

WEST AREA PLANNING COMMITTEE

Application number:	17/02537/CND2
Decision due by	18th December 2018
Extension of time	To be confirmed.
Proposal	Details submitted in compliance with conditions 8 (Details of windows), 9 (Large scale details of the Tower) and 10 (Lighting strategy) of planning permission 17/02537/FUL.
Site address	St Hilda's College , Cowley Place, Oxford, OX4 1DY – see Appendix 1 for site plan
Ward	St Marys Ward
Case officer	Julia Drzewicka
Agent:	Mr Simon Sharp Applicant: St Hilda's College
Reason at Committee	West Area Planning Committee approved application 17/02537/FUL on 13 th March 2018 subject to conditions. It was agreed that approval of the details required by conditions 8, 9 and 10 as they relate to the tower, should be brought back to Committee and not delegated to the Head of Planning to approve.

1. RECOMMENDATION

1.1 West Area Planning Committee is recommended to:

(a) approve the details submitted in compliance with condition 8 (Details of windows), condition 10 (Lighting Strategy) and partially approve details of condition 9 (Large scale details of the Tower)

(b) agree to delegate authority to the Acting Head of Planning Services to:

- approve the final details of the Tower (part of condition 9)
- determine any future minor amendments that may be submitted as part of each of these conditions.

2. EXECUTIVE SUMMARY

2.1. This report considers the appropriateness of the submitted information in respect of conditions 8, 9 and 10 respectively of planning permission 17/02537/FUL. St

Hilda's College lies to the east of the River Cherwell, within the St Clement's and Iffley Road Conservation Area. The Central Conservation Area borders the college site to the north-west, with its boundary following the line of river. The college site comprises five grade II listed structures. Other surrounding listed buildings include the grade II listed 2 & 3 Cowley Place and Magdalen College School building; grade I registered parks and gardens of Christ Church and the Oxford Botanic Gardens. The site can be seen in both panoramic and more focussed long views from key public viewing places within the city including from St Mary's Tower and South Park.

3. RELEVANT PLANNING HISTORY

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

17/02537/FUL - Proposed demolition of existing buildings and redevelopment comprising: erection of new building to provide student accommodation (59 bedrooms), porters lodge, middle common room, fellows' accommodation and academic and administrative offices; erection of new pavilion building; removal of existing porch to old hall building and provision of replacement; creation of new pedestrian access from Cowley Place; replacement bin and bicycle parking.. APPROVED

17/02538/LBC - Removal of MCR, Storage Buildings and Porters Lodge connected to Hall Building; erection of new bin and bicycle store to Hall Building. Removal of wall adjoining South Building entrance piers and gates; erection of new wall connecting new Boundary Building to South Building entrance piers and gates.. APPROVED

4. CONSULTATION RESPONSES

4.1. Historic England - The submitted documents include visuals which suggest that the design of this is progressing in a positive direction but that the final design will be the result of collaboration with an artist, sculptor or craftsman. There is no reason why this refinement needs to take place prior to commencement of building works, though the final design will need approval from the Council before it is erected and we would like the opportunity to comment on it once a detail design has been arrived at. The main issue for Historic England at this point is the lighting proposals. If the proposals do indeed have a similar impact to the visualisations prepared, that they would not adversely affect the townscape of Oxford when viewed at night.

5. BACKGROUND TO THE CONDITIONS

5.1. Planning permission was approved for the demolition of existing buildings and redevelopment comprising: erection of new building to provide student accommodation (59 bedrooms), porters lodge, middle common room, fellows' accommodation and academic and administrative offices; erection of new pavilion building; removal of existing porch to old hall building and provision of replacement; creation of new pedestrian access from Cowley Place; replacement

bin and bicycle parking by West Area Planning Committee on 13th March 2018. Various conditions were imposed.

