

**West Area Planning Committee**

**11th April 2017**

**Application Number:** 16/03056/FUL

**Decision Due by:** 28th February 2017 (PPA agreed)

**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)

**Site Address:** Balliol College Sports Ground Jowett Walk (**site plan: appendix 1**)

**Ward:** Holywell Ward

**Agent:** Miss Susannah Byrne

**Applicant:** Balliol College

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## **Recommendation:**

West Area Planning Committee are recommended to grant planning permission for the reasons below and subject to and including conditions listed and the satisfactory completion of a S106 legal agreement. Delegate to the Head of Planning & Regulatory Services to issue the Decision on satisfactory completion of the S106.

## **Reasons for Approval**

- 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.

### **Conditions**

1. Time Limit – 3 years to implement
2. Plans – in accordance with approved plans
3. Materials – samples agree prior phase of construction (Excluding demolition)
4. Biodiversity – measures for wildlife (bird bat boxes)
5. Demolition Method Statement – details to be submitted prior commencement.
6. Enabling Works Construction Traffic Management Plan - as approved
7. Construction Traffic Management Plan – details prior to commencement
8. Cycle & bin storage – further details prior to substantial completion
9. Sustainability – in accordance with Energy Statement approved
10. Sustainability – Further details of CHP
11. Revised Drainage Strategy – further details, prior construction excl. demolition
12. SUDs Maintenance Plan – prior occupation
13. Piling method statement – water infrastructure details
14. Landscape plan to be submitted prior to occupation of any phasing
15. Landscape – planting carry out after completion of each phase or substantial completion of whole development.
16. Trees – (Hard Surfaces – tree roots)
17. Trees - (Underground Services – tree roots)
18. Trees - (Tree Protection Plan) as approved
19. Trees - (Arboricultural Method Statement) as approved
20. Details of boundary treatment / entrance gates prior to occupation/ installation
21. Archaeology – WSI as approved
22. Travel Plan – (residential) prior to occupation
23. Student Accommodation and Out of Term Use
24. Student Accommodation – Student Traffic Management Plan as approved
25. Students - No cars
26. Access - Jowett Walk as approved, prior to occupation.
27. Contamination – Watching brief as approved
28. Contamination – Remediation Strategy prior occupation
29. Contamination – Validation Report prior occupation
30. External Lighting – details prior to installation
31. Architectural Recording of buildings to be demolished.
32. Wardens Flat – restrict use

### **Legal Agreement:**

#### City:

A S106 is required to secure the construction of the development within 3 years in order to mitigate the loss of one unit of family accommodation.

#### County:

A S278 agreement will be required to:

- relocate the existing vehicular access which will include the removal of a tree, the relocation of the existing phone box and the re-provision of parking bays lost at the access (to include a £2,500 fee for the amendment to the Traffic Regulation Order).
- resurface the junction speed table at the junction of St Cross Road/Manor Road.

A S106 agreement will be required in order for the applicant to pay £1,240 to monitor the site's travel plan (in line with the county council's guidance document "Transport for New Developments: Transport Assessments and Travel Plans").

### **Community Infrastructure Levy (CIL)**

The development is liable for CIL.

### **Principal Planning Policies:**

#### Oxford Local Plan 2001-2016

**CP1** - Development Proposals

**CP6** - Efficient Use of Land & Density

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

**CP9** - Creating Successful New Places

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

**CP11** - Landscape Design

**CP13** - Accessibility

**CP14** - Public Art

**CP17** - Recycled Materials

**CP20** - Lighting

**CP22** - Contaminated Land

**CP23** - Air Quality Management Areas

**NE14** - Water and Sewerage Infrastructure

**NE15** - Loss of Trees and Hedgerows

**NE16** - Protected Trees

**NE21** - Species Protection

**NE23** - Habitat Creation in New Developments

**SR2** - Protection of Open Air Sports Facilities

**HE2** - Archaeology

**HE3** - Listed Buildings and Their Setting

**HE7** - Conservation Areas

#### Core Strategy (CS)

**CS2\_** - Previously developed and greenfield land

**CS9\_** - Energy and natural resources

**CS10\_** - Waste and recycling

**CS11\_** - Flooding

**CS12\_** - Biodiversity

**CS16\_** - Access to education

**CS18\_** - Urban design, town character, historic environment

**CS19\_** - Community safety  
**CS25\_** - Student accommodation  
**CS29\_** - The universities

#### Sites and Housing Plan (SHP)

**MP1** - Model Policy  
**HP1\_** - Change of use from existing homes  
**HP5\_** - Location of Student Accommodation  
**HP6\_** - Affordable Housing from Student Accommodation  
**HP9\_** - Design, Character and Context  
**HP11\_** - Low Carbon Homes  
**HP12\_** - Indoor Space  
**HP13\_** - Outdoor Space  
**HP14\_** - Privacy and Daylight  
**HP15\_** - Residential cycle parking  
**HP16\_** - Residential car parking

#### Other Planning Documents

National Planning Policy Framework

Planning Practice Guidance

The site lies within the Central (University and College) Conservation Area

### **Public Consultation**

#### Statutory Consultees

- Historic England: No objection.  
HE advises that the Master's Field site is a sensitive one. The site sits within the Oxford Central (University and City) Conservation Area; at the northern boundary is a segment of the Civil War defence while the part of the site running along St Cross Road contains a group of buildings by well-known architects including Earnest George, Edward Maufe and Leslie Martin. Of these we only consider the attractive late 19<sup>th</sup> century houses by George (7-11) to make a positive contribution to the conservation area. The three houses by Maufe (Eastman House and 3-5) are very plain and it is difficult to distinguish them from standard post-war housing. The Leslie Martin Building is only a fragment of a larger project which was never completed. Its design, detailing and the quality of materials used fall far short of his best work; for example it compares poorly with his grade II\* listed St Cross Building over the Road. While HE recognise that these buildings have a degree of historical interest, as all works by significant architects give some insights into their ways of working, none of these buildings display the innovative handling of form and subtle detailing for which both architects are admired.

