

West Area Planning Committee

5th January 2016

Application Number: 15/01733/FUL

Decision Due by: 3rd August 2015

Proposal: Erection of free standing frame and canopy (Retrospective);

Site Address: Old Parsonage Hotel, Banbury Road, Oxford, OX2 6NN;

Ward: North Ward;

Agent: Mr. N. Lyzba (JPPC) **Applicant:** Mr. J. Mogford

Recommendation:

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

- i. The proposal, by virtue of its prominent location, siting, design, scale, mass and use of materials is unacceptable forming an unsympathetic visual relationship to its host building which is harmful to and fails to safeguard the special architectural and historic interest of this Grade II Listed Building, the setting of a nearby Grade I Listed Building. The proposal also fails to preserve or enhance the character and visual quality of the street scene and this part of the Central Conservation Area. The proposal is contrary to policies 'CP1, CP8, CP9, CP10, HE3, HE7' of the '*Oxford City Council Local Plan*' 2005; and 'Policy CS18' of the '*Oxford City Council Core Strategy*' 2011; and Oxford City Council's Supplementary Planning Document on '*High Quality Design*' 2015; and 'Paras 129, 132 and 134' of the '*National Planning Policy framework*' 2012 and 'Paras 013, 015, 019 and 020' of the '*National Planning Policy Guidance*'.
- 1. Principle Policies:**
- i. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan and relevant supplementary documents unless material considerations indicate otherwise. The Development Plan for oxford alongside relevant supplementary documents include the '*Oxford City Council Local Plan*' 2005: the '*Oxford City Council Core Strategy*' 2011: and Oxford City Councils Supplementary Planning Document on '*High Quality Design*' 2015.

- ii. The '*National Planning Policy framework*' ("NPPF") 2012 states clearly that its content is to be a material consideration in the determination of applications. The 'NPPF' states that due weight should be given to the adopted policies of the Local Development Framework (LDF) (Core Strategy and Sites and Detailed Policies Document) according to their degree of consistency with the '*NPPF*' (the closer the policies in the plan to the policies in the '*NPPF*', the greater the weight that may be given). Accordingly, the 'NPPF' and the following development plan policies and supplementary planning guidance are relevant:
- iii. The application has been assessed against the following policies:

National

National Planning Policy framework 2012 (paragraphs 129, 132 and 134);
National Planning Policy Guidance (paragraphs 013, 015, 019 and 020);

Oxford City Council Local Plan 2005 (as amended 2013)

CP1 - Development Proposals;
CP8 - Design Development to Relate to its Context;
CP9 - Creating Successful New Places;
CP10 - Siting Development to Meet Functional Needs;
HE3 - Listed Buildings and Their Setting;
HE7 - Conservation Areas;

Oxford City Council's '*Core Strategy*' 2011

CS18 - Urban Design, Townscape Character and the Historic Environment;

Oxford City Council's Supplementary Planning Documents

High Quality Design 2015;

Other Planning Documents

Historic Environment Good Practice Advice in Planning: 2;

2. Relevant Site History:

- i. A planning history search exercise was carried out on 17.12.2015 to reveal the following site history that is considered of material relevance to this submission:
 - 13/00507/FUL - Extension and alterations to infill part of 1st floor roof terrace to form residents lounge and insertion of new windows (amendment to 10/02891/FUL). PER 26th April 2013.
 - 13/00508/LBC - Extension and alterations to infill 1st floor roof terrace to form lounge at E elevation; infill of 4 windows; conversion of 1 bedroom to 2; insertion of 2 windows to S elevation and infill of vent to S elevation insertion of windows to E elevation (amendment to 10/02899/LBC). PER 25th April 2013.

- 13/01942/LBC - External alterations involving replacement of office door with new window. Internal alterations to ground floor involving removal of existing partition walls and doors; insertion of new partition walls, doors, structural steelworks and plasterboards; relocation of WCs; removal of staircase leading to first floor office and formation of new store.. PER 15th October 2013.
- 13/00508/CND - Details submitted in compliance with conditions 9 (Materials - samples), 10 (First floor windows to match), 11 (Details of various plant) and 12 (Infill stone south elevation) of listed building consent 13/00508/LBC. PER 26th November 2013.
- 10/02899/CND - Details submitted in compliance with condition 7 (Materials - sample panels) of listed building consent 10/02899/LBC. PER 26th November 2013.
- 15/01759/FUL - Erection of cycle store (Retrospective). PER 14th August 2015.
- 15/01783/LBC - Retention of cycle store. PER 14th August 2015.

