

West Area Planning Committee -

9th October 2018

Application number: 18/00896/FUL

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 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)

Site address Student Accommodation At , The Mitre, No. 16 High Street And Nos. 3-7 Turl Street – see **Appendix 1** for site plan

Ward Carfax Ward

Case officer Sarah Orchard

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 potential 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 planning conditions set out in section 12 of this report and grant planning permission.

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 above and to the rear of The Mitre public house which is occupied by Lincoln College. This is primarily to improve the quality of accommodation and also the fire strategy and escape routes on the site. This includes the erection of lodge building on Turl Street, a fire escape into a Covered Market entrance, consolidation of plant into a plant stack and provision of raised walkway at first floor level behind the Mitre. This report considers the principle of development and assesses the impact on the Central Conservation Area and setting of Listed Buildings, archaeology, amenity of neighbouring occupiers, biodiversity (particularly bats) and impact on the transport network and highway safety. It is concluded that the development is considered acceptable in relation to the above policies and the NPPF.

3. LEGAL AGREEMENT

3.1. This application is not subject to a legal agreement. There is no gain in student accommodation therefore the proposal is not liable for an affordable housing contribution.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

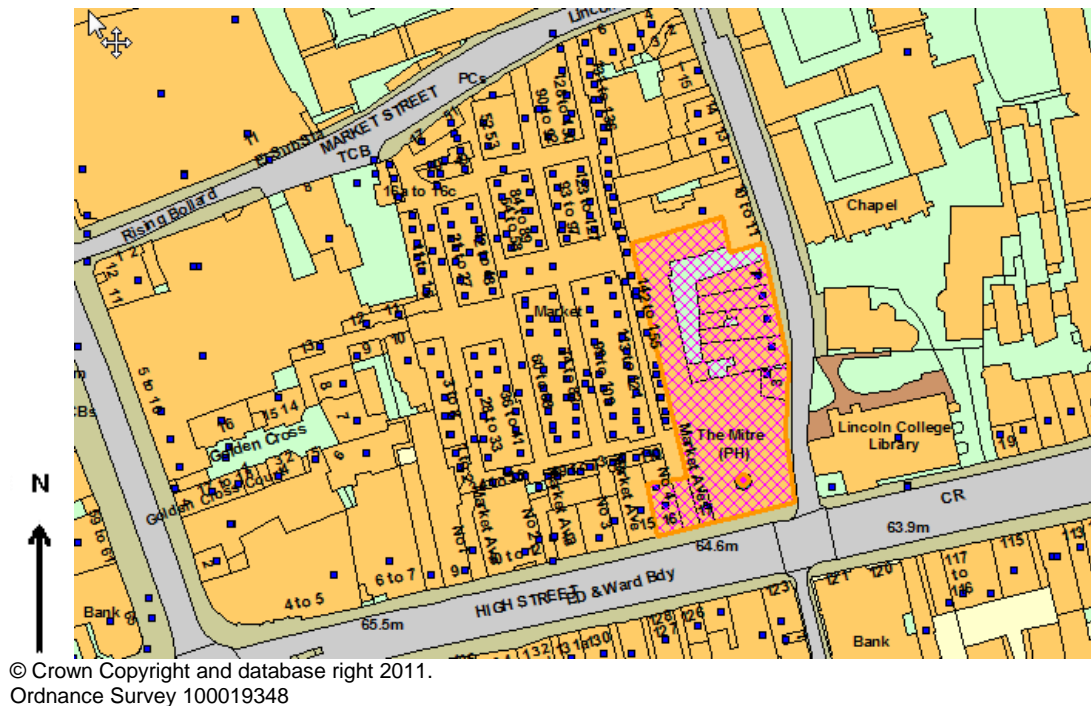
5. SITE AND SURROUNDINGS

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. No.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:

6.2. 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.

6.3. Courtyard:

- Localised demolition of existing buildings, formation of new first floor access platform, including new stairs, canopy and decking to connect existing building, new entrances, alterations to doors and fenestration, relocation of extract plant and condensers to new plant stack between The Mitre and the I-shaped courtyard buildings.

6.4. 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.

