

Agenda

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West Area Planning Committee

Date: **Wednesday 8 May 2013**

Time: **6.00 pm**

Place: **The Old Library, Town Hall**

For any further information please contact:

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West Area Planning Committee

Membership

Chair	Councillor Oscar Van Nooijen	Hinksey Park;
Vice-Chair	Councillor John Goddard	Wolvercote;
	Councillor Elise Benjamin	Iffley Fields;
	Councillor Anne-Marie Canning	Carfax;
	Councillor Bev Clack	St. Clement's;
	Councillor Colin Cook	Jericho and Osney;
	Councillor Graham Jones	St. Clement's;
	Councillor Shah Khan	Cowley;
	Councillor John Tanner	Littlemore;

The quorum for this meeting is five members. Substitutes are permitted

HOW TO OBTAIN AGENDA

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AGENDA

Pages

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

2 DECLARATIONS OF INTEREST

Members are asked to declare any disclosable pecuniary interests they may have in any of the following agenda items. Guidance on this is set out at the end of these agenda pages.

3 BLAVATNIK SCHOOL OF GOVERNMENT, WALTON STREET: 13/00119/FUL

1 - 60

The Head of City Development has submitted a report which details a planning application to erect a 6 storey Class D1 building as University School of Government, including double basement comprising 9,800sqm of floorspace, together with associated hard and soft landscaping (additional information)

Officer recommendation: That the Committee SUPPORT the proposal in principle but defer the application to draw up an accompanying legal agreement, and to delegate to officers the issuing of the notice of permission on its completion, subject to following conditions:

1. Development begun within time limit.
2. In accordance with submitted plans.
3. Samples of materials including hard landscaping.
4. Withdraw "Permitted Development" rights.
5. Landscaping – details.
6. Landscaping – carry out after completion.
7. Landscaping – tree pits and growth medium.
8. Landscaping – maintenance.
9. Landscape management plan.
10. No car parking on site.
11. Further details of cycle parking.
12. Security – CCTV etc.
13. Details of boundary treatment & public realm ground works.
14. Travel Plan.
15. Construction Travel Plan.
16. Construction Environmental Management Plan.
17. Waste management Plan.
18. Contamination – remediation.
19. Mechanical plant – noise attenuation and mitigation.
20. Details of external lighting.
21. Food extraction equipment.
22. Drainage – in accordance with Flood Risk Assessment.
23. Drainage – surface water drainage scheme.
24. Drainage – groundwater drainage scheme.
25. Drainage – groundwater level monitoring.
26. Details of public realm.

27. Compliance with Natural Resource Impact Analysis.
28. Archaeology – scheme of mitigation.
29. No occupation until student numbers not in provided accommodation fall below 3,000.
30. Public art.
31. Wildlife habitats

4 TRAVIS PERKINS SITE, CHAPEL STREET: 12/02560/VAR

61 - 72

The Head of City Development has submitted a report which details a planning application to vary condition 7 (occupation by full time students) of planning permission 09/02518/OUT to allow occupation of the development by students in full time education on courses of an academic year or more

Officer recommendation: That the Committee SUPPORT the proposals in principle but defer the planning application in order to draw up an accompanying legal agreement, and the delegate to officers the issuing of the notice of planning permission subject to conditions:

- 1 Time limits
- 2 Maximum floorspace & student rooms
- 3 Approved drawings
- 4 Materials
- 5 Boundary treatment student accommodation
- 6 Boundary treatment B1 offices
- 7 Obscure glazing.
- 8 Student accommodation
- 9 Exclusion from CPZ
- 10 Tenancy agreement.
- 11 Car Parking Spaces
- 12 Car & cycle parking
- 13 Landscaping
- 14 Landscape management
- 15 Construction Traffic Plan
- 16 Construction Man Plan
- 17 Mud on road
- 18 Foul and surface water
- 19 Contamination
- 20 Piling
- 21 Petrol / oil interceptors
- 22 Noise emissions
- 23 Public art
- 24 Sustainability
- 25 Wildlife and habitats
- 26 Fire hydrants

Planning Obligations

- Contribution of £12,000 to County Council for footway / public realm improvements on commencement of the office accommodation permitted.

5 SUMMERTOWN HOUSE, APSLEY ROAD: 13/00217/VAT

73 - 94

The Head of City Development has submitted a report which details a planning application to vary conditions 2 (develop according to approved plans) and 3 (option for development of lift and stair access) relating to planning permission 12/00239/FUL for: 'Refurbishment of eastern block of student accommodation including re-cladding of all elevations, internal alterations to stairs, lifts and student flats to create 5 additional residential units. Alterations to central car parking area to create landscaped garden, plus creation of covered cycle store for additional 84 cycles to rear of site, and new car port and store to serve Lodge.' (Amended plans) (Amended description). Variation of conditions sought in order to accommodate the selected option of development and subsequently build to approved plans. To include the energy centre within the building on the fourth floor of the East Block. (amended letter) (Amended Plans)(Amended Description)(Additional Information)

Officer recommendation: That the Committee APPROVE the planning application subject to the following conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 Revised landscape plan
- 5 Tree Protection Plan (TPP)
- 6 Arboricultural Method Statement (AMS)
- 7 Recommendations ecological survey
- 8 Cycle parking details required
- 9 Target Hardening measures cycle parking
- 10 SUDS
- 11 Construction Travel Plan
- 12 Travel Plan Statement/Travel Statement
- 13 Details of Gates
- 14 Internal noise levels
- 15 External noise levels
- 16 Mechanical ventilation

6 24 MARLBOROUGH COURT: 13/00760/FUL

95 - 102

The Head of City Development has submitted a report which details a planning application to convert the garage into a habitable space

Officer recommendation: To APPROVE the planning application subject to the following conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials - matching
- 4 In accordance with Flood Risk Assessment
- 5 Ground resurfacing - SUDS compliant

7 PLANNING APPEALS

103 - 108

To receive information on planning appeals received and determined during March 2013.