The area as a whole is characterised by a suburban feel which reflects its origin as a small extra-mural suburb of the medieval city. When moving north along St Cross Street large houses set back from the road in gardens contrast sharply with the very urban and enclosed character of Longwall Street to the south, creating a very clear sense that the medieval city has been left behind. At the junction with Manor Road the character of the place changes yet again: the modern university

asserts itself with large Leslie Martin's monumental St Cross building, beyond which sports fields provide a breathing space before the departmental buildings of Parks Road signal a return to the city. The key buildings in the area, Holy Well Manor (listed grade II), St Cross Church (grade I) and the St Cross Building form an informal group. Though there is little to relate medieval and modern buildings architecturally the way in which the St Cross Building is set back within a lawn means that old and new coexist happily. None of these buildings have a formal relationship with those on the development site. Surprisingly, despite being designed by the same person, the Martin building appears to be hiding from the St Cross Building. This is largely due to the way in which trees have been planted up against the Martin Building and the fact that its north wing, which would have directly address the St Cross Building, was never built. The significance of the area as a whole is largely bound up in the contrast in character from the city centre. While mainly consisting of later 19<sup>th</sup> and 20<sup>th</sup> century buildings the transition from medieval city to suburb is still tangible.

*The proposals and their impact on the historic environment*

The proposed development is boldly conceived. Most of the buildings lining the west side of St Cross Street would be demolished, leaving only 7-11. Their place would be taken by a series of three storey blocks and an assembly hall designed by Niall McLaughlin Architects. We are pleased that 7-11 are to remain, given their strong contribution to the conservation area. Given their limited significance, we are content with the demolition of the other buildings on the site.

The new buildings proposed have been very carefully conceived. Officers from the City Council and ourselves were consulted with from an early stage of the project's development. The result is likely to be both handsome and distinctive. The design of the Assembly Hall is particularly effective. It's simple barn-like form and the generosity of open space around it relates well to the church and manor and helps create a distinguished architectural group around the junction with Manor Street. Building D steps forward gradually, creating a series of projections blocks that frame the church tower when approaching from the north and successfully engaging with the St Cross Building by creating space around the entrance reflecting the monumental stair. All the elevations are very carefully conceived to create façades that are visually complex. Subtle differences in detail ensure that the overall design is harmonious yet avoids becoming dull or oppressive.

The character of the area as a whole would undoubtedly change, becoming less suburban. This would be particularly apparent at the south end, where the large garden of Eastman House would be lost. However, the housing on the east side of the road and the retention of a garden area in front of Building B would ensure that there is still a clear change in character from the city. Any harm to significance from this and the loss of the existing buildings is considered to be low and more than outweighed by the opportunity taken to create a better context for the St Cross Building and improve the quality of the townscape in this part of Oxford.

Paragraph 131 of the NPPF stresses the desirability of new development making a positive contribution to local character and distinctiveness, while paragraph 63 of the Framework states that great weight should be given to outstanding designs. In our view the overall design quality is of a very high standard and, if well executed

in high quality materials, would contribute to the local character and distinctiveness of the area.

- Natural England: No objection - subject to appropriate mitigation being secured for bats, hedgehogs, and the veteran tree located on the site as recommended in the submitted Ecological Appraisal.
- Highways Authority: No objection subject to conditions for Construction Travel Management Plan needed, Residential Travel Plan and Travel information packs. See main report for further comments.
- Thames Water Utilities Limited: *Waste Comments*: No objection with regard to sewerage infrastructure capacity. TW has confirmed that the existing foul sewer network does have sufficient capacity to accommodate the proposed foul water discharge from the proposed development. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. *Water Comments*: No objection - no piling to 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 – secured by condition.
- Oxfordshire Architectural & Historical Society Disappointed immunity from listing of Leslie Martin Building has been obtained. The boundary walls to St Cross Road are 'late 19th -century' in date and recognised as having some significance in heritage terms. These should be studied in more detail to establish the extent to which they are the tangible evidence for earlier structures on the site, and if that significance is established, they should be properly recorded. Object to the design for the proposed assembly hall, which affects the settings of the listed St Cross Church and the Law Library. The designs for the new buildings are referenced to various historic structures, but only at a superficial level. The result for the assembly hall is grotesque and totally out of keeping with the site and context of the listed buildings around it. This is in contrast to Sir Leslie Martin's building which is to be demolished which does have meaning, and references his grade II\* library opposite.
- Oxford Civic Society: The railings or fencing to be used needs to be see-through to keep the view of the open space within the site, from the street. Also the community building at the junction of St. Cross Road and Manor Road is directly

opposite further (university) community buildings and there may well be a lot of pedestrian road crossings being made on the road junction. Traffic management measures may be needed.