6.5. Internal Works (covered by the associated Listed Building Consent application 18/00897/LBC which is dealt with under a separate report):

- 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.

7. RELEVANT PLANNING HISTORY

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

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.

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.

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.

18/00897/LBC - Turl Street: erection of two storey infill lodge building, including new basement. 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 existing in the Covered Market Entranceway and other alterations. (Amended certificate of ownership and amended plans). PCO.

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	117, 118, 127, 128, 130, 131,	CP1 CP6 CP8	CS18_		
Conservation/ Heritage	192, 193-202	HE2 HE3 HE7			
Housing	6			HP5_	
Natural environment	170, 175,	NE23	CS9_ CS12_		

Transport	102, 109			HP15_	
Commercial		RC3			
Environmental	10	CP10 CP19 CP21	CS10_	HP14_	
Miscellaneous	38, 47	CP.13		MP1	

Other material considerations:

National Planning Policy Framework

This application is in or affecting the Central Conservation Area. The development is affecting a Grade II* Listed Building.

Planning Practice Guidance

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 19th 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

Oxfordshire County Council (Highways)

9.2. No long term transport related impacts. The amount of cycle parking is to remain the same but this is acceptable due to the reduction in number of rooms. Increase in numbers should be encouraged due to overspill parking onto Turl Street. Given the central location of the site, high pedestrian footfall and proximity to the High Street, a Construction Traffic Management Plan will be required in order to minimise the impact of construction traffic upon the local highway network.

Historic England

9.3. 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, 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 streetscene.

Royal Society for the Protection of Birds (RSPB).

- 9.4. Request the installation of 4no. swift boxes as a biodiversity enhancement to support habitat creation.

Oxford Preservation Trust

- 9.5. 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. The gap where the lodge building is proposed should be retained as the introduction of the lodge building will change the character of the west of Turl Street introducing a collegiate character to the town.

Oxford Civic Society

- 9.6. A very welcomed major refurbishment giving consideration to fire safety and preservation of historic fabric. It is a pity that the platform obscures views of the view of the Richardson and Gill building but this is essential to the fire escape and not in public views. Concerns with the appearance of the Lodge Building as the fussy wrought iron lattice gate seems out of place.

Public representations

- 9.7. No public comments were received.

10. PLANNING MATERIAL CONSIDERATIONS

- 10.1. Officers consider the determining issues to be:

- Principle of development
- Design/Impact on the Conservation Area and Setting of Listed Buildings
- Archaeology
- Amenity/Noise
- Biodiversity
- Highways/Transport

a. Principle of development

- 10.2. The proposal substantially relates to the refurbishment and enhancement of existing student accommodation. Policy HP5 of the Sites and Housing Plan states that proposals that result in the loss of student accommodation will be refused. The proposal retains the same floorspace of student accommodation but due to the internal refurbishment works, improvement of movement around

the buildings and insertion of en-suites it does result in the current 70 rooms plus 2 flats being reduced to 67 student rooms and 2 flats. The reorganisation of accommodation does not require planning permission or constitute a change of use and other works enable safer and easier exit routes from the building. The minor reduction in room numbers is therefore considered justified. The proposal also does not remove any accommodation from The Mitre public house.

10.3. A small amount of retail space is lost to No. 16 High Street (7.9m²) to allow for a fire escape to be provided existing into an entrance to the Covered Market between 16 and 17 High Street. This would exit in a former doorway. It would not result in the total loss of a retail unit and retains over 40m² of ground floor retail space. This small loss is considered justified as it results in an additional fire escape contributing overall to the fire escape strategy.

10.4. Policy CP6 of the Oxford Local Plan seeks proposals to make a more efficient use of sites. The proposal seeks to retain as much student accommodation as possible whilst improving layout, quality of accommodation and movement throughout the site.

b. Design/Impact on the Conservation Area and Setting of Listed Buildings

10.5. 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).

10.6. 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 HE7 states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the conservation areas or their setting.

Lodge building

10.7. 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.