The Committee is asked to note this information.

8 MINUTES

109 - 112

Minutes from 17 April 2013

Recommendation: That the minutes of the meeting held on 17 April 2013 be APPROVED as a true and accurate record.

9 FORTHCOMING APPLICATIONS

The following items are listed for information. They are not for discussion at this meeting.

- Roger Dudman Way: 13/00636/FUL: 9 student study rooms plus pedestrian footbridge.
- Lady Margaret Hall: 06/01796/FUL: Condition 10 – Removal and replacement of lime trees.
- New Rd / Tidmarsh Lane: 13/00843/FUL & 13/00844/CAC: Science Museum & Innovations Centre.

10 DATES OF FUTURE MEETINGS

The Committee NOTES the following future meeting dates:

Tuesday 11 June 2013 (and Thursday 13 June if necessary)

Tuesday 9 July 2013 (and Thursday 11 July if necessary)

Tuesday 13 August 2013 (and Thursday 15 August if necessary)

DECLARING INTERESTS

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

**CODE OF PRACTICE FOR DEALING WITH PLANNING APPLICATIONS AT AREA PLANNING
COMMITTEES AND PLANNING REVIEW COMMITTEE**

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner.

The following minimum standards of practice will be followed. A full Planning Code of Practice is contained in the Council's Constitution.

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful
2. At the meeting the Chair will draw attention to this code of practice. The Chair will also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:-
 - (a) the Planning Officer will introduce it with a short presentation;
 - (b) any objectors may speak for up to 5 minutes in total;
 - (c) any supporters may speak for up to 5 minutes in total;

(Speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;

 - (d) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant Officer/s and/or other speaker/s); and
 - (e) voting members will debate and determine the application.
4. Members of the public wishing to speak must send an e-mail to sclaridge@oxford.gov.uk giving details of your name, the application/agenda item you wish to speak on and whether you are objecting to or supporting the application (or complete a 'Planning Speakers' form obtainable at the meeting and hand it to the Democratic Services Officer or the Chair at the beginning of the meeting)
5. All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting,
6. Members should not:-
 - (a) rely on considerations which are not material planning considerations in law;
 - (b) question the personal integrity or professionalism of officers in public;
 - (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; and
 - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

West Area Planning Committee

8th May 2013

Application Number: 13/00119/FUL

Decision Due by: 25th April 2013

Proposal: Erection of a 6 storey Class D1 building as University School of Government, including double basement comprising 9,800sqm of floorspace, together with associated hard and soft landscaping (additional information)

Site Address: Plot L, Radcliffe Observatory Quarter, Woodstock Road, **Appendix 1.**

Ward: North Ward

Agent: Montagu Evans

Applicant: University Of Oxford

Recommendation: Committee is recommended to support the proposals in principle but defer the application to draw up an accompanying legal agreement, and to delegate to officers the issuing of the notice of permission on its completion.

Reasons for Approval

1. The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
2. The planning application seeks the construction of a postgraduate institute for the University to the south - west corner of the former Radcliffe Infirmary site, now known as the Radcliffe Observatory Quarter (ROQ). It would front on to Walton Street opposite the Oxford University Press and represents the latest development proposal on the former infirmary site as supported by allocation SP47 of the recently adopted Sites and Housing Plan and previously by allocation DS66 of the Oxford Local Plan. The freestanding building would be of an uncompromising contemporary design and would provide teaching and research accommodation accessible by a variety of modes of transport. No further car parking is proposed beyond that already permitted for the ROQ as a whole with the development being located adjacent to the east - west pedestrian and cycle route proposed to run along the southern side of the ROQ site between Woodstock Road and Walton Street.

3. Many of the comments on the development relate to the contemporary design and appearance of the building and its relationship to nearby listed buildings and conservation areas, which has tended to divide opinion accordingly. The concerns of those opposing the development are acknowledged, especially from the Freud Café to the north, though noting also that no adverse comments have been received from the Oxford University Press or Somerville College. The proposals are brought forward within the framework of a Masterplan for the ROQ site and have evolved from concept stage to detailed designs over a period of time. Overall the development's contemporary architectural style and relationships to existing buildings is considered to be appropriate to its context, with details such as the use of materials, landscaping etc dealt with as conditions if the development is permitted. Subject to detailing there are no objections received from statutory bodies.

Conditions

1. Development begun within time limit.
2. In accordance with submitted plans.
3. Samples of materials including hard landscaping.
4. Withdraw "Permitted Development" rights.
5. Landscaping – details.
6. Landscaping – carry out after completion.
7. Landscaping – tree pits and growth medium.
8. Landscaping – maintenance.
9. Landscape management plan.
10. No car parking on site.
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12. Security – CCTV etc.
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22. Drainage – in accordance with Flood Risk Assessment.
23. Drainage – surface water drainage scheme.
24. Drainage – groundwater drainage scheme.
25. Drainage – groundwater level monitoring.
26. Details of public realm.
27. Compliance with Natural Resource Impact Analysis.
28. Archaeology – scheme of mitigation.
29. No occupation until student numbers not in provided accommodation fall below 3,000.
30. Public art.
31. Wildlife habitats