- 5.2. The committee requested that the conditions 8 (Details of windows), 9 (Large scale details of the Tower) and 10 (Lighting Strategy) be brought back to committee for consideration and determination. The conditions were imposed so that the Council can agree these details in the interests of preserving the character and appearance of the Conservation Area, amenity and in the absence of information provided with original submission and in the interests of improving the biodiversity of the City in accordance with policies CP1, CP8, HE3, HE7 and HE11 of the Oxford Local Plan (2001-2016), CS12 and CS18 of Core Strategy 2026 and National Planning Policy Framework (NPPF).
- 5.3. The planning officer's report concluded that the proposal would result in less than substantial harm. According to Paragraph 134 of NPPF 2012 (which is superseded by Paragraph 196 of NPPF 2018) where a development proposal 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, where appropriate, securing its optimum viable use. Officers considered that the combined weight of the public benefits arising from the development such as releasing existing housing stock back into use for the general population; creation of a more flexible and logical site arrangement which has the potential to facilitate future site improvements and increasing the potential for further student accommodation on the wider campus. It was considered that the proposals also represented high quality contextual design, an improvement to the street frontage and to college entrance along Cowley Place. The planning officer also concluded that there would be no harm to views from Christ Church Meadow and the Botanical Gardens and improvements of the setting of the grade II listed Hall Building. On balance it was considered that these aspects of the proposals would outweigh the less than substantial harm created by the proposal. The proposal was therefore considered to accord with relevant policies of the Local Development Framework and when balancing the less than substantial harm that has been identified against any public benefits that the development proposal offers the Council considered that the proposals met the requirements of the Council's local policies (including Policies HE3 and HE7 of the Oxford Local Plan 2001-2016) and Paragraph 134 of NPPF 2012 (196 of NPPF 2018).
- 5.4. The report also stated that it would be unreasonable to object to some form of lighting but that conditions would be necessary to ensure that the proposals were suitable in design terms and in terms of their impact on designated heritage assets.
- 5.5. Officer's assessed that views from South Park, Christ Church Meadow and the Botanic Garden would be most impacted by the proposals and therefore night time views were requested from those locations. The details were assessed against the NPPF, Oxford City Council policies and it is considered that the details would ensure that the building will be of high quality and will not adversely affect the night time views of Oxford.

6. OFFICERS ASSESSMENT

Condition 8: Details of windows

6.1. Condition 8 of the planning permission reads:

Notwithstanding the details submitted with the application, further large scale design details of the following shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of works above ground.

- *Large scale joinery details for all new windows, doors and glazing panels*
- *Large scale sections of roof junctions (eaves, fascias, soffits etc)*
- *Large scale details of roof railings and external stair*

The development shall be carried out in accordance with these approved details

Reason: For the avoidance of doubt and so that the Local Planning Authority can agree these details in the interests of preserving the character and appearance of the conservation area, and in accordance with Policies CP1, CP8, and HE7 of the adopted Oxford Local Plan 2001-2016

6.2. The condition above was included as it was necessary to be imposed in the interest of preserving the character and appearance of Conservation Area; having had regard to the less than substantial harm that the proposals would give rise to (as set out in Paragraph 196 of the NPPF).

6.3. The applicant has provided large scale joinery details for new windows, glazing panels large scale sections of roof junctions and large scale details of roof railings and the external staircase. Officers consider that the details are acceptable. The reason for this condition was to allow the Local Planning Authority to agree to these details in the interests of preserving the character and appearance of the Conservation Area and settings of surrounding heritage assets, and ensuring a development of high quality design.

6.4. The design details show that the development would be of high quality, with depth and interest to the elevations, and crisp elegant finishes, resulting in a high quality contemporary addition to the site which will preserve the character and appearance of the Conservation Area and not detract from the setting of the surrounding heritage assets including Christ Church, the Botanic Garden and the Grade II listed Hall Building. This proposal is seeking approval of details to maintain the overall quality of the proposal. The original grant of planning permission concluded that the building would have less than substantial harm and public benefits would outweigh this harm, it is considered that the submitted details demonstrated that there would be no additional harm and the submitted details would enable the development to preserve the character and appearance of the Conservation Area in accordance with Policies CP1, CP8, HE7 and HE3 of

Oxford Local Plan and Paragraphs 193-196 of the NPPF. The details submitted with application are acceptable and meet the requirements of Condition 8.

