

WEST AREA PLANNING COMMITTEE

21st May 2018

Application Numbers 17/03258/FUL

Decision Due by: 2nd February 2018

Extension of Time: 28th May 2018

Proposal: Erection of new pavilion, creation of a new basement including new kitchen facilities and food lift; removal of existing kitchen and kitchen staircase, new serveries and additional dining and function spaces within Brewhouse Yard, Oriel College, with associated internal alterations. (Additional information)

Site Address: Oriel College, Oriel Square – see **Appendix 1** for site plan

Ward: Holywell Ward

Case Officer Nadia Robinson

Agent: Mr Neil Warner **Applicant:** Oriel College

Reason at Committee: The application is for non-residential development with new floor space of more than 500 square metres.

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

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

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

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

2. issue the planning permission.

2. EXECUTIVE SUMMARY

2.1. This report considers a planning application for the removal of Oriel College's existing kitchen and its replacement with an excavated basement and two-storey pavilion above. A linked listed building application (17/03259/LBC) is

also under consideration and is covered in a separate report to this committee.

2.2. The key matters for assessment set out in this report include the following:

- Principle of development
- Design and impact on designated heritage assets
- Impact on neighbouring amenity
- Highways and transport
- Sustainability
- Air quality
- Flooding and drainage

2.3. The application has developed through pre-application discussions with officers and with Historic England. A public exhibition of the proposals took place in September 2017.

3. LEGAL AGREEMENT

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

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for £11,175.78 of CIL.

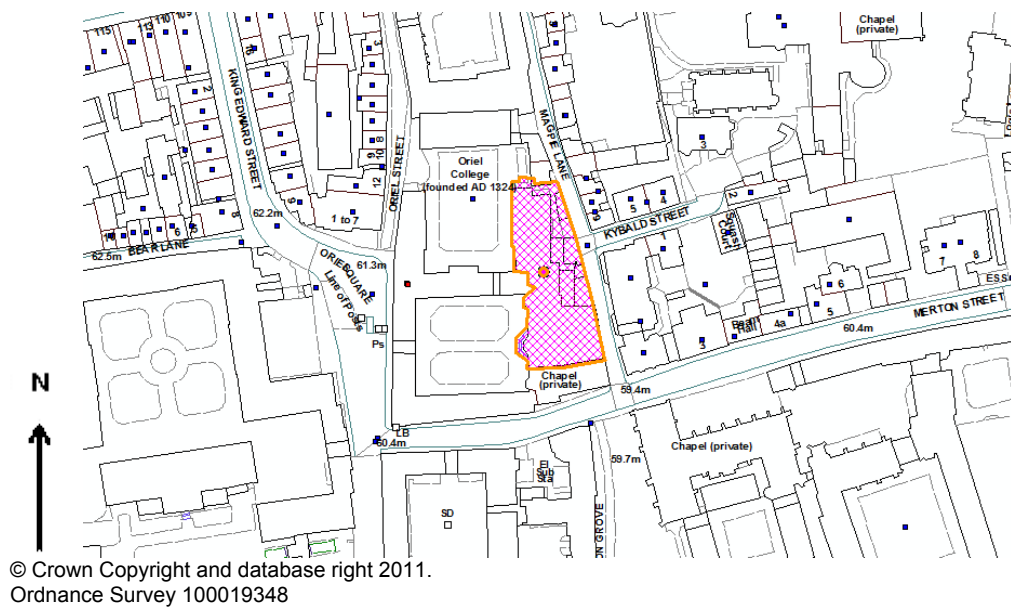
5. SITE AND SURROUNDINGS

5.1. The application site comprises a range of buildings and open yards which form the eastern side of Oriel's main campus, running down the western side of Magpie Lane including:

- the Hall which forms the eastern range of building of Front Quad and what is currently the cellar bar beneath the Hall C17 – Grade I;
- Brewhouse Yard which lies immediately behind, to the east of the Hall and is now almost entirely covered by a single storey, concrete flat roof (1928) under which sit the college's kitchens – listed by virtue of its physical attachment to the eastern range of the Front Quad;
- buildings that form the eastern side of Middle Quad, Robinson Building C18 – Grade I – and an early C19 addition on eastern side – Grade II;
- a small area of open yard behind that has had some infilling in C20 principally against the boundary wall to Magpie Lane. The boundary wall is Grade II listed.

5.2. The site is within the Central Conservation Area and the City Centre Archaeological Area.

5.3. See site location plan below:



6. PROPOSAL

6.1. The application proposes the removal of the existing single-storey 1920s infill which houses the kitchen in Brewhouse Yard, together with the removal of a 17th century staircase and enclosing structure which connects the former yard with the Hall. These are to be replaced, on a slightly larger footprint, with a three-storey building accommodating:

- a basement, housing kitchen and services,
- a ground floor extension to the existing bar beneath the Hall, to create an all-day café space for collaborative learning and meeting, and
- a first-floor dining hall, “East Hall” – a less formal extension/addition to the College’s main Hall – incorporating a new servery and queuing area.

