

West Area Planning Committee

8<sup>th</sup> October 2014

**Application Number:** 14/01888/FUL

**Decision Due by:** 12th September 2014

**Proposal:** Installation of memorial stone.

**Site Address:** Land At Bonn Square Oxford Oxfordshire

**Ward:** Carfax Ward

**Agent:** Mr Colin Carritt

**Applicant:** Mr Jim Jump

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## **Introduction:**

This application was due to be considered under Delegated Powers and the period for enabling a call-in to Committee by Councillors has now expired. However, given Officers recommendation below and the potentially sensitive subject matter, Officers considered it appropriate that Committee should determine the application in this case.

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

1. The proposed memorial stone, by reason of its height, width, depth, design, material and location, is considered inappropriate in size and would appear visually intrusive and over-dominant in Bonn Square. In addition it would detract from the setting of the adjacent listed buildings and in particular the Tirah Memorial. The development as proposed would be harmful to the setting of the listed building No.1 New Inn Hall Street, the Grade II listed Tirah Memorial and the Central (city and University) Conservation Area. This harm would be less than substantial, and without an overriding public benefit the proposal is considered contrary to Policies CP1, CP8, CP10, HE3 and HE7 of the Oxford Local Plan 2001-2016, Policy CS18 of the Core Strategy and the NPPF.
2. The proposed memorial stone would result in the cluttering of the public open space, which is contrary to the aims of the West Area Action Plan in relation to Bonn Square. Due to its location close to the end wall of No.1 New Inn Hall Street would increase the feeling of insecurity and reduce natural surveillance, leading to an area conducive to littering and potential for crime, contrary to the principles of 'Secured by Design' and Policies CP9, CP10 and CP12 of the Oxford Local Plan 2001-2016 and Policy CS19 of the Core Strategy and WE5 of the West End Area Action Plan.

## **Main Local Plan Policies:**

### **Oxford Local Plan 2001-2016**

**CP1** - Development Proposals

**CP8** - Design Development to Relate to its Context

**CP9** - Creating Successful New Places

**CP10** - Siting Development to Meet Functional Needs

**HE2** - Archaeology

**HE3** - Listed Buildings and Their Setting

**HE7** - Conservation Areas

### **Core Strategy**

CS18\_ - Urb design, town character, historic env

CS19\_ - Community safety

### **West End Area Action Plan**

WE1 -

WE5 – Public Spaces

WE10- Historic Environment

### **Other Material Considerations:**

National Planning Policy Framework

Planning Practice Guidance

This application is in the Central Conservation Area and affects the setting of a listed building and memorial.

### **Relevant Site History:**

06/00487/FUL - Planning permission for engineering works involving removal of existing boundary walls, gates and railings and remodelling of public square and highway, by creation of ramped surface over former graveyard with stepped access to sides, 4 lighting columns, arts totem, seating, church noticeboards and landscaping. Retention of Tirah Memorial and Bonn stone. PER 6th July 2006.

06/00486/ADV - Erection of freestanding arts totem sign with illuminated information display panel and two freestanding non-illuminated church notice boards. PER 5th July 2006.

06/00488/CAC - Demolition of unlisted graveyard boundary wall to New Inn Hall Street. Approved by GOSE 11th July 2006.

06/00489/LBC - Listed Building Consent for alterations to provide additional step to each side of Tirah Memorial. Approved by GOSE 1th July 2006.

### **Representations Received:**

#### Oxford Civic Society

- Supportive of the proposal to erect a memorial in Bonn Square to the volunteers from Oxfordshire who died in the International Brigades in the Spanish Civil War.

- However, currently-proposed design is very unimaginative and its proposed positioning within Bonn Square is unfortunate.
- Placing a monument 2m high and 1m wide 600mm in front of the north wall of the square will create an area between the memorial and the wall which will collect litter, be difficult to clean and potentially become a focus at night for urination.
- Such a large monument would also detract from the open design and use of the square, which is already in danger of becoming cluttered with obstructive intrusions.
- When the trees in the square are in leaf this area is heavily shaded and despite its size, the memorial will not be very visible.
- We feel that, apart from the size and suggested positioning of the proposed memorial, and its absence of sculptural interest, the proposed text is so long as to detract from the identification of the names of the volunteers who died.
- Strongly agree with the comments in the Design and Access Statement that care needs to be given to the font to be used; planning consent should not be granted before the exact details of the wording and font on the memorial are known and agreed.
- Suggest that placing the memorial on the west wall of the square would create an opportunity to design a much more imaginative memorial, which would be much more prominent, could be better appreciated and would enhance the setting.