6.5. The materials are being dealt with under separate condition.

Condition 9: Large scale details of the Tower

6.6. Condition 9 of the planning permission reads:

Notwithstanding the details submitted with the application, further large scale design details of the Tower shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of works above ground. The details shall include the following

- *Large scale detailed design of the Tower including sections and details*
- *Details of internal and external lighting type / luminance levels*

The development shall be carried out in accordance with these approved details

Reason: For the avoidance of doubt and so that the Local Planning Authority can agree these details in the interests of preserving the character and appearance of the conservation area, and in accordance with Policies CP1, CP8, and HE7 of the adopted Oxford Local Plan 2001-2016

6.7. The submitted documents include a cross section (drawing no. 3296) and visuals of the proposed crown. The submission sets out the design intent for the decorative metalwork crown to the tower. It is suggested that *'This may have botanical reference as found elsewhere within the College. It is envisaged that the crown and decorative metal gates will undergo further design development in collaboration with the artist, sculptor and craftsman employed to deliver these key parts of the proposals'*. Historic England stated that *'... visuals submitted show that the design is progressing in a positive direction [...] I see no reason why this refinement needs to take place prior to commencement of building works, though the final design will need approval from the Council before it is erected and we would like the opportunity to comment on it once a detail design has been arrived at'*. Officers would concur that the design of the crown is developing in the right direction and the visually lighter decorative metal crown on top of the tower would add positively to the overall appearance of the development. More work is needed to finalise the details, and so officers are recommending that members agree to request that final details of the crown are provided at a later date, after commencement of above ground works and that these details can be dealt with under delegated powers.

6.8. The existing lighting around the area comprises high-level flood lighting mounted on walls and posts. Bollard fittings, decorative uplights along pathways and beneath trees, combined up/downlights mounted on the building façade, recessed downlights in entrance areas, building-mounted spotlights to provide limited lighting of the College's crest and a rear-illuminated College name sign, spotlights recessed into the handrails, a pole-mounted floodlight for the main

vehicle entrance, wall-mounted fittings alongside the punt landing and utility type light fittings mounted on the underside of the rack canopies are being proposed on the ground level. The bollards along pathways and low-level parapet recessed lights, spotlights on each step on the tower external stairs and low power, small LED spotlights behind the tower crown are being proposed on the roof level. Spotlights (ref. X03 on the submitted plans) are proposed to be focused on the decorative detail of the crown.

- 6.9. The 'External Lighting Statement' submitted with the application states that ' the calculated lux level for the new scheme have been compared with the spot level checks carried out by Hoare Lea in the baseline study. It was found that in 19 out of 28 positions the new light levels were either low or not substantially greater than those measured for the existing lighting. The 9 locations where new light levels were found to be higher than existing are positioned on new external circulation routes and entrance areas away from the river.
- 6.10. The information submitted includes the technical information regarding the lighting type and luminance levels for each external light fitting and internal lighting type within the Tower. The visuals submitted with the application are based on this technical information. View Cones Policy (HE10) protects views from 10 recognised viewpoints on higher hills surrounding the City to the east and west and also within the City. One of those viewpoints is South Park. The visuals show views of the building from South Park, Christ Church Meadow and the Botanic Garden. It is worth noting that the Botanic Garden and Christ Church Meadow are closed after dusk and therefore are not accessible to the public. However the visuals were requested as the site is located within an area of high historic value. It is considered that the lighting of the buildings as shown in the submitted verified views are appropriate. The illumination of the buildings would appear relatively subtle and would not result in incongruous additions to the skyline or in key views that would unacceptably harm the heritage significance of the view cones or setting of the surrounding designated heritage assets. The proposed building and its subtle lighting would sit comfortably alongside the other buildings and streets in this area whose lighting can be seen in the visualisations. The tower will glow from within, lantern-like and the light will gently light the crown. The details submitted with the application demonstrated that the proposed lighting would not adversely affect the views of Oxford when viewed at night. Officers are satisfied with the details provided with the application. The details submitted are acceptable and in accordance with Policies CP1, CP8, HE3, HE7, HE10 of the Oxford Local Plan 2001-2016. Only limited weight can be given to policies in the emerging Oxford Local Plan 2036 because the plan is only at Proposed Submission Draft stage but officers have considered the policies in that plan and consider that the proposals would conform with it (in particular with Policies DH2 and DH3).

