

West Area Planning Committee

9th October 2018

Application number: 18/00897/LBC

Decision due by 20th September 2018

Extension of time To be agreed

Proposal Turl Street: erection of two storey infill lodge building. Courtyard: localised demolition of existing buildings, formation of new first floor access platform, including new stairs, canopy and decking to connect existing buildings, bike storage, new entrances, alterations to doors and fenestration, relocation of extract plant and condensers to new plant stack. Exterior: repair and renewal works to roofs of No's 3, 6 and 7 Turl Street, replacement dormers to no's 4 and 5 Turl Street and No. 16 High Street. Interior: internal reconfiguration, addition of en suites, upgrading of all mechanical and electrical services, fire safety measures, provision of an internal fire escape in 16 High Street existing in the Covered Market Entranceway and other alterations. (Amended certificate of ownership and amended plans).

Site address Student Accommodation at The Mitre, No. 16 High Street and Nos. 3-7 Turl Street, Oxford, OX1 4AG
– see **Appendix 1** for site plan

Ward Carfax Ward

Case officer Amy Ridding

Agent: Miles Phillips **Applicant:** Mr Julian Mitchell

Reason at Committee The application as called in by Councillors Pressell, Fry, Upton and Rowley because of concerns about the proposed development having an impact on the public realm.

1. RECOMMENDATION

1.1. **West Area Planning Committee** is recommended to:

1.1.1. **Approve the application** for the reasons given in the report and subject to the required conditions set out in section 12 of this report and grant listed building consent.

1.1.2. **Agree to delegate authority** to the Head of Planning, Sustainable Development and Regulatory Services to:

- 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.

2. EXECUTIVE SUMMARY

- 2.1. This report considers the upgrading of existing student accommodation which is occupied by Lincoln College above and to the rear of The Mitre public house and in the upper floors of no's 3-7 Turl Street and no.16 High Street. The proposed scheme is primarily to improve the quality of accommodation, implementing the recommendations of a fire safety strategy improving the escape routes and circulation around the site. The scheme includes the erection of a lodge building on Turl Street, replacement dormers to the rears of nos. 4-5 Turl Street, no. 16 High Street, a fire escape exiting into a Covered Market entrance, consolidation of plant equipment into a plant stack and the provision of raised walkways at first floor level in the courtyard area to the rear of the Mitre. The internal alterations include the provision of en-suites, alterations to the layout and circulation routes and upgrading of the mechanical and electrical services and plant equipment.
- 2.2. The key matters for assessment set out in this report include the impact on the historic and architectural special interest of the listed buildings.
- 2.3. Overall the proposed scheme would result in much needed improvements to the site, including some which would better reveal the significance of the listed buildings. It is considered that the less-than-substantial harm that would result from the proposed development is justified by the public benefits that would arise, namely the continued safe and secure use and maintenance of the historic buildings' stock. The less-than-substantial harm would be adequately mitigated by the appropriate high design quality of the new interventions.