6.2. The building is to be topped with a hipped, weathered bronze clad roof that will sit back from and above the stone boundary wall on Magpie Lane. A lightweight glass structure separates the new building from the listed buildings it abuts.

6.3. Internal refurbishment of the student bedrooms in Staircase 8, to the north of the application site, is proposed. The ground and basement floors of Staircase 8 are to incorporate staff welfare accommodation. Various other alterations are proposed internally to improve accessibility, and to reveal and restore historic fabric.

6.4. The proposal is intended to address a number of issues the College has identified. Details can be found in the submitted Statement of Need, but the issues can be summarised as follows:

- The College kitchen is outdated in terms of food preparation standards, storage, energy efficiency, and is limited in the variety of catering options it

can provide. It cannot cope with the College's catering requirements.

- The Hall is too small to accommodate the number of diners (students and conference guests), even with two sittings; it can accommodate just 140 people when the College membership is over 600. Dining together is an important part of collegiate life.
- The character and quality of Screens Passage, intended as an elegant anteroom for the Hall, is degraded by cluttered servery arrangements
- The serving and waiting arrangements are impractical. For instance, diners currently queue down the steps to Hall and into the Front Quad in all weathers.
- There is very limited or dependent access for wheelchair users and people with limited mobility to a number of areas of the College including the Hall, Buttery and Champneys (Senior Common Room dining room).
- There are insufficient staff facilities for kitchen staff.
- There is a trend towards collaborative working in higher education and the College lacks appropriate spaces where this can happen.
- Poor quality of Staircase 8 bedrooms and sanitary facilities.

6.5. No increase in student or staff numbers would result from the proposed development.

6.6. Should planning permission be granted, the College would need to deal with a number of issues including decanting students, reorganising catering services, and tying works in with university holidays. The College's programme foresees work commencing in mid-2021 which is three years from now. It is usual for a condition to be applied to planning permissions to require commencement of development within three years of grant of permission. The College has requested a commencement period of five years and has submitted a statement in support of this.

6.7. The application follows a period of pre-application consultation with officers and Historic England, beginning in 2016. Proposals for development in Brewhouse Yard have been under consideration by the College since 2006 and an architectural competition took place in 2013; the current proposal is a development of the winning submission.

7. RELEVANT PLANNING HISTORY

7.1. The only relevant planning history for the application site is the erection of the "Champneys" Senior Common Room:

70/22427/A_H - Erection of new senior common room and alterations to kitchen, buttery, cellar bar and staircase 7 and 8. Approved 14th April 1970.

70/22427/L_H - Erection of new senior common room and alterations to kitchen, buttery cellar bar and staircases 7 and 8. Approved 14th April 1970.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents
Design	17, 56–68	CP1 CP6 CP8 CP10	CS2 CS18		
Conservation/ Heritage	14, 17, 58, 62–65, 126–141	HE2 HE3 HE4 HE7 HE11			Planning (Listed Buildings and Conservation Areas) Act 1990 sections 66(1), 72(1)
Commercial	18–27		CS27		
Natural Environment	109–125, 142–149	CP11	CS12		
Social and community	69–78	CP13			
Transport	29–41				
Environmental	93–108	CP19 CP20 CP21 CP22 CP23	CS9 CS10 CS11	HP14	
Misc	42–46	CP13		MP1	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 22nd December 2017 and an advertisement was published in The Oxford Times newspaper on 21st December 2018. The application was re-advertised in The Oxford Times newspaper on 25th January 2018 with site notices displayed around the application site on 24th January 2018.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. The Highways Authority raised an objection in response to the originally

submitted Construction Traffic Management Plan (CTMP). The CTMP was amended during the course of the application to the satisfaction of the Highways Authority. The objection has now been withdrawn, subject to a condition that the development be carried out in accordance with the revised CTMP.

