

**Erection of Bike Shed to the West of the Existing Building.  
Re-Cladding of Existing Building and Formation of Glass  
Canopy to South Elevation.**

**The Gallery, 54 Marston Street, Oxford OX4 1LF**

**Planning, Design and Access Statement**

**Client: The Gallery (Oxford) Ltd**

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## 1 INTRODUCTION

- 1.1 This planning statement has been prepared on behalf of The Gallery (Oxford) Ltd (hereafter 'the applicant'), in support of an application for the erection of a bike shed in the car parking area to the west side of the existing building, the replacement of the cladding at the first floor of the existing building with a material that is similar in both quality and appearance and the installation of a glass canopy above the existing building's main entrance, which is located its south side.
- 1.2 The building, known as "The Gallery", is located at The Gallery 54 Marston Street Oxford OX4 1LF and comprises 8 Units in total. The Gallery is a non-domestic building, originally used by Blackwell's Publishing and now split into eight commercial units which have all been used under use Class E.
- 1.3 The applicant is the management company responsible for the common parts of the building, and accordingly this planning application has been submitted on their behalf.
- 1.4 This application is also accompanied by the following supporting documents and plans:
  1. Planning, Design and Access Statement
  2. Application Plans:
    - Location Plan – 704.0124.PK.P01
    - Site Plan – 704.01224.PK.P02
    - Existing North and East Elevations
    - Existing South and West Elevations
    - Proposed Elevations – 22029.06 Rev P4
    - Detailed Drawing for the Glass Canopy – GA-25 Rev C2
    - Proposed Secure Bicycle Store
    - Cladding Material – Datasheet
    - Cladding Material – Performance Overview
    - Cladding Material – Colour Coating

## 2 SITE DESCRIPTION

- 2.1 The Gallery is located in east Oxford, between Cowley and Iffley Roads. It comprises a metal clad two storey building that takes its access from Marston Street. An associated parking area is located to the south west of the building.



- 2.2 The building is surrounded by the rear gardens of the adjoining residential properties to the north and south. To the south west lies Iffley Road and its associated St Clements and Iffley Road Conservation Area, although the building is not located within the Conservation Area. To the immediate north east lies another commercial building, which was associated with The Gallery in the past.
- 2.3 The building is also surrounded by several large trees and hedges, which provide good visual containment from both the Conservation Area and the surrounding residential properties. None of those trees are protected by a Tree Preservation Order (TPO). This existing natural vegetative boundary also helps with the mitigation of any noise that may be generated from the Units within the building.

### 3 DESCRIPTION OF THE PROPOSAL

3.1 The Design and Access considerations for this development include the following:

#### **Layout**

3.2 The layout of the proposed development can be viewed in the submitted Site Plan (704.0124.PK.P02) and proposed Elevations plan (22029.06 Rev P4) that accompanies this planning application. This depicts the locations of the proposed glass canopy, which will be positioned to the south side of the existing building and above its main entrance and of the proposed bike shed, which will be erected to the west side of the existing building.

#### **Appearance**

3.3 Details of the quality and appearance of the material, which will replace the first floor cladding of the existing building can be seen at the set of documents that support this planning application. These provide technical information in relation to the specifications, colour, quality and overall performance of the proposed replacement roofing material.

3.4 In regards to the proposed glass canopy, this will consist of a standard open sided galvanised steel structure. Additional details, including a roof and sections plan (GA-25 Rev C2) has also been submitted in support of this planning application.

3.5 The materials that will be used for the construction of the bike shed can be viewed in the submitted proposed secure bicycle store plan that accompanies this planning application. As it is noted on the plans, the building will comprise a single storey height secure bicycle store, with grass roof and secure mesh walls.

#### **Scale and Amount**

3.6 The proposed bike shed will comprise a single storey building that will measure approximately 5.8 m x 9.1 m. Its height will vary, with the lowest point being approximately 3.9 m tall and its highest point reaching approximately 5 m in height.