Condition 10: Lighting Strategy

- 6.11. Condition 10 of the planning permission reads

The development hereby permitted shall not be brought into use, until a detailed Lighting Strategy with technical specifications and lighting contour plans has been submitted to and approved in writing by the Local Planning

Authority. The lighting strategy shall include the following:

- Details of the external lighting of the development in particular architectural lighting of the buildings, including the Tower and Roof Terrace

- A scheme for mitigating any impact from the lighting upon sensitive areas for biodiversity, such as the buildings, trees, and frontage to the River Cherwell. This shall include identifying those areas of the site which may be particularly sensitive for bats and otters breeding sites and resting places, along with important routes used for foraging. It shall also demonstrate that the areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of amenity and in the absence of information, in accordance with policies CP1, HE3 and HE11 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026 and to in the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026.

6.12. As stated above in the report, the details provided with the application in terms of the external lighting are considered acceptable and will not have a harmful impact on the townscape of Oxford when viewed at night. The details submitted with application are acceptable and meet the requirements of Condition 10.

6.13. In terms of the impact of the proposed lighting scheme on biodiversity, the lighting level in the more sensitive wildlife areas, including the river corridor, is low and maintains relatively dark areas for light-sensitive wildlife such as bats. Therefore, the impact on protected species would be considered to be low. The restriction included with the condition specifies that any changes to the information provided with this application or any additional lighting would require consent from the local planning authority. The low level bollard-style lighting has a lower impact on bat foraging and commuting behaviours, preventing up-lighting of the sky which could otherwise alter their ability to forage successfully. It is considered that the submitted details are acceptable and the proposed lighting would not cause significant disturbance to, or prevent species such as bats and otters using the area around the development. The condition prevents any lighting other than the submitted design in the interest of protecting and improving the biodiversity of the City in accordance with Paragraph 170 of NPPF and Policy CS12 of the Oxford Core Strategy. The details submitted with the application are acceptable and meet the requirements of Condition 10.

7. CONCLUSION

7.1. It is considered that the information provided with the submitted documents are satisfactory. It is recommended that the Committee resolve to approve the

details in compliance with Conditions 8 and 10 of planning permission 17/02537/FUL. Officers are satisfied with the information provided and the details would accord with relevant policies as set out in the conditions.

- 7.2. In respect of Condition 9 of planning permission 17/02537/FUL, the details submitted are considered satisfactory and the details would accord with relevant policies as set out in the condition. It is recommended that Committee approve part of Condition 9 (details of internal and external lighting type) and delegate to the Acting Head of Planning Services to approve final design details of the Tower having consulted with Historic England.
- 7.3. Special attention has been paid to the statutory test of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses and the statutory test of preserving or enhancing the character and appearance of the conservation area under sections 16 and 72 respectively of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the listed building and the character and appearance of the Conservation Area, and so the proposal accords with sections 16 and 72 of the Act.

8. APPENDICES

- **Appendix 1** – site plan

9. HUMAN RIGHTS ACT 1998

- 9.1. 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.

10. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 10.1. 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.