Historic England

- 9.3. Historic England has no objection to the applications on heritage grounds. It considers that the applications meet the requirements of the NPPF, in particular paragraph numbers 132 and 134.
- 9.4. The current scheme has been the subject of extensive pre-application consultation with both Oxford City Council and Historic England and would have a marked impact on the significance of this grade I listed building. The main impact would be on views of the hall and chapel from Magpie Lane, which would be partially obscured by the roof of the proposal new pavilion. We note that the architectural quality of these elevations is equal to those of the quadrangle itself. Another serious impact would be the removal of the stair down to the old Brewhouse yard. This forms part of the primary fabric of the College (dating to 1620-2) so contains valuable evidence about how the building was originally arranged. Although now encapsulated by a later kitchen the quality of masonry suggests that this was originally an important feature. We therefore conclude that the proposals would entail a high level of harm to the significance of this building, though the harm would fall short of substantial.
- 9.5. The College have looked at alternatives to a two storey extension and at ways of retaining the stair. We accept that the College have a genuine need for more formal dining space and that a case has been made on logistical grounds that this needs to be provided at first floor level. We also accept that this cannot be provided if the stair is to be left in situ. Furthermore, we recognise that it would not be possible to reduce the height of the proposed new building, and so lessen the impact on views down Magpie Lane, without seriously compromising the architectural quality of what promises to be an elegant and attractive building. We therefore accept that the harm entailed by the proposals is justified as is required by paragraph 132 of the NPPF. The City Council will need to weigh this harm against the public benefits of the proposal in accordance with paragraph 134 of the Framework.
- 9.6. The proposed basement would involve excavating into an area of known archaeological sensitivity. As this area is not scheduled we defer to the City's Archaeological Advisor for a view on this matter.
- 9.7. There are a number of areas where the precise design of the works cannot be determined until opening up works have revealed more about their significance. This includes the former Bakehouse area on the ground floor (now a staff changing area) and the Box room above on the first floor. Should planning permission and listed building consent be granted this would need to be conditional on more detailed proposals for these areas being drawn up following further investigations.

- 9.8. The Design and Access Statement was missing from the Council website and so we have seen no justification for the demolition of 17th century fabric at the east end of the hall passage, including the staircase, of this Grade I listed building. Under the NPPF guidelines, the public benefit required to justify such substantial harm to a listed building must be commensurately large, and no such justification has been given. Moreover, in a private college that is not among those that are generally open to members of the public, any claim that such demolitions confer public benefits is disingenuous.
- 9.9. Suggest the boundary marker of the parish of St Mary the Virgin that is incised on the wall in the landing above the staircase be re-cut in the stonework of the chapel doorway, preferably on the north jamb, which is (a) more correctly on the historical line of the parish boundary, (b) will be more accessible for those beating the bounds on Ascension Day, (c) will leave the present marker – removal of which will further damage 17th century fabric – *in situ* as an historical oddity, and (d) will be cheaper and easier than relocating the present marker.

Public representations

- 9.10. None received

Officer response

- 9.11. The Design and Access Statement was not made public at the start of the application, but this was subsequently corrected and the application re-advertised. The Oxfordshire Architectural and Historical Society was notified directly and no further comments were received.

10. PLANNING MATERIAL CONSIDERATIONS

- 10.1. Officers consider the determining issues to be:

- i. Principle of development
- ii. Design and impact on designated heritage assets
- iii. Impact on neighbouring amenity
- iv. Highways and transport
- v. Sustainability
- vi. Air quality
- vii. Flooding and drainage
- viii. Commencement of works

i. Principle of development

- 10.2. The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development (paragraph 14) and the Core Principles (paragraph 17) encourage the efficient use of previously developed (brownfield) land, as well as the importance of high quality design. Oxford Core Strategy Policy CS2 also supports the use of brownfield land.

- 10.3. As the development is an extension to an existing College (providing neither student accommodation nor academic teaching space), the proposal is found to comply with paragraph 17 of the NPPF and Core Strategy Policy CS2. Therefore, the principle of development is considered to be acceptable.
- 10.4. Policy HP5 states that planning permission will not be granted for any proposal that results in a net loss of purpose-built student accommodation. There is an overall loss of four student rooms within Staircase 8 but the College has demonstrated in the application that the College's city centre site has capacity through internal reconfigurations to provide sufficient student accommodation for its needs. There is no conflict with policy HP5 since the rooms affected by the development are not purpose-built student accommodation but rather part of the general College site.

ii. Design and impact on designated heritage assets

- 10.5. The NPPF requires proposals to be based upon an informed analysis of the significance of all affected heritage assets and expects applicants to understand the impact of any proposal upon those assets with the objective being to sustain their significance (paragraphs 128 & 131). In making any such assessment great weight should be given to the assets' conservation. While development proposals should not substantially harm or result in total loss of the significance of a designated heritage asset, paragraph 134 of the NPPF advises that, where development proposals will harm the significance of a designated heritage asset, but that harm would be less than substantial, then this harm should be weighed against any public benefits the proposed development may offer.
- 10.6. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and to preserving or enhancing the character or appearance of conservation areas.
- 10.7. Oxford Local Plan Policies HE3 and HE7 seek to preserve or enhance the special character and appearance of conservation areas and their settings, and to ensure works to a Listed Building are sympathetic to and respect its history, character and setting. Whilst the wording of these policies does not include the balancing exercise identified in paragraph 134 of the NPPF and would therefore be deemed to be out-of-date with the framework, they would be consistent with the above-mentioned legal requirements of Section 66 and 72, and they must therefore carry considerable weight in the determination of this application.
- 10.8. The NPPF states that, where appropriate, local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. Oxford Local Plan Policies HE2 and HE4 require planning applications to incorporate sufficient information to define the character and extent of archaeology as far as reasonably practicable, and,

where the existence and significance of deposits is confirmed, seek to preserve or record these through an agreed programme of investigation, recording of the structure and publication of the results.

