

West Area Planning Committee

21st February 2017

Application Number: 16/03166/FUL

Decision Due by: 7th February 2017

Proposal: Installation of stone memorial.

Site Address: Junction Of Headington Road And Morrell Ave , Site Plan
Appendix 1

Ward: St Clement's Ward

Agent: Mr Colin Carritt

Applicant: Mr Jim Jump

Called-in to Committee: Cllrs Tanner Kennedy. Fry and Taylor on the basis that it is a controversial application and should be considered in public. Also called-in by Cllrs Wade, Wilkinson, Goff, Fooks and Landell Mills on the basis of size, design, materials and impact on views into and out of Oxford.

Recommendation:

It is recommended that West Area Planning Committee approve the proposed memorial stone in this location, for the reason(s) set out below and subject to and including conditions listed.

Reasons for Approval

1. The proposed memorial stone is considered appropriate in size and form and location re-purposing an open area of grass between two roads. It would not significantly harm the recognised significant views into and out of the respective St Clements and Iffley Road and Headington Conservation Areas. It would not harm views to protected Oxford skyline as set out in the View Cones of Oxford. Neither would it harm the setting of the nearby listed buildings in London Place. Any potential harm would be less than substantial, however it is considered there are overriding public benefits from the proposal which would outweigh any harm in this case. As such it is considered in accordance with Policies CP1, CP8, CP10, HE3 and HE7 of the Oxford Local Plan 2001-2016, Policy CS18 of the Core Strategy and the NPPF.

Conditions:

1. Development begun within time limit
2. Develop in accordance with approved plans
3. Materials as approved
4. Landscape plan - as approved
5. Landscape - carry out by completion

6. Benches – further details required
7. Tree Protection Plan – details required

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

CP1 - Development Proposals

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

HE2 - Archaeology

HE3 - Listed Buildings and Their Setting

HE7 - Conservation Areas

HE10 – View Cones of Oxford

NE15 – Loss of Trees and Hedgerows

NE16 – Protected Trees

Core Strategy (CS)

CS18_ - Urban design, town character, historic environment

CS19_ - Community safety

Other Material Considerations:

- National Planning Policy Framework
- Planning Practice Guidance
- Statutory duties set out in sections 66 and 72 of the Planning (Listed Buildings and Conservation areas) Act 1990
- This application is in the St Clements and Iffley Road Conservation Area and adjacent to the Headington Conservation Area.

Relevant Site History:

81/00238/NOH: Outline application for erection of ox statue: **Approved 22/04/1981**

Other relevant planning history:

14/01888/FUL: Installation of memorial stone, Bonn Square. **Withdrawn 02.10.2015.**

15/02859/FUL: Installation of memorial stone, St Giles Parish Church, Woodstock Road, **Withdrawn 26.04.2016.**

Representations Received:

A large number of representations of both objection and support have been received and can be summarised as follows. Note that they are in no particular order. Political or Religious comments made have not been included except in very general terms as this is not a material planning consideration:

Objection:

London Place Residents' Association, 132 Morrell Avenue, Oxford Brookes

University Headington, 25 Woodstock Road, 28 Polstead Road, 46 Tree Lane, 51 Weldon Road, 356 Banbury Road, Friends of South Park, 2 Morrell Avenue, Flat F, 66 Nuffield Rd, 8 Thames Street, 10 Apsley Road, Nos 7, 9, 16, 24, 25 London Place, 179 Morrell Avenue, 45 East St Helen Street, 4, Canterbury Rd, 8 Heathfield Rd Eastleigh, 3 Southdale Road, Grandpont House, Folly Bridge, Abingdon Road, 11 Divinity Road, 1, Mandelbrote Drive, 189, 197 Morrell Avenue, 39 Rowland Hill Court Osney Lane, 67 Middle Way, 7a Mortimer Road, 15A St Clement's Street, 3 Woodstock Close, 8 Plantation Rd, Oxford Preservation Trust, Oxford Architectural and Historical Soc:

- Inappropriate size, design, form and materials
- Inappropriate location: too prominent, very intrusive and dominating
- Harmful to the character of the conservation area and views into the City from South Park (protected view within View Cones); very prominent in the middle ground of the view.
- Sit in front of park and dominate views of South Park from St Clements, visual barrier and unrelated alien structure
- Loss of green space and expansion of hard landscaping
- Very ugly image of a clenched fist crushing a scorpion is aggressive towards the memory the victims of conflict
- Imagery should be more balanced to commemorate all those involved in the conflict.
- The lettering has neither elegance nor gravitas; The plaque on the rear which actually conveys the main message does not relate well to the shape of the stone and looks like a stuck-on afterthought. The whole thing lacks visual coherence. The quote from Day Lewis is the same as on the South Bank memorial in London, so we have missed the opportunity for something that speaks to Oxford.
- Granite does not lend itself to craft techniques, but sandblasted using an industrial machine. It will therefore lack any sculptural quality or beauty
- Much too controversially ideological in character and divisive proposal
- Design should be fundamentally changed so that it is no longer a partisan, one-sided insult to the victims of a distant war.
- It should honour both sides of the conflict in a spirit of reconciliation and forgiveness and therefore the political symbols such as the red star be omitted.
- Detract from Eric Gill commemorative monolith stone competing with its setting; refused permission to be erected in this same proposed location, would downgrade Gills significance
- No historical connection to St Clements and will actively detract from the character of the area.
- It will block views currently uninterrupted historic views from Grade II Listed London Place
- A local stone would be more in keeping within the conservation area; black granite unsympathetic and harsh, as is its texture
- 'lump stuck at bottom of hill' like a sore thumb
- Existing railings are thin and sinuous but memorial would disrupt views to top of South Park
- Suggest Memorial is moved back against the South Park fence, possibly set into the verge between the cycle path and the railings and it will also have the

- backdrop of the trees along the edge of South Park.
- Without exception the London Place residents object strongly to the provision of benches, as if provided they will almost certainly be used as a congregation and focal point for noisy late night / early morning drinkers often resulting in even more anti-social behaviour which is common in the area, (ASB could include the possible defacing of the memorial)
 - Regarding floral landscaping the London Place residents have no objection to this and residents and others have indeed been working with the council to fund a sustainable landscaping scheme for the whole of the area (not just the area in front of the proposed memorial site.) - As the landscaping needs to be comprehensive we suggest this is not considered part of this application but forms another later application
 - Although war memorials are often quite emotive, none of the London Place residents have objected to the memorial in principle
 - Inappropriate to commemorate the Spanish Civil War;
 - A precedent for other similar memorials in future
 - Frideswide Square would be a far more appropriate siting or small green area at Park Town on Banbury Rd
 - The area is already a magnet for antisocial behaviour, and benches would make the situation much worse, resulting in more broken glass and nights.
 - The Council is always reminding its citizens it is very short of funds and cuts to public services are essential, in this light a contribution to this kind of memorial is totally unsuitable.

Support:

The Retreat, Banbury Road Woodstock, 45 Anson Road London, 15 Walton St, 42 Acacia Avenue, 8 Margaret Road, 1,Queens Road, Banbury, 30 Hawthorn Avenue, 45 Henry Road, 70 Old Road Headington, Flat 2,13 St Ebbes Street, Ruskin Hall Dunstan Rd, 5 Emperor Gardens Blackbird Leys, 23 Olde Farm Drive Blackwater Camberley, 48 Somerton Avenue, Southampton, 21, Tower Hill Witney, 70 Old Road, Priory Dene Hudson St Deddington, 24 Boulter Street, 1 Swallow Close Greater Leys, 14 Park Street Bladon Woodstock, 26 , 106 Frenchay Road, 3 Harriers View Banbury, 2 Owlwood Close Little Hulton Manchester, 44 Hill Top Road, 3 Campbells Close Woodstock, 6 Meadow Walk Woodstock, Station Road Farm Harpham Driffield, 17 Cumnor Rise Road

