

WEST AREA PLANNING COMMITTEE

12th June 2018

Application Number: 18/00021/VAR

Decision Due by: 5th April 2018

Extension of Time: 6th July 2018

Proposal: Variation of condition 2 (Development in accordance with approved plans) of planning permission 16/03056/FUL (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)) to allow alterations to the approved plans which include changes to internal layouts; replacement of perforated panels for openable windows; reorganisation of basements; reduction of height of blocks A, B1, B2 and C1 and omission of rooflights to corridors.

Site Address: Balliol College Sports Ground , Jowett Walk, Oxford, OX1 3TN

Ward: Holywell Ward

Case Officer Felicity Byrne

Agent: Miss Susannah Byrne **Applicant:** Balliol College

Reason at Committee: Officers have put this application to Committee for determination.

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 11 of this report and grant planning permission subject to:

1. Revised plans accurately plotting beech tree T59 in relation to building A3 being received to the satisfaction of the Head of Planning, Sustainable Development and Regulatory Services; and

2. The satisfactory completion of a legal agreement under s.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this

report; and

3. Endorse the objective to place a Tree Preservation Order on beech tree T59.

(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 issue the planning permission.

2. EXECUTIVE SUMMARY

- 2.1. This report considers several minor material alterations to the approved scheme. The amendments to the design of the proposed buildings are in themselves considered to be minor in nature but cumulatively materially alter the approved plans such that they are material and a variation to the approved plans is the required. In relation to the one significant tree on site, a Beech Tree T59, it has been recently discovered that the relationship of the tree to the new building, Block A3, is materially different from that on the approved plans and therefore amended plans are required.
- 2.2. It is concluded that the proposed minor alterations to the design are acceptable and whilst cumulatively materially alter the approved plans, would not alter the architectural integrity of the approved scheme to its detriment, or harm the appearance of the development within the street scene or Conservation Area. In relation to T59 it is concluded that the situation is regrettable and that the new building will have a less than ideal relationship. However, the technical supporting information has satisfactorily demonstrated that there are no other suitable alternative options for the size or location of Block A3, that the development can be constructed without further harm to the tree and with minimal pruning and that Balliol College are willing to enter into a legal agreement with regard to the future maintenance of both the tree and the new building, to ensure that no undue pressure is put on pruning the tree as a result of the close relationship, thereby retaining the tree long term. On this basis the material change to the development as approved is accepted.

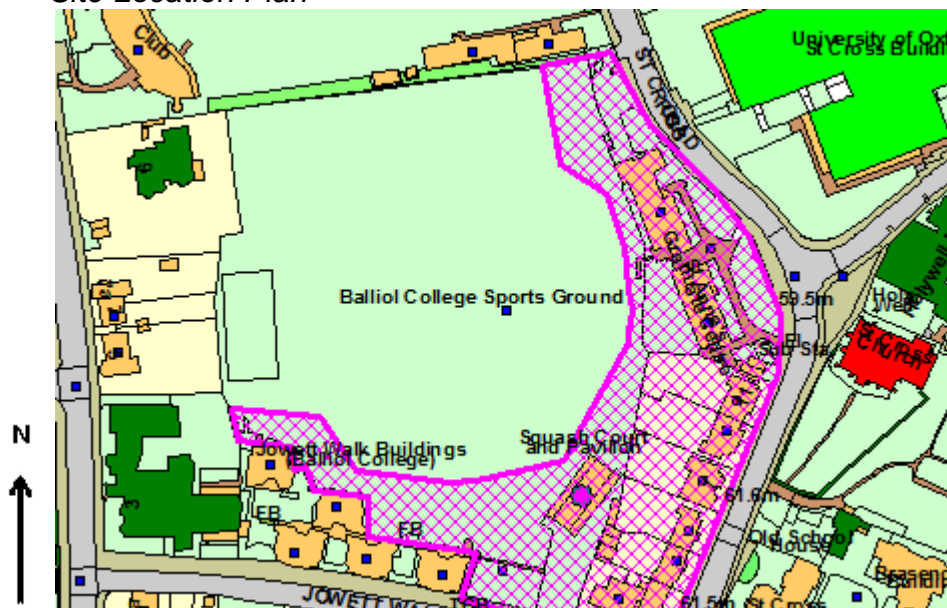
3. LEGAL AGREEMENT

- 3.1. This application is subject to a legal agreement in relation to future maintenance works to both building and tree, and no undue pressure is placed on the tree to prune or remove it due to the outlook and internal conditions of the rooms and maintenance of the building as a result of the proximity of the building to the tree T59.