3.7 The proposed glass canopy is above the existing building's main entrance will measure approximately 2.3 m x 3.4 m x 2.5 m and will be approximately half a meter away from the existing wooden boundary that separates the existing commercial building from the rear garden of the residential properties that face Marston Street.

3.8 Above ground drainage details for both structures/buildings can also be seen at the accompanying drawings that support this planning application.

**Access**

3.9 The vehicular access to the existing building will be retained.

3.10 The proposed bike shed will be accessible from outside the building by both visiting people and staff. It will be located in the car parking area to the west side of the existing building and will result in the loss of 4 car parking spaces. The proposed bike shed will significantly increase the cycling provisions that are available for use on the application site.

3.11 The proposed replacement cladding and glass canopy addition to the building will not have any material transport impacts on the existing access arrangements that affect the application site, public safety or local highway network.

**4 PLANNING HISTORY**

4.1 According to the Oxford City Council (hereby referred to as 'LPA') online planning resource, the planning history for The Gallery is as follows:

Reference no.	Description	Decision	Decision Date
77/00238/A_H	Phase 1. Alterations to existing warehouse building to increase internal clear height etc. Minor alterations to existing garage building for use as covered loading area. Phase 2. Extension of existing warehouse	Approved	1 <sup>st</sup> June 1977
87/00387/NO	Demolition/altering of existing offices and warehouse and outline application for erection of 15,000sq ft/ 1,400m <sup>2</sup> of offices	Refused. Allowed on Appeal	6 <sup>th</sup> Oct 1988
91/01090/NK	Demolition and alteration of existing offices and warehouse. Outline application for erection of 15,000 square foot of offices (B1 Use), extension of permission NO/387/87	Approved	9 <sup>th</sup> December 1991

95/00983/NF	Change of use from warehouse to business use, including external alterations to windows.	Approved	11 <sup>th</sup> September 1995
98/01434/NF	Amendment to planning permission 95/983/NF for change of use of warehouse to business use to incorporate raised roof light to flat roof and four chiller units enclosed by acoustic screen (Amended plans)	Approved	9 <sup>th</sup> March 1999
99/00172/NF	Canopy and spiral staircase	Approved	25 <sup>th</sup> March 1999
99/01769/NF	Installation of automatic solar louvres on roof of warehouse building	Approved	12 <sup>th</sup> January 2000
04/02402/FUL	Alterations to existing building to provide additional windows and access points, extension to roof light, insertion of mezzanine to provide 680sq.m. of office space in 8 units within the existing building (including the retention of car parking and access from Marston Street. (Amended Plans)	Approved	30 <sup>th</sup> March 2005
06/00661/FUL	Retention of air conditioning equipment with screen wall and fencing (rear of Journals Building). Retention of 3x3m lamp posts. (Amended description)	Approved	11 <sup>th</sup> July 2006
06/01724/FUL	Two additional air conditioning units	Approved	30 <sup>th</sup> November 2006
07/02726/PDC	Installation of front and rear second floor windows	Withdrawn	29 <sup>th</sup> January 2008
08/00055/FUL	Alterations to provide new windows	Refused	7 <sup>th</sup> March 2008
23/01233/CPU	Application to certify that the proposed use as a bouldering centre (Use Class E(d)), and alterations to roof and fenestration is lawful development	Approved	24 <sup>th</sup> August 2023
23/01912/SP56	Application for prior approval for the installation of Solar Photovoltaics (PV) equipment on the roof of non-domestic building	Prior Approval Refused	11 <sup>th</sup> October 2023
23/01918/FUL	Formation of fire escape staircase with handrails and insertion of 1no. door to side elevation	Approved	1 <sup>st</sup> November 2023



23/02488/SP56	Application for prior approval for the installation of Solar Photovoltaics (PV) equipment on the roof of non-domestic building	Prior Approval Granted	5 <sup>th</sup> December 2023
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## 5 RELEVANT PLANNING POLICY

### 5.1 National Planning Policy Framework (2023)

5.2 The Government’s policy on planning matters is primarily contained in the National Planning Policy Framework (‘the NPPF’ – the most recent version published in December 2023). The NPPF sets out planning policy on new development, including the provision of housing and design considerations. The NPPF also contains policies intended to control the effects of development on amenity and highways matters and is supported by guidance contained on the Planning Practice Guidance website, a web-based ‘living’ resource.