- Welcome feature that will enhance the landscape
- The memorial is of outstanding design and the proposers are to be congratulated.
- Not in any way an eyesore or adverse in any way to the environment or character of the area. It is neither anti-Catholic, nor too big nor too ugly, nor is it offensive, nor will it spoil the character of the area, nor is it to be made of the wrong materials
- Proposed monument looks beautiful
- Would not spoil view to 'dreaming spires'. Siting the memorial in the lower segment of the grass triangle does not interrupt the skyline of the protected "cone" and at 1.8 m high it provides no greater interruption to the 'parkscape' than a family group pausing on their way to admire the wider view of the

Oxford skyline.

- Enhance what has been a windswept and barren space of land for far too long
- Suggested place for the monument at the bottom of Morrell Avenue would provide a welcome focus on a corner that can sometimes seem rather desolate.
- The memorial will be visible without being obtrusive.
- Memorial will be a significant work of public art, adding to Headington's aesthetic and culture and the area's visual and spatial interest, and more generally will add to the city's heritage as a whole
- Provide a modest focus in a dog-haunted vacant patch
- Look at Science Oxford building, look at the funfairs and bouncy castles that fill South Park half the year, or the surreal exercise machines that litter Headington Hill Park, or the invasive housing built within its arboretum.
- Evoke a proud Oxford role in a tragic conflict.
- Add to the aesthetics of the landscape, whilst commemorating events of great historical significance. This would be a very welcome addition to the site. Gateway location into Oxford is appropriate and superb;
- It is important to commemorate the heroic acts of ordinary people. Like other martyrs commemorated in Oxford, these men deserve a memorial
- It is fitting that a memorial commemorating the men and women from Oxfordshire who went to Spain and the proposed location is ideal.
- It will enhance what has been a barren area and will help in landscaping the area and will not detract from other landmarks.
- Good use of visible and much-used public space to commemorate events which brought many Oxford people together and reflect well on Oxford's openness to, and solidarity with, people in other parts of the world.
- It is a place where lots of young people, both British and foreign, often go by. It would be very educational for them,
- Such a memorial will allow visitors to tell their own stories to their children and to continue curiosity in the brigadiers who left from Oxford
- Was it Churchill who once said that a nation who forgets its past is condemned to repeat it? We must remember our past, each in our own way, in an open and respectful manner. I hope that this memorial can allow Oxford residents to consider their past in the World and in the present too
- will fill a glaring omission in the City's history; surprise and saddened one was not erected years ago

Statutory Consultees:

Natural England: no comment to make

Highways Authority: No objection: The proposed stone memorial is on highway land but well away from the carriageway and so the County Council has no concerns from a road safety perspective. Given it is sited away from any carriageway it is also unlikely to impact on any future potential highway improvement schemes in the area, however, if necessary the memorial may have to be relocated to accommodate future works.

Officers Assessment:

Background:

1. A proposal for a memorial stone in Bonn Square to commemorate those who died in the Spanish Civil War was submitted in 2014. This application was recommended for refusal by Officers on the grounds that its height, width, depth, design, material and location, was considered inappropriate in size and would appear visually intrusive and overly-dominant in Bonn Square. In addition it 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. Further it would result in the cluttering of the public open space and 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.
2. Officers put the application to Committee for a decision given their recommendation to refuse and the potentially sensitive subject matter. Committee resolved to defer the application to allow the proposal to be reviewed by the Oxford Design Review Panel, their advice is attached at **Appendix 2**.
3. Further to the review, the Applicant took on board their advice and held a further competition incorporating their advice in to the competition Brief to find a new artist. Meanwhile further discussions about the location of the memorial in Bonn Square revealed that there were significant issues arising from attaching it to the rubble stone wall of No.1 New Inn Hall Street. A new location in St Giles was found and the application was therefore withdrawn and re-submitted in the new location.
4. A second application was subsequently submitted for this memorial in St Giles (15/02689/FUL refers). During this period the height of the stone was reduced to 1.8m and the design of the memorial adjusted so that the text that was previously on a brass plaque beneath the stone would be etched onto the rear and the shape which was previously regular became irregular. Issues surrounding the siting of the memorial resulted in the application being withdrawn.