4. BACKGROUND

- 4.1. 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. 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, see the site location plan below.
- 4.2. Planning permission was granted under 16/03056/FUL for Proposed demolition of existing collegiate accommodation and erection of C2 residential institution including sports pavilion, assembly space and associated accommodation, access and landscape. Decision Notice is attached at **APPENDIX 1** and Block Plan at **APPENDIX 2**.

Site Location Plan



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Ordnance Survey 100019348

5. PROPOSAL

- 5.1. The application proposes amendments to the approved plans as listed below:
- Changes to internal layouts
 - Windows: perforated panels omitted, use of openable windows instead for ventilation and simplification of surface pattern to concrete panel.
 - Reorganisation of basements for plant (energy centre moved from Block A to Block C1/Sports Pavilion)
 - Reduce height of blocks A, B1, B2, C1 by 75mm and Blocks C2, D1, D2 and D3 by 300mm
 - Omission of rooflights to corridors only
 - Amendment to the relationship of T59 to building Block A3; accurately plotting of the tree and canopy.

6. RELEVANT PLANNING HISTORY

6.1. The table below sets out the relevant planning history for the application site:

<p>16/03056/FUL - 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). PER 30th May 2017.</p> <p>16/03056/CND - Details submitted in compliance with conditions 3 (Materials), 4 (Biodiversity) and 8 (Cycle and Bin storage details) of planning permission 16/03056/FUL (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). Condition 4 and 8 approved. Condition 3 pending a decision.</p> <p>16/03056/CND2 - Details submitted in compliance with condition 10 (CHP - further details), 11 (Drainage Strategy), and 12 (SUDs Maintenance Plan) of planning permission 16/03056/FUL. All conditions approved 2nd March 2018.</p> <p>16/03056/CND3 - Details submitted in compliance with condition 7(CTMP excl demolition and enabling) and 13(Piling Method Statement Reqd) of planning permission 16/03056/FUL. Pending a decision.</p> <p>16/03056/NMA - Non-material amendment to planning permission 16/03056/FUL to allow the removal of 2no. trees for construction vehicles to be able to access the site. Approved 2nd March 2018.</p> <p>16/03056/CND4 - Details submitted in compliance with conditions 16 (Trees-hard surfaces), 17 (Trees- underground services), 18 (AMS) and 19 (TPP) of planning permission 16/03056/FUL. Pending a decision.</p>
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7. RELEVANT PLANNING POLICY

7.1. 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	7 [INSERT PARAGRAPH NUMBERS]	CP8, CP9, CP10,	CS18_,	HP9_,	

Conservation/ Heritage	12	HE7,			
Housing	6				
Commercial	1, 2				
Natural Environment	9, 11, 13	NE15, NE16,			
Social and community	8				
Transport	4				Parking Standards SPD
Environmental	10				Energy Statement TAN
Misc	5	CP.13, CP.24, CP.25		MP1	Telecommunic ations SPD, External Wall Insulation TAN,

8. CONSULTATION RESPONSES

- 8.1. Site notices were displayed around the application site on 29th January 2018 and an advertisement was published in The Oxford Times newspaper on 11th January 2018.

Statutory and Non-Statutory Consultees

Oxfordshire County Council (Highways)

- 8.2. No objection: the proposals do not have any highway or transport impact.

Historic England:

- 8.3. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Natural England:

- 8.4. Natural England currently has no comment to make.

Public representations

8.5. None received.

9. PLANNING MATERIAL CONSIDERATIONS

9.1. Officers consider the determining issues to be:

- i. Design;
- ii. Tree T59 and Block A3

i. Design and Impact on Character of Surrounding Area

9.2. The amendments to the design of the development are a result of architectural refinements post decision.

Window treatment:

9.3. In relation to the window amendments the approved ventilation strategy for the student bedrooms was an opening shutter system below the windowsills that saw purge ventilation within the rooms operating through the shutters on the inside of the rooms and through a perforated concrete panel on the external face. Through the technical testing of this proposal, and further engagement with College usergroups, the 'shutter strategy' proved unpopular with students and technically difficult to achieve the required performance standards in this scheme. As a result a strategy whereby purge ventilation was achieved through opening of the main bedroom windows was found and as a consequence, a number of the large aspect windows are proposed to be re-configured to allow all or part of the window to open.

