necessary.

56. Minutes

The Committee resolved to approve the minutes of the meeting held on 21 November 2023 as a true and accurate record.

57. Forthcoming applications

The Committee noted the list of forthcoming applications.

58. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 8.24 pm

Chair

Date: Tuesday 23 January 2024

When decisions take effect:

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

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

All other committees: immediately.

Details are in the Council's Constitution.