#### Individual Comments:

Comments received from 9 & 11 St Cross Road, 7 & 5A Mansfield Road, 125 Oxford Rd. The main points raised were:

- fails to respect the character of the area by introducing a monotonous and uninspiring set of boxes into a richly varied and intimate urban setting;
- New buildings would appear monotonous, blocky, repetitive and boring with exception of exception is the Assembly Hall which tries to adapt to Holywell Manor and the church opposite.
- will change the character of this area of Oxford, a village setting outside the ancient city walls
- Proposal consists of a lot of cheaply built houses which will not stand the test of time and do not fit well into the historic centre of the town.
- The proposed buildings (the Assembly Hall and student accommodation opposite the St Cross Building) are far too near the road and thus spoil the feeling of space which is currently experienced at that point in the road.
- the tunnelling effect which will be created by the proposed development will cause high levels of pollution detrimental to the health and wellbeing of occupiers
- Ecology: concern regarding adverse impact. Appraisal document fails to take into account owls and does not carry out a sufficiently detailed survey of the bat population.
- Arboricultural Report is also very sketchy with insufficient value given to the visual impact of groups of trees
- It seems wrong to demolish family homes when there is a great need for them in central Oxford
- no parking for residents or visitors-what happens when visiting cricket teams come, or a conference or event is held in the pavilion
- object to the significant loss of trees and shrubs in the site as a whole (including, in the garden of number 11 St Cross Rd the fig, the lilac, an apple tree and a cherry tree
- Concern regarding bins and car and cycle parking proposed, and loss of garages to St Cross properties.
- Admiration for the proposed lecture theatre, but consideration should be given to its visual relationship with 11 St Cross, and its impact on lighting
- Will result in a loss of sporting facilities at this sports ground. This should be compensated for by a more intensive use of the remaining sports facilities - a good way to achieve this would be through a community use agreement with the sports ground being made available to non-university sports clubs

#### **Pre – App Discussion:**

The Applicant undertook extensive joint pre-application discussion with Officers of the Council, ODRP and the community. Public consultation events were held in June and November 2016.

The ODRP was involved early on in the form of a design workshop and later a full detailed design review. ODRP fully supported the proposal and highly praised it, both in terms of layout and architectural form. Of particular note is that, during the workshop it ODRP commented that the architects should think about variation in the architecture of the new buildings to create variety and surprise. Taking this on board the Architect took reference from a historical barn that once stood where the assembly hall is now proposed to influence the form of this building.

### **Officers Assessment:**

#### **Site Description:**

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. It consists of two large blocks of student accommodation (Martin and Dellal buildings), Eastman House, Nos.3, 5, 7, 9 & 11 St Cross Road, and the existing sports pavilion.
2. Eastman House was built in the 1960's and sits on the corner of Jowett Walks and St Cross Rd itself, Nos 7-11 St Cross Road were constructed in 1897 to house College Fellows, and Nos. 3 and 5 St Cross Road were built in the late 50's again as Fellows' accommodation. No. 3 St Cross Road was more recently converted to two flats in 1998 for Fellows.
3. Adjacent to the west of the site on Jowett Walk within the Master's Field is Balliol's existing student accommodation designed by MJP Architects built in the 1990's but uncompleted. To the south are properties on the opposite site of Jowett Walk providing other college/ student accommodation. Adjacent to the north of the site are squash courts associated with adjacent College sports ground facilities.
4. 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.

#### **Proposed Development:**

5. Balliol College are seeking to intensify the use of their Master's Field site in order to increase the quantity and functionality of their accommodation for undergraduates, postgraduates and Fellows. At present, the College is unable to provide accommodation for the majority of its undergraduates and would like to extend more accommodation to its postgraduates and Fellows. The College wishes to do so within a traditional collegiate setting and in that sense, the proposed scheme is a continuation of the 13th Century Oxford collegiate tradition and aligns with Balliol's historic mission.
6. It is proposed to demolish the two student accommodation buildings: the Dellal and Martin buildings, which respectively house 36 and 30 postgraduate students with shared kitchens and bathrooms. Fellows' housing along the frontage of St Cross Road: Eastman House and Nos. 3a, 3b and 5 St Cross



Road. Nos. 7, 9 and 11 St Cross Road are retained and incorporated into the design.

7. It is proposed to erect 8 new buildings to provide improved and increased student (undergraduate and postgraduate) and Fellows accommodation within; two for undergraduates, six for postgraduates, and one for Fellows and visiting professors. In total, there would be 92 new undergraduate bedrooms, 120 new postgraduate bedrooms (net gain of 54), 8 Fellows sets, and one 3-bedroom flat. Ancillary to the accommodation would be the re-provision of the existing sports pavilion with the equivalent amount and type of facilities, and a new assembly building for teaching/ lectures/ seminars etc.

#### **8. Issues:**

- Officers consider the principal determining issues to be:
- Principle of Development;
- Affordable Housing;
- Demolition of Housing;
- Design & Heritage;
- Protected Sports Facilities;
- Trees & Landscaping;
- Transport & Parking;
- Impact on Neighbours;
- Flood risk and drainage;
- Biodiversity;
- Sustainability;
- Archaeology;
- Contamination

#### **Principle:**

9. The proposal seeks make best & most efficient use of previously developed land owned by Balliol to provide post-grad and graduate student accommodation for existing students at the College, thereby releasing family housing stock back on to the market. There is no intention to increase student numbers at Balliol as a result. 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 of the CS.
10. 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.
11. 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.