Main Planning Policies

Oxford Local Plan 2001-2016

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP9 - Creating Successful New Places
- CP10 - Siting Development to Meet Functional Needs
- CP11 - Landscape Design
- CP13 - Accessibility
- CP14 - Public Art
- CP17 - Recycled Materials
- CP18 - Natural Resource Impact Analysis
- CP22 - Contaminated Land
- TR1 - Transport Assessment
- TR2 - Travel Plans
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- TR11 - City Centre Car Parking
- TR12 - Private Non-Residential Parking
- TR14 - Servicing Arrangements
- NE12 - Groundwater Flow
- NE13 - Water Quality
- NE14 - Water and Sewerage Infrastructure
- NE23 - Habitat Creation in New Developments
- HE2 - Archaeology
- HE3 - Listed Buildings and Their Setting
- HE7 - Conservation Areas
- HE9 - High Building Areas
- HE10 - View Cones of Oxford

Core Strategy

- CS2 - Previously developed and greenfield land
- CS9 - Energy and natural resources
- CS10 - Waste and recycling
- CS13 - Supporting access to new development
- CS14 - Supporting city-wide movement
- CS17 - Infrastructure and developer contributions
- CS18 - Urban design, town character, historic environment
- CS19 - Community safety
- CS29 - The universities

Sites and Housing Plan

- MP1 - Model Policy
- SP47 - Radcliffe Observatory Quarter

Other Material Considerations

- National Planning Policy Framework (NPPF)

Public Consultation

Statutory Bodies

- English Heritage: Adjacent buildings establish scale which needs to be considered; University Press accords sense of depth to its site; essential design solution sound; Freud Café and University Press do not form a prescriptive setting - they do not set a style or form for application site; bulk of building seen with or from heritage assets and as affects conservation areas is not excessive due to setting back of upper parts; important that parts which address Walton Street do not exceed height of Freuds; building with own form and confidence is fair response to relationship with University Press; effect on skyline would be slight but any obscuring of towers needs justification as creation of precedent needs to be avoided; on balance allowable to give building small vertical emphasis; no significant view would be harmed; double skin of glazing seems a good solution, promising liveliness and depth; bold addition to Oxford's buildings; would not be harmful to heritage assets in immediate vicinity; effect on skyline acceptable. The full text of the letter is attached as **Appendix 2**.
- County Council: Highway Authority: Walton St is traffic - calmed and governed by 20 MPH speed limit; area surrounding covered by Controlled Parking Zone; some increase in cycle flows; proposed cycle parking spaces adequate; passenger demand for bus services can be met from existing services; opportunity to increase Park and Ride usage; Many of Travel Plan measures in place with existing University Travel Plan but may need to be updated; Construction management plan submitted is acceptable; site should not drain building or surface water onto adjacent highway; increase in cycling is not considered to give rise to capacity issues.
- County Council Infrastructure and Growth: Consultation not required.
- Environment Agency: No objection subject to condition relating to contamination.
- Thames Water: Waste water drainage – prior approval required for connection to public sewer; water infrastructure – no objection.
- Natural England: No objection; not likely to affect Oxford Meadows Special Area of Conservation (SAC); not likely to be adverse effect on Port Meadow site of Special Scientific Interest (SSSI); local planning authority should consider other possible impacts on biodiversity.
- City: Environmental Development: No adverse comments on Construction Management Plan; proposed design target levels for noise are acceptable; remediation of any contamination would be required.

Third Parties

- Freud Café: A holding response was received on behalf of the Freud Café immediately north of the application site, attaching comments made in 2007 and 2008 in respect of the Masterplan for the former Infirmary site then under

consideration. That response makes reference to a number of procedural points and is concerned in particular that a building on the current application site may overwhelm the listed building, and adversely affect the stained glass windows to the southern side of the former church which enjoy "Rights of Light". The full text of the response can be viewed on the Council's website. Subsequently a very detailed response to the current planning application has been received which refers to the same points and to other matters also raised by third parties below. The letter is set out under seven main headings and alleges that the development:

- breaches various policies of the Oxford Local Plan;
- disregards the setting of heritage assets;
- breaches rights to light;
- threatens the Freud Cafe due to possible subsidence;
- would be inconsistent with previous actions of the Council to grant permission;
- adversely impacts on the setting of the Jericho Conservation Area; and.
- represents a lost opportunity to create sociable spaces.

The letter is reproduced in full as **Appendix 3** to this report.

- Oxford Civic Society: Design original and bold and likely to attract diverse opinions; generous provision for needs of new School with exciting, stimulating and visually pleasing interior; may appear too large and overbearing from some places on Walton street, but not others; acceptability of bulk should be demonstrated by more evidence; stark appearance from rear; main concern is breaching of high buildings policy; cleaning regime (avoiding roof mounted equipment) needs to be understood; other concerns are internal illumination; cycle parking insufficient despite complying with policy; basement cycle parking impractical;; welcome openness of forecourt and permeability of ROQ site; important to establish if access from new health centre possible.
- Oxford Preservation Trust: Will change character of area and impact on views along Walton Street; different feel and appearance as a bold, unique and iconic addition to the area; do not object to loss of wall to Walton Street but loss should be acknowledged in landscaping; further research required in relation to burials; heritage value should be recognised in public art; tower feature breaches policy requirements on tall buildings; proposals will be visible from several viewing locations; harmful effect on Radcliffe Observatory and Oxford skyline; does not adequately justify breach of policy;; further work required to assess impact of materials, height and scale; visual images produced impossible to assess impact; therefore object to height, scale and bulk of proposals; planning permission should not be given until full impact is better understood; an archaeological assessment and details of public realm are also required.
- Oxfordshire Architectural & Historical Society (OAHS): Disagree that boundary wall to Walton St dates from 1832; wall should be regarded as listed structure and be retained with gateway or reduced in height; if removed line of wall should be delineated in paving; "Faculty" required for removal of burials; further research required on burials and argued case for their removal; concerned at view from

Radcliffe Observatory towards Worcester College along meridian line and north along Walton Street from Worcester College; mock ups of before and after required; would object if building compromises the view; if so would ask that height of building be reduced.