3. LEGAL AGREEMENT

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

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

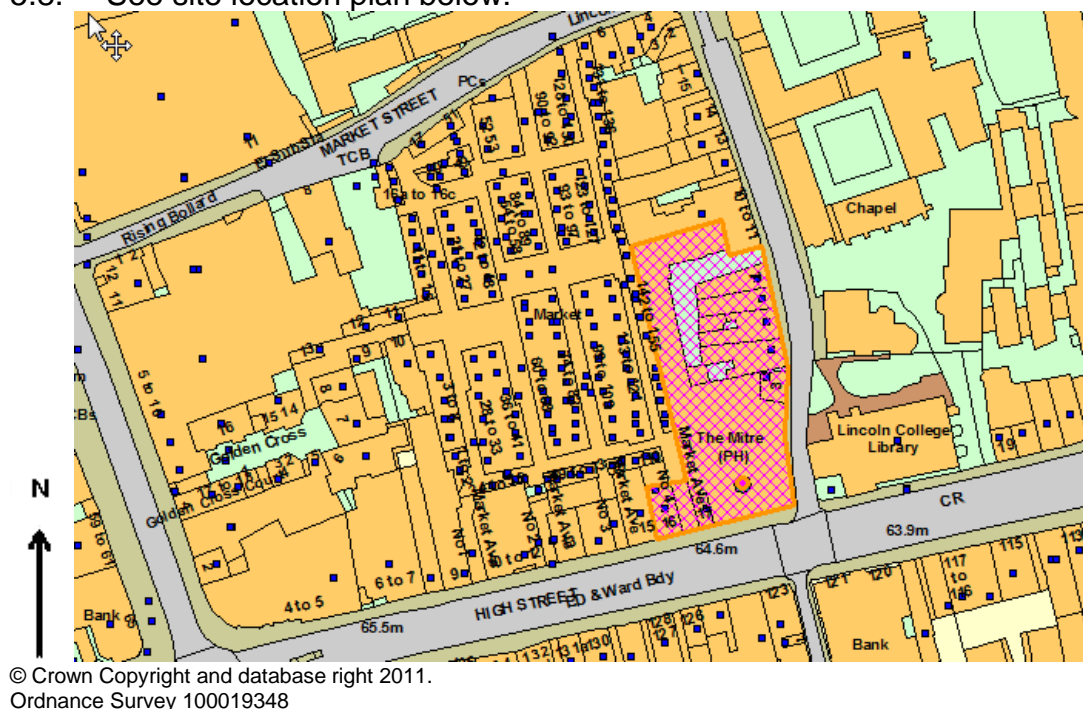
- 5.1. The site is located within the city centre of Oxford on the west side of the High Street and Turl Street junction and lies within the Central Conservation Area. The application site comprises a complex set of interconnected historic buildings which includes The Mitre (a grade II* listed building), 16 High Street which over sails the entrance to avenue 4 of the Covered Market and is a grade II listed building, 3-7 Turl Street (of which No's 3, 6 and 7 are grade II listed) and Turl Yard, a linear building range sited to the rear of The Mitre and curtilage listed to it. The upper floors of the High Street and Turl Street

buildings and the Turl Yard Buildings at the rear within the courtyard are primarily occupied by interconnected student accommodation serving Lincoln College who are the owners of the application site. The ground floor areas of the buildings are leased and either occupied by The Mitre public house or serve as individual retail units. The student accommodation is currently accessed by a gated entrance on Turl Street between 7 and 10 Turl Street and a doorway adjacent to the shopfront of 4 Turl Street.

- 5.2. Situated opposite the site, along the east side of Turl Street are the collegiate buildings of Lincoln College which include the grade I listed Library (former parish church), the grade II listed Rector's Lodging and stone boundary wall, and the grade I listed 17th century Chapel Quadrangle. Abutting the west boundary of the site is the east range of Oxford's grade II listed Covered Market. To the north are the grade II listed buildings 8-9 Turl Street.
- 5.3. The site lies within the central core of the city, of which the medieval street and plot layout is clearly discernible. Although few medieval structures remain visible within the public realm, the 17th and 18th century building frontages which are a pleasing mix of forms, colours and architectural details and largely characterise the area, correspond in scale to the medieval plot divisions. The Mitre site, including 3-7 Turl Street and the access through to Turl Yard, make a significant positive contribution to the character and appearance of this part of the conservation area, enhancing its heritage values.
- 5.4. The Mitre has served Oxford as an establishment for refreshment and lodging for centuries, and is presently in restaurant use at the basement, ground floor and part of the first floor with accommodation for students of Lincoln College provided on the first, second and third floors. A 13th-century account indicates that there was a house on the site of The Mitre, the ancient fabric of which only knowingly remains below ground in the form of the vaulted basements (not affected by the proposed scheme). The above ground structure of the present day building has undergone considerable alteration and rebuilding, and is comprised of large areas of fabric dating from the 16th, 17th, 18th, 19th and late 20th centuries. The Mitre is of exceptional importance and architectural and historic significance for the survival of historic fabric and interiors of the historic inn.
- 5.5. The buildings of Turl Yard to the rear of the Mitre have most likely always been employed by the inn, initially as stable curtilage and in the early 1920s rebuilt as billiard and drinking rooms with rooms above. These buildings are of lower significance, but have heritage value as a piece of 1920s architecture, and their historic relationship with and contribution to the setting of The Mitre and surrounding listed buildings.
- 5.6. 3 Turl Street dates to the 17th century and underwent alterations in the 20th century when its upper floors were amalgamated with The Mitre Hotel accommodation. 4 and 5 Turl Street are unlisted buildings constructed in the late-19th century. 6 and 7 Turl Street are mid-19th century buildings, of which their principal floors appear to have only undergone minor alteration in the 20th century. Together these buildings have significant group value.

5.7. A comprehensive account and assessment of the buildings heritage significance accompanies the application in the form of the Historic Buildings Report by Donald Insall Associates and the Written Schemes of Investigation by Oxford Archaeology.

