

# Agenda

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## West Area Planning Committee

Date: **Tuesday 12 June 2018**

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Time: **6.00 pm**

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Place: **The Old Library - Oxford Town Hall**

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For any further information please contact the Committee Services Officer:

**Catherine Phythian, Committee and Member Services Officer**

Telephone: 01865 252402

Email: [democraticservices@oxford.gov.uk](mailto:democraticservices@oxford.gov.uk)

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If you intend to record the meeting, it would be helpful if you speak to the Committee Services Officer before the start of the meeting.

# West Area Planning Committee

## Membership

<b>Chair</b>	Councillor Colin Cook (apologies)	Jericho and Osney;
<b>Vice-Chair</b>	Councillor Michael Gotch	Summertown;
	Councillor Lubna Arshad	Cowley Marsh;
	Councillor Nadine Bely-Summers	Holywell;
	Councillor Tiago Corais	Littlemore;
	Councillor Paul Harris	St. Margaret's;
	Councillor Alex Hollingsworth	Carfax;
	Councillor Dan Iley-Williamson	Holywell;
	Councillor Louise Upton	North;
	Councillor Sian Taylor (substitute)	Northfield Brook;

The quorum for this meeting is five members. Substitutes are permitted.

### Copies of this agenda

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# AGENDA

Pages

- 1 **Apologies for absence and substitutions**
- 2 **Declarations of interest**
- 3 **18/00021/VAR: Balliol College Sports Ground, Jowett Walk, Oxford, OX1 3TN**

13 - 44

**Site address:** Balliol College Sports Ground, Jowett Walk, Oxford, OX1 3TN

**Proposal:**

Variation of condition 2 (Development in accordance with approved plans) of planning permission 16/03056/FUL (Proposed demolition of existing collegiate accommodation and erection of C2 residential institution including sports pavilion, assembly space and associated accommodation, access and landscape (amended information and revised plans)) to allow alterations to the approved plans which include changes to internal layouts; replacement of perforated panels for openable windows; reorganisation of basements; reduction of height of blocks A, B1, B2 and C1 and omission of rooflights to corridors.

**Recommendation:**

The West Area Planning Committee is recommended to:

**(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 11 of this report and grant planning permission subject to:**

1. Revised plans accurately plotting beech tree T59 in relation to building A3 being received to the satisfaction of the Head of Planning, Sustainable Development and Regulatory Services; and
2. The satisfactory completion of a legal agreement under s.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
3. Endorse the objective to place a Tree Preservation Order on beech tree T59.

**(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary and issue

the planning permission.

**4 17/03330/FUL: New College, 2 Savile Road, Oxford, OX1 3UA**

45 - 100

**Site address:** New College, 2 Savile Road, Oxford, OX1 3UA

**Proposal:**

Proposed demolition of Warham House, New College School hall and partial demolition of Savile House rear extension. Erection of three new buildings and reconstruction of Savile House rear extension to provide C2 residential college including Music Hall, assembly, academic and study space, Porter's Lodge and associated accommodation, and replacement D1 facilities for New College School including dining hall, assembly space and class rooms.

**Reason at Committee:** Deferred by WAPC from 10 April; Major Development

**Recommendation:**

The West Area Planning Committee is recommended to:

- a) **Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 5 of this report and grant planning permission; and**
- b) **Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**
  1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary and issue the planning permission.

**5 18/00673/FUL: Land adjacent 279 Abingdon Road**

101 - 120

**Site address:** Land adjacent to 279 Abingdon Road

**Proposal:** Erection of a three storey building to create 3 x 1-bed and 6 x 2-bed flats (Use Class C3). Provision of car parking and bin and cycle storage.

**Recommendation:**

The West Area Planning Committee is recommended to **refuse** the planning application for the following reasons:

1. The proposal fails to provide an appropriate mix of housing in an area identified in considerable need of family housing and is therefore contrary to Policy CS23 of the Core Strategy and the Balance of Dwellings Supplementary Planning Document.
2. The proposed development by reason of its appearance, height and massing on a rear backland plot would appear unduly prominent and out of keeping with the character and appearance of the surrounding area contrary to policies CP1, CP8, CP9, CP10 of the Oxford Local Plan 2001-2016, MP1 and HP9 of the Sites and Housing Plan 2013 and CS18 of the Core Strategy.
3. The proposed development of this rear backland plot by reason of its appearance, internal layout, height, massing and proximity to the western boundary would unacceptably prejudice the re-development of the former petrol station site to the west adjoining fronting the Abingdon Road to the detriment of effective, efficient and acceptable form of development on an allocated site contrary to CP1, CP6, CP8, CP9, CP10 and SP18.
4. The proposed development by reason of its overall height and massing and number of large east facing windows, together with balconies and private terraces would result in an unacceptable level of overlooking into the adjoining properties gardens and houses to the east on Peel Place and a significant sense of being overlooked by the occupiers of those properties to the detriment of existing and future occupiers' residential amenity contrary to Policies CP1, CP8, CP9, CP10 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan 2013.
5. The proposed development by reason of the height, massing and proximity to the eastern boundary with adjoining properties to the east on Peel Place and proximity to adjoining property to the south would appear overbearing and visually dominant to these properties and their gardens contrary to Policies CP1, CP8, CP9, CP10 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan 2013.
6. The updated FRA fails to provide a suitable basis for assessment to be made of the flood risks arising from the proposed development; furthermore the proposals do not make provision for a route of egress in event of flooding. The proposals would therefore be contrary to Policies SP18 of the SHP, CP22 of the OLP and CS11 of the CS and paragraphs 102 and 103 of the NPPF.
7. The development as proposed fails to make safe provision for access and the movement of pedestrians, furthermore the existing vehicular means of access would be unsuitable to accommodate the intensification in vehicular use which would arise as a result of the development. The proposals would therefore compromise the safe

movement of pedestrians and would be to the detriment of highway amenity and the safe movement of road users contrary to the provisions of Policies CP9 and TR4 of the Oxford Local Plan; Policy CS13 of the Core Strategy and Paragraph 32 of the NPPF.

**6 17/03429/FUL: 4-5 Queen Street, Oxford, OX1 1EJ**

121 -  
132

**Site address:** 4-5 Queen Street, Oxford, Oxfordshire, OX1 1EJ

**Proposal:** Change of use of 4-5 Queen Street at basement and ground floor from A1 (retail) to A2 (bank).

**Reason at Committee:**

The application is before the committee because it has been called in by the Head of Planning, Sustainable Development and Regulatory Services

**Recommendation:**

The West Area Planning Committee is recommended to:

**(a) 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**

**(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

**7 Minutes**

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**Recommendation**

To approve as a true and accurate record the minutes of the meeting held on 21 May 2018.

**8 Forthcoming applications**

Items for consideration by the committee at future meetings are listed for information. They are not for discussion at this meeting.

15/03524/FUL: Oxford Spires Four Pillars Hotel, Abingdon Road, Oxford, OX1 4PS	Major application - awaiting response from applicant
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17/02447/FUL: 8 Chadlington Road Oxford OX2 6SY	Called in by Cllrs Fry, Pressel, Upton, Tanner and Chapman
17/02817/FUL: 472 - 474 Banbury Road, Oxford, OX2 7RG	Committee level decision
17/02832/FUL: 276 - 280 Banbury Road, Oxford, OX2 7ED	Major development
17/03332/FUL: New College Sports Ground, St Cross Road	
18/00258/FUL: Northgate House, 13 - 20 Cornmarket Street, Oxford, OX1 3HE	
18/00259/LBC: Northgate House, 13 - 20 Cornmarket Street, Oxford, OX1 3HE	
18/00933/VAR: 18 Hawkswell Gardens, Oxford, Oxfordshire, OX2 7EX	
18/01245/FUL: 8 Arthur Street Oxford OX2 0AS	called in by Cllrs Pressel, Fry, Malik, Chapman
18/01256/FUL: 16 Chester Street OX4 1SN	called in by Cllrs Tarver, Fry, Rowley, Azad, Simm, Taylor, Kennedy, Curran
18/00966/RES: Wolvercote Paper Mill, Mill Road, Oxford, OX2 8PR	Committee level decision
18/00975/FUL: 176 Cowley Road, Oxford, OX4 1UE	Committee Level Decision

## 9 Dates of future meetings

The Committee will meet at 6.00pm on the following dates:

2018	2019
10 July 2018	15 January 2019
31 July 2018	20 February 2019
11 September 2018	12 March 2019
9 October 2018	9 April 2019
13 November 2018	
11 December 2018	

## **Councillors declaring interests**

### **General duty**

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

### **What is a disclosable pecuniary interest?**

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

### **Declaring an interest**

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

### **Members' Code of Conduct and public perception**

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

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



## **Code of practice for dealing with planning applications at area planning committees and planning review committee**

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

The following minimum standards of practice will be followed.

### **At the meeting**

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful (in accordance with the rules contained in the Planning Code of Practice contained in the Council's Constitution).
2. At the meeting the Chair may draw attention to this code of practice. The Chair will also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:-
  - (a) the Planning Officer will introduce it with a short presentation;
  - (b) any objectors may speak for up to 5 minutes in total;
  - (c) any supporters may speak for up to 5 minutes in total;
  - (d) speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;
  - (e) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant Officers and/or other speakers); and
  - (f) voting members will debate and determine the application.

### **Preparation of Planning Policy documents – Public Meetings**

4. At public meetings Councillors should be careful to be neutral and to listen to all points of view. They should take care to express themselves with respect to all present including officers. They should never say anything that could be taken to mean they have already made up their mind before an application is determined.

### **Public requests to speak**

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

### **Written statements from the public**

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

### **Exhibiting model and displays at the meeting**

7. Applicants or members of the public can exhibit models or displays at the meeting as long as they notify the Democratic Services Officer of their intention by noon, two working days before the start of the meeting so that members can be notified.

### **Recording meetings**

8. Members of the public and press can record the proceedings of any public meeting of the Council. If you do wish to record the meeting, please notify the Committee clerk prior to the meeting so that they can inform the Chair and direct you to the best place to record. You are not allowed to disturb the meeting and the chair will stop the meeting if they feel a recording is disruptive.
9. The Council asks those recording the meeting:
  - Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being recorded.
  - To avoid recording members of the public present unless they are addressing the meeting.

### **Meeting Etiquette**

10. All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting.
11. Members should not:
  - (a) rely on considerations which are not material planning considerations in law;
  - (b) question the personal integrity or professionalism of officers in public;
  - (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; or
  - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

**Code updated to reflect Constitution changes agreed at Council in April 2017.**





## WEST AREA PLANNING COMMITTEE

12<sup>th</sup> June 2018

**Application Number:** 18/00021/VAR

**Decision Due by:** 5th April 2018

**Extension of Time:** 6<sup>th</sup> July 2018

**Proposal:** Variation of condition 2 (Development in accordance with approved plans) of planning permission 16/03056/FUL (Proposed demolition of existing collegiate accommodation and erection of C2 residential institution including sports pavilion, assembly space and associated accommodation, access and landscape.(amended information and revised plans)) to allow alterations to the approved plans which include changes to internal layouts; replacement of perforated panels for openable windows; reorganisation of basements; reduction of height of blocks A, B1, B2 and C1 and omission of rooflights to corridors.

**Site Address:** Balliol College Sports Ground , Jowett Walk, Oxford, OX1 3TN

**Ward:** Holywell Ward

**Case Officer** Felicity Byrne

**Agent:** Miss Susannah Byrne **Applicant:** Balliol College

**Reason at Committee:** Officers have put this application to Committee for determination.

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

**(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 11 of this report and grant planning permission subject to:**

1. Revised plans accurately plotting beech tree T59 in relation to building A3 being received to the satisfaction of the Head of Planning, Sustainable Development and Regulatory Services; and

2. The satisfactory completion of a legal agreement under s.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

3. Endorse the objective to place a Tree Preservation Order on beech tree T59.

**(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary and issue the planning permission.

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers several minor material alterations to the approved scheme. The amendments to the design of the proposed buildings are in themselves considered to be minor in nature but cumulatively materially alter the approved plans such that they are material and a variation to the approved plans is the required. In relation to the one significant tree on site, a Beech Tree T59, it has been recently discovered that the relationship of the tree to the new building, Block A3, is materially different from that on the approved plans and therefore amended plans are required.
- 2.2. It is concluded that the proposed minor alterations to the design are acceptable and whilst cumulatively materially alter the approved plans, would not alter the architectural integrity of the approved scheme to its detriment, or harm the appearance of the development within the street scene or Conservation Area. In relation to T59 it is concluded that the situation is regrettable and that the new building will have a less than ideal relationship. However, the technical supporting information has satisfactorily demonstrated that there are no other suitable alternative options for the size or location of Block A3, that the development can be constructed without further harm to the tree and with minimal pruning and that Balliol College are willing to enter into a legal agreement with regard to the future maintenance of both the tree and the new building, to ensure that no undue pressure is put on pruning the tree as a result of the close relationship, thereby retaining the tree long term. On this basis the material change to the development as approved is accepted.

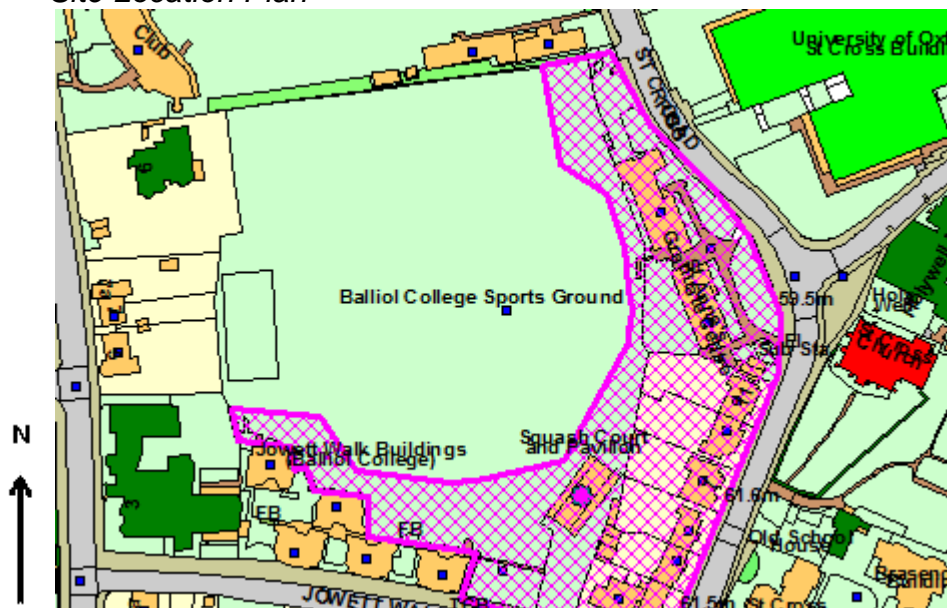
## **3. LEGAL AGREEMENT**

- 3.1. This application is subject to a legal agreement in relation to future maintenance works to both building and tree, and no undue pressure is placed on the tree to prune or remove it due to the outlook and internal conditions of the rooms and maintenance of the building as a result of the proximity of the building to the tree T59.

## **4. BACKGROUND**

- 4.1. The site comprises land around the edge of Balliol College's existing Masters Field sports ground, which lies on the corner of Jowett Walk and St Cross Road. The site lies within the Central Conservation Area and opposite on St Cross Road are the Leslie Martin law library, Church of St Cross and Holywell Manor, St Cross College annexe which are all listed buildings, see the site location plan below.
- 4.2. Planning permission was granted under 16/03056/FUL for Proposed demolition of existing collegiate accommodation and erection of C2 residential institution including sports pavilion, assembly space and associated accommodation, access and landscape. Decision Notice is attached at **APPENDIX 1** and Block Plan at **APPENDIX 2**.

Site Location Plan



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Ordnance Survey 100019348

## 5. PROPOSAL

- 5.1. The application proposes amendments to the approved plans as listed below:
- Changes to internal layouts
  - Windows: perforated panels omitted, use of openable windows instead for ventilation and simplification of surface pattern to concrete panel.
  - Reorganisation of basements for plant (energy centre moved from Block A to Block C1/Sports Pavilion)
  - Reduce height of blocks A, B1, B2, C1 by 75mm and Blocks C2, D1, D2 and D3 by 300mm
  - Omission of rooflights to corridors only
  - Amendment to the relationship of T59 to building Block A3; accurately plotting of the tree and canopy.

## 6. RELEVANT PLANNING HISTORY

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

<p>16/03056/FUL - Proposed demolition of existing collegiate accommodation and erection of C2 residential institution including sports pavilion, assembly space and associated accommodation, access and landscape.(amended information and revised plans). PER 30th May 2017.</p> <p>16/03056/CND - Details submitted in compliance with conditions 3 (Materials), 4 (Biodiversity) and 8 (Cycle and Bin storage details) of planning permission 16/03056/FUL (Proposed demolition of existing collegiate accommodation and erection of C2 residential institution including sports pavilion, assembly space and associated accommodation, access and landscape.(amended information and revised). Condition 4 and 8 approved. Condition 3 pending a decision.</p> <p>16/03056/CND2 - Details submitted in compliance with condition 10 (CHP - further details), 11 (Drainage Strategy), and 12 (SUDs Maintenance Plan) of planning permission 16/03056/FUL. All conditions approved 2nd March 2018.</p> <p>16/03056/CND3 - Details submitted in compliance with condition 7(CTMP excl demolition and enabling) and 13(Piling Method Statement Reqd) of planning permission 16/03056/FUL. Pending a decision.</p> <p>16/03056/NMA - Non-material amendment to planning permission 16/03056/FUL to allow the removal of 2no. trees for construction vehicles to be able to access the site. Approved 2nd March 2018.</p> <p>16/03056/CND4 - Details submitted in compliance with conditions 16 (Trees-hard surfaces), 17 (Trees- underground services), 18 (AMS) and 19 (TPP) of planning permission 16/03056/FUL. Pending a decision.</p>
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## 7. RELEVANT PLANNING POLICY

7.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
<b>Design</b>	7 [INSERT PARAGRAPH NUMBERS]	CP8, CP9, CP10,	CS18_,	HP9_,	



Conservation/ Heritage	12	HE7,			
Housing	6				
Commercial	1, 2				
Natural Environment	9, 11, 13	NE15, NE16,			
Social and community	8				
Transport	4				Parking Standards SPD
Environmental	10				Energy Statement TAN
Misc	5	CP.13, CP.24, CP.25		MP1	Telecommu- cations SPD, External Wall Insulation TAN,

## 8. CONSULTATION RESPONSES

- 8.1. Site notices were displayed around the application site on 29<sup>th</sup> January 2018 and an advertisement was published in The Oxford Times newspaper on 11th January 2018.

### **Statutory and Non-Statutory Consultees**

#### Oxfordshire County Council (Highways)

- 8.2. No objection: the proposals do not have any highway or transport impact.

#### Historic England:

- 8.3. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

#### Natural England:

- 8.4. Natural England currently has no comment to make.

## **Public representations**

8.5. None received.

## **9. PLANNING MATERIAL CONSIDERATIONS**

9.1. Officers consider the determining issues to be:

- i. Design;
- ii. Tree T59 and Block A3

### **i. Design and Impact on Character of Surrounding Area**

9.2. The amendments to the design of the development are a result of architectural refinements post decision.

#### *Window treatment:*

9.3. In relation to the window amendments the approved ventilation strategy for the student bedrooms was an opening shutter system below the windowsills that saw purge ventilation within the rooms operating through the shutters on the inside of the rooms and through a perforated concrete panel on the external face. Through the technical testing of this proposal, and further engagement with College usergroups, the 'shutter strategy' proved unpopular with students and technically difficult to achieve the required performance standards in this scheme. As a result a strategy whereby purge ventilation was achieved through opening of the main bedroom windows was found and as a consequence, a number of the large aspect windows are proposed to be re-configured to allow all or part of the window to open.

9.4. A number of bedrooms are dual aspect, and therefore a number of the larger windows on primary façade elevations are large fixed panes to preserve the original design intent with opening secondary aspect windows. The design of the windows has been rationalised more generally to achieve a layout that creates a façade that has variation to both the public face and for the residents and does not read as a repetitious vision. Windows are proposed to be opening in order to achieve the required ventilation only where necessary and are proposed as bottom hung on a 100mm restrictor to further reduce any visual impact which is already relatively minor in a deep window reveal.

9.5. The perforated panels have therefore been omitted and the architects have refined and simplified the detailing of the surface pattern of the concrete panels beside the windows also. The detailing retains the original design intent.

9.6. The rooflights to the corridors have been omitted. Sufficient light would be gained from other façade windows. No objection is raised to this change.

*Building Heights:*

9.7. With regards to the sports pavilion, there is a proposed small increase in height by approximately 450mm as a result of technical design resulting from discussions with specialist sub-contractors in relation to the timber structure and roof build up. The heights of Blocks A, B1, B2, C1 is reduced by 75mm and Blocks C2, D1, D2 and D3 reduced by 300mm again due to technical design detailing. It is considered that this change in height is minimal and would not adversely affect the overall design and of the proposal, the street scene or conservation area.

*Basement:*

9.8. The basement for plant has been relocated from Block A to under Block C1 and the Sports Pavilion as because it was close to the Thames Water main. The basement beneath the Sports Pavilion has therefore been consolidated and extended to house the energy centre which also results in efficiencies for constructing one basement rather than 2. of construction detailing. An updated archaeological Written Scheme of Investigation has been submitted also which is considered acceptable. The relocation is acceptable in design terms and archaeological terms.

9.9. In conclusion it is considered that the proposed amendments are acceptable in accordance with CP1, CP8, CP9, CP10, HE2 of the OLP, HP9 of the SHP and CS18 of the CS. There would be no harm to neighbouring amenities.

**ii. Tree T59 and Block A3**

9.10. The construction of the development has commenced and is in two Phases, the first phase consisting of Blocks A1, A2, A3 and C1, C2 and C3 which are located along Jowett Walk and return frontage along St Cross Road. During discussions with Officers regarding tree conditions and the setting out of Block A3, it became clear that the relationship of the new block to the tree was different to that as shown in the technical arboricultural information submitted with the application and as shown on the submitted and approved plans. This was key information on which the original decision was made. The approved plans show a degree of separation and improved setting around this mature beech tree. The distance from the edge of the canopy to the northern elevation of the block A3 of approximately 1.2m. The setting out of Block A3 has revealed that the new building actually sits within the tree canopy itself. This means that the top third floor and roof would sit within the tree branches and the floors below heavily shadowed by the tree. The relationship therefore is materially different to that considered by Committee in determining the application.

9.11. The impact of this new relationship means that affected rooms in the northern elevation would have less direct natural and sun light, a restricted outlook for those on the third floor. Furthermore the future maintenance of the building as a result of tree debris is likely to be an issue and together with the poorer internal quality of the study bedrooms would likely put pressure on the tree for pruning. The affected windows are:

- Ground floor dual aspect kitchen diner (facing north and east)

- First, second and third floors have two study bedrooms; the corner room is dual aspect, however the other adjacent room is essentially single aspect facing north, with a small slit side window facing west into inset between the bays. The windows are set within a deep brick reveal of approximately 70cm deep, with stone cils.

9.12. In considering the original application, the loss of other trees within the street scene that provide significant public amenity was weighed in the balance with the retention and improved setting of this significant old and large beech tree. It was always understood that the new A3 building would encroach within the trees root protection zone and compensation and mitigation measures were put in place and secured by condition. The new relationship is less than ideal and the materially alters the principle and basis on which the application was determined.

*Arboricultural Implications:*

9.13. Officers have explored with the Applicant and their Design Team when and how this error has occurred. The College have acknowledged the tree's importance and significant public amenity that it brings and have emphasised that they consider it to be an asset to the scheme. They have appointed a new Arboriculturalist to review the previous survey methodology that underpinned the canopy estimates, the extent of works proposed to facilitate the construction of the building and consider the long term management of the tree (Wharton Tree Report dated 15<sup>th</sup> May 2018).

9.14. From the information submitted it would appear that an error was made by the original arboriculturalist in the original survey of the tree and its canopy (Sylva Trees Arboricultural Report dated Nov 2016). The exact plotting of the tree is approximately correct (taken from its centre) at approximately 9.7m to the new building. Officers are satisfied that the original tree survey methodology is in accordance with good practice contained in British Standards BS5837: 2012 'Trees in relation to design, demolition and construction - Recommendations' which recommends that the crown spread of trees should be measured as follows:

'branch spread, taken as a minimum at the four cardinal points, to derive an accurate representation of the crown (to be plotted on the tree survey plan)'.

9.15. However, there appears to have been an error in the measuring the branch spread of the beech tree, T59; this is baseline information that was accepted in good faith as being accurate by officers in their assessment of the proposals and the impact on the tree. In the approved Sylva Trees Arboricultural Report dated Nov 2016 the branch spread in the southerly direction is recorded as 7.6 metres, while in the Wharton Tree Report dated 15<sup>th</sup> May 2018 it is 11 metres. Had the original measurement been accurate, there would be no need to now prune the tree as there was expected to be a reasonable gap between the north elevation of the building and the tree canopy as indicated on the approved drawings.

9.16. The Wharton Tree Report has set out the proposed level of pruning and maintenance required to accommodate the new buildings. In order to fully understand the extent

of the canopy in detail, a 3D laser scanned model has been prepared and more detailed in the drawings showing the tree and relationship to the building have been provided. After accurate re-measuring of the branch spread of beech tree T59 and review of construction working practices, the pruning now proposed is to reduce canopy on the southern side, reducing the upper 3no. most limbs by 0.75m. Works will involve removing branches no greater than 40mm diameter. These branches are within the middle of the canopy and the upper canopy would not overhang the building. The result of the pruning would mean that the branches would almost touch the edge of the building.

- 9.17. It is expected that this work will have no negative impact on the condition of the tree, the contribution it makes to the immediate and wider landscape or its amenity value. It will also be necessary to tie some branches back to allow the safe use of scaffolding during construction. As a result of several meetings and intensive negotiation the nature and extent of the pruning now proposed and its impact on the tree is significantly reduced from that initially proposed when the issue was highlighted to officers, at which time the construction contractor requested pruning to provide a 3m clear space between the face of the building at the tree canopy to provide for a Mobile Elevating Work Platform (MEWP) access required for construction.
- 9.18. It is disappointing that the northern elevation of the building will be closer to the tree that had been expected when planning permission was granted. While the age of the tree is such that it is not expected to produce vigorous growth towards the building in the future and the pruning now proposed is not expected to stimulate vigorous new growth, it can be expected that tree will more frequent pruning to maintain a reasonable spatial relationship between its canopy and the new building than might otherwise be the case. Otherwise the need for minor remedial pruning and improvements to the rooting environment of the tree is unchanged from the approved proposals. As things stand the tree is protected by virtue of its location within the Central Area Conservation Area. This protection requires that the Local Planning Authority (LPA) is given 6 weeks prior written notice of intend tree pruning works. However, the notice is not required to give reason(s) for intended works and the LPA has no powers to grant consent or impose conditions. In the circumstances officers consider it to be expedient in the interest of amenity to use powers to make a Tree Preservation Order to protect beech tree T59 further.

*Design:*

- 9.19. Officers have also request further information and justification as to why the proposed building could not be moved away from the tree or reduced in size. From the pre-application stage the proposed development was designed around the tree which was identified as a clear constraint from the start. The Agent has stated:

“Recognising the prominence of T59 allowed the provision of a generous external space around the tree, mimicking the proportions of the main quad at Balliol’s Broad Street site with consideration to the spatial needs of the tree”.

- 9.20. Officers concur with this statement and it is regrettable that the whole premise of

the proposal has been undermined by early errors in the tree survey. Officers have explored with the Design Team as to whether the building could be moved away from the tree or be reduced in size in order to improve the relationship and justification as to why this isn't achievable. Along Jowett Walk is a Thames Water water main, which means that the building could not be shifted closer to Jowett Walk. In addition the concrete slab has been poured and the framework constructed off site. All works have stopped on site in relation to A3 however.