- Victorian Group of OAHS: Would fail to enhance conservation area, nor would it relate satisfactorily to neighbouring listed buildings; whatever is built on site should attempt to be neighbourly and reflect character and scale of conservation area; wasted space inside building.
- Victorian Society: Development would sit adjacent to listed 119A Walton St. (at Somerville College) which is poor state of repair; would benefit streetscape if development could fund renovation of building.
- Georgian Group: Object to proposals; concerned at loss of historic boundary wall which contributes to conservation area and should not be demolished; any building should be set behind wall; scale and height of building is a concern as is large amount of glazing; design, materials massing and precise location should be more deferential to conservation area and listed building and should harmonise with them; does not enhance character of conservation area and contradicts design guidelines due to building's scale use of non - local materials and historic street structure through demolition of boundary wall.
- Worcester College: (i): Insufficient information regarding southwards meridian from Radcliffe Observatory; not clear if upper storeys of building would block this sight line (ii): information now provided showing building is clear of historic meridian line; therefore do not object.
- Oxford Baptist Chapel, Jericho: Welcome expansion of University but not at expense of existing organisations; church has used Freud Cafe for fellowship meetings; construction work would be distracting; concerned at proximity of building to Freuds; impact on stained glass windows; would detract from character of Jericho.
- Campaign to Protect Port Meadow from Oxford University: Contrary to high buildings policy; further computer generated images of views and surrounding required and reconsulted on; safeguards to halt development if not in accordance with permission.
- London Place Neighbourhood Watch: Concerned that development may be seen in some views from South Parks; height of development should be reduced to Carfax height; lower building would also be more in scale with surrounding properties.
- Divinity Road Area Residents Association (DRARA): South Park adjoins DRARA; building may be visible from parts of South park especially in winter; inadequate information to assess impact of building; breaches high buildings policies with little justification, weakening protection offered by policy and may pose future threats to views from South Park; better use could be made of interior space and / or footprint enlarged to create a lower building which would pose less threat to

views.

Individual Comments: Main Points:

- Size and scale of building too large.
- Building too tall / breaches high buildings policy.
- Opposed to removal of stone wall to frontage.
- Too close to Freuds / relates poorly.
- Adverse impact on stained glass windows to Freuds.
- Does not reflect character of area.
- Building too large and dominant.
- Materials inappropriate.
- Adverse impact in views from port Meadow.
- Light pollution.
- Elegant and exciting addition to ROQ site.
- World class architecture / striking example of modern architecture.
- Fits well with Neo Classical buildings nearby.
- Relates poorly to adjoining building.
- Does not enhance habitat of area.
- Should be located in heart of ROQ site.
- Opposed to open plan arrangement.
- Might be acceptable in more contemporary location.
- Adversely affects Radcliffe Observatory.
- Contrary to conservation area principles.
- Reflection from glass façade.
- Wall to Walton Street is an eyesore.
- Improvements to ROQ site should not be prejudiced.
- Huge improvement on other buildings on ROQ site.
- Building so different that it does not compete with neighbours.
- Form of building gives it restraint so that it does not dominate.
- Will make Freuds more visible not less.
- Tree to frontage should be retained.
- Fear congestion and noise as will become tourist attraction.
- Disruption to consecrated burial ground.

In addition to the above, the University has also undertaken its own public engagement and consultation exercises on its proposals as they have emerged. A regular dialogue was maintained with officers of the Council and English Heritage from November 2011 to the submission of the planning application, and also with the Environment Agency, Oxford Preservation Trust, Thames Water and Oxfordshire County Council. Two public consultation exhibitions were also undertaken from 19th July to 1st August 2012 and from 7th to 15th November 2012, plus two presentations to the South East Regional Design Panel (SERDP) in July and November 2012. A record of these procedures is submitted with the planning application. The documentation indicates that some 50 written responses were completed at the exhibitions with the majority of comments relating to the design of the building which tended to polarise views for and against. Other matters raised related to materials, maintenance, accessibility and public realm.

The presentations to SERDP were made as the proposals were evolving, though on each occasion the concept remained consistent, with the design to the November presentation in particular closely matching the planning application as now submitted. In summary the Panel commended the development indicating, in particular, that despite its radical form it would respect its surroundings and would represent a modest impact to the Oxford skyline which could be accommodated providing the quality of the architecture was sufficiently high. Copies of the SERDP's findings are attached as **Appendices 4 and 5**.

Officers Assessment:

Background to Proposals.