Site Description and Proposal:

5. The current application seeks to erect the memorial within the grassed area which lies in the triangle of land which sits in between the London Road and Morrell Avenue and in front of the South Park (**appendix 1**)
6. The memorial stone commemorates those from Oxford who died in the Spanish Civil War. Following the advice from ODRP and the Applicant's Brief, the winning Artist has taken reference from two cap badges of the time to inform the form and image of the memorial. The plans show the stone

measuring 1.8m high (max), 1m wide (max), 30cm deep and made from grey granite (as in the previous applications), with a rough-hewn, irregular shape. On the front face (facing St Clements) in relief is a man's fist holding a scorpion which would be in bronze resin, above would be the cap badge of the International Brigade using a red resin pigment. The fist signifies 'hope' and the scorpion 'defiance'. The names of the 6 men who died would be picked out in the grey granite using a black paint. On the rear of the stone is other text on a mounted brass plaque. A resin bonded footpath would be provided from the existing tarmac footpath between the two roads, to and around the memorial itself. Benches may be erected, subject to funding.

7. It should be noted that it is not the role of the Planning Officer to comment on the acceptability or otherwise of commemorating a particular conflict or War, in this case the Spanish Civil War. Therefore Officers consider the main determining issues are:
 - Principle
 - Location, Form & Design and Impact Heritage Assets
 - Trees
 - Highways

Principle of Development:

8. Policy CP1 of the Oxford Local Plan (OLP) applies to all development and expects all proposals to enhance the environment. Development must show a high standard of design, including landscape treatment, using high quality materials that respects the character and appearance of the area and that as appropriate to the nature of the development, the site and its surroundings. Furthermore development must be acceptable in respect of access, parking, highway safety, and where relevant, retain and protect important landscape and ecological features, important open spaces of recreational or amenity value or both; and preserve or enhance the special character and setting of listed buildings and conservation areas. The supporting text to Policy CP14 of the OLP relating to the provision of public art is relevant here, although the actual wording of the Policy relates to provision of public art from new major development. It states that public art, integrated with buildings and landscape, is an important cultural asset, contributing to public enjoyment of Oxford. It can take a wide variety of forms, such as paintings, sculpture, murals, memorials, street furniture, and facilities for performance arts or cultural events. Proposed public art should be accessible for public enjoyment, enhance and enliven the environment, and contribute to the cultural identity of its location. In general the Council seeks public art that is original, stimulating and of lasting value to both the development and the cultural life of Oxford.
9. It is therefore considered that a new memorial which is of a high quality design and materials which is appropriate to its siting and context, that preserves and enhances important heritage assets and which would enliven Oxford's cultural heritage would be acceptable in principle.

Location, Form, Design and Impact on Heritage Assets:

10. Policies CS18 of the Core Strategy (CS) and Policies CP8 and CP9 of the 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.
11. 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 buildings and have due regard for their setting. HE10 seeks to retain significant views within Oxford and permission will not be granted for any structures proposed within areas of special importance for the preservation of views within Oxford ; the view cones.
12. The NPPF 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. The NPPF encourages local planning authorities to look for opportunities to better reveal or enhance heritage assets and their settings and states that proposals that do make a positive contribution should be treated favourably.
13. Published guidance by Historic England (formerly English Heritage) in *The Setting of Heritage Assets*, October 2011 provides a methodology for understanding the setting of a heritage asset and how it contributes to the heritage significance of that asset and explains how to assess the impact of development. English Heritage explains that the setting of a heritage asset is the surroundings in which it is experienced; and that the setting is not fixed and may change as the surrounding context changes
14. The site lies within the St Clement's and Iffley Road Conservation Area (St.C&ICA) and adjacent to the Headington Conservation Area (HCA). The triangle of land between London Road and Morrell Avenue within which the proposed memorial would be sited is an open grassed area with mature trees a long Morrell avenue side and two new trees within it. The remains of disused flower beds are visible and grassed over. To the east of the triangle is a connecting footpath between the roads and beyond the railings of South Park. Elsewhere the triangle is bordered by footpaths. To the south of the site are the houses along Morrell Avenue and to the north the Grade II listed

terrace of houses on the north side of St Clement's at London Place, constructed in the early part of the 19th century. These properties are separated by two footpaths, mature trees, raised flower beds and verge. The land is owned by the City Council but maintained as highway by the County Council.