### **Loss of Housing:**

12. Policy HP1 of the SHP states that permission will not be granted for development that results in the net loss one or more self-contained dwellings on a site. The College does not consider its existing stock of self-contained dwellings to best meet its needs. The College requires more shared accommodation in the form of Fellow Sets and postgraduate and undergraduate cluster flats. This form of accommodation would house more members of College and lead to a reduction in those seeking accommodation in the private sector.
13. The site currently consists of a total of 68 student bedrooms and 7 Fellows' units (2 flats and 5 houses). The proposals would result in the loss of 4 of the units; the 2 flats at No.3 St Cross Rd and No.5 and Eastman House. As a replacement, there will be a total of 220 bedrooms (of which 8 are Fellows' sets) and 1 Warden flat. The net change is therefore an increase in 152 bedrooms, and a reduction in 3 units.
14. The Applicant has put forward the argument that the whole site (sports field, pavilion and existing student blocks and Fellows houses & flats) within the Master' Field falls under a Class C2 use i.e. a residential institution, as it is their second college campus for Balliol. As such in their view the demolition and re-provision within the new proposal would not result in the loss of residential housing.
15. Whilst this is a reasonable argument to put forward Officers consider that it is more appropriate to view each of the dwelling units within the site in their own right rather than collectively within a college. The reason for this is that Nos. 3 & 5 and Eastman House are individually divided into their own residential curtilages and whilst being built and used by Balliol for Fellows & visiting Professors accommodation, could nevertheless be sold as separate flats or housing on the open market should they wish to do so. It is therefore considered that Policy HP1 applies and the proposal would result in the loss of 3 residential dwellings contrary to it.
16. However, there have been changes in the National Planning Practice Guidance (NPPG) and approach that post-date the adoption of the SHP in 2013. Part of the NPPG (Paragraph 021,) requires that student accommodation should now be considered as contributing towards the supply of housing, based on the amount of accommodation it releases into the housing market. The proposed new student accommodation within the development should therefore be considered a gain in terms of housing supply in Oxford.
17. Furthermore there has been a recent Appeal decision in Cambridge against

the Council's decision to refuse a planning application for student accommodation on the grounds that it was an allocated housing site. The decision was overturned by the Inspector, who gave some merit to the Appellant's means of quantifying the amount of housing released by student rooms, taken from Cambridgeshire County Council, assuming that one house would be released on the open market per 3.5 student rooms provided by a new development. If this ratio were applied to this proposal, which involves an increase of 141 student/fellows rooms, the equivalent of 40 houses would be released into the open market. The Inspector concluded that 'student accommodation is a form of housing, and there is no reason to consider that its provision should not reduce demand for other types of dwellings, to relieve the overall pressure for housing in Cambridge [sic.]. The high residential densities possible with student accommodation would maximize this effect by making the best use of the land'. Furthermore in order to ensure that the student accommodation is actually constructed in order to offset the loss, Balliol has agreed enter into a legal agreement undertaking to construct & complete the undergrad student accommodation within 3 years or other such timescale as may be agreed between the College and the City; and if the identified blocks are not completed in that timescale, then 3 self-contained dwellings must be accommodated within the constructed blocks.

18. This revised NPPG advice and appeal decision are material to this case and should also be weighed in the balance with other Policies in the Local Development Framework, not least the Council's aim to increase student built accommodation within College owned sites and the release of housing back to the open market as set out in Policy CS25 of the CS. There are other public benefits to be derived from the development as set out below in the Officers report. The warden's flat could be secured by condition ensuring it is always used as a dwelling. On balance therefore Officers' consider that whilst there would be a net loss of residential housing, the benefits of the scheme and the equivalent release to the market by provided for Balliol students (undergrad and post-grad), secured by a legal agreement, considerably outweighs the loss in this case and an exception to policy is justified.

#### **Site Layout, Built Form & Heritage:**

19. Local planning authorities have a duty to have special regard to the preservation or enhancement of designated heritage assets, (e.g. listed buildings and conservation areas). 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.
20. In considering the impact of a proposed development the NPPF states that the significance of a designated heritage asset should be considered and great weight 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, measured in terms of the public benefits to be

delivered through the proposal.

21. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for development that shows a high standard of design that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP6 states that development proposals should make the best use of site capacity but in a manner that would be compatible with both the site itself and the surrounding area. Policy CP8 suggests that the siting, massing and design of any new development should create an appropriate visual relationship with the form, grain, scale, materials and detailing of the surrounding area.
22. Policy HE3 and HE7 of the Oxford Local Plan states that planning permission will only be granted for development that preserves or enhances the special character and appearance of conservation areas and their settings and the settings of Listed Buildings. Policy CS18 of the Core Strategy emphasizes the importance of good urban design that contributes towards the provision of an attractive public realm.
23. The site lies within the Central Conservation area and within the setting of several listed buildings nearby; the grade I Leslie Martin law library, Grade II Holy Well Manor, grade I St Cross Church and grade II\* listed St Cross Building. This part of the CA has its origins as a small settlement on the outskirts of the Medieval City, and still maintains a suburban character typified by residential scale housing and buildings set back from the street with front gardens and informal tree and shrub planting. The change in character from City to suburban can be seen as one moves up Longwall and then changes into St Cross Road. The Leslie Martin law library built in the 20<sup>th</sup> Century is dominant at the corner of Manor Road and atypical of the small scale suburban character of displayed in for example the Holywell Manor or Nos.3-11 St Cross Rd buildings nearby. Nos. 7-11 St Cross are late 19<sup>th</sup> century and whilst not listed are very attractive and make a significant positive contribution to the character and appearance of the CA. A Heritage Impact Assessment was submitted with the application.
24. Consideration has been given to the contribution to the street scene and CA that the buildings to be demolished make. The Leslie Martin and Dellal buildings sit at a higher ground which relates to the sports pitch behind and are also set back some distance from the street edge bounded by a high retaining wall. The significance and contribution of these buildings has been taken into account. The Martin building formed the back of house element of a larger building complex that would have created quite a different relationship to the law library opposite than seen today, however the main street frontage element was never completed. Subsequently the Dellal building was constructed adjacent in the 1980's. The Martin building has been given a certificate of immunity from listing. It is not seen by HE as a good example of the architect's work. Similarly Eastman House and No.3-6 St Cross by Edward Maufe contribute less strongly and have less significance and are also