1. The planning application represents the latest in a series of development proposals relating to the former Radcliffe Infirmary following the University's acquisition of the site in 2003 and possession since 2007. Permission has already been granted for a number of developments including student accommodation for Somerville College to the southern boundary of the site and for New Radcliffe House to the north - west which are both now completed and occupied. Permission has also been granted for the refurbishment of the retained listed infirmary buildings to the Woodstock Road frontage, and for new buildings housing Humanities and Mathematics, the latter for occupation in Autumn 2013. These proposals have been brought forward in the context of a Masterplan produced for the site by the University which is referred to later in this report.
2. Attached as **Appendix 6** to this report is a plan which indicates the plots to which these various proposals relate and as **Appendix 7** a schedule of the planning applications involved.
3. The current proposals would occupy 0.19 hectare (0.46 acre) of the 4 hectare (10 acre) former infirmary site, and would be located to its south - east corner on land previously occupied by the Radcliffe Infirmary's Eye Hospital on what the University describe as Plot L. Immediately to the north is the Grade II listed Freud Café (formerly St. Paul's Church) and to the south part of Somerville College, formerly a school building and also listed Grade II. Opposite is the Grade II* Oxford University Press. Although not within a conservation area itself, the development site abuts the Central (University and City) Conservation Area to the south and the recently established Jericho Conservation Area to the west. Located along its southern side would be one of the two proposed east - west public pedestrian and cycle routes secured linking Woodstock Road and Walton Street.
4. The proposal seeks to establish a postgraduate institute for the University for the Blavatnik School of Government currently housed in temporary accommodation at Merton Street. The development would consist of a freestanding building on 6 levels above ground and two below, housing some 9,800 sq m of accommodation for approximately 180 postgraduate students plus 118 academic staff, researchers and administrators. It is also intended to accommodate a further 36 visiting staff. There would be no residential

accommodation within the building.

5. The School admitted its first student intake of 30 students in September 2012, but seeks to accommodate the following at the ROQ site: up to 9 research centres; a doctoral programme of up to 20 students at any one time; a one - year Masters of Public Policy programme for 120 students; a practitioner education programme offering short courses to experienced senior staff working in public policy from the public, private and not - for - profit sectors; a programme of visiting academic and practitioner fellows; and the School's faculty and administrative staff.
6. The assessment of the planning application is considered under the following headings in the text that follows:
 - planning policy;
 - historical context;
 - built forms;
 - management of heritage assets;
 - long and short distance views;
 - archaeology;
 - access; and
 - sustainability

Planning Policy

7. Successive planning policy documents from the 1980s onwards have recognised the importance of supporting the University as a world leading educational, academic and research institution and in one form or another have allocated the greater part of the former Radcliffe Infirmary site for the further growth and expansion of its facilities. In addition to the large number of general and non site specific policies which are relevant to this latest case, the current allocation in the recently adopted Sites and Housing Plan replaces the Local Plan allocation under policy DS66 by indicating at policy SP47:

“Planning permission will be granted for academic, institutional and student accommodation at the Radcliffe Infirmary Quarter site. Development must include a relocated Jericho Health Centre. Planning permission will not be granted for any other uses.

Careful design must ensure that development proposals contribute towards the character of the conservation area and preserve and enhance nearby and on - site listed buildings and their setting.

The development will be expected to demonstrate how the development mitigates against traffic impacts and maximises access by alternative means of transport. Pedestrian and cycle links through and to the site, including to the University Science Area, should be enhanced.

Development should be designed to ensure that there is no adverse impact on the Port Meadow SSSI.”
8. In this context the University had purchased the Infirmary site from the NHS in 2003. Following a short period when a leaseback arrangement was in place whilst the Children's Hospital and West Wing were constructed at the John Radcliffe Hospital in Headington, the University finally took possession in the

early part of 2007. In the meantime work on a Masterplan for the infirmary site was under way and subsequently brought before the November 2008 cycle of committees for consideration. The intention of the Masterplan was to form a framework within which major redevelopment proposals would be brought forward at the former infirmary site over a period of years. It was not a planning application however but represented a context within which individual proposals could be drawn up with some flexibility in response to changing circumstances. The University chose this approach due to the uncertainties of how the site would be developed in detail, and the complexities involved in submitting a single outline planning application.

9. The Masterplan did not propose a single or preferred layout, but sought instead to establish certain principles. In reporting to committees Officers concluded that the following key objectives should be adopted in terms of the built form and layout of the whole site:
 - *optimising floorspace requirements should be informed by detailed design considerations and assessments of impact;*
 - *the extent and location of any 5 storey development should be informed by an assessment of impact on views and context;*
 - *taller buildings generally to front primary routes;*
 - *development to Walton Street frontage to generally be no more than 3 storeys;*
 - *a hierarchy of streets and spaces to be created across the redeveloped site with east - west routes at the head of the hierarchy;*
 - *the primary east - west routes to constitute “public spaces” at all times;*
 - *the principal entrances to buildings to front publicly accessible spaces, especially the east - west cross routes;*
 - *active frontages to be provided to all publicly accessible spaces;*
 - *the redeveloped site to be linked by a series of high quality formal and informal landscaped spaces; and*
 - *provision for periodic review and revision of Masterplan.*

10. As the development relates to educational and teaching accommodation for the University then committee is also reminded of Core Strategy policy CS25 which requires that new floorspace should be matched by new residential accommodation and should not be occupied until such time as no more than 3,000 students live outside purpose built student accommodation. Recent times have seen inroads into the numbers of students “living out” with consequent numbers resident in purpose built accommodation rising as successive permissions have been granted to the central University and constituent colleges for new student study rooms. In the event of planning permission being granted, a restrictive condition would be imposed accordingly that occupation should not take place unless the figure of 3000 is met.

11. Lastly, prior to the submission of the planning application, the applicant submitted a request for a “Screening Opinion” under the provisions of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as to whether an Environmental Impact Assessment was required to accompany the planning application. This is a formal determination and having examined the case against the advice

contained within Circular 1/99: “*Environmental Impact Assessment*” and other sources, the Council as local planning authority determined that no such assessment was required in this case.