**Statutory Consultees:**

Highways Authority: The Highway Authority has no comments to make on this application.

**Officers Assessment:**

**Background:**

1. The original re-development brief for Bonn Square and winning international competition scheme that was granted approval in 2006 (06/00487/FUL, 06/00488/CAC and 06/00489/LBC refer), was to open the area up to create an uncluttered and spacious environment, where people could sit and relax, move freely through and also feel safe. This was all done in the context of enhancing the Conservation Area and setting of the listed buildings, Tirah Memorial and Baptist Church adjacent. This is reiterated in the supporting text of the West End Area Action Plan (WEAAP) for Bonn Square which states

*'that Bonn Square will be redesigned becoming an uncluttered area that can be used flexibly for day-to-day and programmed activities, while respecting the history of the site'.*

The delivery of a new Bonn Square in line with the principle outlined above is embedded in Policy WE5 of the WEAAP.

**Proposal:**

2. It is proposed to erect a memorial stone to commemorate those who died in the Spanish Civil War. The stone will measure 2m high, 1m wide, 30cm deep

and made from granite. It would be located 60cm away from the end wall of No.1 New Inn Hall Street, at the top of the square.

**Issues:**

3. The main determining issues are:
  - Impact on the character and appearance of Bonn Square and Heritage Assets
  - Design and crime
  - Archaeology

**Impact on the character and appearance of Bonn Square and Heritage Assets:**

4. Policies CS18 of the Core Strategy (CS) and Policies CP8 and CP9 of the Oxford Local Plan (OLP) collectively seek to inform the decision making process and building upon the requirement in the NPPF for good design. Without being overly prescriptive the policies emphasise the importance of new development fitting well within its context with high quality architecture and appropriate building height, design, massing and materials creating a sense of place and identity.
5. In respect specifically to the historic environment, CS18 of the CS states that development must respond positively to the historic environment but not result in the loss or damage to important historic features or their settings. Policy HE7 of the OLP further adds that the special character and appearance of the conservation area should be preserved with Policy HE3 stating that planning permission will only be granted for development that respects the character of the surrounding of listed building and have due regard for their setting.
6. The NPPF published in March 2012 reiterates the Government's commitment to the historic environment and its heritage assets which should be conserved and enjoyed for the quality of life they bring to this and future generations. It emphasises that the historic environment is a finite and irreplaceable resource and the conservation of heritage assets should take a high priority. Local Planning Authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets in considering a proposal and also desirability of new development making a positive contribution to local character and distinctiveness.
7. At the heart of the NPPF is a presumption in favour of sustainable development which is stated to mean, unless material considerations indicate otherwise, approving development proposals that accord with the development plan without delay. However, development that causes harm to a heritage asset or its setting should be avoided unless there is a public benefit to outweigh that harm.
8. The significance of the heritage asset can be harmed or lost through development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. If harm is identified

then it should be assessed as to whether the harm is substantial or less than substantial. The NPPF goes on to state that substantial harm to a grade II listed building, park or garden (and in this case monument also) should be exceptional and Local Planning Authorities should refuse planning permission unless it can be suitably demonstrated that that such harm or loss is necessary to achieve and outweighed by substantial public benefits.

9. If a proposal is considered to cause less than substantial harm, then this would also need to be weighed against the public benefits of the proposal. Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the NPPF.

Furthermore recent case law (Barnwell v East Northants District Council and Secretary of State, Feb 2014) has shown that in making a balancing judgement between any harm and the public benefits of a proposal that decision makers must give considerable weight and importance to their duty to protect listed buildings and their settings.