5.3 The NPPF paragraphs relevant to this application are the following set out below.

5.4 **Paragraph 8 Achieving sustainable development** – confirms that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, environmental and social objectives. The economic objective is critical in helping to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

5.5 The social and environmental objectives are important in fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and protecting and enhancing the natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimizing waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 5.6 **Paragraph 11 Introduces a presumption in favour of sustainable development** – this means approving development proposals that accord with an up-to-date development plan without delay.
- 5.7 **Paragraph 47 Development plan and material considerations** – indicates that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.8 **Paragraphs 56 – 57 Planning conditions and obligations** – confirm that planning conditions and obligations should only be sought or imposed where they meet the relevant tests as described at the above paragraphs.
- 5.9 **Paragraph 85 Building a strong, competitive economy** – makes clear that *“planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt.”* It further adds that *“significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”*
- 5.10 **Paragraph 96 Promoting healthy and safe communities** – highlights the importance of achieving safe and accessible places.
- 5.11 **Paragraphs 108-110 Promoting sustainable transport/highway safety** – support the management of development in a sustainable way so that impacts can be appropriately recognized and mitigated.
- 5.12 **Paragraph 115 Highway safety** – deals with the transport effects of development. It states *‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.*
- 5.13 **Paragraph 131 – 141 Achieving well-designed places** – discusses the need to create high quality, beautiful and sustainable buildings.
- 5.14 **Paragraph 135** in particular emphasizes that developments should function well and add to the overall quality of an area, are visually attractive, sympathetic to local character and history (while not preventing or discouraging appropriate innovation or change), establish

a strong sense of place and optimize the potential of a site, and to create places that are safe, inclusive and accessible which promote health and well-being.

5.15 **Paragraphs 158 – 164 Planning for climate change** – deals with the requirement to achieve low carbon development and low energy consumption.

5.16 **Paragraph 193 ‘Agent of Change’** – explains that where the operation of an existing business or community facility could have a significant adverse effect on new development in the surrounding area, the applicant should be required to provide suitable mitigation before the development has been completed.

### **Local Planning Policy**

5.17 The local policies affecting the development proposal are contained within the Development Plan. The Development Plan documents that are relevant to the proposal comprise the following:

- Oxford Local Plan 2036 (adopted June 2020)

5.18 The relevant Local Plan policies for this proposal are the following:

- Policy S1: Presumption in favour of sustainable development
- Policy RE1: Sustainable design and construction
- Policy RE7: Managing the impact of development
- Policy RE8: Noise and vibration
- Policy DH1: High quality design and placemaking
- Policy M1: Prioritising walking, cycling, and public transport
- Policy M5: Bicycle Parking

### **Technical Advice Notes**

5.19 The LPA has also produced a number of Technical Advice Notes (TANs), which should be read in conjunction with the adopted Local Plan and accordingly inform development proposals. The relevant TANs for this type of development are the following:

- Technical Note 12 – Car and Bicycle Parking
- Technical Noted 14 – Sustainable Design and Construction

### **Oxford Local Plan 2040**

- 5.20 The Oxford Local Plan 2040 (Emerging Local Plan) was published for public consultation (Regulation 19) on 10<sup>th</sup> November 2023 and the consultation run until 5<sup>th</sup> January 2024. The final submission version of the plan has not been submitted to the Secretary of State yet and therefore, an independent planning Inspector has not examined the draft policies that are being proposed. As a consequence, it is considered that limited weight can currently be attached to the draft policies of the Emerging Local Plan.

## **6 PLANNING JUSTIFICATION**

- 6.1 This section of the statement deals with specific issues (material considerations) that must be weighed in the planning balance before reaching a conclusion on the overall merits of the application proposal.