- 10.9. The NPPF in paragraph 63 states that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. It requires in paragraph 60 that local authorities seek high quality design and do not impose architectural styles or particular tastes, nor stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy require that development proposals incorporate high standards of design, make an efficient use of land and respect local character.

Impact on Central Conservation Area and Listed Buildings

- 10.10. This section identifies the harm that the development will have on the significance of the conservation area and listed buildings as designated heritage assets, the ways in which the harm has been minimised and mitigated, and the weight afforded to each instance of harm.
- 10.11. The existing flat roof which encloses the current kitchen was constructed in 1928, when a number of 19th century and possibly earlier outbuildings which occupied the Brewhouse Yard were also demolished. This structure is of no architectural or historic significance, being a concrete flat roof with plant and roof lights. Its careful removal from the significant abutting historic fabric would not result in harm to the significance of the adjacent listed buildings or to their setting.
- 10.12. The removal of the 17th century staircase is more complex. There is documentary evidence to show that this structure and at least some of its enclosing fabric is contemporaneous with the northern and eastern wings of Front Quad, including the Hall and Chapel. The structure has been subjected to 20th century alteration, probably taking place at the time that the kitchen was being built in the yard, and limited primary fabric remains. The arrangement of a staircase providing access from the kitchen (originally underneath the Hall) and the Hall is comparable to that seen in other colleges and therefore it is reasonable to ascribe some significance to this contribution to the understanding of historic domestic planning. Additional significance may be ascribed to some of the surviving early fabric.
- 10.13. The removal of the stair was the subject of much pre-application discussion with officers and Historic England; various ways of retaining the stair were explored by the architects. It was accepted that, logistically, a dining space at first floor level, central to the College brief, could not be achieved without the removal of the stair and therefore the removal is justified.
- 10.14. The architect has sought to mitigate the harm that will occur in three ways. Firstly, through retention of the staircase's profile as an architectural 'trace' or 'scar' against the Hall's east wall. Secondly, through the distinctive separation of the principal volume of the new building from the east façade of the Hall.

Finally, through the retention of some of the more historic elements of fabric, including the parish marker stone, and some stone flags. In summary, although there will be harm to the significance of an asset through the removal and loss of the staircase, the significance is diminished due to the various modern interventions made when it was enclosed by the 20th century kitchen, and the harm has been mitigated through design. The level of harm is therefore less than substantial and officers would afford it a moderate level of harm.

- 10.15. The new building will make an intervention in the townscape, appearing above the boundary wall in Magpie Lane. It will obstruct the existing views of the north façade of Oriel's 17th century Chapel as seen looking down Magpie Lane; this is considered to be an important view in the city, with the Merton College's Tower forming the stop-end view at the southern end of Magpie Lane. The new building will also obstruct views of the upper part of Oriel's 17th century Hall façade, seen from Kybald Street and along Magpie Lane.
- 10.16. Clearly, there will be a significant structure visible above the boundary wall in kinetic views, views which move and change as people pass through the area. The listed buildings are seen in oblique views, form part of a visually complex piece of townscape and are not seen "flat on" as a formal, composed set piece. However, the buildings present very high quality elevations. There will be a loss of a sense of an open yard which is still able to be discerned from Magpie Lane in spite of the flat-roofed kitchen. The presence of the new building will therefore impact on the significance of the setting of the various listed buildings and, consequently, the significance of the buildings themselves and the conservation area.
- 10.17. The quality of the design of the building, in particular the roof, which will be the principal element of the new building that will be visible, goes some way to mitigate the harm caused by the obstruction of views of the listed buildings. The architects developed a number of roof form options during pre-application consultations and it was agreed with Historic England and officers that the now-proposed faceted roof structure with hipped ends best mitigates the harm. It reduces the overall impression of length and the actual physical mass of the structure. Its low eaves and separation from the top of the Magpie Lane boundary wall avoid it intruding visually and physically on the wall. The deliberate glass separation strip around the southern and western sides of the new building (where it abuts the Chapel and the Hall) offer a sense of space between the chapel's north façade and the mass of the new building. The overall height of the roof appears reduced by the insertion through the centre of the form of a simple, flush glass roof light. Both Historic England and officers acknowledge that the building cannot be further reduced in height within the constraints of the College's brief.
- 10.18. There will, therefore, be visual intrusion, but in views where the contribution made by the existing buildings is changing, intermittent and only partial. Similar views occur across the city; the addition of a contemporary element, providing a further layer over and alongside the existing historic layers, adds to the visual history of the city's development through time. Any such addition must be handled carefully, and the architect manages to do this here by