- 9.21. In relation to reducing the foot print and size of the building, the Student rooms have been clustered around corridors with central dining/ meeting spaces. The width of these corridors is close to the minimum required by Building Regulations and therefore reducing the size is not favoured. The study bedrooms are approximately 14sqm containing an ensuite bathroom and built in storage within. The bedrooms measure approximately 3.5m by 2.5m for a bed and desk etc. They have been designed to the minimum floor area required by the College and this is at the lower end of Oxford College accommodation seen elsewhere in the City. The maximum number of rooms for the College has been designed within the constraints of the site in order to house their undergrad and post grad students. Given these factors the College and Design Team considers that a reduction in footprint is not feasible in this case.
- 9.22. The development has a strong architectural language and symmetry and the façade of Block A has been designed to read as part of a homogenous ensemble of facades around the quad. The continuation of a repetitive series of brick piers and lintels framing each bedroom provides privacy between student rooms and the external environment and reduces the scale of the façade composition to the domestic scale of the rooms inside. Therefore the Design Team consider that moving the bedroom bays away from the tree would diminish the set-back between a link and a bedroom bay and subsequently lose the articulation described.
- 9.23. The Design Team has concluded that the building cannot be moved away or reduced in size without compromising the design integrity as a whole, the internal living accommodation of the building. They consider that whilst the new relationship is not ideal the lack of outlook and restriction of light to the rooms is less significant to the development than the impact of a reduction in size and compromise to the development's architectural language and integrity.
- 9.24. It is considered that the relationship of the tree to the building has materially altered. The amount of pruning suggested in the revised arboricultural report would mean that the branches would be almost touching the building but the inset windows would offer a degree of separation. The most affect rooms are the two rooms on the third floor. The corner room would be dual aspect, giving it another source of light but the north facing window will look directly into the canopy. The adjacent room however will suffer more so in both outlook and light. It is acknowledged that light and outlook will change seasonally. The rooms on the floors below will also be affected by shading. The College is satisfied that adequate light will reach these rooms and that they are happy with the outlook. The College also understands that requests to prune the tree back as a result of inadequate light would be resisted.

- 9.25. Whilst it is confirmed that the canopy will not overhang the roof of the building, clearly there will be an impact in terms of debris and the proximity of branches and shading on the both the roof and elevation and an increased maintenance as a result. The Design Team have confirmed that the stone cills will be treated in a coating to help prevent weathering. However, there will still be an increased impact and therefore when and how the building is maintained (method and equipment used) may have an impact on the tree and future requests for pruning. The College has accepted the increased maintenance commitment that will result.
- 9.26. To further allay concerns about increased maintenance and pressure for pruning as a result of the proximity and light and outlook of the rooms, Officers have sought agreement from the College to enter into a legal agreement. The agreement would set out the scope for future maintenance and an understanding from the College that it would place no undue pressure for pruning of the tree as a result of internal light or outlook conditions of the rooms.

*Conclusion:*

- 9.27. The resultant relationship is both disappointing and regrettable given the premise on which the development was designed and approved. However Officers are satisfied that the amount of pruning proposed is minimal and the tree would be satisfactorily protected during construction. Furthermore that with a TPO placed on the tree and a legal agreement entered into by the College to ensure that pressure to further prune the tree is not placed, Officers are satisfied that the tree should be protected as far as possible in the future. On this basis Officers recommend Committee accept the amendments to the development.
- 9.28. Currently the plans submitted for this variation application do not show the tree T59 accurately and therefore amended plans would be required prior to any decision being issued.

**iii. Planning Obligations**

- 9.29. The College has agreed to enter into a s106 legal agreement to secure the scope for future maintenance of the tree and building, and an understanding that no undue pressure is placed on the tree to prune or remove it due to the outlook and internal conditions of the rooms and maintenance of the building as a result of the proximity of the building to the tree T59.

**10. CONCLUSION**

- 10.1. West Ara Planning Committee is recommend to:

**(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 11 of this report and grant planning permission subject to:**

1. Revised plans accurately plotting beech tree T59 in relation to building A3 being received to the satisfaction of the Head of Planning, Sustainable Development and Regulatory Services; and
2. The satisfactory completion of a legal agreement under s.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
3. Endorse the objective to place a Tree Preservation Order on beech tree T59.

**(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary and issue the planning permission.

## **11. CONDITIONS**

- 11.1. It should be noted that some pre-commencement conditions have been approved and others are pending approval, therefore the wording of the conditions as set out in the previous decision notice (attached Appendix 1) would be varied accordingly.

## **12. APPENDICES**

**Appendix 1** - Decision Noticed 16/03056/FUL

**Appendix 2** - Approved Block Plan

## **13. HUMAN RIGHTS ACT 1998**

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

## **14. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- 14.1. 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 approve of planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.



**On Behalf of:** Balliol College  
C/o Miss Susannah Byrne  
Turnberry Planning Ltd  
41-43 Maddox Street  
London  
W1S 2PD

### APPLICATION FOR PLANNING PERMISSION

Town and Country Planning Act 1990

DECISION DATE: 30th May 2017

PROPOSAL: Proposed demolition of existing collegiate accommodation and erection of C2 residential institution including sports pavilion, assembly space and associated accommodation, access and landscape.(amended information and revised plans)

AT: Balliol College Sports Ground Jowett Walk Oxford

### NOTICE OF GRANT OF PLANNING PERMISSION

**16/03056/FUL**

Following consideration of the application in respect of the proposal outlined above, it was resolved to **GRANT PLANNING PERMISSION** for the following reasons:-

- 1 The Council considers that the development would provide for an identified need for student accommodation and associated College facilities of an appropriate and high quality design and form. Any loss of trees that are important within public views are partly mitigated by new planting. The proposal, subject to the conditions imposed, would accord with the special character, setting of adjacent listed buildings and the Conservation Area. Any harm to these designated and non-designated heritage assets is outweighed in this case by the high quality design and public benefits of the proposed development. There would be no harm to adjoining neighbours. The proposal accords with the Policies contained within the Local Development Framework and NPPF.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 The Council considers that the proposal accords with the policies of the development plan as

summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

subject to following conditions, which have been imposed for the reasons stated:-

CONDITIONS:

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

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

- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

- 3 Prior to the commencement of each phase of development in accordance with the approved Demolition and Construction Phasing Plan excluding demolition and enabling works a schedule of materials together with samples of the exterior materials to be used shall be submitted to and approved in writing by the Local Planning Authority before the start of work on the site and only the approved materials shall be used unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual appearance of the Central University and City Conservation Area in which it stands in accordance with policies CP1, CP8 and HE7 of the Adopted Oxford Local Plan 2001-2016.

- 4 Prior to the commencement of development or each phase of development, in accordance with the approved Demolition and Construction Phasing Plan, excluding demolition and enabling works details of biodiversity enhancement measures including bird nesting and bat roosting devices shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the approved dwellings and retained as such thereafter.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026.

- 5 Demolition shall take place in strict accordance the details within the approved Demolition Method Statement ref D005410 Rev 1 by Maylarch Demolition dated 3/04/2017 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbouring residential or other amenities in accordance with CP1 of the Oxford Local Plan 2001-2016.

- 6 Enabling works as set out in the approved Enabling Works Plan (1503-PL-051) shall be carried out in complete accordance with the approved Construction Traffic Management Plan REv.3 'Enabling Works Phase' unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of local amenity and the free flow of traffic on the public highway in accordance with policies CP1, CP19, CP21 and TR2 of the Adopted Oxford Local Plan 2001-2016.

- 7 Prior to the commencement of development excluding demolition and enabling works a further Construction Traffic Management Plan shall be submitted to and approved in writing by the local planning authority. The construction of the development shall be carried out in strict accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of local amenity and the free flow of traffic on the public highway in accordance with policies CP1, CP19, CP21 and TR2 of the Adopted Oxford Local Plan 2001-2016.

- 8 Prior to substantial completion of each phase of development as set out in the Demolition and Construction Phasing Plan (1503-PL-060) or other such timescale as may be agreed further details of the cycle parking and bin storage shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented prior to occupation of those phases. All cycle parking and bin storage shall be retained unobstructed except for their intended uses at all times thereafter, unless otherwise agreed in writing beforehand by the local planning authority

Reason: To ensure adequate and satisfactory bin and cycle provision in accordance with Policies HP14 and HP15 of the Sites and Housing Plan 2013.

- 9 The development shall be implemented in strict accordance with the approved Energy Statement. Prior to the full occupation of the whole development evidence shall be submitted to the Local Planning Authority to confirm that the energy systems have been implemented according to details laid out in the approved Energy Statement to achieve the target performance.

Reason: To ensure compliance with Policies CS9 of the Core Strategy and HP11 of the Sites and Housing Plan.

- 10 Further to condition 9 above, further details of the Combined Heat and Power (CHP) plant for each phase of development shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. Only the approved details shall be implemented unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure compliance with Policies CS9 of the Core Strategy and HP11 of the Sites and Housing Plan.

- 11 Prior to the commencement of the development excluding demolition and enabling works an amended Drainage Strategy shall be submitted to and approved in writing by the Local Planning Authority. The amended Drainage Strategy is to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics and is to include plans, calculations and drainage details in accordance with the following document unless necessarily modified by the requirement of this condition;

- Flood Risk Assessment prepared by Smith and Wallwork Engineers, rev P03 - dated 22/11/2016.

The drainage strategy submitted shall provide details which address the following;

I. Infiltrations testing, at the location of the proposed main soakaway structures. Along with any necessary amended plans and calculations which ensure that excess surface water runoff is infiltrated, or attenuated to greenfield rates.

II. The drainage system must be designed to control surface water runoff for all rainfall up to a 1 in 100 year storm event.

The drainage infrastructure shall be constructed in accordance with the approved details prior to occupation and thereafter retained.

Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community in accordance with Policy CS11 of the Oxford Core Strategy 2011-2026.

- 12 Prior to the occupation of the development a Sustainable Drainage (SUDs) Maintenance Plan shall be submitted to and approved in writing by the Local Planning Authority. The Sustainable Drainage (SUDs) Maintenance Plan must be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The Sustainable Drainage Maintenance Plan shall provide details of the frequency and types of maintenance for each individual sustainable drainage structure proposed and ensure the sustainable drainage system will continue to function in perpetuity. Only the approved SUDs maintenance plan shall be implemented prior to occupation and thereafter maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development is maintained in perpetuity and to avoid increasing surface water run-off and thereby attenuating flood risk in accordance with Policy CS11 of the Oxford Core Strategy 2011-2026.

- 13 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure in accordance with Policy CP1 and NE15 of the Oxford Local Plan 2001-2016.

- 14 Notwithstanding the submitted landscape plans, tree pit plan and trees and services plan listed below further detailed plan(s) shall be submitted to and approved in writing by the Local Planning Authority prior to substantial completion of the development as a whole or relevant phase or phases of the development as may be agreed. The plans shall show in detail all proposed tree and shrub planting including tree pits, treatment of paved areas, and areas to be grassed or finished in a similar manner and shall include the area underneath the crown spread of the Veteran beech tree, T59, being covered in a 100mm deep layer of organic mulch, such as chipped bark, to improve the soil conditions for root growth as mitigation for the loss of some of the rooting area around the tree.

1503-PL-080 Soft Landscaping

1503-PL-085 Proposed Trees and Services Coordination

1503-PL-086 Typical Tree Pit for Scots Pines on St Cross Road (including details of nursery stock size)

1503-PL-095 Hard Landscaping

Reason: In the interests of visual amenity in accordance with policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.

- 15 The landscaping proposals as approved by the Local Planning Authority shall be carried out in the first planting season following substantial completion of the development as a whole or each phase of development if this is after 1st April. Otherwise the planting shall be completed by the 1st April of the year in which building development is substantially completed. All planting which fails to be established within three years shall be replaced.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Adopted Local Plan 2001-2016.

- 16 Prior to the commencement of development excluding enabling works and demolition, details of the design of all new hard surfaces and a method statement for their construction shall be submitted to and approved in writing by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the rooting area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which might require hard surfaces to be constructed on top of existing soil levels using treated timber edging and pegs to retain the built up material. The development shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid damage to the roots of retained trees. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

- 17 Prior to the commencement of the development excluding demolition and enabling works, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas (RPA) of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction-Recommendations and in particular the veteran Beech T59. Works shall only be carried in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid damage to the roots of retained trees; in support of Adopted Local Plan Policies CP1,CP11 and NE15.

- 18 The development shall be carried out in complete accordance with the methods of working contained within the approved Arboricultural Method Statement by Sylva Consulting ref 17017/AM dated 11th April 2017 or as may be amended as a result of determination and agreement of the routing of underground services in relation to condition 17 above wherein an amended AMS shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of development.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

- 19 The development shall be carried out in strict accordance with the approved tree protection measures contained within the approved Arboricultural Method Statement by Sylva Consulting ref 17017/AM dated 11th April 2017 or as amended unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect retained trees during construction in accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

- 20 Notwithstanding the submitted plans, further plans showing details of the proposed boundary treatment and entrance gates for the development shall be submitted to and proved in writing prior to substantial completion of the development or any relevant phasing of the development as may be agreed. Only the approved details shall be implemented prior to occupation of the development or each phase of the development as necessary unless otherwise agreed in writing by the Local Planning Authority.

Reason: To give further consideration to these details and the character and appearance of the street scene and Conservation Area within which it stands in accordance with policies CP1, CP8, CP9, CP10 and HE7 of the Oxford Local Plan 2001-2016 and HP9 of the Sites and Housing Plan and CP18 of the Core Strategy.

- 21 All works shall be carried out and completed in accordance with the approved written scheme of investigation, Balliol College Recreation Ground Balliol College Oxford Written Scheme of Investigation Museum of London Archaeology 2017, unless otherwise agreed in writing by the Local Planning Authority, and

i) The programme and methodology of site investigation (including provision for trial trenching followed by further archaeological recording) and the nomination of a competent person(s) or organisation to undertake the agreed works; and

ii) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including late-Saxon, medieval and post-medieval remains in accordance with Policy HE2 of the Oxford Local Plan 2001-2016.

- 22 Prior to occupation of the first phase of the development involving residential accommodation a Residential Travel Plan (RTP) including a Student Travel Information Pack shall be submitted to and approved in writing by the local planning authority in consultation with the local highway authority. The plan shall incorporate details of the promotion of non car modes of transport together with the means of implementation and methods of monitoring. The whole development shall be occupied in strict accordance with the approved RTP or as amended and agreed in writing by the Local Planning Authority and the Student Travel Information Pack Travel information pack shall be provided to every resident on their first occupation.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Policy CS25 of the Core Strategy and the National Planning Policy Framework.

- 23 During term time the development hereby permitted shall be used for student accommodation as specified in the submitted application and for no other purpose without the prior written approval of the Local Planning Authority. Outside term time the permitted use may be extended to include accommodation for cultural and academic visitors and summer school delegates but not for conference use. The buildings shall be used for no other purpose without the prior written approval of the Local Planning Authority.

Reason: To avoid doubt and to allow the Local Planning Authority to give further consideration to other forms of occupation which may result in the loss of student

accommodation in accordance with Policy CS25 of the Core Strategy 2026.

- 24 The development shall be occupied and operated in complete accordance with the submitted and approved Student Traffic Management Plan. The details as approved shall be brought into operation upon first occupation of the development and remain in place at all times thereafter unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To avoid doubt and in order to ensure the development is appropriately managed so as to protect the amenities of neighbouring occupiers, in accordance with policy CS25 of the Oxford Core Strategy 2026.

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

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies CP1, TR12, ED6 and ED8 of the Adopted Oxford Local Plan 2001-2016.

- 26 The development hereby permitted will not be occupied until the existing access onto Jowett Walk is closed and the new means of access onto Jowett Walk has been constructed and retained in accordance with the approved details shown on drawing ref 8170254/6101 rev A unless otherwise varied as a result of consultation with the Highways Authority under the S278 agreement, the further details of which shall be submitted to and approved in writing by the Local Planning Authority prior to occupation. The development shall only be constructed in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policies CP1 and TR1 of the Oxford Local Plan 2001-2016.

- 27 The development shall be undertaken in strict accordance with the approved Watching Brief dated 10th February 2017 by Smith and Wallwork Engineers for the identification of unexpected contamination throughout the course of the development by a suitably competent person. If unexpected contamination is found to be present on the 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.

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

- 28 Prior to occupation of the development a remediation strategy in accordance with the conclusions of the report entitled "Supplementary Phase II Site Investigation at Balliol College Master's Field" Report no. S. 4918 dated February 2017, produced by Ground Investigation Services Ltd. shall be submitted in writing and approved by the LPA.

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the

Oxford Local Plan 2001-2016.

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

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

- 30 Prior to occupation of the development as a whole or occupation of each phase thereof as agreed, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority and only the agreed details shall be implemented and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To give further consideration to these details in the interest of appearance within the CA and visual and neighbouring residential amenities in accordance with policies CP1, CP8, CP9 and CP20 of the Oxford Local Plan 2001-2016, HP9 of the Sites and Housing Plan and CS18 of the Core Strategy.

- 31 No demolition of the Leslie Martin Building shall take place until an appropriate programme of architectural recording of the building by measurement, drawing and photography to Historic England Level 3 Historic Building Survey has been secured and implemented in accordance with a Written Scheme of Investigation, which has been submitted to, and approved in writing by, the Local Planning Authority. One copy of the final report shall be deposited in the College's archives and one copy shall be deposited in the County Records Office.

Reason: To preserve by record the heritage assets that would be affected by the works hereby granted consent/permission in accordance with policies HE2 and HE4 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 32 The self-contained dwelling unit within the development shall be solely used as a wardens flat within Use Class C3 of The Town and Country Planning (Use Classes) Order 1987 or as amended and for no other purpose.

Reason: in order to retain a self-contained family dwelling in accordance with HP1 of the Sites and Housing Plan 2013.

- 33 Prior to the commencement of Phase 2 of the development details of the public art within the public open space beside the Assembly Hall shall be submitted to and approved in writing by the Local Planning Authority. The public Art shall be installed prior to occupation of the final phase of the development or within 4 years from the date of the decision whichever is the sooner and shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To give further consideration to the matter and in order to comply with CP25 of the Oxford Local Plan 2001-2016.

#### INFORMATIVES :-

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the



opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

- 2 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL)
  
- 3 **Nesting birds**  
All wild birds, nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that persons undertaking site clearance, hedgerow removal, demolition works etc. between March and August may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The City Council advises that such work should be scheduled for the period 1 September-28 February wherever possible. Otherwise, a qualified ecologist should make a careful check before work begins.

PLEASE NOTE All local plan policies and proposals which are relevant to this decision are specified in the list below which forms part of this decision notice.

**CP1** - Oxford Local Plan 2001-2016

Development Proposals - Sets out key criteria expected from new development.

**CP6** - Oxford Local Plan 2001-2016

Efficient Use of Land and Density - Requires development to make maximum and appropriate use of land.

**CP8** - Oxford Local Plan 2001-2016

Designing Development to Relate to its Context - Sets out criteria required from development to demonstrate that it will respect the local context.

**CP9** - Oxford Local Plan 2001-2016

Creating Successful New Places - Sets out criteria required from development to create a successful public realm.

**CP10** - Oxford Local Plan 2001-2016

Siting of Development to Meet its Functional Needs - Sets out criteria required from development to ensure functional needs are met.

**CP11** - Oxford Local Plan 2001-2016

Landscape Design - Requires development to incorporate appropriate hard and soft landscaping.

**CP13** - Oxford Local Plan 2001-2016

Accessibility - Requires development to make reasonable provision for access by all members of the community.

**CP14** - Oxford Local Plan 2001-2016

Public Art - Seeks the provision of public art in association with major development.

**CP17** - Oxford Local Plan 2001-2016

Recycled Materials - Requires the use of recycled or reclaimed materials in developments above a certain threshold.

**CP20** - Oxford Local Plan 2001-2016

Lighting - Prevents development that would result in unacceptable levels of light pollution and light spillage.

**CP22** - Oxford Local Plan 2001-2016

Contaminated Land - Sets out the considerations that apply to development on or near to former landfill sites or other contaminated land.

**CP23** - Oxford Local Plan 2001-2016

Air Quality Management Areas - Prevents development that would have a net adverse impact on air quality in the AQMA or in other areas of poor air quality.

**NE14** - Oxford Local Plan 2001-2016

Water and Sewerage Infrastructure - Seeks to ensure that sufficient water and sewerage capacity exists in time to serve new development

**NE15** - Oxford Local Plan 2001-2016

Loss of Trees and Hedgerows - Protects trees and hedgerows if their loss would have a significant impact on public amenity or ecological interest.

**NE16** - Oxford Local Plan 2001-2016

Protected Trees - Sets out approach to proposals affecting protected trees.

**NE21** - Oxford Local Plan 2001-2016

Species Protection - Protects plant and animal species for which there is a statutory duty to protect under other legislation.

**NE23** - Oxford Local Plan 2001-2016

Habitat Creation in New Developments - Supports the creation of new habitats or habitat enhancement as part of development proposals.

**SR2** - Oxford Local Plan 2001-2016

Protection of Open Air Sports Facilities - Prevents the loss of open air sports facilities unless certain criteria are met.

**HE2** - Oxford Local Plan 2001-2016

Archaeology - Identifies the City Centre Archaeological Area and sets out approach to the investigation, recording and conservation of archaeological deposits.

**HE3** - Oxford Local Plan 2001-2016

Listed Buildings and their Setting - Sets out approach to development affecting listed buildings or their setting.

**HE7** - Oxford Local Plan 2001-2016

Conservation Areas - Identifies Conservation Areas and sets out approach to development within Conservation Areas.

**CS2\_** - Core Strategy

Previously Developed Land and Greenfield Land - Sets out approach to development on previously developed and greenfield land.

**CS9\_** - Core Strategy

Energy and Natural Resources - Requires development to demonstrate how sustainable design and construction methods will be incorporated.

**CS10\_** - Core Strategy

Waste and Recycling - Requires development to have regard to the waste management hierarchy.

**CS11\_** - Core Strategy

Flooding - Sets out approach to development in the flood plain and other flood zones, and to reducing flood risk from all development.

**CS12\_** - Core Strategy

Biodiversity - Requires development to maintain and where appropriate enhance biodiversity.

**CS16\_** - Core Strategy

Access to education - Sets out approach to the provision of education facilities.

**CS18\_** - Core Strategy

Urban design, townscape character and the historic environment - Sets out urban design principles and requires development to respect Oxford's unique townscape and historic environment.

**CS19\_** - Core Strategy

Community safety - Requires development to promote safe and attractive environments that reduce the opportunity for crime and fear of crime.

**CS25\_ - Core Strategy**

Student accommodation - Sets out approach to the provision of student accommodation for students at Oxford Brookes University and the University of Oxford.

**CS29\_ - Core Strategy**

The universities - Sets out approach to development by Oxford Brookes University and the University of Oxford.

**MP1 - Sites and Housing Plan**

Policy requiring the Council to work positively and proactively with the applicant/agent.

**HP1\_ - Sites and Housing Plan**

Changes of use to existing homes - Policy resisting the net loss of one or more dwellings to any other use and setting out criteria for the change of use of part of a dwelling

**HP5\_ - Sites and Housing Plan**

Location of Student Accommodation - Policy setting out locational criteria for student accommodation

**HP6\_ - Sites and Housing Plan**

Affordable Housing from Student Accommodation - Policy setting out the mechanism for collecting financial contributions from student accommodation developments

**HP9\_ - Sites and Housing Plan**

Design, Character and Context - Policy relating to elements of development including design, density, landscaping and streets and public spaces

**HP11\_ - Sites and Housing Plan**

Low Carbon Homes - Policy requiring qualifying developments to provide 20% of their energy needs from on-site renewable or low carbon technologies, and requiring an energy statement from all development proposals to show how energy efficiencies have been incorporated

**HP12\_ - Sites and Housing Plan**

Indoor Space - Policy setting out minimum internal space requirements and related criteria for residential dwellings

**HP13\_ - Sites and Housing Plan**

Outdoor Space - Policy setting out criteria for appropriate levels of outdoor space in residential developments, and requiring adequate provision for the safe, discrete and conveniently accessible storage of refuse and recycling

**HP14\_ - Sites and Housing Plan**

Privacy and Daylight - Policy setting out criteria for assessing whether residential development provides an appropriate degree of privacy and daylight for the occupants of both existing and new homes

**HP15\_ - Sites and Housing Plan**

Residential cycle parking - Policy setting out minimum standards for cycle parking in residential developments

**HP16\_ - Sites and Housing Plan**

Residential car parking - Policy setting out maximum standards for car parking in residential developments

## APPROVED PLANS

<b>Reference Number</b>	<b>Version</b>	<b>Description</b>
ARB SURVEY ECOLOGY REPORT		Other Report
PL-021		Elevations - Existing
PL-001		Location Plan
PL-002		Site Plan Existing
PL-020		Elevations - Existing
PL-010		Section Existing
PL-011		Section Existing
PL-012		Section Existing
PL-013		Section Existing
PL-094		Site Plan Proposed
PL-400		Site plans
PL-401		Site plans
PL-095		Hard Landscaping
PL-080		Soft Landscaping
PL-100		Floor Plans - Proposed
PL-101		Floor Plans - Proposed
PL-102		Floor Plans - Proposed
PL-103		Floor Plans - Proposed
PL-104		Floor Plans - Proposed
PL-105		Floor Plans - Proposed
PL-110		Roof Plan Proposed
PL-150		Floor Plans - Proposed
PL-151		Floor Plans - Proposed
PL-152		Floor Plans - Proposed
PL-153		Floor Plans - Proposed
PL-154		Floor Plans - Proposed
PL-155		Floor Plans - Proposed
PL-156		Roof Plan Proposed
PL-160		Floor Plans - Proposed
PL-161		Floor Plans - Proposed
PL-162		Floor Plans - Proposed
PL-163		Floor Plans - Proposed
PL-164		Floor Plans - Proposed
PL-165		Roof Plan Proposed
PL-170		Floor Plans - Proposed
PL-171		Floor Plans - Proposed
PL-172		Floor Plans - Proposed
PL-173		Floor Plans - Proposed
PL-174		Roof Plan Proposed

PL-180	Floor Plans - Proposed
PL-181	Floor Plans - Proposed
PL-182	Floor Plans - Proposed
PL-183	Roof Plan Proposed
PL-301	Elevations - Proposed
PL-302	Elevations - Proposed
PL-303	Elevations - Proposed
PL-304	Elevations - Proposed
PL-305	Elevations - Proposed
PL-306	Elevations - Proposed
PL-310	Elevations - Proposed
PL-311	Elevations - Proposed
PL-312	Elevations - Proposed
PL-313	Elevations - Proposed
PL-314	Elevations - Proposed
PL-315	Elevations - Proposed
PL-316	Elevations - Proposed
PL-320	Elevations - Proposed
PL-321	Elevations - Proposed
PL-322	Elevations - Proposed
PL-323	Elevations - Proposed
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PL-331	Elevations - Proposed
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PL-333	Elevations - Proposed
PL-335	Elevations - Proposed
PL-336	Elevations - Proposed
PL-340	Elevations - Proposed
PL-341	Elevations - Proposed
PL-342	Elevations - Proposed
PL-343	Elevations - Proposed
PL-201	Section Proposed
PL-202	Section Proposed
PL-203	Section Proposed
PL-204	Section Proposed
PL-205	Section Proposed
PL-210	Section Proposed
PL-211	Section Proposed
PL-212	Section Proposed
PL-213	Section Proposed
PL-220	Section Proposed
PL-221	Section Proposed
PL-222	Section Proposed
PL-223	Section Proposed

PL-224		Section Proposed
PL-230		Section Proposed
PL-231		Section Proposed
PL-232		Section Proposed
PL-233		Section Proposed
PL-240		Section Proposed
PL-241		Section Proposed
		Design and Access Statement
PL-004		Block plans
CTMP ENABLING WORKS PHASE		Report
CONTAMINATION WATCHING BRIEF		Report
6101		Details/Freetext (e.g. Advs, LBs)
PL-051		Floor Plans - Proposed
PL-060 PHASING PLAN		Floor Plans - Proposed
THAMES WATER LETTER		Other
D00541	Rev 1	Report
DEMOLITN METHOD STATMNT		
PL-086 TREE PIT ARBORICULTURA L METHOD STATEMENT	17017/AM	Other Report
PL-085		Other
WRITTEN SCHEME OF INVESTIGATION	Revision 1	Report
0102	P03	Floor plans
PHASE II SITE INVESTIGATION		Report
0100	P03	Floor plans
0101	P03	Floor plans



**Patsy Dell**

Head of Planning, Sustainable Development and Regulatory Services

Please note that this notice does not relieve the applicant from the need to ensure compliance with the appropriate provisions of the Building Act 1984 and the Building Regulations 2000. Any planning application which involves alterations to the kerb and construction of a vehicle crossing in the highway (including the footway and/or verge) will require a separate written application to be made to the Director of City Works, Cowley Marsh Depot, Marsh Road, Cowley, Oxford OX4 2HH.

**IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES ACCOMPANYING THIS NOTICE**



## **GUIDANCE NOTES FOR APPLICANTS WHERE AN APPLICATION HAS BEEN APPROVED**

### **1. APPLICATIONS FOR PLANNING PERMISSION, APPROVAL OF RESERVED MATTERS, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT.**

If you object to the Local Planning Authority's decision to grant permission, approval or consent subject to conditions, you may appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990 within 6 months of the date of this notice. With regard to approved applications concerning listed buildings in a conservation area, you may appeal under Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Regulation 8 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.