3. Representations Received:

- i. 2 letters of objection were received, and the comments are summarised below:
 - Detrimental impact on the appearance of the Listed Building and the church, and character of the Conservation Area.
- ii. 42 letters of both neutral comments and support were received, of which 18 contained relevant material planning considerations summarised as follows:
 - No actual perceived harm caused to the building's façade, and providing improved functionality.

4. Statutory Consultees:

- i. Historic England - Raising objection, for the following reasons:

"In views towards the hotel, the awning is visible rising up above its front boundary wall. The very clunky horizontal top rail, vertical elements and its colour give the awning a strong presence in this view. These details also mean that its overall design quality is poor and it is in our view an incongruous and unattractive addition to the historic townscape. We think this seriously compromises views towards the hotel and the Church of St Giles and therefore conclude that it harms the aesthetic qualities of the townscape and thus the significance of the conservation area, the Grade I listed Church of St Giles and the Grade II Old Parsonage Hotel."

- ii. Oxfordshire Architectural & Historical Society - Raising objection, for the following reasons:

“The ‘Heritage Statement’ suggests that it is sympathetically designed, high quality and low key. It is none of these things – it is clunky, ugly and grossly obtrusive. It is located directly in front of the listed building on land that appears from the historic views supplied never to have had a structure on it in the past. The canopy both when erected and when not in use prevents the visitor having a full view of the façade of the Old Parsonage. It thus causes significant harm to the setting of the listed building without any commensurate public benefit – the benefits to the hotel as stated in the application are for private commercial gain.”

5. Site Description:

- i. The application site and its surroundings fall within the defined settlement boundary of Oxford (city centre commercial area) as depicted on the Local Plan Policies Map. The site falls within the North Ward (OS Grid Ref: E451145 N207017), which is located on the Western side of Banbury Road. Site constraints that are of material planning relevance include; Central Conservation Area; Development affecting the setting of a Grade I and Grade II Listed Building.
- ii. In terms of its immediate context, the applicants property (UPRN: 200004676546) is an end detached building. The front east elevation of the Old Parsonage is its primary elevation and is of considerable architectural significance. The Old Parsonage Hotel is a grade II listed building dating to the early 17th century having been restored at a later date. The east elevation fronts onto Banbury Road and is of coursed rubble stone construction with two gables, stone copings, ball finials and a stone slate roof. The ground floor has three stone doorways with 4-centred heads, moulded jambs and spandrels, with that on the South having been renewed. In a spandrel of the centre doorway is the date 1659. The window openings have stone mullions with moulded stone cornices and leaded casement windows. Along the front boundary is a substantial coursed rubble stone wall with arched gated entrances, which runs parallel with Banbury Road.

6. Proposed Development:

- i. This application seeks retrospective planning permission for a freestanding canopy and frame which is sited in the paved seating area to the front of the building behind the stone boundary wall and spans a substantial distance across the width of the plot. The structure has acrylic canopies and a metal frame which comprises in-built heaters, lighting and retractable canopy storage, and as a result is substantial in size. The structure projects above the surrounding boundary wall and the ground floor windows and doors in the front east elevation.

7. Officers Assessment:

- i. Officers consider the principal determining issues to be:
 - a) The principle of development;
 - b) Whether the proposal would preserve or enhance the appearance of a Grade II Listed Building;
 - c) Whether the proposal would preserve or enhance the setting of a Grade I Listed Building;
 - d) Whether the proposal would preserve or enhance the character of the Central Conservation Area;
- ii. Principle of Development

In terms of national policy, paragraph 63 from the 'National Planning Policy Framework' 2012, in part states:

"In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area".

Paragraph 132 from the document then goes onto state:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification".

In local policy terms, 'Policy CP1' on from 'Oxford City Council's Local Plan' 2005 in part states that Planning permission will only be granted for development which:

- a) *shows a high standard of design, including landscape treatment, that respects the character and appearance of the area; and*
- b) *uses materials of a quality appropriate to the nature of the development, the site and its surroundings; and*

Due to its historic and architectural significance, this building also makes a significant contribution to the character and appearance of this Northern part of the Central Conservation Area. As well as the building being within the setting of, and having a visual relationship with, the adjacent grade I listed church, the site is historically linked with the church, as is detailed in the Heritage Statement and therefore all material policy matters need be taken into consideration when formulating a recommendation.

iii. Design/Heritage (Assessment of Harm)

The canopy installed is a substantial and bulky modern feature, at odds with the characterful historic setting in its form, size, materials, design and appearance. When closed it is visually prominent to the front elevation, dominating the front courtyard. Due to its height, and width across much of the building, it visually cuts across the first floor windows, when seen from both within the site and from the public realm of the street. It has a harmful impact to the appearance of the building, and the eye is drawn to this modern structure. When the canopy is open, this has an even greater impact on the appearance of the building, further obscuring the front elevation, and reducing the ability to appreciate the historic character and architectural significance of the principle elevation.