allowing glimpses of the past to occur alongside the present. The careful and considered design and use of a rich but restrained material palette adds a new, equal contribution to the legible layers. Considering the impact, and its mitigation through design, the development will result in a moderate level of harm to the setting of the listed buildings and the conservation area, and it follows that this moderate level of harm is less than substantial.

Impact on Archaeological Heritage Assets

- 10.19. As in the previous section, this section identifies the harm that the development will have on the significance of archaeological heritage assets, the ways in which the harm has been mitigated, and the weight afforded to the harm.
- 10.20. The application site is located close to the projected line of the primary late-Saxon burh eastern defences. As part of the pre-application work for this site a geophysical survey and an archaeological borehole survey in the College quads and additional test pitting in Staircase 8 have been undertaken. These works have demonstrated that a primary burh ditch does not run north-south through the college as previously suggested by various studies. This is a significant piece of negative evidence that advances our understanding of the late-Saxon burh and the College is to be commended for its facilitation of survey works beyond the proposed development footprint.
- 10.21. The basement footprint is located within the likely extent of a number of documented medieval tenement plots, primarily that belonging to St Martin's Hall, but also the now demolished 14th century College quadrangle and a former back entrance to the college. The site has significant potential to preserve the remains of structures and waste pits related to early college use as well as the 17th century College kitchen yard.
- 10.22. The small evaluation trenches excavated in 2015 by Oxford Archaeology within the proposed footprint of the new basement and under the adjacent hall have provided some insights into the character of the remains in this location. A further two test pits excavated within the basement of Staircase 8 in March 2018 revealed silty clay deposits of possible medieval date over natural gravel. No evidence for the post-glacial brickearth or loam which overlies the gravel terrace was revealed, which may suggest that the clay deposits were filling negative features, suggesting previous disturbance in this area. In one pit the silty clay deposit had been truncated by a deposit of limestone rubble, potentially the rubble core of an earlier wall.
- 10.23. Officers note that it has not been possible, given the physical site constraints, to fully evaluate the footprint of the proposed basement and establish the likely character and extent of any significant buried remains. Therefore the College should be aware of the potentially significant cost of archaeological recording should well preserved multi-period remains be present as might be anticipated in such a central location within the historic town.
- 10.24. The remains of late-Saxon and medieval Oxford as a whole can be assessed as of national significance. However assessing localised impacts on such a

large and complex asset, where the quality and survival of below ground archaeology remains substantially unproven across large areas of the city, remains problematical. In this instance only a limited evaluation sample has been possible because of the site constraints. Therefore it is only possible to say that the application will result in moderate (less than substantial) harm to non-designated medieval heritage assets which may reasonably be anticipated, with various degrees of preservation and truncation, across the proposed basement footprint.

- 10.25. The harm has been mitigated by various changes to construction methods worked through at pre-application stage, for example the new arrangement of piles and support for the boundary wall in connection with the basement excavation. Any permission is recommended to be subject to a groundworks methodology condition and an archaeological recording condition to mitigate harm and secure public benefits relating to deepening understanding of late-Saxon and medieval Oxford.

Public benefits

- 10.26. In accordance with paragraph 134 of the NPPF, less than substantial harm to the significance of heritage assets must be given a considerable weight in balancing it against any genuine public benefits that the development will provide.
- 10.27. The development will not cause substantial harm to designated heritage assets. As identified earlier in this section, the development will result in less than substantial harm to:
- the significance of the Grade I listed hall through the removal and loss of the kitchen staircase (moderate);
 - the significance of the setting of the Grade I listed Chapel and Hall through the introduction of built form interrupting views of the elevations of these buildings (moderate);
 - the significance of the conservation area through the impact on views along Magpie Lane and from Kybald Street (moderate); and
 - the significance of the non-designated archaeological remains (moderate).
- 10.28. The application is accompanied by a planning statement which sets out the public benefits identified by the applicant. Officers have assessed the development in accordance with National Planning Practice Guidance (paragraph 020) which states that public benefits could be anything that delivers economic, social or environmental progress as described in NPPF paragraph 7. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.
- 10.29. The principal public benefit of the development is the introduction of a high-quality contemporary piece of architecture, adding a layer to the ongoing evolution of the city and University's built form. The design of the building is a carefully crafted response to the history and specific context of the site, being