considered not good or representative examples of these architects work (see full Historic England comments elsewhere in the report).

25. In terms of proposed layout, heights and massing the proposed development has been design to relate to that of buildings adjacent. See **Appendix 2** for proposed site plan. On Jowett Walk, Blocks A2 & A3 are similar in height over 4 floors to that of the existing MJP accommodation and then reduce in height to 3 floors at the corner of St Cross Road where B1 turns the corner and B2 continues this along to No.7. The building responds to both eaves and ridge heights of No.7 and therefore whilst clearly a student accommodation block in appearance it forms an appropriate relationship to the domestic scale of the adjacent dwelling. The Assembly Hall sits adjacent to No.11 St Cross Road and its low eaves and barn like form respect the residential scale of No.11 completing the street scene at this point, particularly when viewed from the south. As the road curves round to towards the junction with Manor Road the development opens up to create a publicly accessible space outside the Assembly Hall. Looking back from the Law library towards the Assembly Hall the building creates a focal point on the corner, creating a positive relationship to St Cross Church on the opposite side of the road. Blocks D1 to D3 are four stories at street level, utilising the change in ground level between the pitches behind and the street frontage and also accommodating the change in ground level between the Assembly Hall and the last Block D3. The blocks have also been carefully placed to set up a new relationship to the Leslie Martin law library which has a broad staircase that descends from the upper floors down to road level. The gap between D2 and D3 picks up on this staircase enabling views from the library through to the pitches and City behind, which it is speculated may have been Leslie Martins intention originally. At ground level the street is opened up and reactivated with buildings entrances, seating & planting. Gaps between the Assembly Hall and D1 & D2 respectively also allow for glimpsed views through from St Cross & Manor Road's, which is a characteristic feature of Oxford. Blocks C1 & C2 (3 floors) and the Pavilion sit behind Nos.7-11 St Cross Rd, whose gardens are shortened and stone boundary walls rebuilt.

26. In terms of architectural appearance the main accommodation Blocks have a similar appearance using brick as the main material with large single glazed windows within stepped window surrounds, corbelled piers and lintels. Patterns within the brick would create interest and texture. Roofs are concealed behind a brick parapet, concealing green roofs. Whilst the overall architectural language of these blocks would be a single theme nuance is provided by variation of element sizes (e.g. window sizes), entrance delineation, building links, and the articulation of gable-ends. The ODRP design workshop panel felt that within the overall theme two buildings in particular offered opportunity to create something different adding surprise, delight and variety. The design team took on board this advice and the used the painting of a barn in 1897 that once stood almost exactly where the Assembly Hall is now proposed to influence the form of this building. The result would be a building that holds true to the main language of the architecture but which would also create a unique building in its own right. Similarly the Sports Pavilion has been designed as a light weight and visibly

permeable structure with a Japanese pavilion influence, contrary to the overall theme add variety and interest to the scheme.

27. Officers consider that this is an extremely well-considered, high quality proposal which has been developed through a thorough assessment of the history of the settlement; its form and layout around the junction of St Cross Rd/ Manor Rd, previous buildings demolished and those still existing, the contribution to the CA that both listed and non-listed buildings make, resulting in a proposal that would enhance not only the site itself but also its entire relationship to the surrounding area. It would result in a significant change in the street scene here, the character of the CA and change the setting of listed buildings but in a sensitive way that responds to existing scale and massing. It offers a significant public benefit to the street scene along St Cross Road by re-activating and enlivening it.
28. HE comments are set out in full above but in summary they consider that the proposed redevelopment of Masters Field is boldly conceived, not least because it involves the demolition of buildings by two well-known 20th century architects and would change the character and feel of this part of St Cross Road. However, the buildings in question are not particularly good or representative examples of these architects work and their proposed replacements are of high quality. In their view any harm that their loss entails would be outweighed by the heritage gains of the scheme, which would create a high quality and distinctive area of townscape that would respond positively to the surrounding listed buildings. NPPF stresses the desirability of new development making a positive contribution to local character and distinctiveness that great weight should be given to outstanding designs. In HE's view the overall design quality would be of a very high standard and, if well executed in high quality materials, would contribute to the local character and distinctiveness of the area.
29. In summary therefore it is considered that the proposed development would make efficient use of land in terms of scale, layout, density and form, whilst respecting the site context. It is a high quality design that would significantly contribute to the local character and distinctiveness of the area and any harm to the setting of listed buildings or CA, through loss of buildings or otherwise, is therefore outweighed in this case. The proposal accords with Policies CP1, CP8, CP9, CP10, HE3, HE7 and the NPPF.