9.4. A number of bedrooms are dual aspect, and therefore a number of the larger windows on primary façade elevations are large fixed panes to preserve the original design intent with opening secondary aspect windows. The design of the windows has been rationalised more generally to achieve a layout that creates a façade that has variation to both the public face and for the residents and does not read as a repetitious vision. Windows are proposed to be opening in order to achieve the required ventilation only where necessary and are proposed as bottom hung on a 100mm restrictor to further reduce any visual impact which is already relatively minor in a deep window reveal.

9.5. The perforated panels have therefore been omitted and the architects have refined and simplified the detailing of the surface pattern of the concrete panels beside the windows also. The detailing retains the original design intent.

9.6. The rooflights to the corridors have been omitted. Sufficient light would be gained from other façade windows. No objection is raised to this change.

Building Heights:

9.7. With regards to the sports pavilion, there is a proposed small increase in height by approximately 450mm as a result of technical design resulting from discussions with specialist sub-contractors in relation to the timber structure and roof build up. The heights of Blocks A, B1, B2, C1 is reduced by 75mm and Blocks C2, D1, D2 and D3 reduced by 300mm again due to technical design detailing. It is considered that this change in height is minimal and would not adversely affect the overall design and of the proposal, the street scene or conservation area.

Basement:

9.8. The basement for plant has been relocated from Block A to under Block C1 and the Sports Pavilion as because it was close to the Thames Water main. The basement beneath the Sports Pavilion has therefore been consolidated and extended to house the energy centre which also results in efficiencies for constructing one basement rather than 2. of construction detailing. An updated archaeological Written Scheme of Investigation has been submitted also which is considered acceptable. The relocation is acceptable in design terms and archaeological terms.

9.9. In conclusion it is considered that the proposed amendments are acceptable in accordance with CP1, CP8, CP9, CP10, HE2 of the OLP, HP9 of the SHP and CS18 of the CS. There would be no harm to neighbouring amenities.

ii. Tree T59 and Block A3

9.10. The construction of the development has commenced and is in two Phases, the first phase consisting of Blocks A1, A2, A3 and C1, C2 and C3 which are located along Jowett Walk and return frontage along St Cross Road. During discussions with Officers regarding tree conditions and the setting out of Block A3, it became clear that the relationship of the new block to the tree was different to that as shown in the technical arboricultural information submitted with the application and as shown on the submitted and approved plans. This was key information on which the original decision was made. The approved plans show a degree of separation and improved setting around this mature beech tree. The distance from the edge of the canopy to the northern elevation of the block A3 of approximately 1.2m. The setting out of Block A3 has revealed that the new building actually sits within the tree canopy itself. This means that the top third floor and roof would sit within the tree branches and the floors below heavily shadowed by the tree. The relationship therefore is materially different to that considered by Committee in determining the application.

9.11. The impact of this new relationship means that affected rooms in the northern elevation would have less direct natural and sun light, a restricted outlook for those on the third floor. Furthermore the future maintenance of the building as a result of tree debris is likely to be an issue and together with the poorer internal quality of the study bedrooms would likely put pressure on the tree for pruning. The affected windows are:

- Ground floor dual aspect kitchen diner (facing north and east)

- First, second and third floors have two study bedrooms; the corner room is dual aspect, however the other adjacent room is essentially single aspect facing north, with a small slit side window facing west into inset between the bays. The windows are set within a deep brick reveal of approximately 70cm deep, with stone cils.

9.12. In considering the original application, the loss of other trees within the street scene that provide significant public amenity was weighed in the balance with the retention and improved setting of this significant old and large beech tree. It was always understood that the new A3 building would encroach within the trees root protection zone and compensation and mitigation measures were put in place and secured by condition. The new relationship is less than ideal and the materially alters the principle and basis on which the application was determined.

Arboricultural Implications:

9.13. Officers have explored with the Applicant and their Design Team when and how this error has occurred. The College have acknowledged the tree's importance and significant public amenity that it brings and have emphasised that they consider it to be an asset to the scheme. They have appointed a new Arboriculturalist to review the previous survey methodology that underpinned the canopy estimates, the extent of works proposed to facilitate the construction of the building and consider the long term management of the tree (Wharton Tree Report dated 15th May 2018).