15. The St Clement's and Iffley Road CA Appraisal states that a key feature of St Clement's is that St Clement's Street is more enclosed near the Plain, gradually opening out towards South Park and that views out of St Clement's Street/London Place to Headington Hill and South Park is a key view. The Headington CA Appraisal acknowledges a character feature of this CA are buildings and open space given or taken into public ownership to conserve their contribution to the quality of the city's environment as part of the development of the conservation movement in the early 20th century, and South Park, Oxford's largest public park, contributes to this character feature. The Headington CA is unusual in the highly sensitive relationship it has with its setting. The special historic interest of the conservation area includes the ability to look out from a number of viewpoints over the city of Oxford. This relationship has influenced development of the area in the past; including the development of large suburban villas on the crest of the hill in the late 19th and early 20th centuries and the provision of public green open spaces during the 20th century. The importance of a number of these views has been recognised through the designation of 'view cones' by the City Council where they are seen from public places and South Park forms one of these 'view cones'.
16. South Park provides significant views of the city of Oxford from several points within the park, changing with increased distance from the city centre and increased elevation. Whilst mature trees currently block the view from Headington Road, this is the closest available alternative to the view of Oxford from Headington Hill painted by J.M. W. Turner, among others over 400 years to illustrate the landscape of Oxford. The view becomes broader as the hill is ascended and more of the roofscape of St Clement's and the city centre is revealed. This view also changes with the seasons as the tree canopies changes, within and outside the park, change with the seasons also.

Location, Form and Design:

17. The size, form and design of the memorial are all interlinked. The memorial is 1.8m in height (reduced from the Bonn Sq proposal of 2m), 1m wide and 30cm deep. In terms of form, the proposed memorial is again an upright stone with an irregular shape that would be rough-hewn. This is in contrast to the regular tombstone smooth stone proposed in Bonn Sq. Officers have explored with the Applicant possibilities of making the memorial more sculptural and designed in the context of being viewed 360 degrees. The IBMT are a charitable trust and funds could not stretch to a sculptural form, however, the stone has been designed to be viewed from all sides.
18. In terms of the design of the image on the stone, the ODRP advised a simpler bolder design distinct from that of the Tirah memorial when considering the memorial in the context of Bonn Sq. See **Appendix 2** for their advice in full.

They suggested referring to 1930's posters of the time and using colour. The commissioned artist has taken reference from a cap badge for the image of the fist and scorpion, and intends to use bronze and red pigment resin to add interest and colour. The Applicant under the previous application stated that the imagery symbolises hope and defiance, and not aggression. The names of the men are depicted across the stone in black and to be more legible. In terms of materiality, the use of granite is a reference back to the geology of Spain.

19. In terms of location the siting has been directed by several existing features; an existing young tree planted centrally within the triangle, underground services and the old flower beds. The interests of highway safety and maintenance were also taken on board in consultation with the Highways Authority. Finally, the ability within the funding raised to provide a footpath to the memorial from the existing footpath to the east and an area for seating around it has meant that it could not be sited further within the site towards St Clements.