Historical Context

12. In terms of the ROQ site as a whole, St Giles developed outside the city walls from around 1279. Further north land remained open fields with scattered hamlets and farmsteads until expansion of Oxford during the 18th century. The Radcliffe Trust commissioned the building of a new hospital on agricultural land given by Thomas Rowney, MP for Oxford. Works commenced in 1758 and the Radcliffe Infirmary opened on 18th October 1770. The Radcliffe Trust used money left over from the project to found a new Observatory on land immediately to the north of the hospital. Work began in 1772. The original architect Henry Keene died in 1776 and James Wyatt took over finishing the project in 1795. The Observatory was used until the 1920's when the telescope was moved to South Africa – for better light conditions, and the Infirmary took over the Observatory expanding into its grounds erecting new wards and facilities including a Maternity ward, X-Ray department and Children's ward. After the John Radcliffe Hospital opened in the 1970s major development on site ceased. The hospital finally closed at this site in 2007.
13. The Radcliffe Infirmary fronting the Woodstock Road side of the current ROQ site was the first hospital to be set up in Oxford as an early and unusual example of a philanthropic charitable institution known as a 'voluntary' hospital. The use of the term “Infirmary” distinguishes it from earlier forms of pauper hospitals or almshouses. However, it was not the first of its kind in the country. The first was in Winchester in 1738 and by 1800 there were a total of 38 in the country. In terms of the additions of wards and other facilities on the site, they follow the pattern of other sites and do not represent any cutting edge technological or medical advances, apart from the original outpatients building, which was an early example of its type erected in 1857, but subsequently replaced with a new outpatients wing in 1910-13.
14. Most of the other buildings on the site including the former Eye Hospital on the Blavatnik site have been demolished, with the exception of the Gibson and Harkness buildings to the northern side which remain for the time being. The demolished buildings were generally of limited significance and had been much altered. English Heritage assessed all the buildings on the site for their suitability for inclusion in the statutory register of buildings of special architectural or historic interest, including the maternity wing, which had been identified as having local interest in 2001. No buildings were added to the list however, though the existing list descriptions were revised. The University has carried out an inventory and recording of all buildings on the site, including a photographic record.
15. The retained listed buildings within the site have local and national significance as heritage assets and together form a group. The main Infirmary building (Stiff Leadbetter, 1770) has had two major alterations - raising the

roof in 1826 and the removal of the sweeping external staircase to the first floor piano nobile in 1933. Other less intrusive alterations include the addition of the sanitary towers in 1869-73. St Luke's Chapel (Arthur Blomfield, 1865) and the Outpatients wing (Edward Warren, 1911) enclose the space around the Fountain of Triton (sculptor John Bell) and contribute to the setting of each other. The Outpatients building has been heavily modified internally and extended externally. The listed wall onto Woodstock Road has recently had its iron railings reinstated.

16. The principal elevations of the listed buildings have significance with later additions and alterations to these buildings illustrating changing practices and history of use. Some changes have harmed the special historic interest of the buildings and their architectural qualities. Nevertheless as a group these buildings make an important contribution to the character and appearance of the area and all are visible from a number of viewpoints in the surrounding streets.

17. Specifically in relation to the current application site, it is also of particular interest as the site of the remains of burials from the original infirmary during the period 1770 to 1885. It is believed up to 700 burials may have taken place here, though some may have been removed during the construction of the Eye Hospital in 1937 or indeed subsequent buildings during the period 1939 to 1957. Approximately half of the burials may be affected by the current planning application, the other half having been impacted by a planning permission already granted for a perimeter service trench to serve the ROQ site.

18. The Main Infirmary Block is listed Grade II* and the outpatients, fountain, boundary walls to Woodstock Road and the Chapel are listed Grade II, whilst nearby are other listed buildings, including the:-

- Observatory (Grade I)
- Observer's House (Grade I)
- Somerville College Library (Grade II)
- Oxford University Press (Grade II*)
- former St Paul's Church (Freuds) (Grade II)
- former St Paul's School (Somerville) (Grade II)
- 13-36 Woodstock Road (Grade II)

19. Although outside the ROQ site the Observatory at Green College to the north is especially significant as the principal and dominant Grade 1 listed building in the locality and a nationally important building. It represented only the second permanent facility to be built in Britain after the Royal Observatory in Greenwich in 1675. It is orientated on an east - west alignment to allow astronomical observation to make use of the south meridian to measure the time and position of the stars. Henry Keene, the architect, was surveyor to Westminster Abbey, and on his death succeeded by James Wyatt. The Tower is based on the Tower of Winds in Athens (a water clock) with sculptures of the 8 winds by John Bacon RA. There are also decorative panels, including the signs of the zodiac in Coade Stone. It has high architectural quality, is prominent in some views and its historic use, which

dictated its orientation and height. Originally its setting was one that was secluded, in its own extensive grounds. That setting has been lost over time however, and the hospital buildings (before demolition) had a negative impact on its modern setting and views of and from it.

20. Beyond the ROQ site itself development took place during the late C18th and early C19th onwards and consists of development fronting Woodstock Road and Walton Street with tight knit side streets criss - crossing east - west, especially within the Jericho area now recently designated as a conservation area. Woodstock Road has variety in the age, scale and use of buildings; Walton Street is more consistent in scale and age. To the north are residential streets, to the south educational and religious buildings. Overall the area is characterised as a residential suburb, interspersed with college buildings and including what used to be three key employment 'hubs' - Eagle Iron works, Oxford University Press and Radcliffe Infirmary sites. In the area certain key historic and modern buildings stand out, by virtue of their quality, individuality of design and purpose.