9.14. From the information submitted it would appear that an error was made by the original arboriculturalist in the original survey of the tree and its canopy (Sylva Trees Arboricultural Report dated Nov 2016). The exact plotting of the tree is approximately correct (taken from its centre) at approximately 9.7m to the new building. Officers are satisfied that the original tree survey methodology is in accordance with good practice contained in British Standards BS5837: 2012 'Trees in relation to design, demolition and construction - Recommendations' which recommends that the crown spread of trees should be measured as follows:

'branch spread, taken as a minimum at the four cardinal points, to derive an accurate representation of the crown (to be plotted on the tree survey plan)'

9.15. However, there appears to have been an error in the measuring the branch spread of the beech tree, T59; this is baseline information that was accepted in good faith as being accurate by officers in their assessment of the proposals and the impact on the tree. In the approved Sylva Trees Arboricultural Report dated Nov 2016 the branch spread in the southerly direction is recorded as 7.6 metres, while in the Wharton Tree Report dated 15th May 2018 it is 11 metres. Had the original measurement been accurate, there would be no need to now prune the tree as there was expected to be a reasonable gap between the north elevation of the building and the tree canopy as indicated on the approved drawings.

9.16. The Wharton Tree Report has set out the proposed level of pruning and maintenance required to accommodate the new buildings. In order to fully understand the extent

of the canopy in detail, a 3D laser scanned model has been prepared and more detailed in the drawings showing the tree and relationship to the building have been provided. After accurate re-measuring of the branch spread of beech tree T59 and review of construction working practices, the pruning now proposed is to reduce canopy on the southern side, reducing the upper 3no. most limbs by 0.75m. Works will involve removing branches no greater than 40mm diameter. These branches are within the middle of the canopy and the upper canopy would not overhang the building. The result of the pruning would mean that the branches would almost touch the edge of the building.

- 9.17. It is expected that this work will have no negative impact on the condition of the tree, the contribution it makes to the immediate and wider landscape or its amenity value. It will also be necessary to tie some branches back to allow the safe use of scaffolding during construction. As a result of several meetings and intensive negotiation the nature and extent of the pruning now proposed and its impact on the tree is significantly reduced from that initially proposed when the issue was highlighted to officers, at which time the construction contractor requested pruning to provide a 3m clear space between the face of the building at the tree canopy to provide for a Mobile Elevating Work Platform (MEWP) access required for construction.
- 9.18. It is disappointing that the northern elevation of the building will be closer to the tree than had been expected when planning permission was granted. While the age of the tree is such that it is not expected to produce vigorous growth towards the building in the future and the pruning now proposed is not expected to stimulate vigorous new growth, it can be expected that tree will more frequent pruning to maintain a reasonable spatial relationship between its canopy and the new building than might otherwise be the case. Otherwise the need for minor remedial pruning and improvements to the rooting environment of the tree is unchanged from the approved proposals. As things stand the tree is protected by virtue of its location within the Central Area Conservation Area. This protection requires that the Local Planning Authority (LPA) is given 6 weeks prior written notice of intend tree pruning works. However, the notice is not required to give reason(s) for intended works and the LPA has no powers to grant consent or impose conditions. In the circumstances officers consider it to be expedient in the interest of amenity to use powers to make a Tree Preservation Order to protect beech tree T59 further.

Design:

- 9.19. Officers have also request further information and justification as to why the proposed building could not be moved away from the tree or reduced in size. From the pre-application stage the proposed development was designed around the tree which was identified as a clear constraint from the start. The Agent has stated:

“Recognising the prominence of T59 allowed the provision of a generous external space around the tree, mimicking the proportions of the main quad at Balliol’s Broad Street site with consideration to the spatial needs of the tree”.

- 9.20. Officers concur with this statement and it is regrettable that the whole premise of

the proposal has been undermined by early errors in the tree survey. Officers have explored with the Design Team as to whether the building could be moved away from the tree or be reduced in size in order to improve the relationship and justification as to why this isn't achievable. Along Jowett Walk is a Thames Water water main, which means that the building could not be shifted closer to Jowett Walk. In addition the concrete slab has been poured and the framework constructed off site. All works have stopped on site in relation to A3 however.