### **Transport:**

30. The site is located to the north of Jowett Walk and to the west of St Cross Road. It is approximately 700m from the main city centre site of Balliol College, equating to a walk of around/just less than 10 minutes. 20 car parking spaces for staff/visitors and 285 cycle parking spaces would be provided. Students would not have any car parking. The existing access on Jowett Walk would be re-located a few metres along Jowett Walk adjacent to their existing student accommodation blocks designed by MJP Architects. A Transport Statement was submitted with the application which concludes that the proposals constitute sustainable development from a transport

perspective.

*Impact on Traffic:*

31. The number of car parking spaces proposed for the development is 6 fewer than at present (26) and solely for staff/ Fellows and visitors/ maintenance. No student would be allowed to bring or park car at College, except for disabled persons. As such, the Highways Authority (HA) considered that despite the increase in the number of people living on the site, the day to day traffic impact on the local transport network would be acceptable. This is especially the case given that very many of the destinations of the new residents will undoubtedly be within walking and cycling distance.
32. Whilst day to day vehicular traffic movements would be very limited as a result of the development the Transport Statement sets out how on two weekends a year at the beginning and end of the academic year there will be much more traffic generated as a result of students moving in and out of the accommodation. The applicant has therefore also submitted a Student Traffic Management Plan (STMP) that would ensure that arrivals by car are spread out evenly throughout the weekend and that the length of stay is kept to the minimum needed to load/unload belongings, mitigating against any adverse impact. This could be secured by condition.

*Access:*

33. The vehicular site access is proposed to be relocated a few metres to the west of the existing access. Whilst the tree at the point of the new access would need to be removed there are two trees (one in each direction) within the visibility splay. Ordinarily, such trees should be removed to ensure the access operates as safely as possible. However, traffic flow and speeds along Jowett Walk are very low (likely less than 20 mph) and it is a gated road restricting traffic movements and impacting on speeds. The number of day to day vehicle movements in and out of the access would be very small and there have been no accidents recorded on Jowett Walk within the vicinity of the access since 1990. The trees also provide significant public amenity within the street scene. The HA therefore considers that in this case the trees could be retained.
34. The phone box also would also need to be relocated from its current position and this is dealt with under a separate planning and listed building application refs: 16/03047/LBD & 16/03046/FUL). A length of controlled car parking bays will need to be removed to provide the new site access. There is plenty of kerb space for the parking bays to be re-provided in the near vicinity.

*Car & Cycle Parking;*

35. The development provides car parking for 20 cars, including disabled spaces, on site which is a reduction of 6 spaces from the current situation. This reduction is welcomed and the HA raises no objection to the level of car parking. The development therefore accords with HP16 of the SHP.
36. The development would provide 285 cycle parking spaces in total. It is proposed that 223 of these would be located within the secure site boundary

and that the rest (62 spaces) would be onsite but accessible by non-residents i.e. in public accessible locations. Of the 223 spaces within the secure site boundary, 168 would be under cover. The County HA is satisfied that the number and type of cycle parking being proposed for the site is adequate not just for residents but also for visitors. The development therefore accords with HP15 of the SHP.

*Pedestrians and Cyclists:*

37. St Cross site frontage and Manor Road junction: One of the key elements of the overall development proposal is for the site frontage to be opened up onto St Cross Road at the junction with Manor Road opposite the Leslie Martin Law Faculty building. From a public realm point of view, having active frontages on both sides of the road is an improvement over the current situation. The HA also welcomes it because from a highway aspect adding an active frontage on the Balliol side of the road would help to positively modify vehicle driver behaviour at this point on a busy through route. This is significant not least because of the presence of the Law Library, St Catherine's College and the New College accommodation and sports grounds in the vicinity, which attract a significant number of walking and cycling crossing movements of St Cross Road in this location and the proposed development would result in even more. The HA is of the view that a modest highway improvement scheme by the developer as part of the development proposal involving an additional surfacing improvement on the highway at the junction of Manor Road would enhance both the highway performance and the public realm here. A new coloured surface restricted to the area of the current raised junction table would help further positively modify driver behaviour and improve the quality of the public realm. This would be of particular benefit to the pedestrians and cyclists crossing or turning across St Cross Road. The improvement scheme is outside the application boundary and would be delivered by means of a S278 agreement with the County.

38. In summary there would be net reduction in car parking on site, no harm to highways and pedestrian safety, adequate cyclist parking is provided and the new re-located access on Jowett Walk is acceptable. The proposal accords with TR1, TR3 of the OLP, HP15 & HP16 of the SHP and CS25 of the CS.

**Protected Sports Facilities:**

39. The sports field itself is designated a protected open space under SR2 of the OLP and it is therefore important to ensure that the development would not harm the functioning of this sporting facility. The Master's Field currently comprises: 1 cricket pitch, 1 football pitch, 1 grass tennis court, 1 hard surfaced tennis and basketball court, 2 cricket practice pitches, 1 croquet pitch, 1 sports pavilion and 2 squash courts. The proposal would result in a small margin of the grassed field being given over to the new internal access road and car park/ turning head to the north of the site and an accommodation block where the existing pavilion sits. The pavilion would be re-provided slightly north backing onto No.7-11 St Cross Rd.