5.8. See site location plan below:



6. PROPOSAL

6.1. The application proposes the following alterations

Turl Street:

- Erection of two storey infill lodge building between 7 and 8 Turl Street. The proposal is primarily open at ground floor level but includes a porter's kiosk for added security with a reading room above. The first floor also serves as a first floor walkway to provide access to a fire escape in the glass staircase in Turl Yard (permitted under application 11/01106/FUL). The lodge is set below the height of adjacent buildings and set back from the streetscene.

Courtyard:

- Localised demolition of existing buildings; formation of new first floor access platforms and walkways, including new stairs, canopies and decking to connect existing buildings; new entrances, alterations to doors and fenestration; relocation of extract plant and condensers to new plant stack.

Other external works:

- Repair and renewal works to the roofs of No's 3, 6 and 7 Turl Street, façade repairs, replacement dormers to No's 4 and 5 Turl Street and No. 16 High

Street; provision of an internal fire escape in 16 High Street exiting in the Covered Market entranceway.

Internal Works:

- Internal reconfiguration, addition of en-suites, upgrading of all mechanical and electrical services, fire safety measures.

7. RELEVANT PLANNING HISTORY

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

49/00769/A_H - Extension to Tudor Lounge. PER 19th October 1949.
58/06633/A_H - Alterations. PER 11th March 1958.
63/14386/A_H - Internal alterations to form two bathrooms. PER 31st December 1963.
64/15792/A_H - Replanning of existing courtyard to kitchen and corridors and cocktail lounge servery. PER 22nd December 1964.
64/15822/A_H - Alterations to cellar. PER 8th December 1964.
65/17021/A_H - Alterations to form 'Turl' and 'Tudor' bars, additional lavatory accommodation and new entrance hall and cellar. PER 23rd November 1965.
68/19778/AA_H - Alterations to provide residential accommodation for students and alterations to form restaurants and staff accommodation (revised). PER 23rd July 1968.
68/19778/AC_H - Alterations to provide residential accommodation for students and alterations to form restaurants and staff accommodation (revised). PER 12th November 1968.
68/19778/A_H - Change of use of part of 1st, 2nd and 3rd floors from hotel to residential accommodation for students. PER 13th February 1968.
76/00579/A_H - Change of use from residential accommodation for students to holiday accommodation for students to holiday accommodation during vacations.(The Mitre Rooms and Staircase XVI). PER 22nd September 1976.
78/01058/LAH_H - Re-organisation and internal alterations on ground floor of Mitre and Turl Bars, rebuilding of stores at the rear. PER 2nd March 1979.
85/00965/L - Listed building consent for refitting and refurbishment of existing bars and restaurants. PER 10th January 1986.
86/00743/L - Listed Building consent for alterations to basement undercroft, including removal of bar and formation of staff facilities and store. PER 19th November 1986.
92/00359/L - Listed Building consent for construction of timber entrance feature at Turl Street entrance. WDN 15th May 1992.
92/00360/NFH - Construction of timber entrance feature at Turl Street. WDN 15th May 1992.
92/00361/AH - Applied letters illuminated by lantern on timber entrance feature at Turl Street entrance. WDN 15th May 1992.
96/01707/NFH - Turl Bar - External fire escape from 2nd floor level on east gable elevation of The Turl Bar.Turl Bar, Between 7,10. PER 23rd December 1996.

99/00188/L - Listed Building consent for external alteration to North facade including reinstatement of casement windows at attic level. PER 29th April 1999.

99/00189/NFH - External alterations to North facade including reinstatement of casement windows at attic level. PER 29th April 1999.

00/00060/L - Remove existing ventilation duct on rear wing. Listed Building consent to construct pitch roof on 2 storey rear wing with dormer windows to enclose air handling units, covered grill on west elevation & access balcony on east elevation.. PER 13th May 2000.

00/00061/NFH - Remove existing ventilation duct on rear wing. Construct pitch roof on 2 storey rear wing with dormers to enclose new air handling units, insert covered grill on west elevation & access balcony on east elevation. PER 13th May 2000.

07/00123/FUL - Replacement extraction flue. PER 13th March 2007.

10/02652/FUL - Change of use of ground floor from public bar to educational and social facilities in connection with existing student accommodation at first and second floor level above. Erection of 3 storey extension to provide new lift and stairs. External alteration to courtyard and to existing buildings to provide new external flue to Mitre Hotel, plus new door openings, etc. (Amended plans). PER 8th December 2010.