Heritage Assets:

20. Having reviewed the proposal Conservation Officers consider that the siting of the stone as proposed would obstruct these important views both out of the city, along St Clements to South Park, and into the City from South Park and its celebrated skyline. Whilst they acknowledge that the memorial stone would sit in the bottom section of the view from South Park, and as such would not break into the profile of the skyline, it would in their opinion be a specifically identifiable object of not inconsiderable size placed centrally within the view from the top of the park and clearly becoming more evident on moving closer to the city and the site itself. They consider it would be a harmful intrusion, centrally placed in views of the foreground townscape, including the important group of C19 listed buildings of London Place which makes an important contribution to and provides a context for the significant, historically recorded skyline as viewed from the South Park.
21. Furthermore, they consider that the siting of the memorial stone, as currently proposed would place it directly in the centre of the important view towards Headington from St Clements and would be regrettable. The view along St Clement's Road eastward, the uninterrupted view of South Park, framed and directed by the tight, close buildings either side of the street is extremely significant. It describes the change from the hustle and bustle of the city and the tight-knit urban grain of the historically working class area of St Clement's to the open, green of South Park, given to the City for the benefit of the citizens, a valuable open space for recreation. They consider that the existing unsightly structures within the view (e.g. lampposts, railings etc.) are themselves clutter that is harmful to the CA and the design of the memorial, its size, solidity and the colour of the stone would mean that it would be impossible to dismiss as simply the background clutter of street structures. Furthermore the existing trees at the bottom nose of the park are deciduous trees and therefore their potential to screen the memorial stone in winter views would be limited and in maturing, their canopies would be raised in a

similar manner to those of the already mature trees on Morrell Avenue and indeed of all parkland trees, and therefore the Memorial would still be visible.

22. They acknowledge that views may be subject to change, the design of new elements proposed to sit alongside historic elements of townscape, buildings and spaces, needs to be of the highest quality for them not to harm the significant views and the special character and appearance of heritage assets that are identified as being important. In their opinion the design of this proposed memorial is not of the absolute highest quality in comparison to the acknowledged importance of the townscape in which it is proposed to sit and would result in harm to designated heritages assets.
23. However, they suggest that the memorial could be re-sited at the top, southern point of the grassed triangle (adjacent to Morrell Ave) in order to mitigate the visual impact of the memorial on the views both in and out of the conservation areas and in the identified view cone. The benefits of such a siting would be multiple. It would enable a more rational approach to the creation of a “paved” or hard area at the base of the memorial (the grassed area at the “nose” could be simply replaced with an appropriate, agreed hard surfacing. This would simplify maintenance of the remaining area of grass. The memorial stone would be sited across the narrow point of the grassed triangle allowing it appear dominant by filling that space and enabling people gathering to celebrate its purpose to have a more focussed view without the distraction of a vast open space behind. Finally, it would provide some mitigation for the harm that it would have on the identified heritage assets and on the much valued historic environment of the city.

Consideration:

24. The comments of neighbours and the advice of Conservation Officers have been considered carefully in coming to a view of the proposal. It is a well-established fact that “art is in the eye of the beholder, and everyone will have their own interpretation” (E.A. Bucchianeri, Brushstrokes of a Gadfly) and it is acknowledged that the design of the imagery on the memorial would not be to all tastes. However what can be said is that it does reflect the period/era taken from memorabilia of the time of the conflict and accords in that respect with the advice of ODRP. Whilst a more sculptural memorial may have been preferable, the form proposed is not considered unacceptable and is an improvement of the tombstone style memorial proposed for Bonn Sq. A lighter grey granite is proposed and the bronzed resin image would not be an overly reflective detail this background. The only colour would be provided only by the red International Brigade symbol as seen from the front. From the rear it would be a bronze plaque on grey granite. The historical significance of the granite is understood and whilst granite is not a typical stone seen in Oxford, it is not considered unduly inappropriate, adding to the other statues, memorials and art works in the City which can be found in a range of materials and form from limestone through to bronze, bronzed resin and powder coated aluminium. The benefits of this material is that is hard wearing and therefore would be likely to result in less maintenance issues and a grey colour would recede into views as opposed to a lighter stone e.g. limestone which would reflect sunlight and appear more visually apparent.