40. The College states that the existing sports facilities within the Master's Field



have always been an integral part of the brief to the. The Master's Field is the only outdoor sports facilities owned by Balliol College, and their loss would be detrimental to the function of the College. The design has therefore been such that the proposals would have no detrimental impact on their functioning.

41. At present, there are overlaps between the cricket pitch and the football pitch and croquet pitch which mean that these cannot be used simultaneously. This is acceptable, and works for the needs of the College. As proposed the football pitch would be moved westwards to overlap the grass Tennis court so that there would be no loss of current sports facilities and as these are not currently used simultaneously, it would also be acceptable for the needs of the College.

#### *Football*

42. The existing football pitch dimensions are smaller than Sport England requirements. The proposals seek to increase the size of the football pitch by 10m in length, and although this does not reach Sport England's advised size, it is an improvement on the existing which caters for the College's needs. There would be a minimal area of overlap between the football pitch runoff area, and the proposed turning area to the north. It is proposed to use a surface material that would ensure is both suitable for football and reinforced for use by vehicles. The area is intended as an area for turning, rather than car parking, and a resolution can be found whereby the turning area is not available whilst the pitch is in use.

#### *Cricket*

43. The area of the cricket pitch would not be altered by the proposals. Although there would be an increase in the number of buildings in proximity to the pitch, no building would be closer to the pitch than existing (i.e. the Jowett Walk accommodation buildings). Existing buildings are within 3m of the pitch, whereas no part of any proposed buildings would be within 5m of the pitch. In most cases, the new buildings would be much further than 5m from the edge of the pitch. The proposed trees would have no impact on the function of the cricket pitch either.

#### *Other pitches*

44. All other sports pitches would remain as they currently stand

#### *Sports Pavilion*

45. The number of squash courts would be reduced from two to one to reflect the current needs of the College; the existing courts are under used. The new pavilion would include two changing rooms: one for the home team and one for the away team, which also meets the current needs of the College. It has been designed with steps up at the front to given views across the pitches and an area of tables and chairs with kitchen facilities behind to provide refreshments etc., as the current Pavilion does.
46. The heavy equipment is proposed to be stored to the west of the sports field, behind the furthest west MJP building, where an area is already laid out, but underutilised. This will be formalised, and access integrated into the

proposals.

47. It is considered therefore that whilst there would be a small loss of protected open air sports facilities contrary to SR2, the applicant has satisfactorily demonstrated that there would be no long term harm to the functioning of those sporting facilities. In addition the benefits derived from the development, in particular a large number of purpose built student accommodation and improvement to the public realm would outweigh the marginal loss of grassed area in this case.

### **Landscaping:**

48. 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.
49. The proposals will result in a large proportion of the existing trees being removed, as identified in the Arboricultural Impact Assessment (AIA), several of which are very prominent in public views and which make a valuable contribution to public amenity in the area; most notably a Turkish hazel (T2) and 4 large mature black pine trees (T31, T32, T33 and T35; all classified as moderate quality and value trees with life expectancy of at least 20 years) which stand in roadside locations. These trees enhance the character and appearance of the street scene and this part of the Central Area Conservation Area in public views along both Jowett Walk St Cross Road. The latter enhance the setting of the listed St Cross Building and also provide a sense of green enclosure above the building roofline to the sports ground in views across it from the south and west. Mature tree canopy cover provides a range of environmental benefits to the area that will also be lost. Although the proposals include planting of new Scots pine trees alongside St Cross Road, if successful, these new plantings will take likely several decades to mitigate the impacts of removing existing mature trees. The Turkish hazel cannot be mitigated against as there is no opportunity for planting elsewhere here or transplanting. For these reasons, their removal will be significantly detrimental to amenity in the area and is contrary to policies NE15 and NE16 of the OLP.
50. There is also a very high quality and value veteran beech identified as a Veteran Tree on the Woodland trust Ancient Tree hunt data base which sits adjacent to the current sports Pavilion and would be surrounded by proposed Blocks A1-A3, Blocks B1 & B2 and Block C1 to create a courtyard. The proposed new buildings A2 & A3 along Jowett walk will impede the existing

public views of this tree. However, new views will be opened up from St Cross Road between blocks B1 & B2, which are currently unavailable due to the existing houses along here. As a veteran this important beech tree will have low tolerance for root disturbance and the encroachment of buildings into its RPA is of concern. However, given the site and rooting conditions and other mitigating factors described in the AIA the impact on the viability of the tree will be reduced. However, final landscape treatment around the tree must be sensitive to its growth requirements and mitigation for the loss of rooting area (13% of RPA) should also be extended to include a mulched area around to the extent of its canopy spread to improve soil condition and encourage root growth which can be secured by condition.