The lighting strip hanging below the main canopy casing adds further to the visual prominence and scale and bulk of the structure. The 3 supporting posts are substantial, and the top area which accommodates the canopy is large and bulky. Officers consider that the heavy structure is not in keeping with the finer lines and lighter detailing on the building, such as the vertical mullions of the windows, and the horizontal string courses. The finish of the structure gives it a modern appearance, which is not sympathetic to the setting of the Listed Building. The canopy is harmful to the setting of the Listed Building and the character of the Central Conservation Area and should be removed.

For reasons outlined above, it is considered that the effect of the free freestanding canopy and frame structure amounts to less than substantial harm to the setting of the Grade II Listed Building (Old Parsonage Hotel) and the Grade I Listed Building (St Giles Church) and the character and appearance of the Central Conservation Area. The development proposal would therefore fall contrary to policies 'CP1, CP8, HE3, HE7' of 'Oxford City Council's Local Plan' 2005; and 'Policy C18' of 'Oxford City Council's Core Strategy' 2011;

iv. Mitigation/Alternatives

There are considered to be alternative solutions which would better relate to the architectural character of the listed building, such as canopy structures of a more refined, elegant design. Introducing several smaller, individual structures of a high quality design would mitigate the harmful impact caused by the massing of the current structure and whilst this may result in more 'clutter' to this front seating area, the scale of the structures would better relate to the scale of the existing building. The recently approved bicycle shelter on the site is an example of the high design quality that can be achieved here without detracting from the setting of the listed building, and this same approach of achieving high quality design should be used in the creation of a canopy structure.

The agent's further informal proposal to mount the existing structure onto boxed wheels would be unacceptable and more harmful than the current

situation, and therefore, notwithstanding whether planning permission is required, would be a disappointing outcome particularly in light of the high quality design and renovation works that have already been achieved at the site. Therefore the officers consider the operational development to be contrary to local policy, but not the use or potential for a cover-solution in principle.

v. **Other Material Considerations (Economic/Public Benefit)**

The economic benefits that the use of this outdoor seating area brings to the business, and the positive consequence of these benefits to the economic vitality of the area, are acknowledged. However, given that there are other solutions that would still enable the use of this seating area and would mitigate the harm to the setting of the listed building and the character and appearance of the conservation area, the retention of the existing structure is not justified in terms of and Para 132 from the 'National Planning Policy Framework' 2012, and thus cannot be supported.

The public benefit of the canopy and structure is considered limited. The development is for the commercial betterment of the Old parsonage Hotel and thus the benefit will be predominately for the guests and patrons of the Hotel. The wider public is not likely to benefit or enjoy the premises of this upscale establishment. As such the visual impact and contribution of the proposal to the townscape is considered more significant than the benefit of a few.

Officers consider that there are less harmful alternative options that would still enable the use of the outdoor seating area and therefore maintain the economic activity that the business currently contributes to the area. On balance, the development proposal is therefore not justified in terms of the provisions of Para 132 from the NPPF.

Guidance from the 'Historic Environment Good Practice Advice in Planning: 2', paragraph 26 in part states:

"if there is any apparent conflict between the proposed development and the conservation of a heritage asset then the decision-maker might need to consider whether alternative means of delivering the development benefits could achieve a more sustainable result, before proceeding to weigh benefits against any harm."

This means any benefits must be weighed against any harm that has been identified first. Officers as well as Historic England have identified substantial harm and thus any benefit must be considered against that harm.

8. Conclusion

- ii. Having regard to the material considerations and all other matters raised, the Local Planning Authority considers the proposal is inconsistent with the provisions of the development plan, and that the balance of considerations

therefore weighs against the granting of planning permission. Officers therefore recommend that members refuse planning permission.

Recommendation

Application be refused;

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

Background Papers: 15/01733/FUL

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Date: 17th December 2015