11/01106/FUL - Alteration to rear of no.10-12 Turl Street associated with erection of three storey extension to provide new lift and stairs to proposed student accommodation. (Amendment to approved scheme 10/02652/FUL). PER 27th May 2011.

11/01108/LBC - Alterations to rear of no. 10-12 Turl Street associated with erection of 3 storey extension to provide new lift and stairs to proposed student accommodation. (Amendment to approved scheme 10/02652/FUL). PER 27th May 2011.

11/02501/FUL - External alterations to shopfront associated with formation of internal bin store involving insertion of new doorway fronting Turl Street. PER 23rd November 2011.

11/02502/LBC - Alterations associated with formation of internal bin store involving insertion of new partitions and doors. External alterations to existing shop window to from new doorway fronting Turl Street. PER 23rd November 2011.

12/02849/FUL - Removal of one sash window and restoration of 5 others fronting High Street.. PER 2nd January 2013.

12/02850/LBC - Removal of one sash window and restoration of 5 others fronting High Street.. PER 2nd January 2013.

18/00896/FUL - Turl Street: erection of two storey infill lodge building. Courtyard: localised demolition of existing buildings, formation of new first floor access platform, including new stairs, canopy and decking to connect existing building, bike storage, new entrances, alterations to doors and fenestration, relocation of extract plant and condensers to new plant stack. Exterior: repair and renewal works to roofs of No's 3, 6 and 7 Turl Street, replacement dormers to no's 4 and 5 Turl Street and No. 16 High Street. Interior: internal reconfiguration, addition of en suites, upgrading of all mechanical and electrical services, fire safety measures, provision of an internal fire escape in 16 High Street exiting in the Covered Market Entranceway and other alterations. (Amended certificate of ownership and amended plans). PDE.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents
Design	12	CP1 CP8	CS18		
Conservation/ Heritage	16	HE2 HE3 HE4 HE5	CS18		

8.2. Other material considerations

- The development is affecting a grade II* and grade II listed buildings.
- This application is in or affecting the Central Conservation Area.
- National Planning Practice Guidance
- Historic England Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment
- Conservation Principles, Historic England, 2008

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 20th April 2018 and an advertisement was published in The Oxford Times newspaper on 26th April 2018. Following the receipt of additional information and a revised certificate of ownership (which served notice on Oxford City Council and long term tenants with more than 7 years left to run on their leases) the application was re-published in The Oxford Times newspaper on 2nd August 2018 and new site notices were posted on 6th August 2018.

Statutory and non-statutory consultees

Historic England

- 9.2. Overall the scheme appears well considered. Care has been taken to avoid harm to historic fabric and the more significant parts of the buildings. The external walkway is a novel approach to fire safety and escape routes, avoids alterations to sensitive parts of the building and tidies up the rear of The Mitre improving views. Finer detail is needed by condition. New bathrooms are thoughtfully sited to make use of existing service runs and avoid decorative features. Ventilation details needs to be agreed by condition. Detail is also required in relation to fire separation by condition. The proposed lodge building is an interesting addition which subject to finer details could make a positive contribution to the street scene.

Oxford Preservation Trust

- 9.3. Objection. OPT seek to guide change but not to stop it. It recognises the city needs to evolve but the city should not be dominated by the colleges. The west of Turl Street is dominated by the 'town' whilst the east is collegiate. The

long ownership of the building by Lincoln College has not previously dictated the use. Filling in this gap will change the character of this side of Turl Street, introducing a college character with a lodge style building to an area and a building which has long been associated with the 'town'.

Public representations

9.4. No public comments were received.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Impact on the special architectural and historic interest and setting of the listed buildings.

Impact on the special architectural and historic interest and setting of listed buildings

- 10.2. The National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be (paragraph 193). And that any harm to, or loss of, the significance of a designated heritage asset, requires clear and convincing justification (paragraph 194). Where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 196).
- 10.3. Policy CS18 of the Core Strategy states that development proposals should respect and draw inspiration from Oxford's unique historic environment, should not result in loss or damage to important historic features, particularly those of national importance, and where possible should include proposals for enhancement of the historic environment. Saved policy HE3 of the Oxford Local Plan states that permission will only be granted for works involving an alteration or extension to a listed building that is sympathetic to and respects its history, character and setting. Saved policy HE4 of the Oxford Local Plan requires the applicant to agree a programme of investigation, recording and publication of the results where the structure of a listed building is considered to conceal important archaeological evidence or remains. Saved policy HE5 of the Oxford Local Plan states that permission will only be granted for proposals affecting a listed building which involve fire precautions if the council is satisfied that both design and fire safety requirements can be met without harm to the special interest of the building.