developed from the 1587 Agas map showing a simple pitched roof outbuilding along the Magpie Lane boundary wall and a later depiction of a two-storey pitched roof structure in Brewhouse Yard. The proposal results from an architectural competition and several years of design development. The choice of materials, a burnished weathered bronze roof with glass panels creating separation from the existing buildings, results in a simple uncluttered form in successful juxtaposition with and separation from its backdrop of listed buildings. The detailing will result in a crisp finish, for example, through the use of 'secret gutters'. The building makes a positive contribution to the group of buildings facing onto Magpie Lane. The innovative, contextual response to the constrained site and the outstanding quality of the overall form and of the detailing proposed are of a standard to comply with the design objectives of paragraphs 60 and 63 of the NPPF. By contributing to a high quality built environment, the development's design is given great weight as a public benefit.

- 10.30. It is recognised that the catering facilities the development would provide will enable the College to sustain its historic operations, which are central to the collegiate heritage of Oxford. The innovative proposal has been carefully designed to fit within a highly constrained city centre site and over three floors; this avoids the facility needing to be provided elsewhere in the city. As such, there is a public benefit in making best and most efficient use of the land within the existing College site. Officers consider that significant weight should be given to this public benefit.
- 10.31. The project has already, through preliminary archaeological investigations, begun to add to our knowledge of the city, in particular with regard to the late-Saxon burh. Further archaeological findings are anticipated. The proposal is to reveal original historic fabric, including the fireplace and oven of the 17th century bakehouse, and the walls of the listed buildings in Brewhouse Yard, currently obscured by the 20th century kitchen. The College intends to submit a detailed proposal of ways in which findings will be disseminated. It has stated that the small and confined nature of the site makes access to the site for interested members of the public somewhat impractical, however it is anticipated that at the least engagement may involve display boards (possibly for display at a future Open Doors Heritage Weekend event, or for display when the public visit the College) or another form of public engagement (such as an Oxford Architectural and Historical Society lecture or an article appearing in its annual periodical). Officers recommend that an appropriate level of public outreach is secured as part of the archaeological conditions. By revealing previous layers of development and views of heritage assets, the development brings a significant public benefit, increasing our knowledge of the city and thereby supporting cultural well-being and enhancing our historic environment. It is considered that moderate weight be given to this public benefit.
- 10.32. A central objective of the project is the creation of level access for the Hall, bar and other dining spaces (Box and Champneys). This has been achieved in an inclusive way, without having contrived or segregated step-free access. This will allow staff, students and visitors to participate in college life and access important parts of the site; as such it is considered a significant social public

benefit.

10.33. Finally, the removal of the 20th century kitchen is a public benefit. Its flat roof with plant detracts from the setting of the listed building and cuts across the rear courtyard elevation. The removal of this clutter contributes to enhancing the historic environment. A moderate weight should be given to this public benefit.

10.34. In summary, the proposed development would offer the following public benefits:

- Introduction of high-quality architecture and a contemporary layer to the built history of Oxford (substantial);
- Making best use of land to keep College facilities, and their heritage function, on site (substantial);
- Revealing historic fabric – above and below ground – and increasing knowledge and understanding of the city (moderate);
- Accessibility (substantial); and
- Removal of harmful built form of kitchen (moderate).

10.35. These benefits are considered to outweigh the less than substantial harm identified and summarised in paragraph 10.27; the proposal would therefore comply with NPPF paragraph 134.

10.36. Officers note that, while the less than substantial harm identified to archaeology may be balanced by the wider merits and public benefits of the scheme, archaeological remains are a finite and non-renewable resource and that such basement schemes in the historic core have a cumulative impact on the below ground archaeological resource. This cumulative impact should be taken into account when assessing the merits of subsequent schemes within the historic core.

Site layout, scale, massing and appearance

10.37. The design of the proposed development has been discussed in earlier sections in assessing the harm and public benefits of the proposal. It is noted that the proposal successfully meets the challenges of the brief on a constrained site, making efficient use of the land. The form of the building is derived from analysis of the history of Brewhouse Yard, creating a contemporary interpretation of historic buildings recorded in this location. The scale of the building has been minimised as far as possible, and high-quality appropriate materials selected. The proposal complies with local policy and the NPPF in design terms.

10.38. Conditions are recommended to approve samples of external materials, as well as large-scale details of the roof in order to secure high design quality.

Other design matters

10.39. A short length of the boundary wall on Magpie Lane is proposed to be dismantled to facilitate access during construction. A condition is

recommended for a method statement, recording and reinstatement.