Please make your appeal using a form from The Planning Inspectorate, Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel. 0117 372 6372) [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk). The Secretary of State may allow a longer period for you to give notice of appeal, but will normally only do so if there are special circumstances that excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it appears that the Local Planning Authority could have granted permission for the proposed development only subject to the conditions it imposed, bearing in mind the statutory requirements, the development order, and any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority made its decision on the grounds of a direction that he or she had given.

It may be that planning permission, conservation area consent or listed building consent is granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment; but you, as the landowner, claim that the land is no longer fit for reasonably beneficial use in its existing state and you cannot make it fit for such use by carrying out the permitted development. If so, you may serve a purchase notice on Oxford City Council requiring the Council to buy your interest in the land. You can do this under Section 137 of the Town and Country Planning Act 1980 or Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Regulation 9 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 in respect of listed buildings and buildings in conservation areas.

You may claim compensation against the Local Planning Authority if the Secretary of State has refused or granted permission subject to conditions, either on appeal or when the application was referred to her or him.

Compensation is payable in the circumstances set out in:

(a) Section 114 and Part II of Schedule 3 of the Town and Country Planning Act 1990; or (b) Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Regulation 9 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 in respect of listed buildings.

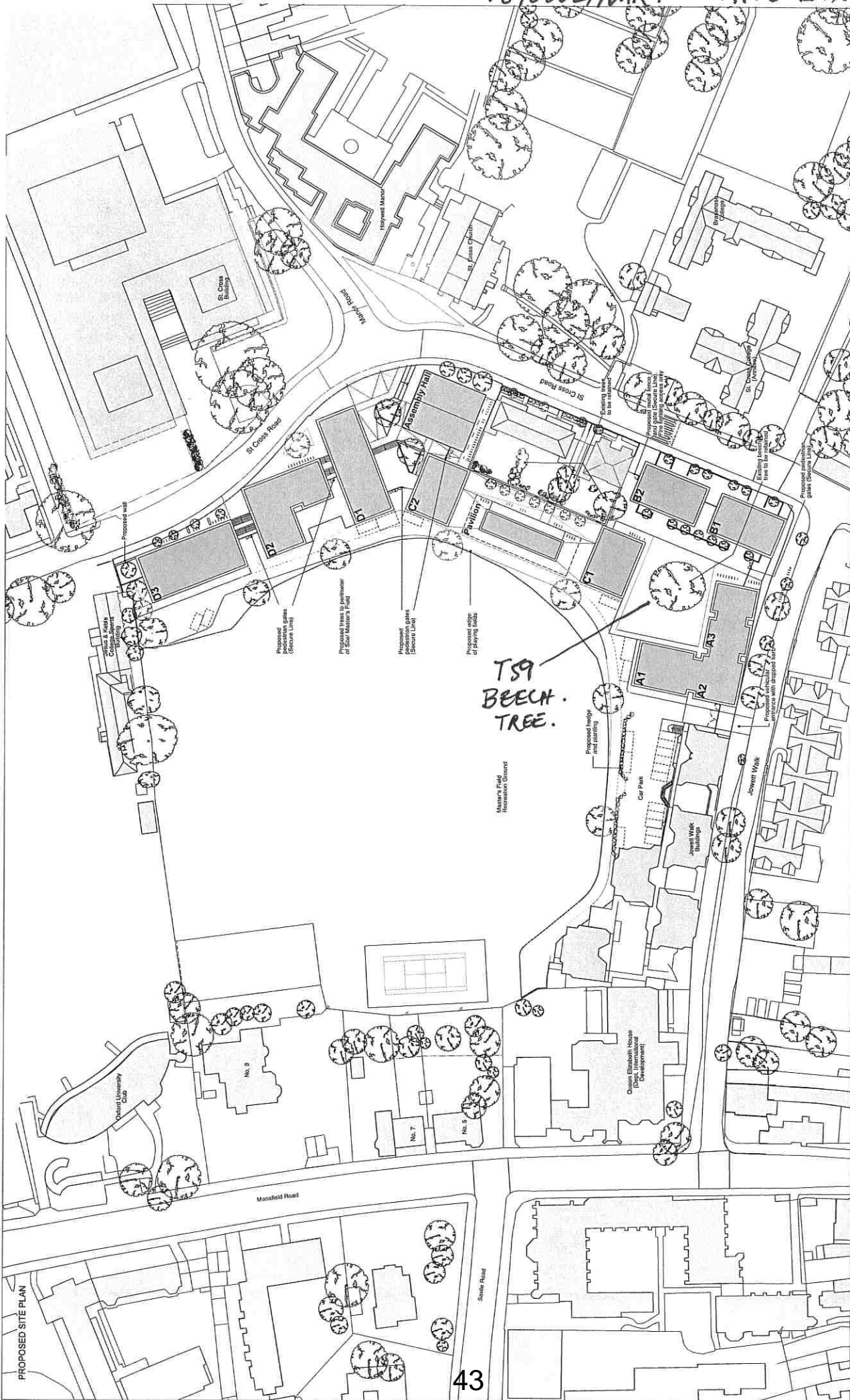
### **2. ADDITIONAL NOTES ON LISTED BUILDING CONSENT**

- 1 If you wish to modify the development referred to in your application or to vary it in any way, you must make another application.
- 2 This notice refers only to the grant of listed building consent and does not entitle you to assume that the City Council has granted its consent for all purposes:
  - (a) If you have applied for planning permission under Section 57(1) of the Town and Country Planning Act 1990, we will send you a separate notice of decision;
  - (b) We will send you a separate notice about plans you have submitted under the Building Regulations 2000;
  - (c) If the development for which listed building consent has been granted includes putting up a building for which you have to submit plans under the Building Regulations 2000, you should not do any work connected with erecting that building until you have satisfied yourself that you have complied with Section 219 of the Highways Act 1980 or that they do not apply to this building.
- 3 Even if you have gained listed building consent, you must comply with any restrictive covenants that affect the land referred to in the application.

### **3. APPLICATION FOR CONSENT TO DISPLAY ADVERTISEMENTS**

If the applicant is aggrieved by the decision of the Local Planning Authority to grant consent, subject to conditions, he or she may appeal to the Secretary of State for the Environment in accordance with Regulation 17 and Part 3 of Schedule 4 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 within eight weeks of the receipt of this notice. (Appeals must be made on a form which obtainable from The Planning Inspectorate, Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel. 0117 372 6372) [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)).

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Revision	Date	Description
1	24.11.2016	Issued for Planning

<p><b>Client:</b> 1503 - Balliol College, Masterplan Balliol College, Oxford</p> <p><b>Scale:</b> 1:500 @ A1, 1:1000 @ A3</p> <p><b>Drawn:</b> 24.11.16</p> <p><b>Checked:</b> Proposed Site Plan</p> <p><b>Reference:</b> 1503-PL-004</p> <p><b>Revision:</b> PLANNING</p>		<p><b>Job:</b> 1503 - Balliol College, Masterplan Balliol College, Oxford</p> <p><b>Scale:</b> 1:500 @ A1, 1:1000 @ A3</p> <p><b>Drawn:</b> 24.11.16</p> <p><b>Checked:</b> Proposed Site Plan</p> <p><b>Reference:</b> 1503-PL-004</p> <p><b>Revision:</b> PLANNING</p>
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**NOTES**

— Site Boundary

N

0 5 10 20 50

PROPOSED SITE PLAN



## WEST AREA PLANNING COMMITTEE

12<sup>th</sup> June 2018

**Application Number:** 17/03330/FUL

**Decision Due by:** 17th March 2018

**Extension of Time:** 29<sup>th</sup> June 2018

**Proposal:** Proposed demolition of Warham House, New College School hall and partial demolition of Savile House rear extension. Erection of three new buildings and reconstruction of Savile House rear extension to provide C2 residential college including Music Hall, assembly, academic and study space, Porter's Lodge and associated accommodation, and replacement D1 facilities for New College School including dining hall, assembly space and class rooms.

**Site Address:** 2 Savile Road, Oxford, OX1 3UA,

**Ward:** Holywell Ward

**Case Officer:** Felicity Byrne

**Agent:** Mr Chris Pattison      **Applicant:** New College

**Reason at Committee:** Deferred by WAPC from 10<sup>th</sup> April Committee; Major Development

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

**(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 5 of this report and grant planning permission and**

**(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1.2. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary and issue the planning permission.

## 2. BACKGROUND

- 1.1. The application was considered at 10<sup>th</sup> April West Area Planning Committee and the Officers Report is appended at Appendix A. At that Committee Members were addressed by members of the public and the Applicant. The Committee asked questions of the officers and public speakers about the details of the application. In discussion they welcomed the overall scheme for its innovative architectural approach but expressed concerns about the proposed tower. The Committee agreed to defer the application to allow planning officers and the Applicant to explore possible amendments to the application plans which would address the concerns about the tower.
- 1.2. The Applicant has taken the opportunity to make further adjustments to the proposed scheme in consultation with Officers and Historic England in order to address issues raised during Committee. This has resulted in revised plans being submitted together with the awaited Air Quality Assessment and further information demonstrating the relationship to Mansfield College.
- 1.3. The amendments that have been made to the scheme following the committee can be summarised as:
  - Reduction in height of the New Warham House tower element by 3.2m to 21.4m high;
  - Rationalisation of internal accommodation within the tower element;
  - Re-alignment of the roof between the tower and the rest of New Warham House;
  - Removal of all basement cycle parking under Warham House and provision above ground;
- 1.4. Further consultation has been undertaken on the amended plans and information submitted. Site notices were displayed around the application site on 24<sup>th</sup> May 2018. It was re-advertised by site notice on and an advertisement was published in The Oxford Times newspaper on 24<sup>th</sup> May 2018 as amended plans and information and a departure from the development plan policy HE9.
- 1.5. At the time of writing the report no public comments have been received. Any comments that raise any new matters from those summarised in the appended Committee Report (Appendix A) and or not covered with in this report will be verbally updated at Committee. Statutory Consultee comments have been received from Thames Water, who advise that they do not have any objection with regard to Foul Water sewage network infrastructure capacity or surface water network infrastructure capacity and Water comments are the same as before. Any other commented received will also be verbally updated at Committee.
- 1.6. It should be noted that linked application 17/03332/FUL relating to replacement car parking for New College School and New College is still deferred pending further review by the Applicant.

### **3. ADDENDUM:**

- 1.1. This addendum report deals with following issues:

- i. Design and Heritage (Public Benefits);
- ii. Cycle Parking;
- iii. Air Quality;
- iv. Relationship to Mansfield College

**i. Design and Heritage:**

1.2. For clarity the existing and proposed student room numbers is provided in the table below:

<u>Student rooms</u>	<u>Number</u>
<i>Existing:</i>	
Savile House & No.1 Savile Rd	28
 <i>Proposed:</i>	
Main Quad building	73
New Warham House	15
Savile House extension	12 – (net loss 4 rooms)
No.1 Savile Road	2
<u>Total</u>	<u>102</u>
 <u>Net gain</u>	 <u>74</u>

1.3. The following amendments have been made subsequent to the issues raised regarding the height of the tower at West Area Planning Committee on 10<sup>th</sup> April:

- Height:
  - Height of the New Warham House tower reduced by 3.2m – to 21.8m at highest peak (the roofline is curved and therefore varies in height);
  - The height of the peak of the New Warham House main roofline increased by 0.51m to 72.90m and trough of roofline reduced by 0.25m to 67.90m
  - The presence of the tower is reduced in views of the city’s important skyline from both long distance acknowledged view cones but also in views from publicly accessible high vantage points within the city;
  - The New Warham House and Tower now aligned to variety of building heights seen in the immediate surroundings including those that exist along Mansfield Road;
  - No loss or compromise of use-able floor space due to adjustment of the locations of stair and lift within tower.
- Appearance as one connected structure:
  - Reduced height of the New Warham House tower combined with raised height of bridging element strengthens the connection between the tower and the house presenting a single structure with distinctive parts;
  - Bridging element between New Warham House and its tower increased in depth, creating stronger visual integrity between house and tower which is further strengthened by a more cohesive architectural approach with respect to materials and detailing of elements that has evolved through more consideration of detailing.

- Improved accessibility of Bicycle Storage:
  - In order to avoid basement parking, ratio of student to bike spaces has been reduced from 1:1, to 2:1;
  - 52 bike spaces located North and South of Porters Lodge. Placed tight to hedging to avoid spreading out into the gardens and harming these important spaces around the buildings and creating harmful visual clutter around the site;
  - 20 covered spaces, 32 uncovered spaces, all within secure boundary of site.

1.4. Paragraph 6 of the NPPF states that *'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness'*. Whilst Officers were fully supportive of the originally submitted plans, it is considered that these changes successfully respond to those concerns raised. Historic England and Officers consider that the overtly organic and free-flowing form of the application is entirely appropriate. The use of high quality materials in a new and exciting way and the sensitive landscape design, responding positively to the clearly identified significance of "the garden" would result in a highly innovative, high quality design of development that would respond sensitively and positively to the site's setting and make a valuable contribution to the significant architectural heritage of Oxford.

1.5. The proposed development including the tower has gone through rigorous design assessment and review. The site offers the opportunity to introduce a new a development whose design celebrates valuable characteristics of both collegiate and its suburban domestic forms. In two previous appeals, in the early 1990's Planning Inspectors agreed with the Council that the proposed developments, which presented a large building on the corner of Savile Road and Mansfield Road, failed to respond to the "suburban villas within gardens" character that survives here. Officers reiterated this view at the beginning of the dialogue for this current proposal and this has resulted in the present design which replaces a "villa", New Wareham House on the site of the existing building, thus maintaining the significant surviving character and importantly the setting of the adjacent listed building (No.1 Savile Road). Officers consider that the development as proposed offers an appropriate response to both setting and context of the site.

1.6. The design of the tower element of New Warham House has always been a balance between height, proportion and elegance. The proposed amendments have sought to strengthen the visual connection between the tower and the main body of the building at lower levels, to consider further rationalisation of the internal layout and a reduction in the height of the tower element itself. The overall height of the tower has now been reduced by 3.2m from 25m to 21.8m high, which is still above the 18.2m threshold of Policy HE9 of the Oxford Local Plan (OLP), but which is considered to be a reasonable response to the concern about height whilst still maintaining some architectural proportion and elegance and retains the architectural integrity of the development as a whole. It is considered that to lower the height more than that would result in a squat appearance and larger in massing within views and would be detrimental to views and the public realm and heritage assets.



- 1.7. The supporting information demonstrates that along Mansfield Road the new tower height, whilst still above the 18.2m, would not be significantly higher than Harris Manchester's Clock Tower (2.55m higher) and lower than their Gate Tower (2.78m lower) and only 95cm higher than Mansfield College's tower next door. In addition to reducing the height of the tower, the architects have also considered the architectural detailing of both main building and tower and offer a more integrated design approach. Whilst still above the 18.2m Policy threshold of HE9, it is considered that the innovative design with its exceptionally high quality detailing and the positive contribution that the development would make to the city's architectural legacy merits a departure from this Policy being made in this case.
- 1.8. The tower element is an integral element of New Warham House building sitting within the site behind the new Porters Lodge on Mansfield Road and adjacent to Savile House. These important relationships can be clearly seen in the street scene vignettes and verified views offered in support of this application. When travelling from South Parks Road, southward along Mansfield Road New Warham House with its tower would appear sitting between Savile House and the dominant form of Harris Manchester's Library building. The new building would very much read as an integral part of the street scene recognising the important contribution of the existing mature copper beech tree and offering considered, new tree planting. There would be seasonal variation in the contribution of the buildings to the street but it is considered that the new intervention would conserve the important, suburban domestic architectural character reinforcing the existing contribution that changing seasons make. Travelling northward from Holywell Street along Mansfield Road, the tower element of the new building would gradually hove into view, being entirely screened by Harris Manchester Library Building until reaching the junction of Jowett Walk with the main body of New Wareham House rapidly joining its tower element on walking northward. Again both main building and tower would sit amongst proposed tree planting and the existing mature trees on site with the backdrop of Savile House and the new Porters lodge.
- 1.9. Visualisations submitted showing verified night views demonstrate that the proposed tower element would not adversely affect the City's important skyline or have a significant impact on views across the city from identified from public view points at night.
- 1.10. In assessing the impact of the development, officers have attached great weight and importance to the desirability of preserving or enhancing the character and appearance of the conservation area, and the settings of the surrounding listed buildings. It is still considered that the proposed development would cause less-than-substantial harm to designated heritage assets and that this less than substantial harm would be of a low magnitude. The reduction in the height of New Warham tower could be argued to reduce the level of less-than-substantial harm further. The level of less-than-substantial harm that the proposed development and tower element may have on views and heritage assets has been weighed carefully at all stages against identified public benefits that the proposed development would offer, including optimum viable use, in accordance with paragraph 134 of the NPPF.
- 1.11. High quality and particularly innovative design is considered to be a substantial public

benefit and decision makers are encouraged to give great weight to developments that helps to raise the standard of design (paragraph 63 of the NPPF). The quality of architecture and the meticulous care and attention that has been lavished on the design of the proposed buildings and the spaces around them is considerable. In reconsidering the design of New Wareham House and its tower, the architects have provided yet more detail and offered further confidence in the quality of design and in the connections to existing high quality architecture in both immediate and wider context to the site, reinforcing the careful and considered design process that has been undertaken.

- 1.12. The development would also enable the Civil War Rampart, currently overgrown within the rear service area, to be better revealed and understood within a carefully and sensitive landscaped courtyard area with greater public access and visibility. This is one of the few remaining sections of Civil War Rampart left in the City which can be seen above ground therefore in accordance with paragraph 132 of the NPPF great weight should be given to the asset's conservation. The harm caused would be the alteration to the Ramparts setting and it is considered that a high level of weight should be afforded to the public benefit brought by improving its setting the proposed development to the Rampart in this case.
- 1.13. The development secures the optimum viable use of the site consistent with the conservation of heritage assets and their settings (No.1 Savile Road and the Central Conservation Area). It also would provide a high number of new student rooms for New College, a net gain of 74 rooms on land in their ownership, and thus release housing back on to the general housing market which is considered to be a significant benefit given the need for housing in the City. Together these benefits are afforded a high level of weight.
- 1.14. It is considered therefore that the public benefits of the proposal outweigh the less-than-substantial harm in this case in accordance with paragraph 134 of the NPPF. Furthermore, the development would result in a high quality design that makes efficient and optimum use of the site whilst providing a large number of student rooms and thus releasing a significant number of houses back onto the general housing market, in accordance with Local Plan Policies and the NPPF.

#### **ii. Cycle Parking**

- 1.15. The amendments to the cycle parking are as a result of concerns expressed about access to the basement. All basement cycle parking under New Warham House has been removed. The suburban character and the setting of the listed building have been taken into account when re-providing these spaces above ground. This has meant that less cycle parking is proposed than previously in order to avoid spreading out into the gardens and harming the important spaces around the listed building and New Wareham House and creating harmful visual clutter around the site. Whilst there would be a reduction, it would still provide 52 covered and uncovered cycle parking spaces in and around the Porter's Lodge in compliance with Policy HP15 of the Sites and Housing Plan (SHP).

#### **iii. Air Quality**

- 1.16. The site lies within Oxford's Air Quality Management Area. (AQMA). The NPPF, para 124, states that planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan. Policy CP23 of the OLP states planning permission will not be granted for development which would have a net adverse impact upon the air quality in the Air Quality Management Area, or in other areas where air quality objectives are unlikely to be met.
- 1.17. A revised AQA has been submitted which demonstrates that there would be no negative air quality impacts over current and future receptors as a result of the new development in accordance with CP23, subject to a condition to secure necessary site specific mitigation of dust from construction.

#### **iv. Relationship to Mansfield College**

- 1.18. It should be noted that there are a large number of existing windows in Savile House currently facing Mansfield College and some high level windows in the 1960's school building on the boundary. The ability to look into Mansfield College gardens and potentially their rooms already exists. Whilst there would be a change in building massing as a result of the proposed development, the new building is pulled away from the joint boundary which is considered to offset this change in massing. Further information has been submitted regarding the distance between new windows and those windows in rooms at Mansfield College, appended at **Appendix B**. The closest new windows in the northern elevation at upper floor levels, due to the curve of the new building, would have an oblique view towards windows in Mansfield College at a distance of 12.2m and 14.3 m. There would be no direct overlooking into these rooms or loss of privacy. Where windows face across Mansfield Quad the distance would be 29.2m and from the Savile House new extension to Mansfield main Quad building the distance would be 40.1m. This significantly exceeds the general guideline of 21m back to back used between facing residential properties and given the existing situation, it is considered that there would be no significant increase in overlooking or loss of privacy as a result of the new development. In terms of overlooking in to the gardens of Mansfield College the nature/ use of the proposed development is the same as Mansfield College, i.e. student accommodation, and whilst overlooking would be possible, there would be no significant increase in overlooking than currently exists and which is comparable to other student/ residential developments found in the City.

## **2. CONCLUSION**

- 2.1. This report considers the amendments submitted to the proposed development including a reduction in height of the tower, rationalisation of the accommodation within the tower, elimination of basement cycle parking on site and provision at ground level, and Air Quality. It is concluded that the reduction in height of the New Warham House tower element by 3.2m reduces its visibility within short range and long range views. It would not appear prominent in the street scene and the information satisfactorily demonstrates that the tower element of New Warham House would form an integral part of the proposed development and has an appropriate relationship to it and Mansfield Road street scene itself. The proposed tower element would not detract from the historic significance of or adversely compete with the existing 'dreaming Spires of

Oxford' for which Oxford is known. It also concluded that the high level of public benefits derived from the proposed development would outweigh the relatively low level of less-than-substantial harm that would be caused by the proposed development within the protected view cones, Conservation Area and to the setting of any surrounding or adjacent Heritage Assets in accordance with 134 of the NPPF. It is considered therefore that a departure from Policy HE9 of the OLP should be made in this case. The amended cycle parking would be acceptable in accordance with HP15 of the SHP. There would be no significant adverse impact on Air Quality as a result of the development or during construction in accordance with CP23 of the OLP.

- 2.2. Officers consider that subject to the imposition of amended conditions listed at Section 5 of this addendum report the proposal would accord with the policies of the development plan when considered as a whole and the range of material considerations on balance support the grant of planning permission. The Conditions have been revised as a result of further information submitted with the application.
- 2.3. The scheme would also accord with the aims and objectives of the National Planning Policy Framework would constitute sustainable development, and, given conformity with the development plan as a whole, paragraph 14 advises that the development proposal should be approved without delay. Furthermore there are not any material considerations that would outweigh the compliance with these national and local plan policies. The proposal is considered to comply with sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### 3. CONDITIONS

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

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

- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

- 3 (i) Samples of the exterior materials to be used shall be submitted to and approved in writing by the Local Planning Authority before the commencement of above ground works on the site.  
  
(ii) Sample panels of the stonework/brickwork demonstrating the colour, texture, face bond and pointing shall be erected on site and approved in writing by the Local Planning Authority before relevant parts of the work are commenced.

The development shall be completed in accordance with the approved details.

Reason: In the interests of the visual appearance of the Central Conservation Area in which it stands in accordance with policies CP1, CP8 and HE7 of the Adopted Oxford Local Plan 2001-2016.

- 4 Notwithstanding the submitted Construction Traffic Management Plan, prior to the commencement of development including demolition and enabling works a revised Construction Traffic Management Plan shall be submitted to and approved in writing by the local planning authority. The construction of the development shall be carried out in strict accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of local amenity and the free flow of traffic on the public highway in accordance with policies CP1, CP19, CP21 and TR2 of the Adopted Oxford Local Plan 2001-2016.

- 5 Notwithstanding the submitted landscape Masterplan and landscape plans, further detailed plan(s) shall be submitted to and approved in writing by the Local Planning Authority prior to substantial completion of the development as a whole or relevant phase or phases of the development as may be agreed. The plans shall show in detail all proposed tree and shrub planting, treatment of paved areas, and areas to be grassed or finished in a similar manner. Only the approved details shall be implemented.

Reason: In the interests of visual amenity in accordance with policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.

- 6 The landscaping proposals as approved by the Local Planning Authority shall be carried out in the first planting season following substantial completion of the development if this is after 1st April. Otherwise the planting shall be completed by the 1st April of the year in which building development is substantially completed. All planting which fails to be established within three years shall be replaced.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Adopted Local Plan 2001-2016.

- 7 Prior to the commencement of the development excluding demolition and enabling works, details of the design of all new hard surfaces and a method statement for their construction shall be submitted to and approved in writing by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the rooting area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used. The development shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid damage to the roots of retained trees. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

- 8 The development shall be carried out in complete accordance with the methods of working, tree protection measures and the location of all underground services and soakaways for both enabling and main construction periods contained within the approved Arboricultural Assessment and Method Statement by Barrell Tree Consultancy dated 17th May 2018 and Plans Nos. 13303- BT13, BT14, BT15, BT16 unless otherwise agreed in writing by the Local Planning Authority prior to commencement of development.

Reason: To protect retained trees during construction and to avoid damage to the roots of retained trees in accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

- 9 The development shall be undertaken in complete accordance with the approved Tree Protection Monitoring Plan (TPMP) Appendix 4 of the Arboricultural Assessment and Method Statement by Barrell Tree Consultancy dated 17th May 2018 at all times. An Arboricultural Clerk of Works (ACoW) appointed by the applicant shall oversee implementation of the approved TPMP.
- Reason: To demonstrate compliance with tree protection conditions and to ensure that trees are protected from injury or damage during development. To ensure a high-quality landscape appearance in the interests of public visual amenity in accordance with policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.
- 10 The cycle parking hereby approved shall be implemented prior to occupation in accordance with the approved basement plans and there after retained at all times thereafter.
- Reason: To ensure adequate cycle parking provision in accordance with HP15 of the Sites and Housing Plan 2013.
- 11 The student study bedrooms comprised in the development shall not be occupied until the wording of a clause in the tenancy agreement under which the study bedrooms are to be occupied restricting students resident at the premises (other than those registered disabled) from bringing or keeping a motor vehicle in the city has been submitted to and approved by the local planning authority; and the study bedrooms shall only be let on tenancies which include that clause or any alternative approved by the local planning authority.
- Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies CP1, TR12, ED6 and ED8 of the Adopted Oxford Local Plan 2001-2016.
- 12 Prior to occupation of the development involving residential accommodation details of a Student Travel Information Pack shall be submitted to and approved in writing by the local planning authority in consultation with the local highway authority. The approved Student Travel Information Pack Travel information pack shall be provided to every resident on their first occupation.
- Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Policy CS25 of the Core Strategy and the National Planning Policy Framework.
- 13 Prior to the first occupation of any part of the development hereby permitted the applicant shall submit to and obtain the agreement in writing of the local planning authority, a travel plan for both New College School and New College. The plan shall detail how it is proposed to achieve a reduction in the amount of staff vehicles accessing the replacement car parking site over a rolling 5 year period, the means for implementing the plan, method of monitoring and amending the plan on an annual basis. The results of the annual monitoring exercise shall be submitted to the local planning authority in writing and the travel plan amended accordingly in light of discussions with the local planning authority.
- Reason. To limit the number of journeys by private motor car and reduce the pressure for car parking in the locality in accordance with policies CP1, TR2 and TR12 of the Adopted Oxford Local Plan 2001-2016.
- 14 Prior to commencement of development excluding demolition and enabling works, a final drainage strategy shall be submitted and approved by the Local Planning Authority, in

accordance with the Preliminary Drainage Strategy as detailed within the Price and Myers Drainage Report Version 2 - March 2018. Consultation and agreement to discharge into the sewer network should be sought with Thames Water, and evidence of this agreement submitted with the final drainage strategy. The development shall be implemented in accordance with the approved final drainage strategy.

Reason: To ensure compliance with Policy CS11 of the Oxford Core Strategy 2011-2026.

- 15 The SuDS Maintenance plan as detailed in 'Drainage Report Version 2 - March 2018' should be implemented by the property owner for the lifetime of the development. Evidence of how this will be implemented should be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the drainage system functions safely and effectively for the lifetime of the development and reduce the risk of flooding elsewhere in accordance with Policy CS11 of the Oxford Core Strategy 2011-2026.

- 16 The work should be carried out in accordance with the proposed mitigation measures outlined in the Ecology Report by Applied Ecology Ltd, Version 3 dated March 2018, including hand removal of hanging tiles on Warham House and measures to protect mammals from being trapped in open excavations and/or pipe and culverts.

Reason: In the interest of avoiding harm to mammals and harm to protected species leading to a criminal offence as outlined by the Conservation of Species & Habitats Regulations 2010.