External works

Lodge building

- 10.4. The proposed lodge building would infill the gap in between 7 and 8 Turl Street and be constructed from ashlar stone with a flat parapet roof. The building would be set back from the front building line of the properties either side and have an arched gated entrance at ground floor level with an internal porters lodge enclosed with glazing and positioned in the rear half of the building. The first floor of the lodge building would be set back from the ground floor elevation and feature a stone mullion casement window with projecting chamfered stone reveals and mullion. The first floor would accommodate a reading room and provide an access route from the student accommodation in the Turl Street buildings through to the stair and lift core which exits into the courtyard.
- 10.5. The proposed lodge building would infill a gap in between the Turl Street buildings which has historically always been an access into Turl Yard and the curtilage buildings to the rear of The Mitre. As part of the approved 2010 scheme (10/02652/FUL) to change the ground floor use of the Turl Yard building from a public bar to educational and social facilities in association with the student accommodation on the site, a metal gate was installed across the access entrance to restrict public access but still maintain visibility through. The impact of lodge building on the special interest of the conservation area is assessed as part of the associated planning application (18/00896/FUL).
- 10.6. The proposed lodge building has been designed as a free standing structure abutting the adjacent listed buildings. The side elevations of these buildings, a substantial amount of which would be obscured by the proposed lodge building, are relatively plain in their character and appearance featuring a mixture of facing and painted brickwork and rendered walls with traditional timber sash windows. Although the exposed side elevations do make a positive contribution to the significance of the listed buildings and character of the conservation area, they do not have the same quality as a front elevation for example, which has been designed to front onto and address a street. It is considered that a degree of less-than-substantial harm would be caused to the significance and setting of the listed buildings by the siting of the lodge building in front of their side elevations, however given that these buildings are a storey higher than the lodge building a proportion of their side elevations would remain visible enabling their traditional form to be read in the street scene. The level of less-than-substantial harm is therefore assessed as low.
- 10.7. It is proposed to remove the existing ground floor sash window in the side elevation of 7 Turl Street which would be obscured by the new building. There does not appear to be any reason why the existing window could not be retained in situ and protected by boarding; it is recommended a condition is applied to address this issue. The first floor window of 7 Turl Street would be removed and the brick work lowered to form a doorway to create the proposed access route. There would be a loss of some historic fabric, however the improvements to the circulation and fire escape routes in the building are considered public benefits that would outweigh the loss of this small amount of historic fabric. The width and head detail of the existing window opening would be retained thereby minimising the harm caused.

- 10.8. The new structure would obscure a ground and first floor window on the side elevation of 8 Turl Street, a grade II listed building. The ground floor window is currently obscured by boarding and the glazing of the first floor window has been painted over. It is proposed that these windows are to be retained intact in situ and protected by fire rated boarding on their external face. This is considered acceptable.
- 10.9. Overall the less-than-substantial harm caused to the significance of the listed buildings would be outweighed by the public benefits of improving the circulation, fire escape routes and overall fire safety of the student accommodation. The harm is considered to be sufficiently mitigated by the appropriately subservient and high quality design of the lodge building, which would not appear overly dominant and detract from the settings of the listed buildings. The harm is considered justified and minimised, in accordance with NPPF paragraph 196.
- 10.10. The importance of achieving a high quality design and maintaining the visibility through the arched entrance is recognised as being crucial to the success of this scheme and as such it is recommended conditions are applied requiring further large scale design details to be agreed, including design details of entrance gates.

Courtyard works

- 10.11. The proposed external raised walkway within the courtyard would connect into the buildings at first floor level in four different locations and involve the creation of new openings to the rear of The Mitre, through the link building to the rear of 3 Turl Street, and in the east elevation of the Turl Yard range. The walkway is considered a novel solution to improving the escape routes and circulation around the site which, subject to careful detailing where the new structures would adjoin the buildings and further large scale design detailing, would not have a harmful impact on the settings of the listed buildings and would better reveal the significance of the rear of The Mitre through the removal of later unsympathetic link extensions.
- 10.12. The new openings would result in the loss of a small section of fabric from the rear elevation of The Mitre, in a location where an existing recess is sited, suggesting this is the location of a previous opening. The other proposed openings would result in the loss early 20th century fabric from the first floor infill section of the link building and the southern-most dormer window in the Turl Yard building. Harm to the most significant parts of the building will be avoided, and the small amount of harm that would be caused would be outweighed by the public benefits of improving the circulation and escape routes.
- 10.13. The proposed conversion of the late-20th century section of building situated in between Turl Yard and The Mitre annex, to accommodate the plant equipment for both the student accommodation and The Mitre kitchen, which will be displaced as a result of the proposed walkways, is considered to be a practical solution that would not result in harm to significant historic fabric and would