- 9.21. In relation to reducing the foot print and size of the building, the Student rooms have been clustered around corridors with central dining/ meeting spaces. The width of these corridors is close to the minimum required by Building Regulations and therefore reducing the size is not favoured. The study bedrooms are approximately 14sqm containing an ensuite bathroom and built in storage within. The bedrooms measure approximately 3.5m by 2.5m for a bed and desk etc. They have been designed to the minimum floor area required by the College and this is at the lower end of Oxford College accommodation seen elsewhere in the City. The maximum number of rooms for the College has been designed within the constraints of the site in order to house their undergrad and post grad students. Given these factors the College and Design Team considers that a reduction in footprint is not feasible in this case.
- 9.22. The development has a strong architectural language and symmetry and the façade of Block A has been designed to read as part of a homogenous ensemble of facades around the quad. The continuation of a repetitive series of brick piers and lintels framing each bedroom provides privacy between student rooms and the external environment and reduces the scale of the façade composition to the domestic scale of the rooms inside. Therefore the Design Team consider that moving the bedroom bays away from the tree would diminish the set-back between a link and a bedroom bay and subsequently lose the articulation described.
- 9.23. The Design Team has concluded that the building cannot be moved away or reduced in size without compromising the design integrity as a whole, the internal living accommodation of the building. They consider that whilst the new relationship is not ideal the lack of outlook and restriction of light to the rooms is less significant to the development than the impact of a reduction in size and compromise to the development's architectural language and integrity.
- 9.24. It is considered that the relationship of the tree to the building has materially altered. The amount of pruning suggested in the revised arboricultural report would mean that the branches would be almost touching the building but the inset windows would offer a degree of separation. The most affect rooms are the two rooms on the third floor. The corner room would be dual aspect, giving it another source of light but the north facing window will look directly into the canopy. The adjacent room however will suffer more so in both outlook and light. It is acknowledged that light and outlook will change seasonally. The rooms on the floors below will also be affected by shading. The College is satisfied that adequate light will reach these rooms and that they are happy with the outlook. The College also understands that requests to prune the tree back as a result of inadequate light would be resisted.

- 9.25. Whilst it is confirmed that the canopy will not overhang the roof of the building, clearly there will be an impact in terms of debris and the proximity of branches and shading on the both the roof and elevation and an increased maintenance as a result. The Design Team have confirmed that the stone cills will be treated in a coating to help prevent weathering. However, there will still be an increased impact and therefore when and how the building is maintained (method and equipment used) may have an impact on the tree and future requests for pruning. The College has accepted the increased maintenance commitment that will result.
- 9.26. To further allay concerns about increased maintenance and pressure for pruning as a result of the proximity and light and outlook of the rooms, Officers have sought agreement from the College to enter into a legal agreement. The agreement would set out the scope for future maintenance and an understanding from the College that it would place no undue pressure for pruning of the tree as a result of internal light or outlook conditions of the rooms.

Conclusion:

- 9.27. The resultant relationship is both disappointing and regrettable given the premise on which the development was designed and approved. However Officers are satisfied that the amount of pruning proposed is minimal and the tree would be satisfactorily protected during construction. Furthermore that with a TPO placed on the tree and a legal agreement entered into by the College to ensure that pressure to further prune the tree is not placed, Officers are satisfied that the tree should be protected as far as possible in the future. On this basis Officers recommend Committee accept the amendments to the development.
- 9.28. Currently the plans submitted for this variation application do not show the tree T59 accurately and therefore amended plans would be required prior to any decision being issued.

iii. Planning Obligations

- 9.29. The College has agreed to enter into a s106 legal agreement to secure the scope for future maintenance of the tree and building, and an understanding that no undue pressure is placed on the tree to prune or remove it due to the outlook and internal conditions of the rooms and maintenance of the building as a result of the proximity of the building to the tree T59.

10. CONCLUSION

- 10.1. West Ara Planning Committee is recommend to:

(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 11 of this report and grant planning permission subject to:

1. Revised plans accurately plotting beech tree T59 in relation to building A3 being received to the satisfaction of the Head of Planning, Sustainable Development and Regulatory Services; and
2. The satisfactory completion of a legal agreement under s.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and
3. Endorse the objective to place a Tree Preservation Order on beech tree T59.

(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 issue the planning permission.

11. CONDITIONS

- 11.1. It should be noted that some pre-commencement conditions have been approved and others are pending approval, therefore the wording of the conditions as set out in the previous decision notice (attached Appendix 1) would be varied accordingly.

12. APPENDICES

Appendix 1 - Decision Noticed 16/03056/FUL

Appendix 2 - Approved Block Plan

13. HUMAN RIGHTS ACT 1998

- 13.1. 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.

14. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 14.1. 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 approve of planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.