Built Forms

21. The development proposes a freestanding building set within a rectangular plot to the south - west corner of the ROQ site. The stone boundary wall which currently exists to the street frontage is removed to create an open plan arrangement with the space created around the building flowing into the public footway at Walton Street; into the east - west pedestrian and cycle route to the south; and into the envisaged "library square" and other ROQ thoroughfares to the rear. The building itself is essentially circular in form with four main levels above ground plus two further but smaller levels to the rear (eastern) side of the building set within a "drum" feature measuring approximately 24.5m in diameter. The circular form of each level of the building is offset one from another however with recessed entrances front and rear at ground floor level and the building generally responding to the Walton street "building line" and the Freud Café at this point. At first floor level the circular form adopts a straight edge to its frontage acknowledging and strengthening the building's relationship to the street to which it would form part.
22. The building would possess an unusual double skin to its facades with an outer glazed skin made up of 3m x 0.6m glazing panels separated by 30mm gaps or seams which allow ventilation. The inner skin is then made up either of further glazing with natural ventilation or pre cast limestone aggregate with the same colour and hue as natural stone. Between the two skins would be a "catwalk" to allow for cleaning and maintenance which also improves the building's performance in terms of noise intrusion, solar gain and fresh air intake. It also allows for internal cleaning and maintenance between the two skins whilst periodic external cleaning would be by "cherry picker" rather than any roof mounted equipment.
23. In terms of building heights, the building is stepped back so that its tallest point of 22.5m is only achieved by the circular drum at upper levels, and the partially recessed third floor with terrace set at 14.6m. The building's furthest

point forward is achieved at second floor level with an “eaves” height of 11.0m which matches the portico of the Freud café and the top of columns to the University Press to the west side of the street. In doing so, the intention is for Freuds to retain its presence in the street and continue to project further forward overall. At the nearest point of its circular form the Blavatnik School would be 9.0m from the southern facade of the Freud Café.

24. Internally different levels of the building would perform different functions, but united by a central and generally circular atrium which rises up through the building. The ground floor level is entered either from the Walton Street direction or via library square to the rear and would contain reception, cafeteria and informal social spaces whilst teaching would be concentrated at first floor and first basement level. At first basement level the teaching would be undertaken in larger spaces including a 220 seat lecture theatre. Also located at this level would be staff cycle parking and changing facilities. In contrast the teaching at first floor level is contained within smaller rooms and spaces. The second and third floors are described as academic floorspace made up of a mix of cellular offices and open plan workspaces and meeting spaces. Administration functions would also be located here. The smaller top two levels at fourth and fifth floor within the “drum” would consist of library and study spaces, with access also to a roof terrace at fourth floor level and a boardroom at fifth floor level. The second basement level would contain plant rooms and services only.

25. The building is set within a rectangular public space measuring approximately 62m by 62m, providing generous amounts of public realm encircling it and intended to flow into the highway at Walton Street and routes to be created within the ROQ site – along the southern east - west route, and northwards via “library square” towards the northern east - west route. Permissive public rights to cross the land would be secured to spaces encircling the building, secured by S.106 agreement. The detailing of public realm around the building forms part of the comprehensive strategy for the whole of the ROQ site as agreed in relation to earlier permissions. To that extent materials, street furniture, lighting and planting would all be derived from the existing palette of materials to enable a unified landscape to emerge in due course. The principle elements would be clay pavers laid in a radial pattern, cropped granite setts for cycle parking areas, bespoke circular concrete seating with timber tops, freestanding timber seating and feature tree planting. Timber would be sourced from FSC approved sources. To the street frontage a line of bollards is proposed to prevent unauthorised vehicular access, referred to later in this report. External lighting is provided by column mounted luminaires along the east - west route which adjoins the building; recessed downlighters under the overhanging first floor canopy to illuminate the ground below; uplighters to the trees to give upward light; and low level uplighting if a feature wall is constructed to the common boundary to Freuds.

26. In relation to the tree planting, two trees currently exist towards the Walton Street frontage. These are two limes in poor condition and with a limited life expectancy. The removal and replacement of these trees is not therefore opposed in principle. In replacement one *Tilia Euchlora* (Caucasian lime) is

proposed to the frontage at the north - west corner where it would replace one of the existing limes. To the north and rear of the site is proposed one Liriodendron Tulipifera. (Tulip tree). Neither of these is opposed. However the group of 3 Quercus Palustris (Pin oak) proposed to the south of the new building adjacent to the southern east - west route is not considered appropriate as Pin oaks may not be suitable for planting in a paved, landscaped area, especially in made ground. It is suggested that an alternative choice of species is brought forward. Moreover an opportunity may exist for a further specimen tree at some point to the Walton Street frontage. It is suggested therefore that a condition be imposed on any permission granted requiring amendment to the tree planting proposed.

Management of Heritage Assets

27. The elements of the historic environment that are worthy of consideration in planning matters are referred to as “heritage assets”. The difference between a heritage asset and other components of the environment is that a heritage asset holds meaning for society over and above its functional utility. The most recent advice from the Department for Communities and Local Government on the historic environment is contained in the National Planning Policy Framework (NPPF) of March 2012. The NPPF replaces Planning Policy Statements and Guidance Notes (PPSs and PPGs) which previously constituted Government guidance. The NPPF essentially carries forward the previous planning policies in a more streamlined form however but introduces a presumption in favour of sustainable development that proposals that accord with up to date locally based planning documents should be approved. In this case one of the key areas for consideration relates to the impact of the proposals on the special interest of the character and appearance of the adjoining conservation areas and listed buildings. Conservation policy seeks to preserve and enhance the value of heritage assets and with the issuing of the NPPF the Government has reaffirmed its commitment to the historic environment and its heritage assets which should be conserved and enjoyed for the quality of life they bring to this and future generations.