- 17 Notwithstanding the mitigation measures under condition 18 above, further details of the direct compensation and mitigation for the loss of the single bat roost including specific location and specification of bat features to be provided shall be submitted to and approved in writing by the Local Planning Authority prior to work starting on site. The measure shall be maintained for a minimum of 5 years.

Reason: To ensure the compensation implemented and in the interest of avoiding harm leading to a criminal offence as outlined by the Conservation of Species & Habitats Regulations 2010

- 18 Prior to the commencement of the development excluding demolition and enabling works, details including specification and location plans of biodiversity enhancement measures including at least 20 x bird nesting and 5 x bat roosting devices shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the approved development and retained as such thereafter.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026.

- 19 All works shall be carried out and completed in accordance with the approved written scheme of investigation New College School Enabling Works Savile Road Oxford Written Scheme of Investigation for an archaeological watching brief Museum of London Archaeology 2017, unless otherwise agreed in writing by the Local Planning Authority, and i) The programme and methodology of site investigation and the nomination of a competent person(s) or organisation to undertake the agreed works; and ii) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including late- Saxon, medieval and post-medieval remains in accordance with Policy HE2 of the Oxford Local Plan 2001-2016.

- 20 Before any work hereby authorised begins, full details of foundations, services and other groundworks shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason: In order to ensure that archaeological remains are not unnecessarily damaged by inappropriate ground works in accordance with Local Plan Policy HE2.

- 21 Before any work hereby authorised begins, a detailed methodology for the demolition of standing structures in such a manner as to protect archaeological remains below, shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason: In order to ensure that archaeological remains are not damaged by demolition works in accordance with Oxford Local Plan Policy HE2.

- 22 Before any work hereby authorised begins, a detailed methodology for the protection of the extant Civil War Rampart during construction works (as defined on plan A) shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason: In order to ensure that the Civil War earthworks are not damaged during construction works.

- 23 Before any work hereby authorised begins, a detailed methodology for the landscaping of the Civil War rampart and its periphery (including steps, path, planting and boundary treatments) shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason: In order to ensure that the setting of the Civil War earthworks are enhanced in mitigation of harm to below ground remains in accordance with Oxford Local Plan Policy HE2.

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

o The programme and methodology of site investigation (including historic building recording) and the nomination of a competent person(s) or organisation to undertake the agreed works.

o The programme for interpretation, public archaeology (including popular leaflet and artist's illustration), post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI



Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including potentially prehistoric, Roman, late-Saxon, medieval and post-medieval remains in accordance with Oxford Local Plan Policy HE2.

Scope of recording-

The archaeological recording should consist of a watching brief during enabling works and Level II photographic survey of the No 1 Savile House extension prior to demolition followed by a programme of excavation and watching brief for the main scheme. The footprint of the new basement will require strip and record excavation and it should be noted that any surviving areas of redeposited loam and any features sealed below will require detailed recording. The archaeological works should include a programme of public archaeology including signage, open day and provision of a popular A3 fold out leaflet (including an artist's reconstruction illustration of the Civil War rampart) with a suitable print run and pdf version.

- 25 No development shall take place until a Construction Environmental Management Plan (CEMP) containing the site specific dust mitigation measures identified for this development has first been submitted to and approved in writing by the Local Planning Authority. The specific dust mitigation measures that need to be included and adopted in the referred plan can be found on chapter 6 (pages 25-27) of the Air Quality Assessment submitted with the application (document's ref number: 70045351-001, from April 2018).

Reason: to ensure that the overall dust impacts during the construction phase of the proposed development will remain as *"not significant"* in accordance with the results of the dust assessment and with Core Policy 23 of the Oxford Local Plan 2001- 2016.

- 26 Within 6 months of the commencement of development details of a scheme of public art within the development shall be submitted to and approved in writing by the Local Planning Authority. The public art shall be installed prior to the full occupation of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To give further consideration to the matter and in order to comply with Policy CP25 of the Oxford Local Plan 2001- 2016.

- **APPENDICES**

**Appendix A** – Report for WAPC April Committee

**Appendix B** – Window distances

- **HUMAN RIGHTS ACT 1998**

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

- **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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

**Application Number:** 17/03330/FUL

**Decision Due by:** 17th March 2018

**Extension of Time:** 29<sup>th</sup> April 2018

**Proposal:** Proposed demolition of Warham House, New College School hall and partial demolition of Savile House rear extension. Erection of three new buildings and reconstruction of Savile House rear extension to provide C2 residential college including Music Hall, assembly, academic and study space, Porter's Lodge and associated accommodation, and replacement D1 facilities for New College School including dining hall, assembly space and class rooms.

**Site Address:** 2 Savile Road, Oxford, OX1 3UA,

**Ward:** Holywell Ward

**Case Officer** Felicity Byrne

**Agent:** Mr Chris Pattison                      **Applicant:** New College

**Reason at Committee:** Major Development

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## **1. RECOMMENDATION**

1.1. West Area Planning Committee is recommended to:

**(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission subject to:**

- a) Public consultation on revised plans and information not resulting in any new issues being raised that are not dealt with in this report; and
- b) Receiving a revised Energy statement and Air Quality Assessment to the satisfaction of the Head of Planning, Sustainable Development and Regulatory Services; and
- c) Subject to further conditions as may be necessary in connection with b) above.

**(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1.2. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary

and issue the planning permission.

## 2. EXECUTIVE SUMMARY

- 2.1 This report considers the redevelopment of New College School and New College Savile Road Campus. The proposal comprises the demolition of several buildings or parts thereof and the erection of new buildings, including a new tower, to provide more efficient and effective use of the site for both the School and College. The site contains listed buildings and the remains of the Civil War Rampart and there are other listed buildings adjacent and nearby. It also lies within the Central Conservation Area. The report concludes that the proposed development is considered acceptable in principle and would be a unique and contemporary architectural development of exemplary high quality design. The form and layout takes account of the suburban character setting whilst creating a new landmark tower that signifies the collegiate use onto Mansfield Road. There would be some less-than-substantial harm to the setting of designated heritage assets but this harm would be relatively low. However, this low harm would be appropriately mitigated by the high quality design and public benefits of the proposal. The development would enhance the character and appearance of the Conservation Area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The report also considers the impact of a new tower form on views within, across and into the city and concludes that the tower would be a positive addition to the City's rich and diverse roof scape and 'dreaming spires' and any perceived harm is outweighed by the high quality design and materials proposed.
- 2.2 In other matters the report concludes that any net loss of biodiversity could be mitigated through the well-considered new landscaping and tree planting proposed for the development. Whilst there would be a large proportion of trees removed that are publicly visible, these trees are not significant, and their loss would be appropriately mitigated and enhanced by the proposed landscaping. Car parking is reduced to the minimum for disabled and visitors only and adequate cycle parking would be proposed.
- 2.3 The application has been developed following pre-application discussions with officers, including two reviews by the Oxford Design Review Panel. Copies of their comments are included within **Appendix 3** of this report. The panel were supportive of the scheme and considered that the proposals create an exemplary scheme for the college
- 2.3. Officers consider that the proposal would accord with the policies of the development plan when considered as a whole and the range of material considerations on balance support the grant of planning permission.
- 2.4. The scheme would also accord with the aims and objectives of the National Planning Policy Framework would constitute sustainable development, and, given conformity with the development plan as a whole, paragraph 14 advises that the development proposal should be approved without delay. Furthermore there are not any material considerations that would outweigh the compliance with these national and local plan policies

## 3. LEGAL AGREEMENT

- 3.3. There is no requirement for a legal agreement.

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

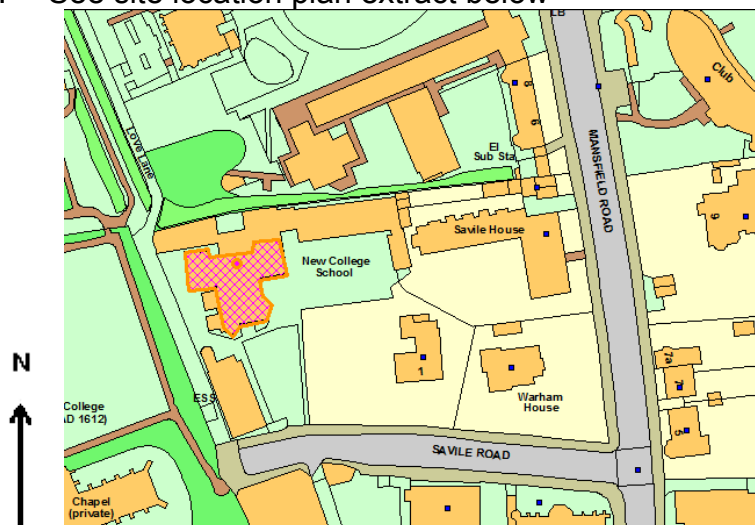
4.3. The proposal is liable for CIL amounting to £192,745.38.

#### 5. SITE AND SURROUNDINGS

1.1. The site is located within the Central Conservation Area and is bounded by Savile Road to the south and Mansfield Road to the east. To the west is Wadham College (grade I listed and Registered Park and Garden) and bounding the site to the north is Mansfield College (grade II\* listed). The site comprises land and buildings that lie on the northern side of Savile Road including New College School and its associated buildings, Nos. 1 and 2 Savile Road, Warham House and Savile House. No.1 Savile Road is grade II listed. There are a number of other listed buildings adjacent to the site including No.3 & No.9 Mansfield Road which are both grade II and Harris Manchester College which is grade III.

1.2. No.1 Savile Road and Warham House are two surviving late 19<sup>th</sup> Century villas that sit in what survives of their gardens behind low, weathered timber boundary fence that runs along the northern side of Savile Road and turns along Mansfield Road. Savile House was originally built in the late 19<sup>th</sup> Century as a house, but then acquired by the College and extended both north and westward to provide student bedrooms now covering the north eastern portion of the site. This building has recently been extended to provide a Music Room (15/00849/FUL refers). The western portion of the site is occupied by New College School, with original, 19<sup>th</sup> Century stone buildings in a Cotswold domestic vernacular style in the north western corner then extending east along the northern boundary with a midC20, two-storey, brick-faced building and most recently added gable-ended rendered building with low eaves and multiple dormers in a steeply pitched roof. The street at this point has a suburban and domestic character which changes as one travels up Mansfield Road from the City centre towards the larger buildings of the Science Area on South Parks Road.

5.3. See site location plan extract below



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Ordnance Survey 100019348

## 6. PROPOSAL

6.3. The application proposes the comprehensive redevelopment of New College School and New College Savile House Student Campus which sit side by side on Savile Road. To facilitate this, the proposal requires demolition of several elements within both the school and campus as follows:

- The rear north-western extension range of Savile House (16 bedrooms);
- No 2. Savile Road also known as Warham House;
- The 1950's/ 60's north-eastern extension range of the School;
- Removal of a small single storey extension to No.1 Savile Road, which is also subject to listed building consent.

2.1. It also proposes the redevelopment of this area comprising:

- New Porters Lodge onto Mansfield Road:
  - Porter's Office and kitchen
  - Mail room
  - Visitor and accessible bicycle parking - 12 spaces;
- A New Warham House replacement building including a feature tower:
  - Student bedrooms – 15
  - Student kitchens – 2
  - Bicycle parking - 110 spaces;
- New north-western extension to Savile House providing teaching and 12 bedrooms (net loss 4 rooms);
- Erection of a new Main Quad Building spanning both the School and College Campus that provides accommodation for both:
  - College:
    - Music Hall – 70 seats
    - Student communal and teaching space:
    - Lecture theatre – 120 seats
    - Independent and group study booths – 30 capacity
    - Student Bedrooms – 73
    - Student Kitchens – 9
  - School:
    - 5 Classrooms – up to 20 children per classroom
    - Dining hall – 65 person
    - Kitchen
    - Assembly hall – 200 person
- Making good the No.1 Savile Road as a result of the demolition works (no new additions proposed);
- Alterations to the ground floor windows in the School gym to provide bi-folding doors;
- Cycle Parking and reduction in car parking;
- Landscaping

- 6.4. In total 102 student study bedrooms are proposed for the College. Currently the site has 28 bedrooms, 26 would be re-provided and 2 re-furnished within No.1 Savile House, resulting in a net gain of 74 additional rooms on site as a whole.
- 6.5. New Warham House comprises 15 bedrooms and shared kitchens over 4 floors, the top two floors are within the roof; the roof measures approximately 13.5m to the ridge and 5.2m to eaves at its lowest point. The tower provides office accommodation for the College's Institute of Philanthropy over three floors (floors 4 to 7) and the stairs and lift access for the whole building in order to make it accessible for all. It measures approximately 25m to the top of the tower parapet at its highest point and 22.6m at its lowest point.
- 6.6. The new north-western extension to Savile House retains its original northern façade and provides 2 refurbished student bedrooms and teaching space. The ridge measures approximately 12m high and the eaves and eaves approximately 7m high.
- 6.7. The Main Quad building provides 74 student study bedrooms over three and four floors; It measures 13.8m to its highest point and eaves approximately 13m at its highest and 7.8mm at its lowest;

**7. RELEVANT PLANNING HISTORY**

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

<p><i>New College School:</i> The School has extensive planning history, the most relevant being:</p> <p>05/02262/CAC - Conservation Area Consent for demolition of existing gymnasium building. Approved.</p> <p>05/02261/FUL - Demolition of existing gym building and erection of 2 storey building to accommodate a gym at ground floor and music rooms and art studio at first floor. Closure of existing access and formation of new car parking area accessed from an existing access to Savile Road. Approved.</p> <p><i>Savile Road Student Campus:</i> 15/00849/FUL - Demolition of garages and store. Erection of three storey building to provide music practice rooms (Use Class D1). Construction of glass link building between music rooms and Saville House. Approved. Construction almost complete.</p>
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**8. RELEVANT PLANNING POLICY**

8.3. The following policies are relevant to the application:

Topic	National Planning Policy	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
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	Framework (NPPF)				
<b>Design</b>	Chp.7 Paras.56-68 69, 95-96, 125	CP8, CP9, CP10,	CS18_ CS19_ CS23_ CS24_ CS25_	HP9_ HP12_ HP13_ HP14_	
<b>Conservation/ Heritage</b>	Chp.12 Paras.56-68 126 -141, 169-170	HE2, HE3, HE7, HE9, HE10,			
<b>Housing</b>	Chp.6				
<b>Commercial</b>	Chp.1, 2	HE11,			
<b>Natural Environment</b>	Chp.9, 11, 13 Paras. 7-9, 14, 17, 93- 108, 117- 118, 109- 125, 152, 156-157, 162-168, 170	CP11, CP18, NE12, NE13, NE14, NE15, NE16, NE21, NE23,	CS9_ CS10_ CS11_ CS12_		
<b>Social and community</b>	Chp.8				
<b>Transport</b>	Chp.4	TR1, TR2, TR3, TR4, TR11, TR12,		HP15_ HP16_	Parking Standards SPD
<b>Environmental</b>	Chp.10 Para 124, 17, 91, 93- 98, 156, 162	CP17, CP19, CP20, CP21, CP22, CP23,			
<b>Misc</b>	Chp.5	CP.13, CP.24, CP.25		MP1	

## 9. CONSULTATION RESPONSES

9.3. Site notices were displayed around the application site on 10<sup>th</sup> and 31<sup>st</sup> January. It was re-advertised by site notice on 31<sup>st</sup> January and an advertisement was published in The Oxford Times newspaper on 25<sup>th</sup> January 2018 as a departure from the development plan policy HE9.



9.4. The consultation responses received in relation to the application are summarised below. Officers would make members aware that copies of all the consultation responses listed below are available to view in full on the Council's public access website.

### **Statutory and Non-Statutory Consultees**

#### Oxfordshire County Council (Highways)

- 9.5. **Traffic Impacts** *New College School* It is not considered that the proposed development would have any long-term impacts in terms of traffic generation from the New College School side of the development. We note that the school will not be increasing its pupil intake or staff numbers. On a local level the relocation of car parking from the New College School site to the Weston Buildings site on St Cross Road will cause some rerouting, however this impact will be very minor. *New College* As required under planning policy within Oxford, no parking is to be provided for the increase in student accommodation. Furthermore, parking restrictions in place in the local area, which do not allow eligibility to parking permits for residents of student accommodation, restrict the possibility for students to keep vehicles while they are staying at the site. It is therefore not considered that the increase in student numbers at the site would lead to a significant increase in vehicle trips to the site. Also, as noted above, due to the location of the site within the TCA it is to be expected that a high proportion of trips to and from the site will be made by sustainable transport modes.
- 9.6. Due to the increase in the number of students resident at the site, there is however likely to be a modest increase in the number of personal deliveries to the site. The development is also not expected to result in a significant number of additional deliveries or servicing trips. A Student Accommodation Management Plan has been submitted which sets out the measures to be employed to minimise the impact of student movements on the local highway during the times of year when students are moving in to / out of the accommodation. This includes scheduling arrivals and using the hardstanding area in the New College School site for loading / unloading (outside of school hours). The measures set out in this plan must be fully implemented.
- 9.7. A revised Construction Traffic Management Plans has been received and the HA has confirmed that this is acceptable.
- 9.8. **Parking** The provision for off-street parking which is currently located on the New College School site is to be removed. It is understood that this parking is primarily used by staff of the school and it is proposed that this provision will be relocated onto the New College Weston Building site on St Cross Road. There will be no net gain in parking spaces and this proposal is acceptable. It is understood that the relocation of spaces onto the St Cross Road site will be subject to a separate planning application. There is no change in the existing parking arrangement at the New College site, with two parking spaces available adjacent to 1 Savile Road and accessed via the existing vehicle access from Savile Road. Due to the relocation of the main pedestrian and cycle access into the site, and the proposed dropped kerb to allow easier access for cyclists wheeling bikes into / from the site, alterations to the location of the parking

bays on Mansfield Road will be required. There will be no net loss of parking spaces. The relocation of on-street parking bays will require an amendment to the Traffic Regulation Order and associated consultation and administrative costs shall be met by the applicant. We would question the requirement for a loading bay in this location and suggest that a section of Double Yellow Lines would be more appropriate and would allow for refuse / servicing requirements to be carried out on-street. The details of this will be determined through the TRO process.

- 9.9. **Cycle Parking** New College School The current provision of 36 cycle parking spaces on the New College School site is to be retained. This is slightly below the required standard set out in the Adopted Parking Standards SPD however information has been submitted to demonstrate the current usage of these spaces is well below this number and, since the school will not be increasing staff or pupils numbers, this is unlikely to change significantly. The Travel Plan measures are intended to increase the use of sustainable transport to the site. So with this in mind we would recommend that the usage of the cycle parking spaces is continually monitored with additional cycle parking spaces provided as or when required. New College: The number of cycle parking spaces to be provided on the New College side of the development exceeds the minimum requirement for the number of student rooms proposed, this is welcomed. The majority of the cycle parking (bar 10 visitor cycle parking spaces near to the main entrance to the site) is to be located in the basement of the New Warham House building. A revised plan showing step free access to the basement cycle parking has been demonstrated to the satisfaction of the HA who remove their previous objection to the proposal in this regard.
- 9.10. Since the amount of student accommodation available on site is increasing from 28 student rooms to 100 student rooms there is a travel plan requirement for the site. Oxfordshire County Council guidance states a travel plan is a requirement for developments over 80 student rooms. The submitted travel plan has been checked by the Travel Plans team at the county council against our approved guidance and detailed amendments have been suggested. [note: these are not reproduced here as they are technical in nature and lengthy] A revised Travel Plan condition is suggested.
- 9.11. A drainage condition is also suggested by the County.

Thames Water Utilities Limited

- 9.12. No comments received.

Natural England

- 9.13. **Statutory nature conservation sites** – no objection Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Magdalen Grove and New Marston Meadows SSSI's have been notified. We therefore advise your authority that these SSSI's do not represent a constraint in determining this application.
- 9.14. **Protected species** - We have not assessed this application and associated

documents for impacts on protected species.

- 9.15. **Local sites** – Enough information should be provided if the development has an impact on local sites.
- 9.16. **Biodiversity enhancements**- This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that ‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’. Section 40(3) of the same Act also states that ‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’.

#### Historic England

- 9.17. Both Historic England and the Council have been closely involved with the formulation of the proposals for the College’s new Savile Road campus, which have also been assessed by the Oxford Design Review Panel. As a result of this engagement Historic England is broadly supportive of the current application.
- 9.18. The proposed buildings are unusual, quite unlike anything currently in Oxford, but we are convinced that the architectural concept is very good. If the materials used, the detailing and execution of the project are up to the standards currently envisaged this would be an innovative, playful and beautiful group of buildings which would bring joy to all those who experienced them and enhance the architectural riches of the City. In our view the detailed design has progressed to a point where the intended forms of the buildings are clear and enough information has been provided to convince us that it is buildable.
- 9.19. The main Quad building would be very close to a section of the Civil War defences which probably overlie a Saxon field boundary. Archaeological investigations have confirmed the extent of the survival of the 17<sup>th</sup> century feature (much of the bank now visible is the result of a later build-up of leaf mould) and the design of the building and associated landscaping has been modified to address this. I understand that the City archaeologist may still have some concerns about the details of the landscaping here and we defer to him on this matter.
- 9.20. Another notable element of the proposals is the relatively tall tower. Policy HE9 of Oxford City Council’s Local Plan states that: *“Planning permission will not be granted for any development within a 1,200 metre radius of Carfax which exceeds 18.2 m (60 ft) in height or ordnance datum (height above sea level) 79.3 m (260 ft) (whichever is the lower) except for minor elements of no great bulk.”* At 25m tall and 87.21m above Ordnance datum the proposed tower would exceed both these heights. In our view it is nonetheless a minor element (at least in terms of the overall mass of the proposals) of no great bulk and therefore it would be appropriate to view it as an exception to the

policy. The tower and has been made as small as possible while still having lift access and providing a usable space in the upper floors. The form of the tower is intriguing and if well-crafted in stone (as the proposals suggest it will be) it is likely to be a very handsome structure. A comparative study with historic towers suggests that while it is larger and taller than some of these structures it is not unusually tall or bulky in comparison and is by no means the largest. A careful views study from viewpoints outside the city (as identified in the City's Viewcone's document) and from high points within the city suggests that while it will be clearly visible in a number of views it is likely to make a positive contribution to the variety and character of Oxford's skyline.

- 9.21. Any forthcoming application will need to be assessed against the policies contained in the National Planning Policy Framework, along with the policies in the Council's local plan. Paragraph 131 of the Framework states that in determining planning applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. In our view the proposals are a creative response to the surrounding historic environment and are certainly distinctive so would fulfil this aim.
- 9.22. As Warham House, an early 20<sup>th</sup> century building of some merit, and the rear wing of Savile House, which again is of some architectural quality, are to be demolished the proposals would entail a degree of harm to the significance of the conservation area in which the site sits. Paragraph 132 of the NPPF requires any harm to a designated heritage asset such as this to be clearly and convincingly justified. As we judge the level of harm to be low, as there are not particularly important buildings, and the applicants have made a clear case that demolition is necessary if the additional accommodation required in the design brief is to be delivered, we are content that the level of harm is justified. Paragraph 134 of the Framework goes on to require any harm to be weighed against the public benefits of the proposal. It is for the Council to undertake this exercise, as they are best placed to weigh heritage concerns against the wider planning benefits of providing better student facilities. In our view it would be reasonable for the Council to conclude that the benefits outweighed the harm.
- 9.23. Paragraph 137 of the Framework goes on to state that local planning authorities should look for opportunities for new development in Conservation Areas that enhances or better reveals their significance. By continuing the long tradition of Oxford colleges commissioning new buildings of outstanding architectural quality and adding a new 'dreaming spire' to the Oxford skyline that succeeds in being truly contemporary but responds creatively to its historic context we conclude that this proposal achieves the aims of this policy.
- 9.24. Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 131, 132, 134 and 137. In determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

### **Public representations**

- 9.25. Letters of comment have been received from Harris Manchester College, Mansfield College, Mansfield College JCR, 17 London Place, 62 York Road, No 5A & No. 6

Mansfield Road (Mansfield College), 1 Little Blenheim Yarnton, 86 Cedar Road, 65 Southmoor Road, 41 Nicholson Road, Nos.20 & 23 Stockmore St. 24 Ash Grove, 29 Marlborough Crescent Long Hanborough, 14 Oxford Road Littlemore, 82A Castle Mill House Juxon Street

In summary, the main points of comment are:

- Design form and scale inappropriate and does not relate to its context or protect local character;
- Height, Scale and massing in close proximity to Mansfield College would be dominating;
- Overlooking and loss of privacy to Mansfield College and vice versa;
- Tower; too high, bulky, dominant, adverse impact on street scene, exceeds policy and would be an unacceptable precedent; block natural light especially in the winter months; Overlooking from the Tower; treatment of the windows;
- Comparison made of St Mary's is misleading: the tower of St Mary's University Church is about 35 m. high, while the narrow spire adds another 20 m;
- Adverse impact on the Oxford skyline;
- No objection in principle to a modern building
- Overdevelopment of the site
- Noise and disturbance from construction
- Restrict use of office within the tower to ensure noise control in future
- CTMP and control of noise during construction should be sensitive to the students surrounding the site, particularly at examination times.
- Mansfield College's northern boundary has already been disfigured by the tall towers above the Chemistry building which have destroyed a beautiful skyline. The view from our main building across to the south will now be equally overshadowed.
- Loss of trees on corner of Savile Rd and Mansfield Rd would cause harm to the character of the area, site more visible;
- Agree buildings/ part thereof to be demolished do not contribute to the special interest of the CA;
- Demolition of Warham House contributes to character of the area and loss not justified by relatively low student bedrooms replacing it;
- New building would not preserve or enhance special character and appearance of the CA;
- Adversely impact on setting of a number of listed buildings nearby and Wadham Registered Park and Garden.
- adverse effect on local ecology and biodiversity
- no provision for parents of New College School to turn vehicles when delivering children to and collecting them from New College School although they regularly block Savile Road already
- increased traffic from theatre and during construction
- public benefits of the proposal, can be achieved without the tower

Comments were also received from the Oxford Civil Society, Victorian Group of the Oxford Architectural and Historical Society, Victorian Society and Oxford Preservation Trust; These are summarised below.

### Oxford Civic Society:

- Oxford Civic Society have been consulted during pre-application development of this project.
- Impressed by the rigorous approach adopted to making the best use of the site with due regard to its wider context, and meeting the needs of the School and the College, while keeping these two very different users quite separate.
- The design is a welcome and refreshing departure from the dominant rectangular styles currently fashionable in major projects being undertaken by the colleges and the University of Oxford.
- Consideration of the Tower should be seen in the context of the new, more sophisticated, approach to views being developed currently in consultation with stakeholders as part of the preparation of new Local Plan policies. A departure from a slavish consideration of the “Carfax height limit” and the ten view cones.
- OCC considers the Tower is suitable for its location and purpose and will become accepted as a significant modern contribution to the cityscape.
- Proximity and overlooking to Mansfield College expressed by them needs addressing.
- OCC shares the views of Historic England, who wrote: “What is now proposed is certainly a very unusual building, quite unlike anything currently in Oxford, but we are convinced that the architectural concept is very good. If the materials used, the detailing and execution of the project are up to the standards currently envisaged this would be an innovative, playful and beautiful building which would bring joy to all those who experienced it and enhance the architectural riches of the City.”.

### Victorian Group of Oxford Architectural History Society

#### Object:

(i) The demolition of Warham House should not be allowed. The house was built in 1924 to the design of Robert Langton Cole (1858-1928) an architect of some distinction, holding Warham House is just the sort of building which should be retained in a Conservation Area. With tile-hanging, rendering, and stone details, its massing is unusual and effective, and with its highly individual wooden fence on Mansfield Road and numerous and shrubs (many of which would be felled for this proposal) it makes an attractive element in its crucial position at the junction of Savile Road and Mansfield Road.

(ii) The demolition of the back part of the Listed Building 1 Savile Road is also unacceptable. Historic England writes of the single-storey service range that ‘as servicing arrangements for this type of house are now relatively rare it does make a contribution ... to the significance of the Listed Building’. We disagree with their conclusion that the merits of the scheme outweigh this consideration. The setting of the house, as an independent structure, would be seriously compromised by this scheme.

(iii) We object to the demolition of most of the Savile House extension, a handsome work by N.W. Harrison with the advice of Sir Charles Peers (1935).

(iv) The proposed new building could hardly be more incongruous with the Conservation Area. The architects seem to have overdosed on Expressionism and this random and frantic style would look crazy in Oxford. The building is impractical, with its kooky plan, restless windows, and rooms of wildly varying shapes and sizes. We are told that the ridiculous tower will resemble ‘an inhabited ruin’, but it would dominate the whole area in a manner totally inappropriate for a mere college annexe.