25. This triangular piece of land has remained unused for a while now, since the use of the flower beds ceased. It is considered that the land would be effectively re-purposed and utilised by placing a memorial stone here, rather than appearing as a left over piece of grass between the convergence of two roads. Indeed planning permission was granted in 1981 for a statue of an Ox on this land and strengthens officers' view that this would be a suitable location for a piece of art work or memorial. The memorial at 1.8m high, 1m wide and 30cm deep is considered appropriately proportioned in size in relation to its setting within this open area. In its proposed location it would be given room to sit within the space and not detract in terms of size and form from surrounding buildings or existing trees, particularly mature trees.
26. The potential harm to the views into and out of the Conservation Areas by siting the memorial stone almost centrally within this triangular piece of land is acknowledged. The view from South Park towards St Clements is kinetic and changes as you move through the park in response to the size of the park, the varying slope of the hill and the location of trees within it. However it is considered that in fact the memorial would be very difficult to pinpoint in views towards Oxford from the upper levels of South Park due to the varying slope of the hill downwards towards St Clements and the trees located within the Park and in particular at the bottom of the park. It would only become more visible once you reached midway down the Park towards St Clements and even then it would be in the lower foreground and separated by the existing and new trees planted at the bottom of the park and the railings. The grey granite would mean that the memorial would recede in these views, even in winter months. In summer months it would not be visible at all from the lower slopes of the parks because of the trees. Given the array of street furniture and other mature trees within the entire area of London Place, the London Road, grassed triangle and Morrell Avenue; it is considered that the memorial would read as part of the street. However, rather than adding to the perceived furniture clutter, the memorial given its form and siting within this open area in front of the Park would also read as a structure in its own right and a focal point drawing one's eye down the hill and through to St Clements and London Place at the bottom, and therefore seen as a positive change to the setting of this part of the view. It would not impact on the protected skyline of Oxford from this view at all. It is therefore considered on balance that any potential harm to the setting of the HCA or its protected view from South Park would be less than substantial and that the proposal would offer a different but not diminished experience of the heritage assets in the area and their context. It would in no way harm the protect skyline view as set out in the view cones under Policy HE10 of the OLP.
27. In relation to the potential harm to the significant view from St Clements opening up to the open space of South Park behind it is considered that due to its size, form and location within this open area in front of the Park that it would also read as a structure in its own right and act as a focal point drawing one's eye through this space to the open parkland beyond. At 1.8m height and approximately 10m forward of the South Park railings it would appear a similar height to the park railings behind (which are also approximately 1.8m in

height). It is therefore considered that it would not be of significant size within this open setting of the CA such that it would significantly harm the opening up of views at the top end of St Clements or the appreciation of the openness or South Park beyond. Again, it is therefore considered on balance that it would be seen as a positive change to the setting of this part of the view and would offer a different but not diminished experience of the heritage assets in the area and their context. As such any potential harm to the setting of the view from St Clements towards South Park would be less than substantial.

28. An alternative siting of the memorial to the far southern corner with Morrell Avenue has been suggested allowing it appear dominant by filling that space and enabling people gathering to celebrate its purpose to have a more focussed view without the distraction of a vast open space behind. However, it is considered that in this location the stone would conflict with the line of existing mature trees down Morrell Avenue on this side of the road which would not allow it to appear dominant in this location. It would appear equally dominant in the suggested location. It would also be sited within the root zone of these mature protected trees which could result in potential harm to their roots through the removal of grass and increase in hard surfacing, together with potential issues of the actual installation of the foundations within this zone. Whilst it may aid maintenance of the land, it is considered that on balance it would be harmful to the protected trees and would not give the memorial suitable setting and allow it to be properly appreciated in the way that is it intended.
29. The proposal also suggests the potential for benches around the memorial to allow people to sit. Whilst the details of these benches have not been provided at this stage, the principle of benches adjacent to the memorial is considered acceptable. Again the spaciousness of the site and its setting would amply accommodate benches without causing additional harm to the setting of the listed buildings and Conservation Areas or their significant views, as set out above. Furthermore they would provide further public benefit to the re-purposing of this piece of land as a place to sit and contemplate. Further details could be secured by condition should Committee approve the application.
30. Concern has been raised that the memorial would harm the setting of the Eric Gill monolith stone that commemorates the acquisition of South Park by Oxford Preservation Trust in 1932. It is observed that the proposed memorial would be some distance away from this existing memorial, which sits close to the traffic lights at the bottom of London Road. Furthermore, in many ways the form and rough texture of the existing Gill memorial is similar to that proposed, although the materials are different. Given the distance between the two memorials it is considered that there would no harm to the appreciation of this commemorative stone. Whether this stone would be moved or listed in future is not a material consideration.