greatly improve the existing situation. The existing kitchen plant equipment comprises incongruous out-dated fixtures adjacent to The Mitres rear elevation, harming its significance and setting, and that of the surrounding listed buildings. It is recommended a condition is applied requiring further details of the new plant and extraction systems required, including details of the internal pipe and ducting routes and any necessary external fixtures, to ensure that the proposals are as sympathetic as possible.

- 10.14. The scheme also includes repair and maintenance works to the exterior façades and roofs of the building group. No concerns are raised with these works which follow best practice conservation techniques, repairing historic fabric using appropriate traditional materials and methods and making good fabric which has been subject to inappropriate modern works such as replacing areas of cementitious render with lime render. Unauthorised air conditioning units are situated on the shopfront roof of the retail premise at 17 High Street sited next to the Covered Market entrance and below and besides the public house. The units are incongruous prominent additions, which detract from the significant character and appearance of the front elevation of The Mitre, the conservation area and the settings of the surrounding listed buildings. As this unit falls within the site boundary and same ownership, it is considered reasonable and necessary to apply a condition requiring the relocation of air condition units to a more appropriate location.

16 High Street

- 10.15. The proposed replacement of the modern dormers to the rear of 16 High Street with dormers of a more traditional form, design and size, would improve the character and appearance of the listed building. There is no objection to the installation of a new fire exit doorway into the currently blocked doorway which exits into the Covered Market avenue entrance. Furthermore the installation of the internal ground floor staircase would reinstate part of the buildings original layout. The new third floor staircase would improve circulation, which is considered to outweigh the low level of less-than-substantial harm caused to the significance of the listed building.

Internal works

- 10.16. A considered approach has been adopted regarding the proposed installation of en-suites, which has focused on the provision of en-suites in the least sensitive areas, largely avoided those areas comprising the highest degree of significance, and where there are existing bathroom facilities utilising these existing locations for en-suite. Some of the proposed en-suites would have a harmful impact to the character, appearance and significance of some of the rooms, which have decorative architectural features. This harm would be less-than-substantial and the associated improvements to the character and the quality of the accommodation, which would better reveal and enhance the significance of some of the existing spaces, would outweigh the harm caused. The harm would also be mitigated by the sympathetic design of the en-suites which seeks to avoid physically impacting and visually obscuring existing architectural features and includes self-contained shower pods. A condition

requiring further design details of the internal room fit outs is recommended to ensure the installations avoid harm.

- 10.17. A degree of alteration to the layout, circulation routes and building fabric is required in order to meet the fire safety standards. Again a considered approach has been adopted, with the majority of alterations occurring in the areas of least significance where possible. The most intrusive and potentially harmful area of works is the creation of a level access from the second floor of The Mitre through to the second floor of 16 High Street which will involve the removal of a further section of original wall. The current circulation arrangement is less than adequate and replacing the need to negotiate several sets of steps with a level access would improve fire escape and circulation routes to an acceptable level. This is considered sufficient justification, which together with the imposition of conditions requiring the LPA to be notified of the discovery of any unknown features during the works and a programme of historic building recording to take place, would appropriately mitigate the harm caused.
- 10.18. Because of the complex nature of the site, and the need for strip out and further investigative works to be carried out to inform the design development of the scheme, it is considered reasonable and necessary to condition further details of the internal interventions and alterations associated with the fire safety strategy and general upgrading of services to ensure that the works are carried out with the appropriate consideration to the significance of the historic buildings. These include

Archaeology

- 10.19. This site is of interest because it is located within the historic core of Oxford which has been continuously occupied since the late Saxon period. It involves works to the 16th century and later Grade II* Mitre Inn which preserves medieval cellars below and to No 16 High Street, part of the 18th century Covered Market.
- 10.20. The site has the potential to preserve the remains of late Saxon, Norman and later medieval tenements fronting onto Turl Street. Tenements are documented here from the 13th century onwards with a number of references to 'bakehouses' (H E Salter 1960 Survey of Oxford p46). In the early 14th century a block of tenements in this area were gradually acquired by the town mayor Philip Worminghale. On his death the holding became the Bicester Inn and in the 15th century the inn was acquired by Lincoln College then becoming the Mitre Inn.
- 10.21. An archaeological excavation in 2012 on the site of the lift shaft in the Turl Bar located 4m to the north of the proposed infill building revealed gravel geology at 62.27m OD and a mortared floor surface and a series of intercutting late medieval /post medieval pits and post-medieval walls.
- 10.22. The proposed building works are anticipated to have only a minor impact on the interest of the various listed structures but have the potential to expose

wall coverings and original fabric in discrete areas where the building history is not fully understood.