### **Amenity Considerations**

- 6.2 **Local Plan Policy RE7 Managing the impact of development** – highlights that new development must ensure that it protects the amenity of surrounding residents and does not result in adverse transport impacts.
- 6.3 **Local Plan Policy RE8 Noise and vibration** – requires development proposals to provide mitigation measures in relation to noise sources from commercial and industrial premises, if it is determined that they will have an unacceptable impact on amenity and health of local residents.
- 6.4 The proposed bike shed will be located more than 10 m distance away from the wooden boundary wall that separates the commercial premises from the rear garden of the dwellings surrounding the application site, and therefore it is not considered that there would be any harm to the amenity of surrounding neighbours.
- 6.5 Similarly, the modest size and open sided nature of the proposed glass canopy is also not considered to have an adverse impact on the residential amenity of the nearby properties. Whilst it will be located at a very close distance from the existing wooden boundary wall to the south, it is not considered that it will not have a negative effect to the safety and privacy of the properties facing Marston Street.

6.6 Further, there are concerns that low levels of noise that are generated occasionally within the building might be heard by the neighbouring properties when the main entrance door is opened. Noise annoyances can be especially more vivid during busier times, when people want to enter through the main door and are not able to enter to the building immediately. In addition, if it is raining, the current lack of any protection means that anyone waiting outside will be forced to wait in the rain. As a consequence, it is considered that the proposed glass canopy is essential in order to act as protection from rain, and as a noise deadening installation.

6.7 Drawing from all of the above, the proposed development is considered to be in accordance with Local Plan policies **RE7**, **RE8** and paragraphs **96** and **193** of the NPPF.

#### **Sustainable Design Considerations**

6.8 **Local Plan Policy RE1 Sustainable design and construction** – sets out a list of sustainable design and construction principles that development proposals will need to incorporate in their design in order to be considered acceptable.

6.9 **Local Plan Policy DH1 High quality design and placemaking** – states that all types of development will need to be of high quality and their design to be in keeping with the character of the local area.

6.10 The proposed development seeks to replace the existing first floor cladding with a material that is more resistant to high temperatures and is similar in quality and appearance.

6.11 The existing cladding has a partially reflective, grey appearance which will be replicated with the proposed replacement cladding. The existing cladding is constructed using Kingspan KS1000MR Wall Panels on a metal frame. The frame holds the panels 465mm away from the wall of the building, meaning that there is an air gap of 465mm between the panels and the brickwork. These panels are 70mm thick with steel outer sheets sandwiching an insulatory core.

6.12 Since the tragedy of Grenfell<sup>1</sup>, the awareness of the fire risk from cladding panels, such as these from Kingspan, has heightened significantly. As such, it is considered critical

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<sup>1</sup> <https://www.bbc.co.uk/news/uk-40301289>

- that the existing cladding is replaced with an alternative modern and fire safe roofing material. This alternative would be installed with no air gap behind it, meaning the width of the first storey of the building will be reduced in size by approximately 465mm on each side.
- 6.13 The proposals also seek to introduce the installation of a single storey glass canopy above the existing building's main entrance. The proposed open sided structure will be equipped with a glass roof, which will sit on galvanised steel posts.
- 6.14 The bike shed that is being proposed to the western side of the building will consist of a single storey modest building with secure perforated see-through walls and a roof planted with grass and other meadow plants, which is considered as an excellent above drainage solution.
- 6.15 It is therefore considered that the proposed changes as a whole will have no effect on the external appearance of the building or harm the character of the local area first floor of the existing building and will contribute towards creating a 'Zero Carbon Oxford'.
- 6.16 It is accordingly considered that the proposed development will comply with the requirements that are set out in Local Plan policy **RE1**, **DH1** and paragraphs **131** to **141** and **158** to **164** of the NPPF.