10. It is considered that the proposed stone memorial is inappropriate in size. At 2m high, 1m wide and 30cm deep it would appear large and the combination of the proposed granite material would mean that the stone would be visually intrusive and dominate that end of Bonn Square undermining the visual role that the Tirah Memorial is designed to perform as the centre piece of the space. In addition the proposed granite material is considered inappropriate and does not relate appropriately to the existing materials of the area, particularly the rubble stone all of No.1 New Inn Hall Street, but also the stone of the Tirah Memorial. The Applicant has stated that they consider granite would be more durable and appropriate for a monument of this size, although they acknowledge that other stones would be more in keeping. It is also considered that the design of the monument lacks visual interest, which the Oxford Civic Society also refers to as 'sculptural interest', and the type face indicated would not enliven the monument either. The examples of similar monuments elsewhere submitted with the application do not give officers any greater confidence that this memorial is of the right design or quality for Bonn Square.
11. Officers consider that the proposed monument, due to its size, material and location, would not enhance the character and appearance of Bonn Square visually and would be harmful to the setting of the listed building and existing memorial and Conservation Area. In considering the harm, in line with the advice set out in the NPPF, Officers consider that the harm would be less than substantial. Given that there is existing street furniture in that location and an existing commemorative plaque on the wall of No.1 New Inn Hall Street, officer further concern is that there is already the beginning of a cumulative effect, cluttering what should be an open space. Agreeing to a development of the scale proposed would set an unfortunate precedent and lead to further clutter contrary to the original aspirations and intentions of the redevelopment and the WEAAP.

12. It is acknowledged that the memorial has been sited to allow cleaning behind however it is considered that due to its width and height and proximity to the wall of No.1 New Inn Hall Street that it would become an unsafe area and a refuge for antisocial behaviour and crime, particularly at night, which is contrary to the principles of Design against Crime. This was something that was a particular issue with Bonn Square before and has successfully been resolved in the opening up and de-cluttering of the Square. This is a view supported by the Oxford Civic Society.
13. Currently the tree canopy is low and the top of the memorial would reach the canopy. Whilst the Tree Officer has no concerns regarding potential direct impact on trees there is a risk to the tree from people climbing up the memorial.
14. The Square is now well used and the limited seating there is at a premium, therefore to have a memorial of this size in this location that does not have any other function, for example seating, is disappointing. It would also limit the opportunity for any further seating to be made available, should the Council wish to do so.
15. In summary therefore, the stone would appear large and out of keeping, it would be harmful to the designated heritage assets and would begin to clutter up the public open space, which is clearly contrary to the purpose of Bonn Square. It is therefore contrary to Policies CP1, CP8, CP10, HE3 and HE7 of the Oxford Local Plan 2001-2016, Policy CS18 of the Core Strategy and the NPPF.

### **Archaeology:**

16. This site is of interest because it involves minor ground works within the former cemetery of St Peter-le-Bailey Church at Bonn Square. The church was established by the 12<sup>th</sup> century and demolished in 1873. A great deal of archaeology was found during the re-development in 2006. It should also be noted the cemetery remains consecrated and permission from the Diocese will be required for any ground works.
17. The National Planning Policy Framework states the effect of an application on the significance of a non-designated heritage asset, for example archaeology, 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.
18. In this case, the Archaeology Officer advises that due to the small scale of the proposed works the development would have less than substantial harm on

any archaeological assets and therefore raises no objection. However, should Committee be minded to approve the development a condition should be attached requiring a watching brief.

### **Conclusion:**

19. It is reiterated that comments are made purely on planning grounds and not against the principle of honouring our servicemen and women. However, the proposed development would be harmful to the character and appearance of Bonn Square and designated heritage assets and its purpose as an uncluttered, free-flowing space and the detrimental impact and harm caused is not outweighed by any significant material considerations. Officers therefore recommend the West Area Planning Committee refuse planning permission in this case.

20. However, should members conclude that the proposal has merit and are minded to approve the application, then the Committee is advised to consider the desirability of attaching conditions that will secure the:

- Use of a more appropriate stone type;
- Changes to the detailed design and finish;
- Adjustment to its siting.

### **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

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

**Background Papers:** 14/0001888/FUL

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**Date:** 22nd September 2014

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