- 10.40. A query was raised during the public consultation by Oxfordshire Architectural and Historical Society with regard to the relocation of the parish boundary marker that is affected by the development. The comment suggests further research is needed which should lead to an appropriate new location being proposed by the applicant. A condition is recommended to deal with this detail of the development to ensure it is given the necessary consideration.

iii. Impact on neighbouring amenity

- 10.41. Policy HP14 of the Sites and Housing Plan states that development should provide reasonable privacy and daylight for the occupants of both existing and new dwellings and guards against overbearing development. Oxford Local Plan policy CP10 requires the amenity of other properties to be adequately safeguarded, with policies CP19 and CP21 controlling nuisance from matters including noise and dust.
- 10.42. Due to the low profile of the roof of the proposed new pavilion, and its hipped form, the development will not result in a loss of light or harmful impact to the internal environment of Oriel College's Hall or Chapel. For the same reasons, there will be no harm to residential amenity for the Corpus Christi student accommodation on the east side of Magpie Lane, facing the application site.
- 10.43. The proposal includes some external plant to handle cooking fumes and odours from the basement kitchen, as well as for air handling to service the café and bar and a condenser unit. A noise impact assessment has been submitted with the application which demonstrates that the plant will not exceed the existing background noise. A condition is recommended to secure this in the interests of neighbouring amenity and to comply with policies CP1, CP10, CP19 and CP21 Oxford Local Plan 2001-2016.
- 10.44. Details of the plant to handle cooking fumes and odours are recommended to be required by condition, again to safeguard neighbouring amenity in line with policies CP1, CP10, CP19 and CP21 Oxford Local Plan 2001-2016.

iv. Highways and transport

- 10.45. Policy CP1 of the Oxford Local Plan requires development to be acceptable in respect of access, parking, highway safety, traffic generation, pedestrian and cycle movements. There will be no increase in staff or residents and therefore the proposal itself will not generate additional pressure on the local transport network or any highway safety concerns when in use.
- 10.46. The Highways Authority raised concerns regarding the measures proposed in the originally submitted Construction Traffic Management Plan (CTMP). These have been addressed to the satisfaction of the Highways Authority and so the proposal is considered acceptable in respect of impact on highways during construction. A condition is recommended to ensure the development is carried out in accordance with the revised CTMP.

v. Sustainability

10.47. Core Strategy Policy CS9 states that all developments should seek to minimise their carbon emissions and should demonstrate sustainable design and construction methods and energy efficiency through design, layout, orientation, landscaping and materials. Because the development proposed falls below the threshold for “qualifying developments”, i.e. over 2,000 square metres, there is no additional requirement to deliver a proportion of renewable or low-carbon energy or to incorporate recycled or reclaimed materials.

10.48. An Energy Statement has been submitted in support of the application which sets out the following energy reduction measures:

- Solar controlled glass to limit heat gain to the new East Hall, with the provision of natural ventilation (intended to meet the summer overheating criteria set by Part L of the Building Regulations);
- The scheme incorporates fabric efficiency (including insulation, high performance double glazing and low-energy lighting); and
- CO₂ emissions are estimated to be around 55kg of CO₂ per square metre per annum, representing a saving of 25 per cent against the baseline set out in Building Regulations Part L.

10.49. These measures are considered appropriate on this constrained and sensitively located site, and as such, the proposal is consistent with the aims of Core Strategy Policy CS9 in minimising carbon emissions and demonstrating sustainable design. A condition is recommended for the development to be carried out in accordance with the submitted details.

vi. Air quality

10.50. Policy CP23 of the Oxford Local Plan guards against development which would have a net adverse impact upon the air quality in the Air Quality Management Area, or in other areas where air quality objectives are unlikely to be met.

10.51. A dust impact assessment was requested and submitted addressing the potential emission from dust during the development's construction phase. Officers consider it extremely important to guarantee that the site-specific mitigation measures that are identified in the assessment are implemented and included in the site's construction environmental management plan. A condition is therefore recommended to secure necessary site specific mitigation of dust from construction through a construction environmental management plan.

vii. Flooding and drainage

10.52. The NPPF states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere (paragraph 103). Oxford Core Strategy Policy CS11 states that development will not be permitted that will lead to increased flood risk elsewhere, or where the

occupants will not be safe from flooding.

- 10.53. The site lies in Environment Agency Flood Zone 1 and is not at significant risk of flooding from any sources. The development will not result in an increase in impermeable area, and will therefore not increase flood risk. The proposal is compliant with national and local policy in this respect.

viii. Commencement of works

- 10.54. As set out in paragraph 6.7, the College is seeking a five-year commencement of works condition should permission be granted, rather than the standard three-year condition. Having reviewed these, officers do not see an overwhelming need for the longer determination period and do not consider the circumstances set out in the addendum to the planning statement dated 26 April 2018 to be significantly different from any other planning application. The recommended condition is for commencement of works to begin

11. CONCLUSION

- 11.1. The harm to the significance of heritage assets has been mitigated as far as possible and has been justified; the residual harm, to which great weight is given, is outweighed by public benefits. The proposal would add a high-quality, elegant piece of contemporary architecture to the built heritage of Oxford and would comply with the relevant policies of the local plan and with the NPPF. As such, it is sustainable development and, in accordance with the NPPF, should be approved without delay.
- 11.2. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the recommended conditions.

