

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:

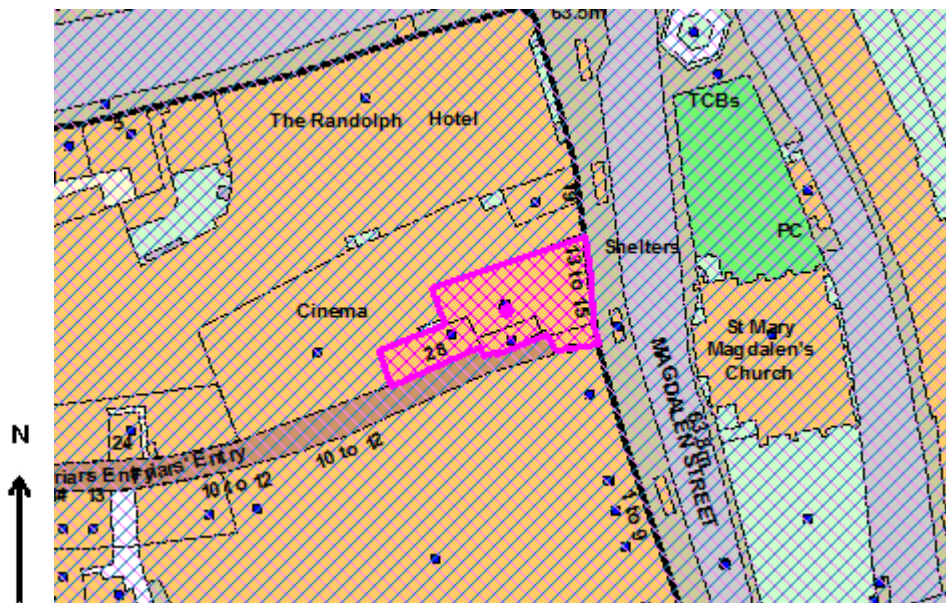


Figure 1: Existing Site Plan

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 roovescape. 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 roovescape. 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.