This part of the Central Conservation Area, which until comparatively recently was lightly built up, already has far too many new buildings, mostly excessively large and dominant,

and it is essential to its character that this conspicuous site should be carefully preserved.

### Victorian Society

- The Victorian Society objects to the proposals and is principally concerned about the impact the development would have on the character of the Central Conservation Area. The part of the conservation area is markedly suburban in character, which is in stark contrast to the area to the south along Holywell Street, with its tight urban grain and the towering north façade of New College itself, and to the eclectic, bulky, and much more industrial character of the agglomeration of science department buildings to the north, along South Parks Road (excluded from the conservation area). Any development on the site will inevitably entail some harm to this transitional and suburban character.
- The Victorian Society does not wish to be understood as opposed to exciting and imaginative new architecture. Nor are we objecting to the principle of at least some development on this site.
- The Society concedes that some development may be necessary for New College to meet its evolving needs and that some such harm is in principle acceptable. It nonetheless maintains that such harm should be mitigated as far as possible, and that the current proposals fall short in this respect.
- Detailed objections are hence not to the principle of the scheme, but to its architectural realisation.
  - The proposed main building although set back from the road is still of considerable bulk, and would impose too far upon the site, looming over the rear of 1 Savile Road and presenting an overbearing elevation to the west quad of Mansfield College to the north.
  - Unclearly articulated mass with its undulating surfaces and rounded outline, which increase the impression of size. Its massing would compromise the open nature of the site.
  - The traditional theme of the collegiate quadrangle, but suggest that it is just this theme that is inappropriate in this place.
  - The proposed porters' lodge, although contrastingly modest in scale, would alter the character of the Mansfield Road frontage of the site by bringing built elements right up to the pavement, in marked contrast to the way in which the current buildings on the site, and those surrounding it, are set back generously from their boundaries.
  - The forms of the proposed buildings are at odds with the prevailing architectural character of this part of the conservation area.
  - The proposed designs present a sharp contrast to such characteristic roof-forms with their curvilinear cornice lines and their rather flat roofs.
  - The material palette with pink granite detailing and bronze anodised aluminium doors and windows would sit awkwardly in the prevailing environment of limestone, brick and tile.
  - New Warham House with its substantial tower would have a serious impact upon the character of the conservation area.
  - Towers are a characteristic aspect of Oxford's cityscape, and can act as powerful symbols of collegiate identity; the foundation of New College itself involved the conversion of a tower in the city walls. The association of towers with both Oxford's collegiate fabric in general and the traditional identity of New College in particular is hence adequately established, and is reinforced in the application by several comparisons of Oxford tower heights. To

- suggest, however, that it is therefore acceptable for New College to erect
- a new tower in this particular place is specious, because such a suggestion entirely ignores the importance of preserving what is special about the local character and would read as an imposition within the suburban setting of villas and gardens.
- Objects to the demolition of the service wing to 1 Savile Road. Despite the internal alterations it can still be read as a complete example of a single dwelling. Demolition of the service wing would erode the significance of this listed building as a legible example of domestic architecture. The service wing is mostly original to the building. There is a later extension to this wing, but the proposals are to demolish the service wing in its entirety.

#### Oxford Preservation Trust (OPT):

OPT recognise that this a project that has been subject to consultation with officer an Historic England and the Oxford Design Review Panel, which clearly has influenced the detailed design. However, having examined the supporting information OPT are concerned that:

- The cumulative impact of this and other similar proposal has not been addressed
- It is not clear that there are adequate public benefits to outweigh the harm that would result from this proposal.
- There is potential to minimise or eliminate that harm, which should be explored first before any decision is made.

In coming to this conclusion OPT has made detailed comments which can be summarised as follows;

- The setting of No.1 Savile Road would be harmed by the proximity and scale of the proposed new buildings;
- The freestanding campanile nature of the tower is at odds with the historic college precedents;
- View assessments need to consider carefully how this proposed tower would sit alongside, in front of or behind existing historic towers/domes and spires;
- High quality architecture should be expected and is not a 'public benefit';
- There is no consideration of the cumulative impact of similar proposal in the skyline;
- Any assessment of weighing public benefits against the harm should be clearly set out to avoid any legal challenge.

#### **Pre – App Discussion & Community Involvement:**

1. The Applicant undertook extensive joint pre-application discussion with Officers of the Council and Historic England and the Oxford Design Review Panel (ODRP). The project has been to ODRP three times in total; 15th September 2016 (workshop), 16th October 2017 (full review) and 25<sup>th</sup> January 2018 (final full review). A copy of their final letter can be found at Appendix 3. The applicant engaged with the directly affected neighbour Mansfield College and other interested amenity groups such as Oxford Preservation Trust and Oxford Civic Society on various occasions during the pre-application stage and also consulted neighbouring Colleges, school staff and parents. Two public consultation events were held on 19<sup>th</sup> and 20<sup>th</sup> October 2016 and 30<sup>th</sup> November and 1<sup>st</sup> December 2017.



## 10. PLANNING MATERIAL CONSIDERATIONS

10.3. Officers consider the determining issues to be:

- i. Principle of Development;
- ii. Design & Heritage;
- iii. Trees & Landscaping;
- iv. Transport;
- v. Energy Efficiency
- vi. Flood risk and drainage;
- vii. Contamination
- viii. Biodiversity;
- ix. Air Quality;
- x. Archaeology;

### i. Principle of Development

- 10.4. The National Planning Policy Framework (NPPF) states that sustainable development should be granted planning permission without delay, unless other materials considerations dictate otherwise. The NPPF and Oxford Core Strategy Policy CS2 encourage the reuse of previously developed land, while Policy CP6 of the Oxford Local Plan 2001-2016 requires development proposals to make an efficient use of land in a manner where the built form suits the sites capacity. The Council supports access to education set out in Policy CS16.
- 10.5. The proposal seeks make best & most efficient use of previously developed land owned by New College to provide improved teaching and accommodation for existing students at the College and pupils at the School which is designed to meet their needs. The proposed seeks to house existing student numbers and there is no intention to increase student numbers at New College as a result. The proposed development would enable the College to provide on-site accommodation for a further 74 students who would otherwise take up accommodation in the City's private housing stock. As the proposal is within an existing College site and is in the City Centre it accords with Policy HP5 of SHP and Policies CP6 of the OLP and CS2 and CS16 of the CS.
- 10.6. SHP Policy HP6 sets out the requirement to either provide or contribute towards affordable housing on student accommodation of over 20 bedrooms, and also criteria for exemption. As the proposal within an existing College site and is in the City centre, the proposed development is exempt from this Policy requirement.
- 10.7. Policy CS25 of the Core Strategy encourages the provision of high quality purpose-built student accommodation buildings that do not significantly harm the amenity enjoyed by local residents. The policy also states that the Council will seek appropriate management controls to restrict students from bringing cars to Oxford through the imposition of appropriate conditions or planning obligations. It is proposed that the student accommodation would be car-free in any event. Such conditions are

recommended by officers should permission be granted and the proposal accord with CS25.

**ii. Design and Heritage:**

- 2.2. The NPPF requires proposals to be based upon an informed analysis of the significance of all affected heritage assets and expects applicants to understand the impact of any proposal upon those assets with the objective being to sustain their significance (paragraphs 128 & 131). In making any such assessment great weight should be given to the asset's conservation. While there is a general presumption that development proposals should not substantially harm, or result in total loss of the significance of a designated heritage asset, Paragraph 134 of the NPPF advises that where development proposals will harm the significance of a designated heritage asset but that harm would be less than substantial then this harm should be weighed against any public benefits the proposed development may offer, including securing its optimum viable use.
- 2.3. Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and the setting of any conservation area. In the Court of Appeal, *Barnwell Manor Wind Energy Ltd v East Northants District Council*, English Heritage and National Trust, 18<sup>th</sup> February 2014, Sullivan LJ made clear that to discharge this responsibility means that decision makers must give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise (of weighing harm against other planning considerations).
- 2.4. Oxford Local Plan Policies HE3, HE7, and HE8 which seek to seek to preserve or enhance the special character and appearance of Conservation Areas and their settings; the settings of Listed Buildings; and the settings of historic parks and gardens. Whilst the wording of these policies does not include the balancing exercise identified in paragraphs 134 of the NPPF and that they would therefore be deemed to be out-of-date with the framework, they would be consistent with the above-mentioned legal requirements of Section 66 and 72, and they must therefore carry considerable weight in the determination of this application.
- 2.5. The NPPF requires that local authorities seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It suggests that opportunities should be taken through the design of new development to improve the character and quality of an area and the way it functions. Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy and Policies HP9, HP13 and HP14 of the Sites and Housing Plan in combination require that development proposals incorporate high standards of design and respect local character.
- 2.6. Published guidance by Historic England on 'The Setting of Heritage Assets (Oct 2011)' provides a methodology for understanding the setting of an asset and how it contributes to the heritage significance of that asset and explains how to assess the impact of development. Historic England explains that the setting of a heritage asset

is the surrounding in which it is experienced. Furthermore the setting is not fixed and may change as the surrounding context changes. The Landscape Institute has also published guidance in 'Landscape and Visual Impact Assessment' (2013) to help identify the significance and effect of change resulting from development. Finally the Council published their own 'View Cones Assessment' in 2015, a document that was drawn up in partnership with Oxford Preservation Trust and Historic England which also references the Landscape Institute 2013 guidance and sets out its own guidance on how to assess development in views both from within and outside of Oxford.

- 2.7. The Design and Access Statement sets out clearly that the application has been developed following pre-application discussions with officers and the Oxford Design Review Panel. The design of the scheme has been informed throughout its development by an understanding of the historic environment which provides the context for the proposal in a Heritage Statement. This heritage statement has considered the significance of the heritage assets within and surrounding the site. The design has also been informed by the findings of a Townscape and Visual Impact Assessment which considers the impacts of the proposed design on significant views, based on verified views which are appended to the Planning Design & Access Statement.

#### *Demolitions and Heritage*

- 10.8. There are a number of listed buildings both on the site and adjacent to it;
- 1 Savile Road – grade II
  - 9 Mansfield Road - grade II
  - Harris Manchester College – grade II
  - 3 Mansfield Road – grade II
  - Wadham College – grade I, Registered Park & Garden
  - Mansfield College– grade II\*
- 10.9. It is considered that the removal of the 1950s/ 60s school building will not result in harm to the significance of either the Central Conservation Area or No.1 Savile Road. The building is of little architectural merit and makes no significant contribution to either architectural or historic interest of either heritage asset.
- 10.10. The removal of the rear ranges of buildings to No.1 Savile Road would result in some harm to the architectural and historic significance of the building in that as service ranges these parts of the building clearly played a role in the daily functioning of the 19<sup>th</sup>C domestic villa. However, the interior of the building has undergone relatively recent re-modelling and the domestic service rooms are no longer evident as such. Whilst the loss of external integrity is regrettable, the harm to the overall significance of the building would be very small and to the significance of the conservation area less in that architecturally the building will still retain its 19<sup>th</sup>C domestic appearance which is important in providing a reference to the development of the area in that period. It should be noted that these works are subject to separate listed building consent.
- 10.11. The loss of part of the later wing of Savile House would not result in harm to the significance of the conservation area in that the more significant elements of this

building, the original domestic building which fronts onto Mansfield Road would be retained, together with some of the later additions.

- 10.12. As a survival from the late C19/early C20 development of this area north of Holywell Street Warham House makes some contribution to the character of the conservation area that is derived from this part of its historical development and therefore the loss of the building would inevitably result in some harm to the significance of the conservation area. The harm would be less than substantial and sit at the low end of this classification.

#### *Site Layout, Scale, Massing and Appearance*

- 10.13. The development rationalises the School and College grounds and as such several demolitions are required to enable this to happen as set at 6.3 of the report. The overall layout has an organic interpretation of the traditional quad form and is fluid in both its layout but also its overall form and appearance with curved walls and roofs. In order to preserve and reinforce the suburban character and appearance of the site, the new building that is to replace Warham House has been deliberately designed as a detached “villa”, particularly when viewed from the south. The Main Quad Building runs parallel to the northern boundary enabling it to capture the southern light aspect and create enclosed gardens and school playground with in new sympathetic and complimentary landscape planting. The porter’s lodge is a single storey building that would sit adjacent to the boundary on Mansfield Road and would be for the most part hidden behind the existing hedging. The setting of No.1 Savile Road would change, however is it is considered it would still be possible to appreciate it as a detached villa within its garden, much as it is currently.
- 10.14. The scale and massing of the buildings have been designed to respect the general heights of existing buildings within the school and College grounds. Whilst over four floors the maximum height of the Main Quad building would be approximately 1.18m higher than the existing Savile House and would be approximately 1.28m higher than the existing school building adjacent. Warham House scale and massing is also similar to that of No.1 Savile Road and Savile House, with the exception of the new tower element which would be a new feature to the site. The tower has a trefoil plan form with a fluid parapet ridge that undulates around the trefoil structure, reaching 25m to its highest point.
- 10.15. This is a well-considered and high quality proposal that has undergone a great deal of pre-application consultation with the Council, Historic England and ODRP. ODRP considers the design to be ‘exemplary’ and ‘The architecture being explored in this proposal will create distinctive contemporary buildings that will complement the historic buildings on the site and within the local area. Due to the curved building forms, roofscapes and materials, the proposed building forms would be unique to Oxford...’. Historic England are convinced that the architectural concept is very good. It is considered that the design of the new buildings offers a bold intervention to both the conservation area and to the setting of No.1 Savile Road in a contemporary and modern way that would be new to Oxford. The overtly organic form of the buildings and their fluid massing presents an interesting contrast to the domestic vernacular of the site at present. However within the context of the site, including its wider context, there is a variety of markedly different architectures. Therefore whilst not slavishly

copying those architectural style or forms, it is considered that the overtly modern and innovative design would contribute something more to the architectural “conversation” in a way that would be both challenging and delightful, consistent with paragraph 63 of the NPPF which attaches great weight to innovative design. Whilst some may consider that it would undermine the rectilinear form of other nearby buildings, Officers consider that it would be a welcome and refreshingly distinctive that is unashamedly contrasting and acts as a foil to the traditional rectilinear forms of architecture. It may not be to everyone’s taste but as with all forms of art and design beauty is in the eye of the beholder, and Oxford has a history of innovative architecture as seen in the widely praised and celebrated innovative St Antony’s Zaha Hadid and the University of Oxford’s Blavatnik Buildings’ have been.

- 10.16. The siting, scale and massing of the buildings have been carefully considered to improve the quality of the spaces that the sites various users require within a limited space. However in doing so the new buildings would not overwhelm the remaining buildings, ensuring for example that a garden is restored around No.1 Savile Road enhancing its setting and to allow the spaces between buildings to be functional. This functionality and in some cases multi-functionality would contribute to the overall quality and sense of place that the developed site would have. The buildings spaces have been arranged to allow glimpsed views from the street into the site whilst maintaining privacy and security, which is a principal that is borrowed from many of the college sites across the city.
- 10.17. The tower itself has undergone several iterations during the pre-app stage and it’s organic plan form has been followed through to the parapet level. The trefoil of each side of the tower serves to break down the overall massing of the tower into a more fluid and elegant structure. A study has been made of other towers in which it is demonstrated that the proposed tower would not be the highest or bulkiest tower in the City, for example with New Colleges own Bell Tower (26m), towers of Magdalen Tower (44m high) and Tom Tower (45.75m) and subordinate to the dominant landmark feature of St Mary’s Church (54.8m). Historic England has commented that the comparative study with historic towers suggests that while it is larger and taller than some of these structures it is not unusually tall or bulky in comparison and is by no means the largest. Officers would concur with Historic England on this point.

#### *Appearance/Materials*

- 10.18. Whilst the proposal introduces a new architectural language the use of materials of appropriate colour and tones that take reference from the traditional surroundings would offer an interesting complexity to the building’s facades. The proposed materials are:
- Main cladding Ancaster limestone
  - Surrounds and detailing Luna rosa granite and umber (bronze) anodized aluminium
  - Windows / doors Metal framed
  - Roof Ceramic tiles.
- 10.19. The buildings, excluding Savile House extension, would be clad in diamond shaped stone pieces set on a diagonal that would emphasise the fluidity of the facades and add richness. The materials for Savile House would be chosen to match the existing

building or recycled material from demolition if possible. The curved roofs would be tile hung using specially crafted ceramic tiles.

10.20. It is considered that whilst the rose coloured granite is not typical for Oxford it would be an accent material and overall the main Ancaster limestone would be appropriate in colour and tone that take reference from the surrounding traditional buildings. Their application would add richness interest and complexity both to College and school buildings and the wider site context. The use of stone would anchor the buildings within the context of the site and within the wider context of Oxford. In relation to the tower the proposed materials would enable it to site well in relation to other towers nearby and the roof scape. Its tonal variation appearance would aid the tower to recede within views as opposed to dominate views, this is discussed more below.

### *Impact upon Views*

10.21. The Oxford Local Plan recognises the importance of views of Oxford from surrounding high places, both from outside its boundaries but also in shorter views from prominent places within Oxford. Local Plan Policy HE9 (High Building Area) states that planning permission will not be granted for developments which exceed 18.2 metres (or ordnance datum height of 79.3 metres) within a 1,200 metre radius of Carfax Tower. The exception to this policy is where there are minor elements of “no great bulk”. In addition to this the View Cones Policy (HE10) protects views from 10 recognised viewpoints on higher hills surrounding the City to the east and west and also within the City. There are also a number of public view points within the city centre that provide views across and out of it, for example Carfax Tower, St Georges Tower and St Marys Church.

10.22. The application site lies within 1,200m of Carfax, and the proposed Warham tower element would 25m in height, thereby making Policy HE9 applicable. It also falls within the designated View Cones and therefore Policy HE10 applies. Oxford City itself is nationally important and a significant heritage asset and the views of the city from the view cones are kinetic and need to be considered in a broader sense than the view cone drawn within the local plan. It is worth reiterating the NPPF which states that significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting and also Historic England advice that ‘...setting is not fixed and may change as the surrounding context changes’.

10.23. Prior to submission the proposals were subject to extensive pre-application discussions, including input from Historic England, and the Oxford Design Review Panel (ODRP). Both parties have supported the provision of a tower in this location and its proportions, height and contribution to the skyline has been given very careful thought and consideration. The most recent guidance from the Oxford Design Review Panel (issued on 25<sup>th</sup> February 2018) supported the proposal stating:

*“Based on the drawings available to illustrate the relationships between the building and their immediate and wider areas, we think the building heights appear sound. The Oxford skyline is comprised of a rich tapestry of roofs interspersed with towers and spires. We think the tower would positively contribute to this skyline...” and*

*“We support the proposed building heights and the proposal to create a tower as a point of interest / identification marker for the College”.*

10.24. Historic England, who also attended the design reviews state:

*“In our view it is nonetheless a minor element (at least in terms of the overall mass of the proposals) of no great bulk and therefore it would be appropriate to view it as an exception to the policy. The tower and has been made as small as possible while still having lift access and providing a usable space in the upper floors. The form of the tower is intriguing and if well-crafted in stone (as the proposals suggest it will be) it is likely to be a very handsome structure. A comparative study with historic towers suggests that while it is larger and taller than some of these structures it is not unusually tall or bulky in comparison and is by no means the largest. A careful views study from viewpoints outside the city (as identified in the City’s Viewcone’s document) and from high points within the city suggests that while it will be clearly visible in a number of views it is likely to make a positive contribution to the variety and character of Oxford’s skyline”.*

10.25. The application is accompanied by a Townscape and Visual Assessment, Verified Views (appendix A of the Planning Design & Access Statement) and a Heritage Impact Assessment. It is acknowledged that the introduction of a Tower here would signify the College in a way that the site currently does not. The addition of a tower makes reference to a number of important architectural elements; the towers or spires that identify many of the colleges’ campus’ at both street level but also in important views from high view-points; or the elaborate feature, turret, oriel or bay window or porch characteristic of the late-Victorian, Edwardian architecture that typifies this part of the conservation area. The latter is replicated in modern elements such as Harris Manchester’s recent turret tower on Mansfield Road. In contrast to many of its existing counterparts, the space within the tower is intended to be entirely functional as working space, with a series of floors creating modest but useable rooms at each internal level. It is also intended to be different to existing towers or spires in that it’s window openings would coincide to present a less solid, more open structure when viewed from outside.

10.26. In closest street views, from Mansfield Road or Savile Road, without deliberately looking up, the entirety of the tower would not be visible. In medium distance views, from Holywell Street/Mansfield Road junction looking north the lodge turret, library gable and new turret of Harris Manchester would intervene. Moving further down Mansfield Road, from the junction with Jowett Walk, the tower would be evident as a separate element rising above the soft, landscaped edge of the site’s southern boundary and sitting within the more mature tree canopies within the site. However from this view point it would be read as a sense of continuity beyond Harris Manchester to Mansfield College further to the north. In longer street views from the university’s science area the tower will be seen against the backdrop of Harris Manchester and Wadham with New College’s main campus buildings on Holywell Street further to the south-east.

10.27. From high viewpoints within the City, the tower would be visible, principally from St Mary’s Tower. However the verified views submitted demonstrate that whilst it would be seen amongst the roofscape of the city, its materials and organic form would be

such that it would not distract the viewer from properly observing the strong and distinctive form of the Radcliffe Camera, the Bodleian and the slightly more filigree form of the Sheldonian lantern or indeed in widening the view to include Magdalen's towers to the east or the Radcliffe Observatory to the north west. It would sit below the skyline and nestle within backdrop of the green edge of the City north-eastwards towards Elsfield. Whilst there would be change to the setting of other buildings it is considered that tower would not compete with them and make a positive contribution to the roof scape of Oxford.

- 10.28. In wider longer distance landscape views into the City the visual analysis demonstrates that the tower would sit within the existing urban fabric. However, these views are kinetic and change depending on view point, season and lighting conditions.

*Boars Hill*

- 10.29. When viewed from Boars Hill the tower would sit behind other buildings, principally All Saints Church & spire, and mature vegetation within the urban landscape. When moving further to the east the tower would be visible beside the Radcliffe Camera and Bodleian Tower. However in this view the tower, due to its location in the outlying student area, would recede in the view, deferring to the larger and more prominent Radcliffe Camera Dome and Bodleian Tower. It would not compete with them in this view but compliment the grouping of historic buildings sitting against the green back drop below the skyline.

*Raleigh Park*

- 10.30. From Raleigh Park, visibility of the tower may be obscured by trees and shrub vegetation within the foreground of the view. The tower would be set within the urban fabric and due to the distance from the park it would be quite hard to see. The height, massing and materials proposed means that it would not be prominent or competing with the historic high buildings within this view and would sit below the green backcloth of Headington Hill,

*Elsfield*

- 10.31. In views into the City from Elsfield the tower would again sit within the urban fabric and vegetation, joining to the right hand side of the cluster of towers, domes and spires: Carfax, All Saints, The Radcliffe, New College, St Mary's. Its height, massing, materials and form mean that this would not be prominent or compete with other buildings in these views. It is considered that it would complement this cluster.

*Doris Park*

- 10.32. In views into the City from Doris Park the tower would sit to the right of New College Bell Tower and would nestle within the green backdrop of the verdant green setting behind. It is considered that its form and materials means that as with other views it would be complementary and not compete with other Towers, spires and Domes within this view.

*South Park*

- 10.33. For the most part the mature trees of the park would obscure views of the tower even in winter months. However South Park at the bottom to the south-west of the Park, where views are no longer obscured by the trees to the north the proposed tower would become discernible as a new feature. However it would be separate to the main



historic cluster of towers, dome and spires which make up the 'dreaming spires' within this view. Again as with other views the tower would be complementary and not compete with those in the cluster.

10.34. It would not be visible from Crescent Road or Port Meadow.

10.35. Whilst the tower may be visible from within longer distance views, depending on season, lighting, and location, it is considered that the proposed tower would not be overly assertive within them or so dominant as to detract from other existing, and arguably more significant, towers, domes and spires. Its form and materials temper its appearance and thus it is considered that whilst there may be harm as a result of the change to the setting of Oxford's historic core, it would make a positive contribution to the skyline of Oxford and its 'dreaming spires' in these longer distance views and would not compete with the taller or larger more significant of these towers, domes or spires such as St Mary's or the Radcliffe Camera. The visual impact would be felt more from the shorter distance views within the City centre and in particular St Mary's Church.

10.36. The insertion of a tower within this heritage asset would cause change to its setting and appearance and thus cause harm. In this instance the harm is considered to be less-than-substantial given its location, high quality design and visibility within views. It therefore falls to consider the public benefits of the proposal.

*Public Benefits:*

10.37. As the proposal would result in less-than-substantial harm this will need to be justified against the public benefits, including the optimum viable use, in accordance with Section 12 paragraph 134 of the NPPF.

10.38. In redeveloping the site the proposal would make a positive contribution to Oxford's significant housing need by effectively releasing existing housing stock back into circulation for the general population. This would constitute a public benefit.

10.39. Paragraph 63 of the NPPF states that 'great weight should be given to outstanding or innovative designs that raise the standard of design more generally in the area'. It is considered that this proposal is both innovative and would raise the standard of design in this area and Oxford, and as such is also a public benefit that is afforded great weight.

10.40. The setting of the Civil War Rampart would be significantly enhanced, reinforcing the ability to interpret this historical feature more fully than the Music Room development, which is currently being implemented, is able to do. The rampart is currently overgrown with plants and enclosed by the existing Savile Road buildings, within the rear service area. The proposed scheme pulls the building away, giving it greater space and removal of plants etc. to reveal its form. The development would allow the opportunity for members of the public to actually access the rampart and therefore appreciate its form and significance, see below in the report on Archaeological implications. This is also a public benefit.

10.41. In accordance with Historic England's 'Good Practice Advice in Planning Note 2:

Managing Significance in Decision-Taking in the Historic Environment', it is considered that the less-than-substantial harm would be adequately mitigated by the high quality and innovative contextual design response, which has been refined through the pre-application advice and design review process, and the proposed landscaping scheme which would be an enhancement to both the School and College grounds.

10.42. In assessing the impact of the development, officers have attached great weight and importance to the desirability of preserving or enhancing the character and appearance of the conservation area, and the settings of the surrounding listed buildings and registered parks and gardens as designated heritage assets. It is considered that the less than substantial harm that would be caused by the proposed development including a departure from the high buildings policy (HE9) has been adequately mitigated by high quality design and is justified by the public benefits that would result, namely the need of the School and College to expand, grow and rationalise the space to provide additional on-site student accommodation, the improvements to the street scene and college entrance along Cowley Place, and the improvements to the setting of the grade II No.1 Savile Road. Subject to conditions, the proposal is considered to comply with sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 132 and 134 of the NPPF, policies CP1, CP8, HE3, HE7, HE8 and HE10 of the Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy.

### **iii. Trees and Landscaping**

10.43. The trees within the site are protected by virtue of location within the Central Area Conservation Area. The OLP requires that as far as possible existing trees and other landscape features are successfully retained within new development and that new trees and new soft landscaping including tree planting is included whenever it is appropriate. Policy NE16 of the OLP seeks to ensure that development will not destroy protected trees if it will have a significant adverse effect upon public amenity. Any protected tree that is destroyed must be replaced by a tree, or trees, suitable for the location. Policy NE15 seeks to ensure that development will not destroy hedgerows and other valuable features where this would again have a significant adverse impact upon public amenity or ecological interest.

10.44. There are no Tree Preservation Orders currently applied to the site or its near environs. The proposal involves the removal of a large number of existing trees. These tree removals are predominantly within the current grounds of No 1 Savile Road and Warham House respectively, including along their boundaries facing Savile Road. Most of the trees that are lost are from an irregular group to the west of No 1 Savile Road and result from the proposed new sports pitches and the southern projection of the New College School wing of the Main Quad Building. Further trees are lost due to a proposed new system of paths, planting beds and general landscape arrangements.

10.45. The application includes an arboricultural development report, which summarises the tree removals (Table 1, Page 3), and their associated Quality Categories as assessed using the criteria set out in BS.5837:2012- *Trees in relation to design, demolition and construction- Recommendations*. A total of 24 individual trees, 1 tree group and 2 hedges are lost to the development. Of these, no 'High' quality (A category) trees are

lost, and 5 individual 'Moderate' (B category) quality trees and one tree group are lost; the remaining tree removals being of 'Low' (C category) quality trees and hedges.