- 10.23. The National Planning Policy Framework states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. 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.
- 10.24. In this case, bearing in mind the site constraints, it is recommended that, in line with the advice in the National Planning Policy Framework, any consent granted should be subject to archaeological conditions requesting a written scheme of investigation 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 (Local Plan Policy HE2 and HE4).

11.CONCLUSION

- 11.1. Great weight and importance has been given to the desirability of preserving these grade II* and grade II listed buildings, as designated heritage assets. Overall the proposed scheme would result in much needed improvements to the site, including some which would better reveal the significance of the listed buildings. It is considered that the less-than-substantial harm that would result from the proposed development is justified by the public benefits that would result, namely the continued safe and secure use and maintenance of the historic buildings' stock. The less-than-substantial harm would be adequately mitigated by the appropriate high design quality of the new interventions. The proposal would comply with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, chapter 12 and 16 of the NPPF, policies CP1, HE2, HE3, HE4 and HE5 of the Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy.
- 11.2. It is recommended that the Committee resolve to grant listed building consent for the development proposed subject to conditions.

12.CONDITIONS

- 1 The works permitted shall be begun not later than the expiration of three years from the date of this consent.

Reason: In accordance with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 2 Unless specifically excluded by subsequent conditions the works permitted shall be carried out strictly in accordance with the terms of, and subject to, the conditions attached to this consent and in compliance with the details specified in the application and the submitted/amended plans listed in this decision notice.

Reason: As Listed Building Consent has been granted only in respect of the application as approved, to ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 3 The hereby approved development shall take place in accordance with the document Written Scheme of Investigation for Historic Building Investigation and Recording, Sept 2018, ref: 7171, Oxford Archaeology. For land that is included within the written scheme of investigation (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 recording, including historic building recording and archaeological excavation, and the nomination of a competent person(s) or organisation to undertake the agreed works.
- The programme for 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, in accordance with policies HE2, HE3 and HE4 of the Adopted Oxford Local Plan 2001-2016.

- 4 All existing internal features, such as wall paintings, plaster work, floorboards, ironwork, fireplaces, doors, windows, staircase balustrading and other woodwork, shall remain undisturbed in their existing position, and shall be fully protected during the course of works on site unless expressly specified to the contrary in the approved drawings.

Reason: To ensure the retention of in-situ features of special architectural or historic interest in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 5 Except as noted on the approved plans, no historic features such as fireplaces, staircases, balustrades, stonework openings, timber window reveals, panelling, floor, doors etc. shall be removed without the prior written

agreement of the Local Planning Authority.

Reason: To protect the historic interest of the building and as Listed Building consent has not been granted for such works, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 6 Where the works require the temporary removal or disturbance of historic features such as fireplaces, doors, fanlights, linings, heads and architrave's they shall be carefully set aside and reinstated in their original locations or in locations as shall be agreed in writing by the Local Planning Authority before the contract for the works is completed. All other features at present in the building, but not specifically referred to on the approved drawings, shall be protected and retained in situ.

Reason: To protect the historic interest of the building in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 7 All original architectural features exposed by demolition and/or during the progress of the works shall be preserved in situ or relocated in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure the preservation of valuable features of historic interest which might otherwise be lost during the proposed works, in accordance with policies CP1, HE3 and HE4 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 8 Details in the form of method statements, schedule of works and drawings showing locations and extents of openings, of any necessary investigation and opening-up works where fabric of historic significance would be impacted, shall be submitted to and approved in writing by the Local Planning Authority before the start of the relevant works. The works shall only be carried out in accordance with the approved details.

Reason: To ensure the appropriate conservation of the listed building, in accordance with its special architectural and historic interest and with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 9 Details in the form of drawings, method statements, schedules of works and structural engineers reports, of any necessary structural repair or replacement works, roof works or other alterations which would involve the removal of or impact to existing historic fabric shall be submitted to and approved in writing by the Local Planning Authority before the start of the relevant works. The works shall only be carried out in accordance with the approved details.