Public benefits:

31. Development that causes harm to a heritage asset or its setting should be avoided unless there is a public benefit to outweigh that harm. The NPPF

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

32. If a proposal is considered to cause less than substantial harm, then this would 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. Planning Practice Guidance advises that it is the degree of harm to the assets significance rather than the scale of the development that is to be assessed.
33. As set out elsewhere in this report, this triangular piece of land has remained unused for a while now, since the use of the flower beds ceased. It is considered that the land would be effectively re-purposed and utilised by placing a memorial stone here, in the middle of a piece of open space between the two roads. It would allow the public to sit and contemplate and would provide the respectful setting that befits a memorial commemorating the dead (under whatever circumstances). It would create a public focal point within an open area that currently has no real purpose other than grass and is not utilised at all. Whilst the circumstances of the Spanish Civil War are not a planning consideration it is understood that people living with in East Oxford had strong ties with this conflict and therefore a memorial in this location would have closer ties to this part of Oxford and derive public benefit from it. The relative scale of harm to these designated heritage assets (the setting of the listed buildings, setting of the CA's and their significant views) is considered less than substantial and would on balance be sufficiently outweighed by this public benefit derived by the memorial in this location in this case.
34. In conclusion therefore officers consider that on balance the proposed memorial stone in this location would result in less than substantial harm to the character of the St Clements and Iffley Road and Headington Conservation Areas and public benefit of re-purposing land that is currently under-utilised for the purposes of a memorial thereby allowing the setting to the CA to be appreciated in a different and more positive way than currently, outweigh this potential harm. Neither is it is considered harmful to the setting of the Grade II properties on London Place. As such it would accord with Policies CP1, CP8, CP10, HE3 and HE7 of the Oxford Local Plan 2001-2016, Policy CS18 of the Core Strategy and the NPPF.

Trees:

35. The memorial would be sited near to an existing young tree, which at this stage of its growth would have a relatively small root zone, normally equivalent to the canopy spread. It is considered that the memorial would be sufficiently

distanced from the tree so as not to adversely affect the future growth of the tree or its root zone and the proposal accords with Policies NE15 and NE16 of the OLP. A condition requiring tree protection measures could be imposed to ensure the tree is not harmed during the installation.

Highways:

36. The proposed siting of the memorial within the grassed area is set some distance in from both the carriageways and footpaths of London Road and Morrell Avenue. The Highways Authority has raised no objection in terms of highway safety and comments that it is unlikely to impact on any future potential highway improvement schemes in the area. The proposal accords with Policy CP1 of the OLP.

Conclusion:

37. The proposed memorial stone is considered appropriate in size, materials, form and location re-purposing an open area of grass between two roads. It would not significantly harm the recognised significant views in to and out of the respective St Clements and Iffley Road and Headington Conservation Areas. It would not harm views to protected Oxford skyline as set out in the View Cones of Oxford. Neither would it harm the setting of the nearby listed buildings in London Place. Any potential harm would be less than substantial, however it is considered there are overriding public benefits from the proposal which would outweigh any harm in this case. There would be no adverse impact on trees or the highway. As such it is considered in accordance with Policies CP1, CP8, CP10, HE3, HE7 and HE10 of the Oxford Local Plan 2001-2016, Policy CS18 of the Core Strategy and the NPPF.

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

Background Papers: 16/03166/FUL

Contact Officer: Felicity Byrne

Extension: 2159

Date: 6th February 2017