- 10.46. A large number of trees are proposed for removal, however most of these are low in quality. A significant proportion is removed as part of a thinning-out of self-seeded trees from over-stocked locations; as a result of self-seeded trees not being removed in the past. The arboricultural development report contains indicative details of proposed tree protection measures for demolition and construction phases of development. These details provide reassurance that tree protection measures are realistic and not fundamentally conflicted by the layout of the proposed scheme. A condition requiring a finalised Tree Protection Plan and associated conditions for details of underground services and hard surfaces will be necessary.
- 10.47. The application's design and access statement includes a Landscape Masterplan that describes the proposed hierarchy and sequencing of buildings and spaces on the site; these are linked by circular and axial pedestrian routes. A narrow pallet of hard materials is used for paths, nodes and building thresholds to provide unifying elements of design around the site. The treatment of these hierarchical spaces using different forms of soft landscaping very effectively reinforces the design aim of creating a gradation from Collegiate to Palladian architectural styles from north to south. The quads, which are formed in the northern portion of the site are formal and open in design, whereas a 'garden glade' and 'woodland' are featured in the southern part of the site, which will act to both enhance a relaxed Arcadian landscape style around the listed No1 Saville Road house, while preserving the existing well-treed suburban character of Saville Road. Replacement tree planting incorporates a pallet of exotic tree types, which is appropriate in the context of the site; for example a columnar form of Gingko is intended to be used as a complimentary foil to the verticality of the proposed tower.
- 10.48. The sites' principal mature trees would be retained and whilst there are significant numbers of trees intended for removal due to elements of the proposed scheme, these are considered to be acceptable as any harm can be mitigated by suitable replacement tree planting as indicated. It is considered on balance that the scheme could produce a net benefit in terms of the landscape quality of the site and its contribution to the appearance and character of the Central Conservation Area locally. The application is therefore considered to be acceptable in relation to the OLP policies CP1, CP11, NE15 and NE16 and the NPPF, subject to various detailed conditions including protecting existing retained trees and securing appropriate new landscape design and implementation.

#### **iv. Transport**

##### *Transport Sustainability & Car parking*

- 10.49. The site lies within the City Centre which has excellent public transport links into and out of the City and is therefore in a sustainable location. It is anticipated that students will walk and cycle around Oxford, with the site located a short walk from New College's main site. A Transport Statement and Travel Plan have been submitted to demonstrate that the proposals would be acceptable in highways terms. A Student Traffic Management Plan and Travel Plan have also been submitted demonstrate how

to movements would be managed, sustainable modes of travel promoted, and reduce congestion as a result of the development. Car parking would be relocated to the College's Weston Building sites, an 8 minute walk away (application 17/03332/FUL refers). The site itself would retain 2 car parking spaces at No.1 Savile Road for disabled users and visitors.

- 10.50. The HA considers that the proposed development would not have any long-term impacts in terms of traffic generation from the New College School side of the development. It notes that the school will not be increasing its pupil intake or staff numbers. On a local level the relocation of car parking from the New College School site to the Weston Buildings site on St Cross Road will cause some rerouting, however this impact will be very minor.
- 10.51. In regards the New College Student accommodation the HA notes that no parking is to be provided for the increase in student accommodation in this site. Furthermore, parking restrictions in place in the local area, which do not allow eligibility to parking permits for residents of student accommodation, restrict the possibility for students to keep vehicles while they are staying at the site. The HA therefore considers that the increase in student numbers at the site would not lead to a significant increase in vehicle trips to the site. Also, as noted above, due to the location of the site within the Transport Central Area (TCA) it is expected that a high proportion of trips to and from the site would be made by sustainable transport modes (i.e. on foot or cycle).
- 10.52. The development would not alter the current situation on site with regards to student numbers and would not result in additional car parking. A Travel Plan (TP) for both the School and College Campus has been submitted in order to encourage residents, pupils, staff and visitors to travel by sustainable modes of transport. Implementation of Travel Plan initiatives contained within the TP by New College and New College School would contribute to the achievement of this objective. The TP survey data highlights that there is scope within the existing school population to encourage more sustainable trips and instigate a reduction in private car usage in school related trips. The principle of the TP is acceptable however the HA requires some amendments in order for it to be fully compliant.
- 10.53. This application is supported by another application to replace the car parking for staff of the school and New College itself within their Sports Field which is located off St Cross Road adjacent to the Lesley Martin Law Library (17/03332/FUL refers). Currently vehicles park on the grass on the edge of the sports field in an informal, haphazard manner and at all times, not just associated with sporting events. The car park application presents the opportunity to formalise this parking with a suitable substructure and improve the impact of the parked vehicles within the field and within the Conservation Area. This is the subject of a separate report however it is considered that given the comments of the HA and there would be no net increase in car parking within the TCA in compliance with TR2 of the OLP, and the imposition of the Travel Plan which would seek to reduce car parking for both School and College Officers raise no objection to this formalised car park, subject to conditions.
- 10.54. It is considered that in this sustainable location within the City Centre and within an existing College Campus that the proposal would accord with TR1 and TR2 of the OLP and HP16 of the SHP, subject to conditions ensuring that students are not

permitted to bring cars to Oxford and a revised Travel Plan.

### *Cycle Parking*

- 10.55. A total of 122 cycle parking spaces will be provided on site for the student accommodation. The existing cycle parking for the school remains the same. The HA has commented that the level of cycle parking for both is considered acceptable. Revised plans have been received which demonstrate a level access for cycles down in to the basement parking and the HA have removed their earlier objection in this regards. Officers concurs with the comments of the HA and it is considered that the proposal accords with HP15 of the SHP subject to condition.
- 10.56. A revised Construction Traffic Management Plans has been received and the HA has confirmed that this is acceptable. It can be secured by condition.

### **v. Impact on Neighbours**

- 10.57. National Planning Practice Guidance explains that in order to achieve good design consideration should be given to buildings and the spaces between them. The layout of developments whether existing or new should be considered in relation to adjoining buildings to ensure that new and existing buildings relate well to each other (Paragraph 24).
- 10.58. The Oxford Local Plan Policy seeks to safeguard the amenities of the occupiers of properties surrounding any proposed development. As a result Policy CP10 requires development to be sited in a manner which ensures that the amenities of the occupiers of properties surrounding any proposed development are safeguarded.
- 10.59. Mansfield College forms the adjoining northern boundary of the site. The Civil War Rampart along this boundary is more visible from within Mansfield, which sits at a lower ground level, approximately 0.50m. Adjacent to both the school building and Savile House are three student accommodation blocks, the Hands Building, the Garden Building and the John Marsh Building all approximately 3 storeys high which lie almost perpendicular to the joint boundary with grassed areas in between. Mansfield College has objected to the proposal on the basis that the new building would be higher and larger in massing and overlook their buildings and grassed areas. Harris Manchester sit on the opposite side of Savile Road and support the development in principle but are also concerned about overlooking from the Tower. Other similar comments from residents or staff member are noted.
- 10.60. Savile House has a significant number of windows facing towards Mansfield's buildings and grassed areas and the school building has some at the upper floor within their Assembly Hall/ theatre. The latter building is built right onto the joint boundary and is approximately 8m to the flat roof. The rest of the School main buildings are also on the boundary and have windows at ground floor facing north. Savile House is set back approximately 7.5m from the boundary at its closest due to the Civil War Rampart, and measures approximately 12m to the top of the ridge and 6m to lower eaves with dormer windows and flat roof bays within the roof above this eaves height.

- 10.61. The new building would be set back from the northern boundary in order to improve the setting of the Rampart. At its closest point to the boundary, approximately 1.8m, it replaces the existing school building which currently sits on the boundary. The building would look onto the blank southern façade of Mansfield's Garden Building and there would be 5.5m between the buildings at their closest point. At its furthest point 6.5m away from the northern boundary, the building faces the John Marsh North Building and would have a distance of approximately 9.3m at their closest points. It too has a blank southern façade.
- 10.62. The concerns about scale massing, proximity to the boundary and overlooking towards Mansfield are noted. The change in ground levels between the sites is also noted. It is considered that the new building would be sufficiently distanced from both the northern boundary and Mansfield College buildings to mitigate the difference in height and massing between the existing buildings and the new one. Consequently the new building would not be overbearing to either buildings or grassed areas of Mansfield's. Furthermore there would be no significant increase in overshadowing than currently exists. Whilst there would be overlooking onto the grassed areas of Mansfield, weighing in the balance the existing windows and ability to overlook from Savile House and the School building it is considered that there would be no significant increase in overlooking or loss of privacy as a result than currently exists such that permission should be withheld in this case. There would be no direct overlooking into rooms within the closest Mansfield Buildings.
- 10.63. In relation to issues of overlooking from the Tower element of Warham House towards Harris Manchester the two of the three windows in the southern elevation of the tower at the 6<sup>th</sup> and 7<sup>th</sup> floors are to office/ college rooms associated with the Institute of Philanthropy. The top circular window is in the parapet and therefore at roof level. Whilst it is acknowledged that the tower would include windows at the 6<sup>th</sup> and 7<sup>th</sup> floor of the tower the increase in overlooking over that possible at lower levels from the existing or new Warham House is not considered significant in this case to warrant refusal given the views are across the public realm of Savile Road toward Harris Manchester.
- 10.64. In relation to other aspects of overlooking from the tower to neighbouring buildings, one trefoil element has the lift core with in it and therefore viewing through these windows would be restricted. The other trefoil element contains the stair core of the tower and windows at upper levels. Whilst one may have the opportunity to linger and take in the views, these windows are directed over the site itself in a north-easterly direction towards Savile House and the large beech tree in between or south-easterly over the garden and new planting towards Savile Road. Again views and overlooking is not considered significant in this case to warrant refusal.

**vi. Energy Efficiency**

- 10.65. Core Strategy Policy CS9 (Energy and Natural Resources) states that all developments should seek to minimise their carbon emissions and should demonstrate sustainable design and construction methods and energy efficiency through design, layout, orientation, landscaping and materials. Qualifying developments, i.e. 10 or more dwellings or developments for over 2000m<sup>2</sup>, should be energy efficient, deliver a proportion of renewable or low-carbon energy and

incorporate recycled or reclaimed materials.

10.66. The proposed development would meet the definition of qualifying development and the applicant has submitted an Energy Statement in support of the application. This is being revised at the time of publishing the Report in response to Officers comments on discrepancies within it regarding carbon reduction. Committee will be updated verbally, subject to it demonstrating 20% on site renewables and carbon reduction, a condition securing this is suggested in accordance with Policies HP11 of the SHP and Core strategy CS9.

#### **vii. Biodiversity**

10.67. CS12 of the CS states that there should be no net loss of sites and species of ecological value and where there is opportunity development will be expected to enhance Oxford's biodiversity. The NPPF, paras 117-118, sets out that the planning system should contribute to and enhance the natural and local environment by minimising adverse impacts on biodiversity and incorporating opportunities to enhance it. The site is not covered by any statutory or non-statutory wildlife site designation.

10.68. A revised Ecological Survey Report has been submitted in support of the development. It concludes that the development proposal is unlikely to have any direct or indirect adverse impact on any statutory or non-statutory wildlife sites. It finds that there would be a net gain in habitats for wildlife once the development is complete.

10.69. The Report has identified that the demolition of Warham House would result in the loss of a day roost of a single soprano pipistrelle bat, which means that the building would need to be demolished under the auspices of a Natural England (NE) European Protected Species Mitigation licence. In this instance, given the small number of bats and bat species involved, the Report states that the demolition could be implemented under the auspices of an NE Bat Low Impact Class Licence (BLICL) which would not require restriction on demolition timing. It concludes that compensation for the loss of the roost should be provided under the terms of the licence by the provision of a single woodcrete bat box in the wider site (that should be maintained for a minimum of five years). The mitigation strategy provides proposals to ensure no overall negative impact on bats from the development and suggests enhancements in the form of bird and bats boxes within the development.

10.70. All species of bat and their roosts are protected under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2010. In considering whether permission should be granted the Local Planning Authority must be satisfied that the three tests stated in the Conservation (Natural Habitats, &c.) Regulations 2010 listed below can be met:

- a. The development must be for one of the reasons listed in regulation 53(2) of the 2010 Regulations. This includes imperative reasons of overriding public interest of a social or economic nature or of a public health and safety nature
- b. There must be no satisfactory alternative, and
- c. Favourable conservation status of the European Protected Species in their natural range must be maintained – this is the test that drives the need for the developer to provide replacement habitat.

10.71. As set out elsewhere in the Report the public benefits of the proposal include the release of student accommodation back to the general housing market, the innovative design and the improvements and enhancement of the Civil War Rampart. It is considered therefore that these benefits meet the first test. In relation to the second test the demolition of the building is required to enable efficient effective and comprehensive re-development of the site to provide enhance facilities and accommodation for both the School and College. In considering the proposals provided for mitigation in the Ecology Report (Applied Ecology Ltd, March 2018), it is considered that it would be possible to meet test 3, subject to the inclusion of the conditions outlining the following:

10.72. It states that the development would not harm nationally or locally designated wildlife sites. Protected Species (bats) and roosts have been identified on the site and as such a licence to remove and demolition would need to be sought via separate legislation. There would be a net loss of biodiversity as a result of the tree and planting removals. However this could be mitigate for by the planting of biodiverse plant species with in the extensive landscaping proposed for the site. Other enhancements measures are also suggested.

10.73. Officers concur with the findings of the report and mitigation and enhancement measures could be satisfactorily secured by conditions in accordance with Policy CS12 of the CS and the NPPF.

#### **viii. Flooding**

10.74. The site is within Flood Zone 1 and the proposed development site is at a low risk of fluvial flooding. Other sources of flooding are also considered to be of low risk, and a Flood Risk Assessment and Drainage Strategy has been submitted which states that here would be a significant reduction in surface water runoff flow rates from existing surface water peak of 128.8l/s for the 1 in 100 year storm event to 12l/s. The drainage calculations for the proposed attenuation tanks have been designed for the 1 in 100 year plus 20% allowance for climate change storm event, therefore complying with policy CS11 of the CS. A Drainage Report has also been submitted with sets out a A preliminary surface water drainage strategy.

10.75. It is considered that the principles of the proposed drainage strategy contained within the Drainage Report are acceptable in compliance with CS11 subject to conditions requiring a final drainage strategy, calculations and details, based on the these principles, including agreement with Thames Water, and a condition to ensure the implementation of the maintenance plan, as detailed in the Drainage Report.

#### **ix. Air Quality**

10.76. The site lies with in Oxfords Air Quality Management Area. (AQMA). The NPPF, para 124, states that planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan. Policy CP23 of the Oxford Local Plan states planning permission will not be granted for development which would have a net adverse impact upon the air quality in the Air Quality Management Area, or in other areas where air quality objectives are unlikely to



be met.

- 10.77. An AQA was submitted but further information was required in order to assess the impact on air quality in this instance. A revised AQA is being drafted in consultation with Officers which should demonstrate that the proposal would not harm air quality in accordance with CP23. Therefore Officers raise no objection subject to an acceptable AQA being received and conditioned accordingly.

**x. Archaeology:**

- 10.78. The NPPF states 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 affect directly or indirectly 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. 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. OLP HE2 also applies.
- 10.79. This application is of interest because of this application will impact on the setting of a section of upstanding Royalist Civil War rampart and buried remains likely to belong to the truncated tail of the rampart. The site also has the potential for prehistoric, Roman, Late Saxon, medieval and post medieval remains.

*The significance of the Civil War bank*

- 1.44. The remains of the Royalist defences around Oxford can now only be clearly read as a landscape feature between the reworked earthwork bastion at the University Club on Mansfield Road and the eastern side of Rhodes House on South Parks Road, forming an L-shaped earthwork truncated by Love Lane. This asset is clearly illustrative of Oxford's important role during the English Civil War reflecting its adoption and defence as the Royalist Capital between 1642 and 1646 and reflecting the labours of enthusiastic Royalist students and subsequently less enthusiastic conscripted townsfolk. Although not currently scheduled the surviving earthworks can be assessed as of national significance for their illustrative/associative historical value and evidential value.

*The potential for an earlier earthwork along the same alignment*

- 1.45. A further dimension to the interest of the Savile House earthwork is that it may follow the route of a pre-existing boundary or substantive earthwork. The available historic mapping, going back to Agas's 1578 map shows a seemingly straight east-west boundary, broken by Parks Road, running from the application site through to St Giles. Former Ashmolean Assistant Keeper David Sturdy suggested an 11<sup>th</sup> century defensive earthwork along this line citing documented evidence for a big ditch east of Parks Road and the observation of a large ditch during the installation of a water tank at St John's College. He also thought that this barrier defined part of the Northgate Hundred which is also recorded on a listed boundary stone, roughly near this line, on Parks Road. In 2016 an excavation just to the north of Canterbury Quad at St John's

College exposed a 30m stretch of 4m wide V shaped east-west ditch following the projected line of Sturdy's 'ditch'.

- 1.46. Archaeological evaluation at the Saville House Music Room site in 2014 revealed that below the redeposited gravel of the Civil War rampart, was a thick bank of redeposited reddish loam. An OSL sample from the loam produced a 9<sup>th</sup>-11<sup>th</sup> date, thus potentially tying-in with Sturdy's theory. However subsequent archaeological recording undertaken prior to the construction of the new Music Room appears to show that the loam bank, whilst also producing late Mesolithic and early Saxon scientific dates, sealed a feature that produced a 14<sup>th</sup> century radio-carbon date (the post excavation work is still in progress).
- 1.47. Subsequently as part of the phased MOLA evaluation for the No 2 Savile House development a test pit was excavated within the projected extent of the loam bank within Savile House yard and this revealed a slightly different sequence of redeposited loam over a further soil layer. Here the loam sealed a Post-Conquest sherd of pottery (OXY c1075-1350).
- 1.48. Therefore at present the best fit for the evidence would be for both the loam bank and the gravel bank above to be the result of the Civil War construction work. However the potential for sampled material to be intrusive, the variation in depositional profiles, the topographical and cartographic evidence and the range of dates and artefacts recovered to-date leave open a number of potential scenarios including the presence of a significant boundary feature along this line predating the Civil War and perhaps reworked by the Royalists.
- 1.49. Elsewhere within the application boundary archaeological evaluation trenching recorded a late medieval or post medieval well and other post medieval artefacts suggesting localised settlement activity in the area of the proposed new basement.

*Impact on the Civil War rampart*

- 1.50. The current proposals may involve the loss of a significant area of the buried loam layer, currently interpreted as the truncated tail of the Civil War rampart, located in the western part of Savile House yard and projected to survive under the current school building (if it has not been disturbed by the construction of the School building). Thus the application will involve harm to part of an asset that can be assessed as nationally significant. However the loss of the loam 'tail' in this area will not impact on the illustrative value of the extant earthwork. It can also be noted that the loam layer has previously been impacted by landscaping, building foundations and services routes. The harm to the loam layer (and any further buried soil layers or features sealed beneath) should therefore be weighed up against the wider merits and public benefits of the scheme, including the removal of the New College School building from the top of the rampart.
- 1.51. It is considered that the Civil War rampart and its setting in this location has not been well served by the developments that have been allowed to build up around it. The recent New College Music room application proved to be an opportunity to improve its setting by moving the building footprint south to allow a newly grassed over rampart to be viewed from publically accessible point on Mansfield Road. The current New College Campus scheme continues this trajectory by pulling back the school building

line from the top of the rampart and opening up a new view of it from the south (although the building footprint moves closer to the rampart at the western end of Savile House yard) and will allow greater appreciation of the assets form by both students and members of the public. Sensitive indicative landscape proposals have been submitted to enhance this appreciation further, including a new footpath over the rampart. This enhancement and improvement is a public benefit of the development, and together with the other public benefits, outweigh any less-than-substantial harm to this heritage asset in this case.

- 1.52. In this case, bearing in mind the results of the archaeological desk based assessment and field evaluation by Museum of London Archaeology, in line with the advice in the National Planning Policy Framework, any consent granted for application should be subject to conditions to secure 1) the implementation of the enabling works archaeological Written Scheme of Investigation 2) sensitive demolition to facilitate archaeological recording 3) a methodology for foundation and ground works 4) archaeological excavation and public outreach work 5) the protection of the Civil War rampart during development and 6) sensitive landscaping and boundary treatments to improve the setting of the Civil War rampart in accordance with HE2 of the OLP and the NPPF.

## **11. CONCLUSION**

- 11.3. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.4. 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 14 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 despite being adopted prior to the publication of the framework.

### *Compliance with Development Plan Policies*

- 11.5. Therefore in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which is inconsistent with the result of the application of the development plan as a whole.
- 11.6. In summary, the proposed development would seek to make an efficient use of previously developed land in accordance with Oxford Core Strategy Policy CS2. The redevelopment of additional accommodation for the college within its own campus is also supported by Sites and Housing Plan Policy HP5. The site layout and built form has been developed in a comprehensive and thoughtful manner following an extensive pre-application process which has considered the impact upon designated

heritage assets including archaeological heritage assets and results in a development which would mitigate the less than substantial harm to these assets by innovative high quality design and a number of public benefits would be derived that would outweigh said harm. As such it would accord with Local Plan Policies CP1, CP6, CP8, HE2, HE3, HE7, HE8 and HE10 along with Core Strategy Policy CS18. It is considered that it would be acceptable in terms of the impact on amenities of the adjoining properties in accordance with Local Plan Policy CP10. In transport terms, it is considered that the proposal would be acceptable in terms of access, parking, highway safety, traffic generation, and pedestrian and cycle movements in accordance with Local Plan Policy CP1, TR1, TR2, TR3, TR4 and Sites and Housing Policy HP15. There would be no harm to public amenity from proposed tree removals and landscaping proposals would positively enhance and mitigate the setting of the new building and heritage assets accord with Local Plan Policies CP1, CP11, and NE15. There would be no adverse environmental impacts in accordance with Local Plan Policies CP1, CP11, and NE15. The loss of a single bat & its roost from the demolition meets the requirements of the Conservation (Natural Habitats, &c.) Regulations 2010 subject to mitigation measures and in other respects there would be a net gain in wildlife habitats in accordance with Core Strategy Policy CS12. Where there are any adverse impacts in relation to these matters officers consider that these could be mitigated through appropriately worded conditions.

2.8. The main policy where there could be considered a departure from development plan policy would be with regard to Oxford Local Plan Policy HE9 which states that permission will not be granted for developments which exceed 18.2m (or ordnance datum height of 79.3m within a 1,200m radius of Carfax Tower). While it is accepted that the proposed tower would exceed the 18.2m height limit as prescribed by the policy and cannot reasonably be considered a 'minor element', and thus exempt from the policy. The tower would reach 25m at the top of its parapet. The Townscape & Visual Analysis and Heritage Impact Assessment submitted with the application has demonstrated that the tower would not be a visually dominant competing element within the skyline or detract from the significant views of the historic cluster of Spires, domes and towers within the City, that Policy HE9 seeks to protect and which would remain the prominent features within the views, thereby according with policies HE10 and CS18, and chapter 12 of the NPPF. Therefore the innovative and contemporary high quality contextual design approach for the tower in accordance with paragraph 63 of the NPPF considerably reduces the weight to be attached to the conflict with this policy.

2.9. Therefore officers consider that the proposal would accord with the development plan as a whole.

#### *Material Considerations*

2.10. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.

2.11. National Planning Policy: The NPPF has a presumption in favour of sustainable development which should be viewed as the golden-thread running through decision taking.

- 2.12. NPPF paragraph 14 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.
- 2.13. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, Paragraph 14 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 2.14. Officers would advise members that having considered the application carefully including all representations made with respect to the application, that the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Core Strategy 2026, Sites and Housing Plan 2013 and Oxford Local Plan 2001-2016, when considered as a whole, and that there are no material considerations that would outweigh these policies.
- 2.15. It is therefore recommended that the Committee resolve to grant planning permission for the development proposed subject to:
- a) Public consultation on revised plans and information not resulting in any new issues being raised that are not dealt with in this report; and
  - b) Receiving a revised Energy statement and Air Quality Assessment to the satisfaction of the Head of Planning, Sustainable Development and Regulatory Services; and
  - c) Subject to further conditions as may be necessary in connection with b) above.

## **12. CONDITIONS**

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

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

2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

3. Samples of the exterior materials to be used shall be submitted to, and approved in writing by the Local Planning Authority before the start of work on the site and only the approved materials shall be used.

Reason: In the interests of the visual appearance of the Headington Conservation Area in which it stands in accordance with policies CP1, CP8 and HE7 of the Adopted Oxford Local Plan 2001-2016.

4. Notwithstanding the submitted Construction Traffic Management Plan, prior to the commencement of development including demolition and enabling works a revised Construction Traffic Management Plan shall be submitted to and approved in writing by the local planning authority. The construction of the development shall be carried out in strict accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of local amenity and the free flow of traffic on the public highway in accordance with policies CP1, CP19, CP21 and TR2 of the Adopted Oxford Local Plan 2001-2016.

5. Notwithstanding the submitted landscape Masterplan and landscape plans, further detailed plan(s) shall be submitted to and approved in writing by the Local Planning Authority prior to substantial completion of the development as a whole or relevant phase or phases of the development as may be agreed. The plans shall show in detail all proposed tree and shrub planting, treatment of paved areas, and areas to be grassed or finished in a similar manner. Only the approved details shall be implemented.

Reason: In the interests of visual amenity in accordance with policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.

6. The landscaping proposals as approved by the Local Planning Authority shall be carried out in the first planting season following substantial completion of the development as a whole or each phase of development if this is after 1st April. Otherwise the planting shall be completed by the 1st April of the year in which building development is substantially completed. All planting which fails to be established within three years shall be replaced.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Oxford Local Plan 2001-2016.

7. Prior to the commencement of development including enabling works and demolition, details of the design of all new hard surfaces and a method statement for their construction shall be submitted to and approved in writing by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the rooting area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which might require hard surfaces to be constructed on top of existing soil levels using treated timber edging and pegs to retain the built up material. The development shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid damage to the roots of retained trees in accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

8. Prior to the commencement of the development excluding demolition and including enabling works, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas (RPA) of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction-Recommendations. Works shall only be carried in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid damage to the roots of retained trees; in support of Adopted Local Plan Policies CP1, CP11 and NE15.

9. The development shall be carried out in complete accordance with the methods of working contained within the approved Arboricultural Method Statement unless otherwise agreed in writing by the Local Planning Authority prior to commencement of development.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

10. The development shall be carried out in strict accordance with the approved tree protection measures contained within the approved Tree Survey and Arboricultural Method Statement dated November 2017 or as amended unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect retained trees during construction in accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

11. Development shall not begin until details of a Tree Protection Monitoring Plan (TPMP) have been submitted to and approved in writing by the LPA. The TPMP shall include details of a monitoring programme for compliance with the approved Tree Protection Plan and Arboricultural Method Statement. An Arboricultural Clerk of Works (ACoW) appointed by the applicant shall oversee implementation of the approved TPMP. The TPMP shall include the following details:

- The role and responsibilities on site of the ACoW or similarly competent person;
- Responsible persons and lines of communication and reporting including with the LPA Tree Officer;
- The times during construction when ACoW will be present on site to oversee works.

Reason: To demonstrate compliance with tree protection conditions and to ensure that trees are protected from injury or damage during development. To ensure a high quality landscape appearance in the interests of public visual amenity in accordance with policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.

12. The cycle parking hereby approved shall be implemented prior to occupation in accordance with the approved basement plans and there after retained at all times thereafter.

Reason: To ensure adequate cycle parking provision in accordance with HP15 of the Sites and Housing Plan 2013.

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

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies CP1, TR12, ED6 and ED8 of the Adopted Oxford Local Plan 2001-2016.

14. Prior to occupation of the development involving residential accommodation details of a Student Travel Information Pack shall be submitted to and approved in writing by the local planning authority in consultation with the local highway authority. The approved Student Travel Information Pack Travel information pack shall be provided to every resident on their first occupation.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Policy CS25 of the Core Strategy and the National Planning Policy Framework.

15. Prior to the first occupation of the school element of the development hereby permitted the applicant shall submit to and obtain the agreement in writing of the local planning authority, a travel plan. The plan shall detail how it is proposed to achieve a reduction in the amount of staff vehicles accessing the replacement car parking site over a rolling 5 year period, the means for implementing the plan, method of monitoring and amending the plan on an annual basis. The results of the annual monitoring exercise shall be submitted to the local planning authority in writing and the travel plan amended accordingly in light of discussions with the local planning authority. Reason. To limit the number of journeys by private motor car and reduce the pressure for car parking in the locality in accordance with policies CP1, TR2 and TR12 of the Adopted Oxford Local Plan 2001-2016.

16. Prior to the commencement of development, plans, calculations and drainage details to show how surface water will be dealt with on-site through the use of sustainable drainage methods (SuDS) shall be submitted to and approved in writing by the Local Planning Authority. The plans, calculations and drainage details will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics.