51. It is acknowledged that the proposal would have a harmful impact on the pine trees which sit adjacent to St Cross Road opposite the Leslie Martin Building and the amenity value they currently provide to this part of the street scene and beyond. However, they are planted in a raised part of the site above the road bounded by a high wall which continues round the front of the Dellal & Martin buildings and therefore currently has a very inactive street frontage. The opportunity presented by the proposed development would be to redress this part of the street scene, opening it up and re-activating it whilst also creating a new relationship between this side of the road and the listed Leslie Martin Building opposite and thereby enhancing its setting. The removal of the hazel is necessary to provide the re-located access onto Jowett Walk. As it is a street tree it is therefore under County ownership and the County have made no objection or comment regarding the loss of this tree. They have confirmed that adjacent trees within the vision splay can be kept however.
52. The loss of street trees of such valued public amenity has not been taken lightly in considering this development proposal. However, the proposal would provide a considerable amount of undergrad and post grad student accommodation for Balliol and release the equivalent of 40 homes back to the open market as set out earlier in the report. In weighing up these considerations and the benefits of the development it is considered that on balance whilst the new tree planting would only mitigate the loss in the long term, the benefits to the street scene and provision of student accommodation outweigh the loss in the short term and an exception to Policies NE15 and NE16 of the OLP is justified in this case.
53. Should Committee be minded to approve the proposal conditions could be imposed securing, amongst other things, landscaping including new large nursery stock pine trees and tree protection measures.

#### **Impact on Neighbours:**

54. The most affected neighbours would be the adjacent squash courts to the north and those properties on the opposite sides of St Cross Road and Jowett Walk. The development would not be overbearing or cause loss of day/sunlight or overshadowing or result in unacceptable overlooking or loss of privacy. It therefore accords with Policies CP1 and CP10 of the OLP and

HP14 of the SHP.

### **Flood Risk and Drainage:**

55. The proposed development is located within Flood Zone 1 according to the Environment Agency's Flood Maps. Furthermore the Environment Agency's Surface Flood Mapping does not indicate the development as being in an area subject to surface water flooding. A Flood Risk Assessment (FRA) has been provided, which includes a SUDs strategy. Thames Water (TW) raised no objection to the proposal, following submission of further information, and confirmed that the existing foul sewer network does have sufficient capacity to accommodate the proposed foul water discharge from the proposed development.
56. Officers concur with the findings of the FRA. However, given the indicative geotechnical information provided within the Flood Risk Assessment, it is recommended that further infiltration testing should be undertaken and a subsequent revised SUDs Strategy submitted and, if required, amended drainage plans to ensure appropriate infiltration rates. A SUDs Management Plan should also be put in place. The proposal accords with CS11 of the CS subject to suitably worded conditions.

### **Biodiversity:**

57. The site is not of any significant or designated ecological value. 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. An Ecological Appraisal has been submitted which concludes that the existing site has no bat roosts either within existing buildings or mature trees and recommends that any new planting comprises predominantly native and wildlife-friendly species.
58. The proposed development would result in the loss of some trees and hedges which have some value for wildlife, mainly due to the time which they have been established for. A landscaping scheme has been submitted, although detailed planting is not yet provided. It is considered however that the loss of trees and vegetation could be suitably compensated for by the provision of native and/or wildlife friendly landscaping. The proposed development incorporates large areas of green roofs, which would provide opportunity to plant native species of flowering plants, open areas of stone and gravel to provide habitats for solitary bees and wasps and basking areas for butterflies, and log piles and deadwood to provide habitat for saproxylic invertebrates. Replacement street trees would be provided and some existing mature trees retained. Bird and Bat boxes could also be incorporated within the new buildings.
59. It is therefore considered that the proposal would not result in the net loss of a site or species of ecological value and further biodiversity measures could be secured by condition in accordance with CS12 of the CS.

**Sustainability:**

60. An Energy Efficiency statement has been submitted to show how 20% on site renewables can be achieved in accordance with Policies HP11 of the SHP and Core strategy CS11. It states the development would achieve a 40% reduction in carbon emissions, by using a low carbon technology approach including on-site combined Heat and Power System. The proposal would therefore accord with Policies HP11 of the SHP and CS9 of the CS and details/ implement could be secured by condition.

**Archaeology:**

61. In conclusion therefore the proposal would have a minor impact on the setting of the scheduled monument which would be outweighed by an improved ability to appreciate the monument in this case. Bearing in mind the results of the archaeological desk based assessment and evaluation trenching any consent granted for this application should be subject to a condition requiring a written scheme of investigation (WSI) to be submitted to and approved by the local planning authority in accordance with Policies HE1 and HE2 of the OLP.

**Contamination:**

62. A site investigation was undertaken included soil, groundwater, and ground gas sampling and report submitted with the Application. The investigation found elevated lead in soil in 4 locations and slightly elevated mercury also in one location. In particular the test hole in the location of the proposed Assembly Hall showed significantly elevated lead. The report stated that this soil would be removed during the excavation and would be covered with the new Assembly Hall. However, Officers consider that in any event further sampling should be undertaken in this area to delineate the extent of this elevated lead, and whether there may be risks to human health or controlled waters from leaching. If so, then appropriate remediation measures could be put in place to mitigate it, secured by conditions. Further soil sampling in the private garden areas of Nos 7-11 At Cross Road and further groundwater sampling should also be undertaken to adequately characterise the risks at the site and any inform any mitigation that may be needed, again secured by conditions. The proposal accords with Policy CS12 of the CS subject to the required conditions.

**Other Matters:**

63. Public Art: There is a requirement to provide public art and it is the intention of the Applicant to do so in accordance with CP24 of the OLP. It is proposed that the new open space beside the Assembly Hall is a suitable location. The exact positioning and nature/form of the art is yet to be decided, however these details could suitably be secured by condition.

**Conclusion:**

64. It is considered 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. It is therefore recommended that WAPC approve the application subject to conditions and a legal agreement.

#### 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:** 16/03056/FUL

**Contact Officer:** Felicity Byrne

**Extension:** 2159

**Date:** 8th March 2017