Reason: To ensure the appropriate conservation of the listed building, in accordance with its special architectural and historic interest and with policies

CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 10 Details in the form of location plans, typical large scale drawn details, method statements and schedules of work showing the necessary upgrades to existing floors, ceilings and walls for acoustic and fire resistance purposes shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed buildings, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 11 A full door schedule detailing which doors are to be retained, upgraded and replaced for fire resistance purposes, including method statements and schedules of work showing the necessary upgrading works shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant works are commenced and the works shall be carried out in accordance with the approved details only.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special historic and architectural interest of the listed buildings, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 12 Details in the form of drawings showing the location, distribution and routes, internal room fixtures, method statements and schedules of work, of the new mechanical and electrical services, including those for The Mitre kitchen and new sprinkler system shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed building, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 13 Existing and proposed plans and internal elevations of the rooms with approved new en suites that are situated in the listed buildings only shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed buildings, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 14 Notwithstanding the approved drawings, samples of exterior materials proposed to be used, including those for the lodge building, walkways, plant room and roof works, shall be made available for inspection on site and approved in writing by the Local Planning Authority before the start of the relevant work on the site and only the approved materials shall be used.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed buildings, in accordance with policies CP1, CP8 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 15 Sample panels of masonry demonstrating the colour, texture, face bond, mortar and pointing for the lodge building, plant room, walkways and infilling works shall be erected on site and approved in writing by the Local Planning Authority before relevant parts of the work are commenced. The approved samples shall be constructed with a lime rich mortar mix, shall represent the minimum standard and any pointing shall at least match the standard of the sample, to the satisfaction of the Local Planning Authority. The development shall be completed in accordance with the approved sample panel which shall remain on site for the duration of the development works.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed building, in accordance with policies CP1, CP8 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 16 The following large scale drawn details for the new lodge building shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only:

- a) roof junctions and abutments
- b) doors and windows, including vertical and horizontal sections, materials and finish details
- c) entrance gates, including profiles and sections of the different elements, and details of any security or opening/closing devices

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed buildings, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 17 The following large scale drawn details for the new plant room shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only:

- a) roof junctions and abutments
- b) windows, including vertical and horizontal sections, materials and finish details

c) elevations and sections

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed buildings, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 18 Notwithstanding the approved drawings, the following large scale drawn details for the new walkways and canopies shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only:

- a) elevations and sections
- b) roof junctions and abutments
- c) external steps
- d) railings and balustrades, including profiles and sections, materials and finish details
- e) new associated doors and windows, including vertical and horizontal sections, materials and finish details
- f) canopy rooflights

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed buildings, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 19 The following large scale drawn details for the new dormers shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only:

- a) elevations and sections
- b) roof junctions and abutments
- c) windows, including vertical and horizontal sections, materials and finish details

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed buildings, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 20 The following large scale drawn details for the new ground floor access to No.16 High Street shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only:

- a) new entrance door, including elevations, vertical and horizontal sections, materials and finish details
- b) new internal staircase

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed buildings, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 21 Details showing the proposed location, size, design, material and finished appearance of the following external fittings and fixtures, shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only:

- a) Ventilation and extraction equipment, including soil and vent pipes
- b) Heating and air conditioning plant,
- c) Fume extraction and odour control equipment
- d) Rainwater goods
- e) Lighting
- f) Swift boxes
- g) Television aerials and dishes

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed buildings, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 22 The existing air condition units / plant equipment sited on the roof of the ground floor shop unit at No.17 High Street shall be removed and relocated within twelve months of the date of this consent. Details of the proposed new location of the plant equipment including drawn details of the ducting routes shall be submitted to and approved in writing by the Local Planning Authority prior to their relocation. Any making good works necessary as a result of their removal shall be carried out to match the existing original work in respect of materials used, detailed execution and finished appearance.

Reason: To preserve the character and special interest of the building in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 23 Notwithstanding the approved plans, the existing ground floor sash window in the side elevation of No.7 Turl Street shall be retained in situ and boarded over as part of the construction of the new lodge building, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the historic interest of the building in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 24 An external door and window repair schedule, and full joinery and finish details of the proposed replacement windows as shown on the approved external repair work drawings by Donald Insall Associates shall be submitted to, and

approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed buildings, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

INFORMATIVES :-

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.
- 2 Any damage caused to the building as a result of the works hereby approved shall be made good to match the existing original work in respect of materials used, detailed execution and finished appearance.

13. APPENDICES

13.1. 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.