### **Access Considerations**

- 6.17 Local Plan Policy **M1 Prioritising walking, cycling, and public transport** – supports development proposals that seek to prioritise alternative sustainable travel modes, such as cycling.
- 6.18 Local Plan Policy **M5 Bicycle Parking** – encourages the provision of cycling parking spaces as long as they are well designed, secure and accessible. The supporting text in paragraph 7.39 of the adopted Local Plan states that:

*“7.39 All cycle parking must, as far as is practical and reasonable, be enclosed within a secure store, or at least undercover. The location of cycle parking is also important: where cycle parking for residents or employees is not in a secure store, it should be located away from the street frontage, to maximise security.”*

6.19 As it can be seen in the picture below, the current provision of bicycle storage at The Gallery building is basic and insufficient. There is currently only a small number of Sheffield racks to the south eastern corner of the existing building. The current cycle provision is not secured and is only covered by one aged corrugated metal cover.



- 6.20 The proposed development seeks to improve the cycle provisions at the application site by constructing a large cycle storage building, which will be accessible by both visitors and staff.
- 6.21 The proposed bike shed will be located further away from the application site's existing vehicular access and existing cycling provisions. It was determined that due to the size of the bike shed, it will be impractical to position it to the eastern side of the building, as it will result in unacceptable harm to the existing disability parking provisions and existing access arrangements. Whilst it is accepted that the LPA is keen on granting planning permission for cycling facilities that are located close to the entrances of sites and buildings, the proposed location for the bike shed has been carefully considered to ensure that:
- a) It will be located closer to the existing building's main entrance;
  - b) It will be enclosed and secure; and
  - c) It will be in a well-lit location that is not visible from nearby footpaths or the public highway, which will reduce the risks of bike theft.
- 6.22 The proposals will result in the loss of 4 car parking spaces. Notwithstanding this, the application site is located in a sustainable location that is accessible by different modes of travel, such as walking, cycling and public transport. Therefore, it is considered that the proposed development will have minimal impacts on the parking arrangements of the application site and negligible transport impacts on the local highway network and public safety.
- 6.23 The minimum bicycle parking standards are set out in Appendix 7.3 of the adopted Local Plan and it is considered that the proposed development will be in accordance with the minimum cycling standards requirements.
- 6.24 Lastly, the proposed development will significantly increase the cycling provisions that will be available on the application site, which also accords with the LPA's ambition to reduce congestion on streets and become a well-known cycling city.
- 6.25 It is accordingly considered that the proposed development complies with development plan policies **M1**, **M5** and paragraphs **96**, **108-110** and **115** of the NPPF.



## 7 CONCLUSIONS AND PLANNING BALANCE

- 7.1 Based on all of the above, the following conclusions can be reached.
- 7.2 This planning application is for the erection of a bike to the west side of the building, the formation of a canopy with glass roof above the main entrance of the building and the replacement of the external cladding of the first floor of the existing building with higher quality material that has similar appearance.
- 7.3 This statement has set out the justification for the proposed works and the associated material considerations that must be taken into account in carrying out the planning balancing exercise.
- 7.4 The proposed bike shed will result in the removal of 4 car parking spaces. This is considered to have negligible impacts to the local highway network and parking arrangements of the commercial building due to the significant social and environmental benefits from increasing the cycle provisions on the application site, improving the air quality of the local area and the building's sustainable location, which is easily accessible by walking, cycling and public transport modes.
- 7.5 The proposed replacement roofing material will be similar with the existing one in terms of appearance, but will result in an overall more energy efficient and safe building.
- 7.6 The erection of the glass canopy is considered to result in some social benefits for visiting people, staff and residents living in the immediate area, albeit these are considered to be minor.
- 7.7 The applicant is aware that suitably worded planning conditions may need to be attached to any forthcoming decision, provided they meet the relevant NPPF tests and avoid the use of pre-commencement triggers unless fully justified. The applicant is happy to discuss these with the LPA during the processing of this application, should they be deemed necessary.
- 7.8 It is therefore considered that the proposed development complies with relevant Development Plan policies and is further supported by national and local policy guidance. As such, it is requested that the LPA considers this application in a positive light and works proactively with the applicants to facilitate the grant of planning permission.