The plans, calculations and drainage details submitted shall demonstrate that;

- I. The drainage system is to be designed to control surface water runoff for all rainfall up to a 1 in 100 year storm event with a 40% allowance for climate change.
- II. The rate at which surface water is discharged from the site may vary with the severity of the storm event but must not exceed the greenfield runoff rate for a given storm event.
- III. Excess surface water runoff must be stored on site and released to receiving system at greenfield runoff rates.
- IV. Where sites have been previously developed, betterment in runoff rates will be expected, with discharge at, or as close as possible to, greenfield runoff rates.

Any proposal which relies on Infiltration will need to be based on on-site infiltration testing in accordance with BRE365 or alternative suitable methodology, details of which are to be submitted to and approved by the Local Planning Authority. Consultation and agreement should also be sought with the sewerage undertaker where required.

Reason: To ensure compliance with Policy CS11 of the Oxford Core Strategy 2011-2026.

17. The SuDS Maintenance plan as detailed in 'Drainage Report Version 2 – March 2018' should be implemented by the property owner for the lifetime of the development.

Reason; To ensure that the drainage system functions safely and effectively for the lifetime of the development

18. The work should be carried out in accordance with the proposed mitigation measures outlined in the Ecology Report (Applied Ecology Ltd, March 2018), including hand removal of hanging tiles. Detailed mitigation plans (including specific location and specification of bat features) shall be submitted to and approved in writing by the Local Planning Authority prior to work starting on site.

Reason: In the interest of avoiding harm leading to a criminal offence as outlined by the Conservation of Species & Habitats Regulations 2010.

19. Work shall not commence unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or
  - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: In the interest of avoiding harm leading to a criminal offence as outlined by the Conservation of Species & Habitats Regulations 2010.

20. Condition: Prior to the commencement of the development, details including specification and location plans of biodiversity enhancement measures including at least 20 x bird nesting and 5 x bat roosting devices shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the approved dwellings and retained as such thereafter.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026.

21. Condition: No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect mammals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:

- a) creation of sloping escape ramps, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
- b) open pipework being blanked off at the end of each working day.

Reason: To prevent harm to mammals including hedgehogs.

### **13. APPENDICES**

**Appendix 1** – Site Exiting Block Plan

**Appendix 2** - Site Proposed Block plan

**Appendix 3** – ODRP review letter of 25<sup>th</sup> January 2018

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

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

### **15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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



Source: Planning Statement Addendum May 2018, Turnberry's Consultants

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## WEST AREA PLANNING COMMITTEE

**Application Number:** 18/00673/FUL

**Decision Due by:** 11th May 2018

**Extension of Time:** To be agreed

**Proposal:** Erection of a three storey building to create 3 x 1-bed and 6 x 2-bed flats (Use Class C3). Provision of car parking and bin and cycle storage.

**Site Address:** Land Adjacent 279, Abingdon Road, Oxford, Oxfordshire

**Ward:** Hinksey Park

**Case Officer** Michael Kemp

**Agent:** Mr Huw Mellor      **Applicant:** Reynard Property LTD

**Reason at Committee:** The proposal is for more than five residential units.

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### 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to refuse the planning application for the following reasons:

1. The proposal fails to provide an appropriate mix of housing in an area identified in considerable need of family housing and is therefore contrary to Policy CS23 of the Core Strategy and the Balance of Dwellings Supplementary Planning Document.
2. The proposed development by reason of its appearance, height and massing on a rear backland plot would appear unduly prominent and out of keeping with the character and appearance of the surrounding area contrary to policies CP1, CP8, CP9, CP10 of the Oxford Local Plan 2001-2016, MP1 and HP9 of the Sites and Housing Plan 2013 and CS18 of the Core Strategy.
3. The proposed development of this rear backland plot by reason of its appearance, internal layout, height, massing and proximity to the western boundary would unacceptably prejudice the re-development of the former petrol station site to the west adjoining fronting the Abingdon Road to the detriment of effective, efficient and acceptable form of development on an allocated site contrary to CP1, CP6, CP8, CP9, CP10 and SP18.
4. The proposed development by reason of its overall height and massing and number of large east facing windows, together with balconies and private terraces would result in an unacceptable level of overlooking into the adjoining properties gardens and houses to the east on Peel Place and a significant

sense of being overlooked by the occupiers of those properties to the detriment of existing and future occupiers' residential amenity contrary to Policies CP1, CP8, CP9, CP10 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan 2013.

5. The proposed development by reason of the height, massing and proximity to the eastern boundary with adjoining properties to the east on Peel Place and proximity to adjoining property to the south would appear overbearing and visually dominant to these properties and their gardens contrary to Policies CP1, CP8, CP9, CP10 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan 2013.
6. The updated FRA fails to provide a suitable basis for assessment to be made of the flood risks arising from the proposed development; furthermore the proposals do not make provision for a route of egress in event of flooding. The proposals would therefore be contrary to Policies SP18 of the SHP, CP22 of the OLP and CS11 of the CS and paragraphs 102 and 103 of the NPPF.
7. The development as proposed fails to make safe provision for access and the movement of pedestrians, furthermore the existing vehicular means of access would be unsuitable to accommodate the intensification in vehicular use which would arise as a result of the development. The proposals would therefore compromise the safe movement of pedestrians and would be to the detriment of highway amenity and the safe movement of road users contrary to the provisions of Policies CP9 and TR4 of the Oxford Local Plan; Policy CS13 of the Core Strategy and Paragraph 32 of the NPPF.

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers the residential development of a back land brownfield plot adjacent to 279 Abingdon Road, which formerly comprised as an area of car parking (serving the former Fox and Hounds public house). The proposed development would comprise of a single building consisting of 9 flats (3x1 bed and 6x2 bed units).
- 2.2. A similar development, also comprising of 9 residential units was refused on the application site in 2016 (16/01413/FUL). 10 refusal reasons were listed relating to the housing mix, amenity impacts, flood risk, design, scale of the built form, inadequate affordable housing contribution, on-site renewable provision and that the proposals would fundamentally limit the wider development potential of an allocated site.
- 2.3. The present proposals differ in terms of design, though the overall form and scale of development remains broadly similar. Whilst the proposals address some of the previous reasons for refusal, namely in respect of affordable housing, the provision of outdoor amenity space and the provision of on-site renewables; the proposals would fail to address the majority of the previous

reasons for refusal. Consequently on the basis of amenity, design, highways impacts, flood risk and the prejudicial impact of the development on the wider site, the development is recommended for refusal.

### **3. LEGAL AGREEMENT**

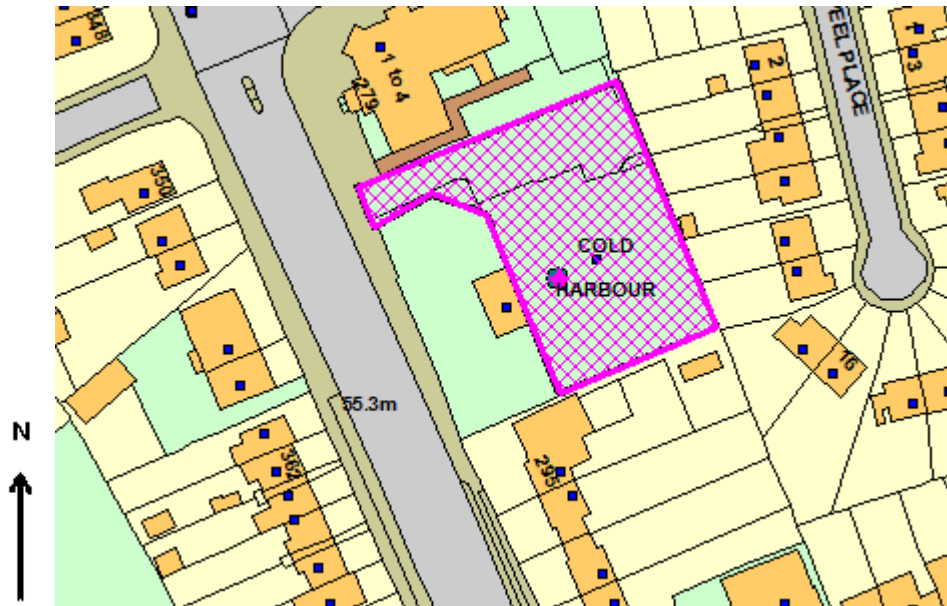
- 3.1. The application if approved would be subject to a legal to secure an off-site financial contribution towards the provision of affordable housing. A draft Section 106 legal agreement has been prepared by the applicants.

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

- 4.1. The proposal would be liable for a CIL payment if approved.

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

- 5.1. The site comprises of a backland area of previously developed land, which was formerly parking associated with the Fox and Hounds public house. The former Fox and Hounds public house has been redeveloped for a convenience retail use, with associated parking. The land immediately to the west of the application site was formerly used as a petrol station, though the site is at present being used as an unauthorised car wash facility. Both the application site and frontage site are included as a site allocation under Policy SP18 of the Sites and Housing Plan. Policy SP18 considers the sites development potential for mixed use retail/residential or exclusively residential development.
- 5.2. Access to the application site is obtained via a single access point onto the Abingdon Road, which presently serves an area of parking associated with the adjacent Tesco Express store. The site is surrounded by residential properties and is characterised by a smaller grain, rear back gardens, mostly off-street parking to the front and typically traditional architectural form with pitched roofs.
- 5.3. The majority of the site lies within Flood Zone 3b and is close to the Iffley Meadows SSSI. Formerly the site was classed as Flood Zone 3a, however the flood zone boundaries have since been amended and only a small area adjacent to the western boundary remains within Flood Zone 3a.
- 5.4. The site location plan is shown below:



## 6. PROPOSAL

- 6.1. The application proposes the erection of a principally three storey building comprising of 9 flats (3x1 bed and 6x2 bed units) alongside associated parking, bin and cycle storage. The proposed development would be served by the existing means of vehicular access onto the Abingdon Road, adjacent to the Tesco store. Parking for a total of 12 vehicles would be located to the rear (north east) of the flats.
- 6.2. The building would be rendered, with sections of timber cladding and would extend to a maximum height of 9.2 metres to the roof ridge at three storey level, reducing to 7.5 metres at two storey level at the point closest to the southern boundary. The proposed 2 bedroom units would be served by external balconies, whilst the development includes a small area of external communal amenity space.

## 7. RELEVANT PLANNING HISTORY

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

16/01413/FUL - Erection of three storey building to provide 3 x 1-bed flats and 6 x 2-bed flats (Use Class C3). Provision of car parking, cycle parking and bin storage.(Additional Information) (Amended Plans).. REF 20th December 2016.

## 8. RELEVANT PLANNING POLICY

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



Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
Design	7	CP1, CP6, CP8, CP9, CP10, CP11, CP17, CS18		HP9	
Conservation/ Heritage	12				
Housing	6			HP12, HP13	
Commercial	1, 2				
Natural Environment	9, 11, 13	NE12, NE13, NE14, NE15, NE23	CS12		
Social and community	8			HP2, HP4, HP14	
Transport	4	TR1, TR13, CP13,	CS13	HP15, HP16	Parking Standards SPD
Environmental	10		CS9, CS10, CS11	HP11	Energy Statement
Misc	5	CP19, CP22,		MP1, SP18	

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 6th April 2018 and an advertisement was published in The Oxford Times newspaper on 12th April 2018.

### **Statutory and Non-Statutory Consultees**

#### Oxfordshire County Council (Highways)

9.2. Recommend refusal for the following reasons:

A previous application (16/01413/FUL) for the same site was refused in 2016. Oxfordshire County Council recommended refusal on the following grounds

- "- Inadequate access for residents and visitors not travelling to the site by car.
- The applicant needs to demonstrate that access to the development, for vehicles, pedestrians and cyclists, via the Tesco car park can be maintained.
- Current proposed waste collection arrangements are inadequate."

The new application has not addressed any of these concerns. Residents of the proposed apartments would have to walk/cycle through the Tesco car park access road to gain entry to the flats which raises severe highway safety concerns. There is a walkway on the northern side of the access road to the car park, however, there are regularly cars and taxis parked on this.

There is no information regarding waste collection or a swept path analysis showing how a refuse vehicle would safely enter and turn within the site. Furthermore, the use of the existing junction into Tesco car park can cause delays along Abingdon Road and Weirs Lane as cars wait to turn in and out of the junction.

Intensification of this junction will add to these delays at peak times and capacity of junction should be considered as an issue.

#### Environment Agency

Objection on the following basis:

The FRA submitted with this application does not comply with the requirements set out in the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF). The submitted FRA does not therefore provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development.

In particular, the submitted FRA fails to:

- Provide an adequate assessment for the loss of flood plain storage within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change caused by the proposed development.

No objection on contaminated land grounds.

#### Thames Water Utilities Limited

9.3. No objection

#### Oxfordshire County Council Emergency Planning

9.4. Our advice from emergency planning would be that any property proposed to be built there would need adequate evacuation plans that do not require the emergency services to assist. Resilient construction i.e. man hole covers fixed down, flood barriers on doorways, raised electrical sockets, raised kitchen cupboards and resilient flooring and drainage / sewage with the correct non

return valves etc. to reduce risk of sewage flooding. Any development would also need to ensure that it did not further impact neighbouring developments by its design and may require suitable drainage options to prevent this.

#### Oxford City Council Flood Mitigation Officer

- 9.5. An objection is held due to the site location within Flood Zone 3b, in which development is prohibited by Oxford Core Strategy Policy CS11. It is appreciated that measures have been taken to mitigate flood risk, both on site by raising the floor level above the modelled flood level, and off site by allowing free flow of flood water below the building, so the effect should be negligible. There are however concerns over safe access and egress, as a route with 'very low hazard' cannot be provided

#### **Public representations**

- 9.6. A joint letter from the Residents of Peel Place and Weirs Lane has been received in relation to the proposed development raising the following points of objection:
- The development would impact on the amenity of adjacent occupants by reason of overlooking and overbearingness.
  - The development would be out of keeping with the scale, massing and character of the area.
  - The development would increase the risk of flooding.
  - The development would exacerbate traffic and access issues.
  - The proposals would compromise a more comprehensive approach towards development of the site and make no provision for family or social housing.

A separate letter of objection has been received from the occupant of No.12 Peel Place, raising concerns regarding the following matters:

- Height of the development
- Parking
- No dimensions shown on proposed drawings
- Little provision made for new tree planting.
- Overdevelopment of the site.

The Oxford Civic Society objected to the application on highway safety and amenity grounds.

A letter of objection prepared by JPPC on behalf of the owners of the frontage site, Capital Developments (London) has been received and can be summarised as follows:

- The height and massing remains unchanged from the refused scheme.
- The proposals would compromise the re-development potential of the former petrol station site.
- Objections have been raised by Oxfordshire County Council highways, which have not been addressed by the applicants.

## **Officer Response**

Officers consider that those matters raised as part of the consultation that have a material planning impact are considered as part of the following report.

### **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Housing Mix
- iii. Affordable Housing
- iv. Design
- v. Internal and External Amenity
- vi. Impact on adjacent site
- vii. Impact on amenity of existing occupants
- viii. Highways, access and parking
- ix. Sustainability
- x. Flood Risk
- xi. Land Contamination

#### **i. Principle of Development**

10.2. The site forms part of an allocated site under Policy SP18 of the Sites and Housing Plan (2013) for a mixed-use retail and residential development or an entirely residential development at the Fox and Hounds public house and former Petrol Station site. The supporting text sets out the Council's position that it would be most appropriate to develop the allocated site as a whole to ensure comprehensive redevelopment of the site. This would ensure that no part of the site is left derelict and would make the most efficient use of land. The Fox and Hounds itself has been redeveloped to provide a Tesco's local shop with flats above, leaving the former pub car park and petrol site remaining.

10.3. In determining the previous planning application (16/01413/FUL) officers deemed the principle of redeveloping the site for a residential use to be acceptable. Likewise in terms of the present proposals, officers consider the principle of a residential use on this site would be acceptable and compliant with the aims of Policy SP18 of the Sites and Housing Plan.

10.4. Notwithstanding the in-principle acceptability of residential development on the site, as the proposals would only amount to the development of a portion of the site and any development should not compromise the opportunity to maximise the wider development potential of the site in terms of density and in terms of ensuring that the future development of the site is appropriate in design terms, whilst also ensuring that the development preserves the amenity of existing and future occupiers.

#### **ii. Housing Mix**

- 10.5. Policy CS23 of the Core Strategy (2011) requires new housing developments to provide different types and sizes of home, to provide for a range of households, such as families with children, single people, older people and people with specialist housing needs. An appropriate mix of homes for different areas of Oxford is set out in the Balance of Dwellings SPD (BODs SPD), which specifies the range of house sizes (by bedrooms) expected.
- 10.6. The site lies within an amber area identified within the BODs SPD wherein there is a considerable need for family housing and a reasonable proportion of new family dwellings should be provided as part of the mix for new developments. Family housing for the purposes of CS23 & BODs SPD is defined as dwellings with three or more bedrooms and access to a private garden area.
- 10.7. According to the SPD the mix for 4-9 units should be:
- 0-30% 1 beds;
  - 0-50% 2 beds
  - 30-100% 3beds
- 10.8. Officers note that the housing mix proposed within this application would comprise of 3 x 1 bed units and 6 x 2 bed units; no provision is made within the scheme for 3 or 4 bed units. The proposed housing mix matches that of the previously proposed scheme on the site (16/01413/FUL), which was refused for the following reason:
- “The proposal fails to provide an appropriate mix of housing in an area identified in considerable need of family housing and is therefore contrary to Policy CS23 of the Core Strategy and the Balance of Dwellings Supplementary Planning Document.”
- 10.9. The mix of units proposed within the present application would similarly fail to deliver the mix of dwellings required under the provisions of Policy CS23 of the Core Strategy and the Councils Balance of Dwellings SPD. The accompanying planning statement indicates that a development which would meet the appropriate BOD’s requirement would be unviable as it is claimed that this would result in a loss of units. It is suggested that the required contribution towards affordable housing, CIL contribution and the cost of contamination clean up and flood alleviation would further impact on the viability of the scheme. Officers note that no firm evidence has been submitted to support this claim and consider that there would be no sufficient justification to deviate from providing the appropriate mix of units specified within the BOD’s SPD.

**iii. Affordable Housing Contribution**

- 10.10. Policy HP4 of the Sites and Housing Plan (2013) sets out the requirement to either provide or contribute towards affordable housing on small residential developments of 4-9 units, unless it can be demonstrated that such a contribution would render the development unviable. Following the Court of

Appeal decision in May 2016, the City Council reviewed the legal position and concluded that it was appropriate to continue applying HP3 and HP4 to seek affordable housing contributions because of the exceptional affordability issues in Oxford. The proposal provides 9 units and therefore a contribution will be required towards affordable housing.

- 10.11. The previous proposals included no provision for a financial contribution towards affordable housing and the development was subsequently refused on the basis that the proposals would be non-compliant with the provisions of Policies CS24 of the Core Strategy and HP4 of the Sites and Housing Plan.
- 10.12. Paragraph 4.25 of the supporting planning statement indicates the applicant's intention to provide a financial contribution towards the off-site provision of affordable housing, equivalent to 15% of the total development value of the site, to be secured by way of a Section 106 legal agreement, a draft copy of this agreement has been provided and the details are considered to be acceptable in principle. Officers consider that the intended contributions would comply with the requirements of Policy HP4 of the Sites and Housing Plan and Policy CS24 of the Core Strategy.

#### **iv. Design and Impact on Character of Surrounding Area**

- 10.13. The proposed building would comprise principally of a three storey single block consisting of nine dwellings. The height of the building is reduced to two storeys within the south section in an attempt to mitigate the amenity impact on the adjacent property No.295 Abingdon Road. The surrounding development comprises principally of two storey traditional dwelling types, featuring pitched roofs and a principal palette of brick and render materials.
- 10.14. The adjacent Tesco building, which sits on a prominent corner plot, is a two and a half storey building and is at present the dominant building within the street scene. It is considered that any new buildings within the application site should relate comfortably to the hierarchy of the buildings within the immediate area, therefore the scale and massing of the building of the building should ensure a comfortable transition between the adjacent two and a half storey Tesco building and adjacent two storey dwellings. Contrary to this, the scale of the proposed building would exceed that of the adjacent buildings and would subsequently appear prominent owing to the height and massing of the flats.
- 10.15. The previously proposed development on the site, similarly proposed a three storey single block of flats, which was refused and was refused on the following grounds:
- “The proposed development by reason of its appearance, height and massing on a rear backland plot would appear unduly prominent and out of keeping with the character and appearance of the surrounding area contrary to policies CP1, CP8, CP9, CP10 of the Oxford Local Plan 2001-2016, MP1 and HP9 of the Sites and Housing Plan 2013 and CS18 of the Core Strategy”

- 10.16. Officers consider that the present proposals would do little to alleviate officers concerns. Alterations have been made to the design of the building, simplifying and softening the appearance of the two principle elevations. These changes are a minor enhancement in design terms and the alterations somewhat reduce the prominence of the building, though the massing of the building remains broadly similar to the previously refused scheme and at 9.2 metres in height, the building would be 0.3 metres higher than the previous proposals, which measured 8.9 metres to the roof ridge.
- 10.17. For these reasons officers consider that owing to its excessive scale, the proposed building would appear unduly prominent within the context of the immediate built environment and its height and massing fails to relate to the hierarchy of the immediate built form. The proposed development would, therefore by reason of its appearance, height and massing appear unduly prominent and out of keeping with the character and appearance of the surrounding area contrary to policies CP1, CP8, CP9, CP10 of the OLP, SP18 and HP9 of the SHP 2013 and CS18 of the Core Strategy (2011).

**v. Internal and External Amenity Spaces**

- 10.18. The internal spaces and dimensions of the flats would comply with the standards outlined within Policy HP12 of the Sites and Housing Plan and National Space Standards.
- 10.19. Each of the flats would be provided with external balcony spaces, which comply with the minimum dimensions of 1.5 x 3 metres. An area of external communal space to the rear of the flats is proposed, though this would not be of a particularly high standard given that a large portion of this space would be overshadowed by an existing tree, which is shown to be retained on the proposed site plan. Notwithstanding this it is considered that the development would comply with Policy HP13 of the SHP. Adequate bin storage is provided and would accord with Policy HP13.

**vi. Impact on Adjacent Site**

- 10.20. The supporting text to site allocation SP18 indicates the Councils desire to see a comprehensive redevelopment of the whole allocated site, including the former Fox and Hounds. Despite this desire, there is no specific requirement for comprehensive development of the whole allocated site within the Policy wording.
- 10.21. There is no breach of SP18 on this basis alone, however ensuring that no part of the allocated site is left derelict and that the best use is made of the available land is a legitimate planning objective as set out in OLP Policy CP6. To sustain an objection on this the basis, the Council would have to demonstrate that the rest of the site could not be developed independently should this development be allowed. Under the subsequent approval(s) for the Tesco's on the Fox and

Hounds the right of access over the Tesco's car park to the vacant land at the rear was secured via a legal agreement in order to ensure development of this land was not prejudiced.

- 10.22. The earlier permission and construction of Tesco's therefore sets a precedent for developing the allocated site independently and comprehensive development could not reasonably be pursued as a reason for refusal in this case. However, the proposal can still be assessed in terms of unacceptably frustrating or prejudicing re-development of the former petrol station site adjoining to the extent that it could not be developed in a way that would not be acceptable to the Council or result in it not coming forward at all.
- 10.23. In refusing the previous application on the site, officers considered that due to the height, proximity to the adjoining western boundary and windows to habitable rooms in the west facing front façade any building on the former petrol station site would be limited to a single storey development. The present proposals would do little to overcome this as there is no discernible reduction in the extent of glazing on the west elevation facing the former petrol station, with all of the windows serving habitable rooms.
- 10.24. The height of the building is greater than that of the previously refused scheme and similarly would have an overbearing impact on the frontage site, which would in turn reduce the development potential of the land. The scale and siting of the proposed building would effectively limit any development on the frontage site to single storey development, as a building of a greater scale would in all likelihood block light to the windows of the proposed flats and would result in issues of overlooking for occupants on either part of the site.
- 10.25. The implications would therefore be two fold; firstly, a single storey development would be out of keeping with the adjacent buildings and harmful to the character and appearance of the street scene, and secondly would fail to efficiently and effectively redevelop the allocated site to meet the aspirations of the Council to improve provide much needed residential accommodation and improve this gateway location into the City.
- 10.26. In summary whilst the principle of residential development on this site is acceptable, the independent re-development of this site as proposed within this application would unacceptably frustrate the redevelopment of the former petrol station adjoining with unacceptable consequences contrary to Policies CP1, CP6, CP8, CP9, CP10 of the OLP, HP9, SP18 of the SHP and CS18 of the CS.

**vii. Impact on Amenity of Existing Occupants**

- 10.27. The application site is surrounded by a number of properties to the rear at Peel Place, which would be materially affected by the proposed development, alongside the adjacent property to the south, No.295 Abingdon Road. The previously proposed development was refused on the basis that the development would have an unacceptable overbearing impact on these properties and would result in an unacceptable degree of overlooking.



- 10.28. Officers consider that the present proposals would have a similar impact on the amenity of the properties in Peel Place and No.295 Abingdon Road. The east facing elevation contains extensive glazing and balconies at second floor level. The extent of glazing and the position of the proposed balconies would result in overlooking and a strong perceived sense of overlooking for the occupants of the existing properties in Peel Place.
- 10.29. The previous application proposed a building, which would have measured 8.9 metres to the roof ridge at the highest point. The proposed building within this application would measure 9.2 metres to the roof ridge and would therefore be higher than the previously proposed building, which was considered to have an unacceptable overbearing impact on the adjacent properties, by reason of the building's height and massing. The overall scale of development would, at three storeys and 9.2 metres in height have an overbearing and oppressive impact in terms of its scale and massing which would consequently compromise the amenity of these properties.
- 10.30. The side elevation of the proposed building would be set only 1.9 metres away from the boundary of the adjacent property to the south of the site, which would be insufficient to mitigate against the impact of a two storey elevation, which extends a significant distance along the side boundary of this property, close to the rear windows of this dwelling and private amenity space. The scale of development is therefore considered to have an unacceptable overbearing impact on this property and would result in substantial overshadowing and loss of light to the rear amenity space and habitable rooms within this property, contrary to Policy HP14 of the SHP.
- 10.31. The proposals would result in an unacceptable level of overlooking and loss of privacy and would appear visually dominant and overbearing in relation to the properties to the side and rear of the site contrary to Policies CP1, CP8, CP9, CP10 of the OLP and Policy HP14 of the SHP.

**viii. Highways**

- 10.32. HP16 of the SHP sets out the requirements for larger housing developments outside the Transport Area where a new parking court is created. The site is not within a controlled parking zone. A maximum of 15 allocated spaces with 4 unallocated spaces would be required in with HP16 (Appendix 8); total of 19 spaces. In this outer suburban location Officers are of the view that car free would not be acceptable and at least one space per flat is necessary, despite the good public transport links into the City Centre. This would equate to a minimum of 9 allocated car parking spaces with 7 unallocated spaces, a total of 16 spaces under HP16.
- 10.33. The development proposes 12 spaces and includes one disabled space, which amounts to one allocated space per flat and 3 visitor spaces. No objection is raised by Oxfordshire County Council in terms of overall parking provision. On balance officers consider that the proposed parking provision would be

acceptable and would accord with the provisions of Policy HP16 of the Sites and Housing Plan.

- 10.34. Vehicular and pedestrian access to the development would be served by the existing access serving the Tesco car park. The proposed pedestrian access is considered to be inadequate. Whilst it is noted that a new access path would be formed between the site and the adjacent car park, users of this access would be required to cross the existing vehicular access and car park in order to access this through route and would serve as the only means of accessing the flats. Officers consider that the intended access would be unsafe and would compromise pedestrian safety. The highways authority also notes that this access is frequently obstructed by parked vehicles, which restricts the feasibility of using this as a pedestrian route.
- 10.35. In terms of the suitability of the access for additional vehicular use, the Highways Authority note that use of the existing junction between the Tesco car park and Abingdon Road is presently resulting in delays, which would be exacerbated by a substantial further increase in use, which would arise as a result of the siting of the proposed flats and associated parking. It is also noted that no swept path analysis has been provided showing how a refuse vehicle could enter and turn within the site.
- 10.36. Officers concur with the view of the highways authority that the development would compromise highway safety and amenity and consequently consider that the development would fail to comply with the relevant provisions of Policies CP9 and TR4 of the Oxford Local Plan; Policy CS13 of the Oxford Core Strategy and Paragraph 32 of the NPPF.

#### **ix. Sustainability and Renewable Provisions**

- 10.37. The applicants have provided an energy and sustainability statement in support of the proposed application, which outlines energy efficiency measures incorporated into the proposed development. The statement outlines that the development would allow for a 21% reduction in carbon emissions from on-site renewable technology, which would comply with the requirements of Policies HP11 of the SHP and CS9 of the Core Strategy.