- 10.8. 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.
- 10.9. The gap has both historic and aesthetic value as it visually demonstrates and provides insights into the ways past communities and activities took place, and it provides a glimpsed view from the street to part of the rear courtyard and Turl Yard buildings which makes a positive contribution to the character and appearance of this part of the conservation area. For these reasons the gap has heritage significance.
- 10.10. The proposed lodge building would cause less-than-substantial harm to the character and appearance of the conservation area, by infilling the existing historic access. The need to improve the fire safety of the site through improving the escape routes and providing one central location to house all of the necessary fire alarm and control panels for all of the accommodation and commercial units on the site, enabling the authorities to efficiently locate a fire in the event of one, is recognised and it is accepted that the proposed lodge building is a suitable way to achieve this. Therefore, the principle of an infill lodge building in this location is considered justified.
- 10.11. Rather than reflecting the scale and size of the existing buildings along Turl Street, the proposed lodge building has been designed to be subservient to the surrounding buildings, set back from the building line and lower in height. The subservience and proposed ground floor arched entrance of the lodge building would maintain the sense of the historic gap, which subject to the design of the entrance gates and interiors would maintain the visibility through to the courtyard. The lodge building is of a simple high quality contemporary design, and by reason of its vertical proportions, openings of traditional forms and facing in natural ashlar stone, would not appear an incongruous addition to the street scene. It is not considered the lodge building would detract from the special interest of the conservation area, nor would it detract from the settings of the surrounding listed buildings.
- 10.12. Historic England were consulted on the application and have raised no concerns with the proposed lodge building, stating that it is an interesting addition which could make a positive contribution to the street scene. The concerns of the Oxford Preservation Trust, that the proposed infilling of the gap with a lodge building will introduce a collegiate character to an area which has long been associated with the 'town', are acknowledged. Whilst the west side of Turl Street is comprised of smaller scale residential and commercial properties

sited on narrow plots, a characteristic of the medieval town, rather than the larger scale collegiate buildings which characterise the east side of the street, there has historically been an intertwined relationship between the two sides of the street and the current glimpsed view of the courtyard from the street suggests a collegiate use, with a relatively formal treatment of the courtyard area. It is not considered that this addition which suggests a collegiate use would unacceptably harm the character and appearance of this important building group or the conservation area for the reasons stated above.

- 10.13. The less-than-substantial harm that would be caused by the infilling of the historic access, would be justified by the public benefits of an improved fire safety and control strategy, and escape routes from 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 result in a positive addition to the street scene and conservation area, and would not appear overly dominant and detract from the historic grain and character of the area or the settings of the listed buildings. The lodge building with its arched entrance would ensure the form and sense of the gap can be read and would not erase the historic interest of this area. The harm is considered justified and minimised, in accordance with NPPF paragraph 196.
- 10.14. 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. The application of this condition would also address the concerns of the Oxford Civic Society regarding the suitability of the gate design.
- 10.15. 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.
- 10.16. 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.

10.17. 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.

10.18. 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.

Courtyard works

10.19. 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.

10.20. 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.

10.21. 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.

10.22. 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

10.23. 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.

c. Archaeology

10.24. 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.

10.25. 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.

10.26. An archaeological excavation in 2012 on the site of a 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.

10.27. 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.

10.28. 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.

10.29. In this case, bearing in mind the site constraints, it is requested 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). A condition is also recommended in relation to a detailed design and method statement for the extent and design of foundation and groundworks To ensure the foundations and related groundwork are designed to minimise harm to below ground archaeology (Local Plan Policy HE2).

d. Amenity/Noise

Lodge Building

10.30. The proposal includes the erection of a two-storey lodge building between 7 and 10 Turl Street in the north east corner of the site. This is the area which currently provides a gated access into Turl Yard from Turl Street. The properties either side are The Whiskey Shop, 7 Turl Street (to the south) and Walters of Oxford to the north. The lodge building would involve the removal/blocking up of window on the ground floor of 7 Turl Street which is a secondary window to a shop, another at first floor which is currently a window serving a corridor in the student accommodation which would become a doorway and one on the first floor of 10 Turl Street is also a secondary window/light source. Given these are secondary light sources to non-habitable accommodation and a window to a corridor this impact is considered acceptable.