12. CONDITIONS

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

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

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

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

- 3 Prior to the commencement of construction works above ground level (excluding the demolition of the existing structures and site clearance), samples of the exterior materials to be used shall be submitted to, and approved in writing by, the local planning authority and only the approved materials and details shall be used.

Reason: In the interests of visual amenity in accordance with policies CP1, and HE3 and HE7, of the Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 4 Large-scale detailed drawings of the roof shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of construction works above ground level (excluding the demolition of the existing structures and site clearance), and the works shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory quality of design, for the avoidance of doubt and so that the local planning authority can agree these details in accordance with policies CP1, and HE3 and HE7, of the Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

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

- The programme and methodology of site investigation and the nomination of a competent person(s) or organisation to undertake the agreed works.

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

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

- 6 Before any work hereby authorised begins, a detailed scheme showing the complete scope and arrangement of the foundation design and all ground works shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason: In order that details of the foundations, ground works and all below ground impacts of the proposed development are detailed and accord with the programme of archaeological mitigation works to ensure the preservation of archaeological remains by record and in situ in accordance with Local Plan Policy HE2.

- 7 A method statement for the creation of the temporary access through the existing boundary wall on Magpie Lane to include recording, storage and

reinstatement, shall be submitted and approved in writing by the local planning authority prior to the creation of this access. The development shall be carried out in accordance with the approved method statement and the boundary wall shall be reinstated within three months of first occupation of the development hereby approved.

Reason: In the interests of preservation of historic fabric and the character and appearance of the Central Conservation Area in accordance with policies CP1, and HE3 and HE7, of the Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 8 Notwithstanding the approved plans, plans and large-scale details showing a new location for the parish boundary marker (currently located at the top of the kitchen staircase), a supporting statement and methodology statement shall be submitted and approved in writing by the local planning authority prior to the commencement of demolition of the kitchen staircase or any other works affecting the parish boundary marker. The parish boundary marker shall be relocated in accordance with the approved details.

Reason: In the interests of respecting the history, character and setting of the listed building in accordance with policies HE3 and HE7 of the Oxford Local Plan 2001-2016.

- 9 In respect of any proposed air conditioning, mechanical ventilation or associated plant, the applicant shall ensure that the existing noise level at this location is not increased. In order to achieve this, the plant must be designed or selected or the noise attenuated so that it is no greater than 45 dB (A) LaeqT when measured one metre from the nearest noise sensitive premises.

Reason: To maintain the existing noise climate and prevent ambient noise creep in the interests of residential amenities in accordance with policies CP1, CP10, CP19 and CP21 Oxford Local Plan 2001-2016.

- 10 The development shall not be brought into use unless and until a scheme for treating cooking fumes and odours before their emission to the atmosphere, so as to render them innocuous, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed and completed before the development is brought into use and shall include the use of grease filters and other specialist filtering and deodorising equipment that will be serviced according to the manufacturer's recommendations.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with policies CP1, CP9, CP19 and CP21 Oxford Local Plan 2001-2016.

- 11 The development shall be carried out in full accordance with the approved Construction Traffic Management Plan (Framework Construction Traffic Management Plan Issue Number v3.1 dated 19 February 2018) at all times unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times in accordance with policies CP1, CP19, CP21 and TR2 of the Adopted Oxford Local Plan 2001-2016.

- 12 The development shall be carried out and maintained in accordance with the measures detailed in the submitted Energy Statement, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of sustainable energy use in accordance with policy CS9 of the Oxford Core Strategy 2026

- 13 No development shall take place until a Construction Environmental Management Plan (CEMP), containing the site specific dust mitigation measures identified for this development, has first been submitted to and approved in writing by the Local Planning Authority. The specific dust mitigation measures that shall be included and adopted in the CEMP can be found on page 8 of the submitted Dust Risk Assessment report produced by Aether and dated April 2018. The development shall be carried out in accordance with the approved CEMP at all times.

Reason: To ensure that the overall dust impacts during the construction phase of the proposed development will remain as “not significant”, in accordance with the results of the submitted Dust Risk Assessment report produced by Aether and dated April 2018, and with Core Policy 23 of the Oxford Local Plan 2001-2016.

13. APPENDICES

- **Appendix 1** – Site location plan

14. HUMAN RIGHTS ACT 1998

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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

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