#### **x. Flood Risk**

- 10.38. The majority of the application site is located within flood zone 3b, though a small section of the site falls within flood zone 3a; this includes an area adjacent to the south west boundary, which includes the partial footprint of the proposed building.
- 10.39. Policy CS11 of the Core Strategy specifies that planning permission will not be granted for any development in the functional flood plain (flood zone 3b). Developments within flood zone 2 or above are required to be accompanied by an FRA to show how the proposed development would not increase flood risk

and should include mitigation measures.

- 10.40. Policy SP18 acknowledges that the site is capable of accommodating development, notwithstanding the existing flood risk, providing that a site specific FRA is provided and providing that the development incorporates necessary mitigation measures. Reference is made within section B2.50 of the SHP to the site falling within flood zone 3a, however since this policy was worded; the boundaries of flood zones 3a and 3b have been amended.
- 10.41. The submitted FRA acknowledges that a series of measures will be incorporated within the design to mitigate the existing flood risk. SuDS drainage measures are proposed for the site in order to control surface water discharge rates. The Environment Agency have objected to the proposed development on the basis that the FRA submitted does not accord with the requirements set out in the National Planning Practice Guidance and subsequently does not provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development. In particular the FRA does not provide an adequate assessment for the flood plain storage within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change. It is suggested that this objection could be overcome by the submission of further details, though such details have not been provided.
- 10.42. The submitted Flood Risk Assessment demonstrates that flood compensation measures have been provided, along with flood resistance/resilience measures. The Councils Flood Mitigation Officer has suggested that these measures should be adequate to mitigate the existing flood risk.
- 10.43. The FRA assesses the risk of flooding to people/flood hazard, shown by the EA Flood Hazard map as 'Danger for Some' and 'Danger for Most'. The EA recommend that a 'Very Low Hazard' route of egress is provided in a flood event, to a dry place, in order not to add to the potential work of the local emergency services should the occupants need to be rescued.
- 10.44. The proposed site plan does not have this egress route, and therefore raises a concern for the occupants in a flood event. The single, narrow means of access is compromising of the ability to provide a dry means of escape in the event of flooding and is further indicative that developing the site comprehensively as a whole should be the preferable option.
- 10.45. Taking each of the above factors into account, officers consider that the development would fail to comply with the provisions of Policy CS11 of the Core Strategy and Paragraph 103 of the NPPF.

**xi. Land Contamination**

- 10.46. The application is accompanied by a supporting letter assessing contamination risks on the site. The findings on the letter have been reviewed and are supported by the Councils Land Quality Officer. Overall subject to remediation and further investigation, existing contamination would not preclude development of the site.

## **11. CONCLUSION**

- 11.1. The application proposes the development of a single building consisting of 3 x 1 bedroom dwellings and 6 x 2 bedroom dwellings.
- 11.2. The proposed development would be overbearing and visually dominant in terms of its scale and massing and would fail to relate appropriately to the character, scale and appearance of the neighbouring built form. Both the scale and siting of the proposed development would impact detrimentally on the amenity of adjacent residential dwellings by reason of the overbearingness of the built form, overlooking and loss of light. Furthermore the siting and scale of the proposed development would compromise future development of the former petrol station site, which fronts the Abingdon Road, which would compromise the potential to make best use of the wider allocated site.
- 11.3. The development would also have a detrimental impact on highway safety and amenity by reason of the intensified use of an access, which is already at capacity. The siting of development and single means of access would not allow for a safe means of escape in the event of flooding, coupled with the high flood risk this would not be acceptable.
- 11.4. It is therefore recommended for the reasons outlined within this report that the Committee resolve to refuse planning permission.

## **12. REASONS FOR REFUSAL**

1. The proposal fails to provide an appropriate mix of housing in an area identified in considerable need of family housing and is therefore contrary to Policy CS23 of the Core Strategy and the Balance of Dwellings Supplementary Planning Document.
2. The proposed development by reason of its appearance, height and massing on a rear backland plot would appear unduly prominent and out of keeping with the character and appearance of the surrounding area contrary to policies CP1, CP8, CP9, CP10 of the Oxford Local Plan 2001-2016, MP1 and HP9 of the Sites and Housing Plan 2013 and CS18 of the Core Strategy.
3. The proposed development of this rear backland plot by reason of its appearance, internal layout, height, massing and proximity to the western boundary would unacceptably prejudice the re-development of the former petrol station site to the west adjoining fronting the Abingdon Road to the detriment of effective, efficient and acceptable form of development on an allocated site contrary to CP1, CP6, CP8, CP9, CP10 and SP18.
4. The proposed development by reason of its overall height and massing and number of large east facing windows, together with balconies and private terraces would result in an unacceptable level of overlooking into the adjoining properties gardens and houses to the east on Peel Place and a significant sense of being overlooked by the occupiers of those properties to the detriment of existing and future occupiers' residential amenity contrary to

Policies CP1, CP8, CP9, CP10 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan 2013.

5. The proposed development by reason of the height, massing and proximity to the eastern boundary with adjoining properties to the east on Peel Place and proximity to adjoining property to the south would appear overbearing and visually dominant to these properties and their gardens contrary to Policies CP1, CP8, CP9, CP10 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan 2013.
6. The updated FRA fails to provide a suitable basis for assessment to be made of the flood risks arising from the proposed development; furthermore the proposals do not make provision for a route of egress in event of flooding. The proposals would therefore be contrary to Policies SP18 of the SHP, CP22 of the OLP and CS11 of the CS and paragraphs 102 and 103 of the NPPF.
7. The development as proposed fails to make safe provision for access and the movement of pedestrians, furthermore the existing vehicular means of access would be unsuitable to accommodate the intensification in vehicular use which would arise as a result of the development. The proposals would therefore compromise the safe movement of pedestrians and would be to the detriment of highway amenity and the safe movement of road users contrary to the provisions of Policies CP9 and TR4 of the Oxford Local Plan; Policy CS13 of the Core Strategy and Paragraph 32 of the NPPF.

### **13. APPENDICES**

#### **Appendix 1 – Site Plan**

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

- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to 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 refusal of planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

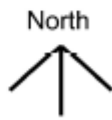
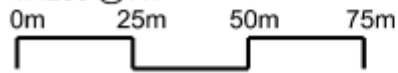
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# Appendix 1

18/00673/FUL



Site Location Plan  
1:1250 @ A4



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## WEST AREA PLANNING COMMITTEE

12th June 2018

**Application Number:** 17/03429/FUL

**Decision Due by:** 19th February 2018

**Extension of Time:** To be agreed

**Proposal:** Change of use of 4-5 Queen Street at basement and ground floor from A1 (retail) to A2 (bank).

**Site Address:** 4-5 Queen Street, Oxford, Oxfordshire, OX1 1EJ

**Ward:** Carfax Ward

**Case Officer:** Robert Fowler

**Agent:** Mr Mark Underwood      **Applicant:** Mr Ewing

**Reason at Committee:** The application is before the committee because it has been called in by the Head of Planning, Sustainable Development and Regulatory Services

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

**(a) 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**

**(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

## 2. EXECUTIVE SUMMARY

2.1. This report considers the change of use of the existing basement and ground floor of the recently completed retail unit at No. 4-5 Queen Street from its lawful use as retail (Use Class A1) to a bank (Use Class A2). The proposed development would be within the primary shopping frontage where the number of units that fall outside of a A1 use is already below the threshold of 80% outlined in Policy RC3 of the Oxford Local Plan; this would mean that the development would normally be contrary to Policy. However, officers advise that in this case there is a fallback position that would allow for the ground floor and basement to

be changed to an A2 use without a grant of planning permission (subject to some restrictions) which means that the development can be supported. Officers also consider that the radically changed retail environment within the City Centre that has resulted from the development of the Westgate Centre means that, on balance this development can be supported. The proposals accord with the wider requirements of providing suitable uses within the City Centre and making efficient use of land and the proposals therefore conform with Policies CS1 and CS31 of the Core Strategy (2011) and Policies CP1, CP6 and CP10 of the Oxford Local Plan 2001-2016.

### **3. LEGAL AGREEMENT**

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

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

4.1. The proposal is not liable for CIL.

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

5.1. The site is located within the City Centre on Queen Street and close to the junctions of High Street, Cornmarket Street and St Aldates (Carfax). The site forms part of a wider site (4-5 Queen Street and 114-119 St Aldates) that gained planning permission for a redevelopment in 2015 (reference 14/02256/FUL). The approved scheme was for retail units in an A1 use on Queen Street and St Aldates and student accommodation at the upper floors. The retail unit on St Aldates is now in use as a small Sainsburys Supermarket.

5.2. The application site lies close to a number of Grade II Listed Buildings (including the Carfax Tower, Tower House, Midland Bank and a telephone box outside of the Carfax Tower). The site also lies within the Central (University and City) Conservation Area.

5.3. In August 2017 a retailer started to trade from parts of the application site; this use would have fallen within a retail use (Use Class A1). That use continued for just over one month before ending. That use has subsequently restarted for a longer period of time and then ended since this planning application was submitted.

5.4. A number of changes have recently been made to the shop front that benefit from planning permission (17/01244/FUL) and there is an advertisement consent application that at the time of writing is still pending (18/00759/ADV). These changes are associated with the applicant for this application who is the prospective user of the retail unit, Metro Bank.

## 5.5. Site Location Plan



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Ordnance Survey 100019348

## 6. PROPOSAL

- 6.1. Planning application is sought for a change of use of the ground floor and basement from an A1 (retail) use to an A2 (bank) use. The proposals do not include any physical development to the building.

## 7. RELEVANT PLANNING HISTORY

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

14/02256/FUL - Demolition of 4-5 Queen Street and rear of 114-119 St Aldates. Renovation and alteration of remaining properties at 114-119 St. Aldates with roof extension, plus erection of new building to Queen St on 5 levels plus basement. Change of use from offices and retail to form 2 Class A1 retail units plus further unit for either Class A1 (retail), Class A2 (offices) or Class A3 (restaurant) at basement and ground floor levels. Provision of 133 student study rooms at upper levels, plus ancillary facilities at basement level and cycle parking for 110 cycles at ground floor level.. PER 4th August 2015.

15/03391/VAR - Variation of condition 15 (Noise Insulation) of planning permission 14/02256/FUL to allow rewording of this condition.. PER 29th April 2016.

14/02256/NMA - Non-material amendment of planning permission 14/02256/NMA to enable alterations to the internal courtyard elevations, including changes to gable wall of the west elevation, the addition of pipes/vents to the rear court yard elevations and to re-use some existing window openings and render existing walls of two narrow elevations to the rear of St Aldate's.. PER 29th February 2016.

17/00403/VAR - Variation of condition 16 (Air conditioning plant) of planning permission 14/02256/FUL to allow new location for mechanical plant.. PER 13th April 2017.

17/01244/FUL - External alterations to shopfront, installation of 1No. ATM to shopfront and associated works. (Amended plans and description). - PER

17/03429/FUL - Change of use of 4-5 Queen Street at basement and ground floor from A1 (retail) to A2 (bank).. Pending.

18/00759/ADV - Display of 1no. internally illuminated fascia sign and 2no. internally illuminated signs. (amended plans). PCO .

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
Design	14				
Conservation/ Heritage	131-134				
Commercial	19, 24		CS1, CS31		
Transport	4	TR3 and TR4			Parking Standards SPD

<b>Environmental</b>	10	CP19, CP21			Energy Statement TAN
<b>Misc</b>	5	CP.13, CP.24, CP.25		MP1	Telecommu- nications SPD, External Wall Insulation TAN,

## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 25th January 2018 and an advertisement was published in The Oxford Times newspaper on 25th January 2018.

### **Statutory and Non-Statutory Consultees**

Oxfordshire County Council (Highways)

- 9.2. No comments

### **Public representations**

- 9.3. Councillor Wolff, comments in support:
- Additional retail at Westgate may make this acceptable
  - Proposal would not include changes to the shopfront

Stoneybrook Horsham, objections:

- Access
- Amount of development
- Effect on character of area

### **Officer Response**

- 9.4. The above points have been responded to in the Officer report below. The comments relating to the physical changes to the building that would result are not relevant as the proposals do not include any changes to the appearance of the building and only its use.

## 10. PLANNING MATERIAL CONSIDERATIONS

- 10.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Design, Impact on Conservation and Listed Buildings
- iii. Neighbouring amenity
- iv. Access and Parking

**i. Principle of Development**

*Policy RC3 of the Oxford Local Plan 2001-2016*

- 10.2. The proposed development falls within the designated primary shopping frontage set out in Policy RC3 of the Oxford Local Plan 2001-2016. The policy requires that planning permission would only be granted for a change of use to a bank (A2) where the proportion of units at the ground floor level in A1 use (in the primary shopping frontage) does not fall below 80% of the total number of units. This policy is the main policy consideration in terms of assessing the acceptability of these proposals and whether or not a change of use from retail (Use Class A1) to a bank (Use Class A2) can be supported.
- 10.3. A survey was carried out in August 2017 that found that 74% of units within the primary shopping frontage were considered to be in A1 use however this did not take into account the recent completion of the Westgate Shopping Centre (and therefore did not include any of the retail units within that part of the primary shopping frontage). A more recent survey has been carried out that includes the original areas of the Westgate Shopping Centre (that have been refitted) that were included in the primary shopping frontage for the purpose of Policy RC3 of the Oxford Local Plan 2001-2016. This survey found that approximately 77% of units within the primary shopping frontage fell within an A1 use. It is important to point out that this figure does not include any of the new retail units created within the Westgate as the policy does not identify them within the primary shopping frontage (the policy pre-dates the recently completed Westgate).
- 10.4. On the above basis the development would not be acceptable in the context of Policy RC3 of the Oxford Local Plan 2001-2016. However, officers take the view that there are other considerations and merits to these proposals that may make the change of use acceptable in planning terms. Each of these considerations are explored below.

*National Planning Policy Framework (NPPF) and Policy CS31 of the Core Strategy (2011)*

- 10.5. The NPPF post-dates Policy RC3 of the Oxford Local Plan 2001-2016. With the exception of a specific sequential approach to deal with applications for town centre uses in edge of centre or out of town locations the NPPF does not include detailed prescriptive advice about how to assess planning proposals for changes of use (other than the core planning principles set out in Paragraph 17 of the NPPF and the presumption in favour of sustainable development set out in Paragraph 14 of the NPPF). The applicant's agent suggests in their planning statement that the NPPF requires that local planning policies should ensure the vitality of town centres and policies need to be positive and promote competitive town centre environments. Whilst it is acknowledged that Policy RC3 of the Oxford Local Plan 2001-2016 pre-dates the NPPF it does arguably meet the specified policy requirements set out in Paragraph 23 of the NPPF.

- 10.6. Policy CS31 of the Oxford Core Strategy (2011) requires that planning permission be granted for development that is appropriate in relation to the role and function of each centre. The City Centre is identified as the first place in terms of the retail hierarchy of the City for retail development. The proposals are for a change of use of an existing retail (A1) site; however the change of use would be for an A2 use which would be acceptable in the City Centre in the context of Policy CS31 (notwithstanding the aforementioned requirements of Policy RC3 of the Oxford Local Plan 2001-2016).

#### *Operations of Metro Bank*

- 10.7. The applicant's agent makes a case that the nature of Metro Bank differs from other banks and similar uses falling within Use Class A2. Metro Bank have been identified as the end user in this case (and are the applicant) and it is worth considering that they typically have longer opening hours and seek to promote more active frontages (which may give rise to higher levels of footfall). The submitted planning statement suggests that the level of activity generated by their operations is more akin to a retail (A1) use and the merits that result from this would make the proposed change of use more acceptable.
- 10.8. Officers note that the prospective user of this unit would be Metro Bank and acknowledge the nature of their operations and how this may generate more footfall than other typical banks. However, it is not considered that this alone would make the development acceptable. If members are minded to consider that the nature of Metro Bank's use of the unit would make this change of use acceptable then they should consider including a personal condition to ensure that the unit is not changed to another A2 use and is always limited to Metro Bank (or could revert to an A1 use) unless a further change of use planning application is made.

#### *Fallback Position and Permitted Development*

- 10.9. An application for a lawful development certificate (17/02510/CPU) for a proposed use of the application site was submitted in August 2017. The basis of this lawful development certificate was to prove that a change of use from A1 to A2 would be lawful. The government allows for permitted changes between retail (A1) and financial and professional services (which includes banks) (A2) (this is set out in the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the GPDO). At the time that the application was made a retail (A1) use was taking place in part of the building and that use did continue for a period of just over one month. Officers refused that application on the basis that the entire development of 4-5 Queen Street (and 114-119 St Aldates) was not substantially completed, only a small part of the premises were in use as a retail use and that use had only taken place for a short period of time; this meant that because the A1 use had not fully commenced then no subsequent permitted change to an A2 use could take place.
- 10.10. The applicant's agent makes a case in their submitted planning statement that the development sought in this case could be carried out as permitted development. Whilst the application for a certificate of lawful development

(17/02510/CPU) was refused on a sound basis at the time (and not subsequently challenged at appeal by the applicant) officers consider that the position has changed and there may now be a strong 'fallback' position that the development proposed could be carried out as permitted development. Since the application for a lawful development certificate (17/02510/CPU) was submitted the Sainsburys supermarket in St Aldates has opened and additional work has been carried within the rest of the property. Officers would suggest that as a result the application site and approved redevelopment of the site (17/00403/VAR) may now be regarded as substantially complete. Further to this a retail (A1) use in the retail unit that is the subject of this application did commence in the building for a longer period and this would re-enforce the view that a subsequent A2 use could now commence in the building as permitted development.

- 10.11. On the above basis, officers would recommend that the proposed development could likely be carried out without a need for planning permission and members should take into account this fallback position when making a decision.

*Emerging Policy and Oxford Local Plan 2036*

- 10.12. The submitted planning statement suggests that there is a need to consider the emerging planning policy position and specifically the review of the Local Plan, which has been referred to as Local Plan 2036. Whilst officers cannot afford much weight to the emerging planning policies or evidence that underpins it the above analysis of the Council's existing retail policies does point to the importance of considering the changing retail environment in Oxford, the NPPF (which post-dates existing policies including RC3 of the Oxford Local Plan 2001-2016), the changes to the GPDO and the wider changes to retail and City Centres. The submitted planning statement suggests that subject to the recommendations of the Council's commissioned Retail and Leisure Study (Carter Jonas, 2017) being brought forward into emerging policy then the proposed development may be acceptable in principle once the new Local Plan is adopted. One paragraph from the aforementioned retail study is particularly relevant to this application and the assessment of these proposals in a policy context:

*"the Council's current policies are restrictive with a tendency towards measuring and retaining a proportion of the number of A1 units within the defined Primary Shopping frontage (PSF) or Secondary Shopping Frontage (SSF). However, there is a need for the centres within the City Council area to adapt to future changes. As noted in Section 2, the ratio of Use Class 'A' type of uses is changing with an inclination towards leisure related uses such as bars, cafes and restaurants as well as other leisure uses."*

(Retail and Leisure Study, Carter Jonas, 2017)

- 10.13. Whilst officers do not recommend that weight be afforded to the above position it is a worthwhile consideration in the context of the Council's emerging policy on changes of use in the City Centre.

*Conclusions – Principle of Development*



10.14. Officers regard that there is a slight deficiency in terms of the proportion of retail units in the Primary Shopping Frontage that fall within an A1 use that would make the proposed development unacceptable in the context of Policy RC3 of the Oxford Local Plan 2001-2016. However, having had regard to the slight nature of this deficiency, the wider requirements of the NPPF and Policy CS31 of the Oxford Core Strategy (2011), the emerging retail position and most importantly the fallback position that exists to carry out the change of use as permitted development the application should be supported in policy terms.

**ii. Design, Impact on Conservation Area and Listed Buildings**

10.15. The proposed development would not involve any physical changes to the building. Changes to the front of the building that would include a shopfront have already been approved (reference 17/01244/FUL) and an application for advertisement consent (associated with the applicant's proposed use of the building) is currently pending consideration (18/00759/ADV). As the proposed development only relates to the use of the building (and that use is not out of character with the area which contains a number of buildings in close proximity that fall within the same use) then the development would not have a harmful impact on the character, appearance and special significance of the Conservation Area or the setting of nearby listed buildings. The development therefore complies with the requirements of Policy HE7 of the Oxford Local Plan 2001-2016 and Paragraphs 131-132 of the NPPF.

**iii. Impact on Neighbouring Amenity**

10.16. The proposed use of the building would not have an increased impact on privacy or daylight/sunlight conditions for any nearby residential occupiers. The upper floors of the building are in use as student accommodation. Officers have had regard to the nature of the proposed use and consider that this could be carried out in the building without giving rise to an unacceptable impact on noise and disturbance for the occupiers of upper floors or any other nearby residential occupiers. The development complies with the requirements of Policy CP1, CP19 and CP21 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan (2013).

**iv. Transport**

10.17. The proposed development would be for a change of use of an existing retail unit. The proposals would not increase the number of vehicle movements or servicing requirements associated with the use above and beyond those approved for the retail unit and the redevelopment of the site (17/00403/VAR). The site lies in a highly sustainable location close to the City Centre's bus stops and within walking distance of the railway station. There are numerous public cycle stands close to the application site. The development therefore complies with the requirements of Policies TR3 and TR4 of the Oxford Local Plan 2001-2016.

**v. Other Matters**

10.18. The existing site includes a basement. The proposed use of the basement in conjunction with the rest of the proposed use would not have an adverse impact on the risk of flooding or an impact on surface water drainage. The development therefore complies with the requirements of Policy CS11 of the Core Strategy (2011).

**11. CONCLUSION**

11.1. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to conditions set out in Section 12 of the report below.

**12. CONDITIONS**

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

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

- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

**13. APPENDICES**

**Appendix 1 – Site Location Plan**

**14. HUMAN RIGHTS ACT 1998**

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

**15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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

# Appendix 1

## 17/03429/FUL – 4-5 Queen Street



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Ordnance Survey 100019348

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## Minutes of a meeting of the WEST AREA PLANNING COMMITTEE on Monday 21 May 2018

www.oxford.gov.uk



### Committee members:

Councillor Cook	Councillor Arshad
Councillor Bely-Summers	Councillor Corais
Councillor Gotch	Councillor Harris
Councillor Hollingsworth	Councillor Upton

### Officers:

Adrian Arnold, Development Management Service Manager  
Gill Butter, Conservation and Urban Design Officer  
Robert Fowler, Planning Team Leader  
Nadia Robinson, Principal Planning Officer  
Sally Fleming, Lawyer  
Catherine Phythian, Committee Services Officer

### Apologies:

Councillor(s) Iley-Williamson sent apologies.

### 1. Election of Chair for the Council year 2018-19

Councillor Colin Cook was elected Chair of the Committee for the 2018-19 Council year.

### 2. Election of Vice Chair for the Council year 2018-19

Councillor Mike Gotch was elected Vice-Chair of the Committee for the 2018-19 Council year.

### 3. Declarations of interest

#### 17/03258/FUL and 17/03259/LBC

Councillor Cook, as a Council appointed trustee for Oxford Preservation Trust and a member of the Oxford Civic Society stated that he had taken no part in any discussions or decision making by those organisations that may have taken place regarding these applications.

Councillor Upton, as a Council appointed trustee for Oxford Preservation Trust stated that she had taken no part in any discussions or decision making by that organisation that may have taken place regarding these applications.

## **17/03427/FUL**

Councillor Cook, stated that both the applicant and the objector were known to him as residents in his ward but he retained an open mind about the application.

### **4. 17/03258/FUL: Oriel College, Oriel Square, Oxford, OX1 4EW**

The Committee considered two applications (17/03258/FUL) and (17/03259/LBC) for planning permission and listed building consent for the erection of a new pavilion, creation of a new basement including new kitchen facilities and food lift; removal of existing kitchen and kitchen staircase, new serveries and additional dining and function spaces within Brewhouse Yard, Oriel College and with associated internal alterations.

The Planning Officer and the Senior Conservation Officer presented the two reports and answered questions relating to the heritage aspects of the applications.

There were no speakers against the applications.

The following spoke in support of the applications and were present to answer questions from the Committee:

- Simon Sharp and Neil Warner (JPPC)
- Anna Joynt (Allies and Morrison Architects)
- Wilf Stephenson and Richard Noonan (Oriel College)

In discussion the Committee noted the following points:

- That very little of the original fabric of the 17<sup>th</sup> century staircase remained and any surviving, significant historic fabric was proposed to be re-used in appropriate locations elsewhere in the scheme
- That there were very few points in the adjacent streets where presently the views of Hall were so evident that the changes resulting from the appearance of the upper part of the new building in these views would be harmful
- That a significant public benefit of the proposed scheme would be the provision of independent level access within the College
- That Historic England had no objections to the applications on heritage grounds and accepted that the harm entailed by the proposals is justified as is required by paragraphs 132 and 134 of the NPPF
- That the design of the pavilion roof, in particular its pitch and height, was a sensitive treatment which limited its visual and physical intrusion into the adjacent street scene in Magpie Lane and would provide an improved setting for views of the medieval windows of Hall

In reaching its decisions, the Committee considered all the information put before it and acknowledged the balancing exercise between the less-than-substantial harm to designated heritage assets and the public benefits of the development, as required by the National Planning Policy Framework. The Committee agreed with the officers' conclusion that the public benefits (as detailed in the reports) would outweigh the justified and mitigated harm.

The Committee considered that the proposal would add a high-quality, elegant piece of contemporary architecture to the built heritage of Oxford and would comply with the relevant policies of the local plan and with the NPPF.

On being put to the vote the Committee agreed with the officer recommendation.

**The West Area Planning Committee resolved to:**

- (a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission; and**
- (b) delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**
  - 1. finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary; and
  - 2. issue the planning permission.

#### **5. 17/03259/LBC: Oriel College, Oriel Square, Oxford OX1 4EW**

The officer presentation and Committee discussion of this application for listed building consent was taken as part of the previous item.

On being put to the vote the Committee agreed with the officer recommendation.

**The West Area Planning Committee resolved to:**

- (a) Approve the application for the reasons given in the report and subject to the required conditions set out in section 12 of the report and grant listed building consent and**
- (b) delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**
  - 1. Finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

#### **6. 17/03427/FUL: 38 West Street, Oxford, OX2 0BQ**

The Committee considered an application (17/03427/FUL) for planning permission for the demolition of existing rear store and erection of a single storey ground floor rear extension, with alterations to roof of existing single storey rear extension from flat to pitched; the erection of a first floor rear extension; replacement windows and the formation of 1No. rear dormer window in association with a loft conversion.

The application had been called in by Councillors Pressel, Fry, Lygo, Chapman and Rowley due to concerns about the potential loss of light for neighbours and the impact of the proposed development on the Conservation Area.

The Planning Officer presented the report and explained that the rooflight at the rear had been reduced further in size than the amended plans and that no consultation had been carried out on this most recent slight reduction in the size of the rooflight because it was very minor in nature and had been requested by officers.

Tara Howard (neighbour) spoke against the application.

Richard Thurston (applicant) spoke in favour of the application.

The Committee asked questions of the officers about the details of the application. The Committee was satisfied with the arguments presented in the report with regard to the impact on the Conservation Area and the potential loss of light for neighbours.

The Committee discussion focussed on the glazing in the single storey kitchen/dining extension and its impact on the privacy of the neighbour at 37 West Street as well as on the current (and any future) residents of 38 West Street. Notwithstanding the planning officers' opinion (as set out in paragraph 10.11 of the report) that the proposed glazed element was not materially different to the existing arrangement in terms of privacy the Committee felt that it was reasonable to require an element of obscured glazing in the single storey kitchen/dining extension.

On being put to the vote a majority of the Committee agreed to include an additional condition requiring an element of obscured glazing in the single storey kitchen/dining extension.

In reaching its decision, the Committee considered all the information put before it.

On being put to the vote the Committee agreed with the officer recommendation.

**The West Area Planning Committee resolved to:**

- a) Approve the application for the reasons given in the report and subject to the 4 required planning conditions detailed in section 12 of the report and the addition of a further planning condition relating to the provision of obscured glazing in the single storey kitchen/dining extension;**
- b) delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**
  1. Finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.



**7. Minutes**

The Committee resolved to approve the minutes of the meeting held on 10 April 2018 as a true and accurate record.

**8. Forthcoming applications**

The Committee noted the list of forthcoming applications.

**9. Dates of future meetings**

The Committee noted the dates of future meetings.

**The meeting started at 6.00 pm and ended at 7.30 pm**

**Chair .....**

**Date: Tuesday 12 June 2018**

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