Platform Walkway

10.31. The proposal contains a platform walkway at first floor level leading down from the back of The Mitre into Turl Yard. This has been located to minimise overlooking into student bedrooms. This platform and staircase is also internal within the site and Lincoln College's domain and does not affect privacy of neighbouring occupiers and therefore complies with policy CP10 of the Oxford Local Plan and Policy HP14 of the Sites and Housing Plan (2013).

Plant Stack

10.32. The proposal also includes the accumulation of plant for the accommodation and The Mitre within a plant stack adjacent to the courtyard buildings to the rear

of The Mitre. This consists largely of internal alterations to the existing building. However due to the creation of this the impact on noise and odours has been assessed on occupants of the application site and neighbouring occupiers by the Councils Environmental Health Officers.

10.33. Given the mixed uses of the site including retail, public house with restaurant and guest accommodation and student accommodation, the potential for noise issues is considerable. Our records show occasional complaints from student residents in the past and the submitted reports acknowledge that noise breakout and break-in to the student accommodation has been a common problem in the past. In addition there is a potential for smell nuisance given the presence of a commercial kitchen extract ventilation system. The potential noise and smell issues which need to be addressed, therefore, are as follows:

Noise break-in to student accommodation from:

- customers, operational noise and plant noise from The Mitre PH
- operational noise from retail units
- services noise including local mechanical extract ventilation

Noise break-out from student accommodation to:

- other residential accommodation
- retail units
- smells from commercial kitchen at The Mitre affecting residential accommodation and retail units

10.34. Taken together the two iOn acoustic reports have considered the above issues and make proposals. It is accepted that ideal standards are not achievable given the age and character of the buildings and the need to conserve the significance of the buildings. The proposals are pragmatic and take advantage of some practical design requirements, for example the need to raise floor levels in part of the student accommodation is suggested as an opportunity to improve sound insulation to the floors below.

10.35. Although the approach and treatment of these topics are appropriate and comprehensive, there is a need to revisit and follow through some of the ideas put forward at the post-permission stage. It is therefore recommended that scheme-type conditions are attached should permission be granted including details of building insulation prior to occupation to prevent noise breakout, a limit to the noise levels from the proposed plant and a scheme for treating cooking fumes and odours before their emission to the atmosphere.

10.36. Subject to these conditions the proposal is considered to comply with policies CP19, CP20 and CP21 of the Oxford Local Plan.

e. Biodiversity

10.37. The application was accompanied by a bat survey and identified a common pipistrelle bat roost on one of the buildings. However the survey was carried out without the ecologist having known the plans for the building and hence it is not clear if the identified bat roost will be impacted and if so what mitigation will be implemented.

10.38. Further information was requested to provide details of the extent to which the bat roost will be impacted or disturbed during the works and if it would be, full details of the mitigation.

10.39. It was then clarified that the fascia where the bat was recorded roosting will be removed as part of the roof refurbishment works and accordingly the roost destroyed. The removal of the fascia would have to be carried out only under licence (this would qualify for a Low Impact Class Licence). Since the roof requires repair works, this impact is inevitable, however mitigation is required and proposed:

10.40. Mitigation would include:

- A watching brief of removal of the fascia board;
- Temporary positioning of a bat box on site if a bat is present so the bat can be moved to the box temporarily;
- Addition of three lifted roof tiles on the same face as the current roost (with the lining of the roof being 1F bitumen type roofing felt and not a breathable roofing membrane, which is unsafe for bats).

10.41. The Oxford City Council Ecologist has reviewed the application and recommended a condition is attached to any permission that prior to commencement of any roof works, a detailed scheme of ecological mitigation and enhancements is provided including an updated nocturnal bat survey (within the same survey year, May-September) and safeguards to protect bats. Any mitigation measures shall be identified on plans, specifically the lifted tiles as well as location of the temporary bat box to ensure that the mitigation measures are suitable and bats are not harmed.

10.42. A request has also been received by the RSPB for the installation of swift boxes into the development. Biodiversity enhancements and habitat creation are required by policy NE23 of the Oxford Local Plan and paragraph 175 of the NPPF and therefore this condition is considered relevant to the development and recommended as a condition.

f. Highways/Transport

10.43. The proposal results in the retention of the existing bicycle storage (16 spaces). Given there is a reduction in the number of student bedrooms this is considered reasonable as there would be no increased demand on cycle parking. Due to the constraints of the site it is not possible to increase cycle parking provision. Paragraph 109 of the NPPF highlights that development should only be prevented or refused on highway grounds where there is an unacceptable impact on highway safety or where the residual cumulative impacts on the road network would be severe. In this case the development would not result in an increase impact.

10.44. Given the central location of the site, high pedestrian footfall and proximity to the High Street, a Construction Traffic Management Plan is requested by the Local Highway Authority in the interests of highway safety and in order to

minimise the impact of construction traffic upon the local highway network in accordance with policy CP1 of the Oxford Local Plan.

11. CONCLUSION

- 11.1. The proposed development is considered to be acceptable in relation to the above policies as discussed in the report and is therefore recommended that the West Area Planning committee grant planning permission subject to the conditions listed in the next section.

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 Samples of the exterior materials to be used shall be submitted to, and approved in writing by the Local Planning Authority before their installation on site and only the approved materials shall be used.

Reason: In the interests of the visual appearance of the Central Conservation Area in which it stands in accordance with policies CP1, CP8 and HE7 of the Adopted Oxford Local Plan 2001-2016.

- 4 A Construction Traffic Management Plan should be submitted to the Local Planning Authority and agreed prior to commencement of works. The CTMP should follow Oxfordshire County Council's template if possible. This should identify;

The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
Contact details for the Site Supervisor responsible for on-site works,
Travel initiatives for site related worker vehicles,
Parking provision for site related worker vehicles,
Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
Engagement with local residents.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure, historic environment and local residents, particularly at peak traffic times. This is also in the interests of protection of adjoining listed buildings in accordance with policy HE7 of the Oxford Local Plan.

- 5 No occupation shall take place until the building has been insulated against noise breakout in accordance with a scheme that has been submitted to, and approved in writing by, the Local Planning Authority. Measures should be in accordance with recommendations made in the Internal Sound insulation Report by iOn Acoustics of 19th December 2017 or of an equal effect. There shall be no variation to the approved scheme unless otherwise agreed in writing beforehand by the Local Planning Authority.

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

- 6 In respect of any proposed mechanical ventilation or associated plant, the applicant shall ensure that the plant to be installed will meet the noise limits calculated for this purpose by iOn Acoustics in their Planning Noise Report A1235 R03a, dated 18th March 2018. A noise control scheme, to include this confirmation and appropriate measures for noise management of the potential impact of staff arrival and departure and deliveries and collections, shall be submitted for approval before the development is brought into operation.

Reason: In the interests of the residential amenities in accordance with policies CP1, CP10, CP19 and CP21 Oxford Local Plan 2001-2016.

- 7 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. Any such works that form part of this scheme shall be completed before the development is brought into use and should 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.

- 8 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.

- 9 No ground works on site shall take place until a detailed design and method statement for the extent and design of all foundation and groundwork has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only take place in accordance with the detailed scheme agreed pursuant to this condition.

Reason: To ensure the foundations and related groundwork are designed to minimise harm to below ground archaeology (Local Plan Policy HE2).

- 10 Prior to the occupation of the accommodation details and the location of four swift nest bricks shall be submitted and approved in writing by the Local Planning Authority, installed in accordance with the approved details and retained thereafter.

Reason: In the interests of habitat creation in new developments in accordance with policy NE23 of the Oxford Local Plan.

- 11 Prior to the commencement of any works impacting upon the roof, a detailed scheme of ecological mitigation and enhancements must be provided to and approved in writing by the Local Planning Authority. Details of an updated nocturnal bat survey and safeguards to protect bats shall be included (sensitive working methods and the requirement to obtain a European Protected Species Mitigation Licence) and enhancement measures shall include, but not be limited to, a minimum of one bird box, one bat box and a minimum of one dedicated Swift box. The scheme will outline the specifications, locations and management of new features.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy CS12 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 The archaeological investigation should consist of 1) Level III historic building recording of the impacted parts of the Mitre with a watching brief during significant fabric interventions 2) the full excavation of the significant below ground impact areas (foundations and new foul sewer route). The archaeological investigation should be undertaken by a professionally qualified archaeologist working to a brief issued by ourselves.

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.