28. The NPPF at paragraph 169 requires that local planning authorities should hold up to date evidence about the historic environment and use it to identify and assess the significance of heritage assets. The significance of a heritage asset is the sum of its architectural, historical, artistic or architectural interest. There are two components to these criteria: the nature of the interest and the relative importance of that interest. At the heart of the NPPF is a presumption in favour of sustainable development. It lists a number of core planning principles that should underpin decision making, including it should:

- *“not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives”;*
- *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”;*
- *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is of high environmental value”;* and
- *“conserve heritage assets in a manner appropriate to their significance, so*

that they can be enjoyed for their contribution to the quality of life of this and future generations”.

29. The Ministerial Forward to the NPPF sets out the direction of the government’s planning policy, explaining that intelligently managed change (sustainable development) should be considered a positive measure to protect and enhance our historic environment. A key message though is that the historic environment is a finite and irreplaceable resource and the conservation of heritage assets should be a high priority. Development that causes harm to a heritage asset or its setting should be avoided unless there is a public benefit to outweigh that harm:

“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. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”

30. The NPPF continues however by encouraging local planning authorities to look for opportunities to better reveal or enhance heritage assets and their settings and states that proposals that do make a positive contribution should be treated favourably:

“Local planning authorities should look for opportunities for new development within conservation areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.”

31. Moreover published guidance by English Heritage (*The Setting of Heritage Assets, October 2011*), provides a methodology for understanding the setting of a heritage asset, understanding how it contributes to the heritage significance of that asset and explains how to assess the impact of development. English Heritage explains that the setting of a heritage asset is the surroundings in which it is experienced. The setting is not fixed and may change as the surrounding context changes. The significance of the heritage asset is derived not just from its physical fabric but also its setting.

32. English Heritage is forthright in stating that the careful management of change within the surroundings of heritage assets will make an important contribution to the quality of places in which we live (for present and future generations). It then goes on to explain that elements of a setting may make a positive or negative contribution to the significance of a heritage asset, affecting our ability to appreciate the significance of the asset or an impact may be neutral. The way we experience and understand an asset may differ between different views and some views may contribute more than others. This may be because of historical associations with a particular view or viewing point or because the composition within the view was a deliberate aspect of the design and layout.

Long and Short Distance Views

33. In this context the proposed development comes to be considered in both short and long distance views and the heritage assets they represent. There are 10 protected “View Cones” around the setting of the city identified in the Local Plan providing views from the surrounding eastern and western hills, Port Meadow and public spaces within the city, for example South Park. There are also public viewing points within the city that provide views across and out of the historic core. These views provide the viewer with an experience of the picturesque setting of the city with its spires and domes punctuating the skyline. The views allow people to understand the rural setting of Oxford, its strategic location and defensive position on a river crossing. The nature of the views are different from different locations however and the interrelationship of the spires and domes to each changes in those views. Because the city core sits on a raised gravel bed it sits above the surrounding suburbs which generally are not visible in many of the views. In the views the foregrounds and backgrounds have changed over time but the pre eminence of the spires and domes has been retained. In these views the proposed development would be visible from the western hills and from Port Meadow. From South Park the Observatory and the application site are on the extreme edge of the view.
34. The application site is also visible in a number of local views in Walton Street and beyond where it is seen in the context of listed buildings and historic streets. Walton Street is a medieval route out of Oxford, developed as a suburb from the late 18th Century onwards. The residential buildings that line the street vary in scale with clusters of institutional buildings and a retail cluster of shops, restaurants and cultural facilities. The character of the streets within the vicinity of the application site changes from both south to north and east to west and the ROQ site represents the point from which these transitions occur. From the city centre the scale of buildings and the general activity within the streets has a city scale. Buildings are varied and building frontages well built up. Further north this changes to the nature of a suburb where the level of street activity is less and the scale of the buildings is less, changing from commercial and institutional to residential. From east to west the change is from garden suburb of North Oxford with its large houses, large plots and greenery to the smaller artisan terraces, narrow streets and hard edges of Jericho. The ROQ site is in the middle, historically an institution set in large grounds, (but ultimately through successive extensions and new buildings a fully developed site), separated from the surrounding streets by high stone walls. In amongst the hospital buildings that once stood on this site is St. Paul’s Church, a Grade II listed building, now the Freud Café.
35. The application is supported by studies which examine the impact of the proposal on the long distance and more local views. These studies have been informed by published advice on assessing the impact of development on landscape character and the setting of heritage assets. The conclusion of the studies is that the impacts are acceptable.

36. The View Cones within which the proposed building would sit, (the western hills, Port Meadow, South Park), provide the viewer with different experiences of Oxford's historic core. Some look down on Oxford from higher ground some distance away, where the city is seen as a small cluster in a rural hinterland, whilst in others the view is more two dimensional and panoramic where the skyline of towers and spires are experienced as a thin line with extensive areas of foreground and background. The supporting information does not seek to prove that the building would not be visible in views. Rather it is accepted that it will be visible, but not harmful to the significance of the views.
37. Assessment has therefore focussed on the nature and extent of the impact, in particular its relationship to the Observatory. In this respect the detailed design and use of materials decreases the scale and bulk of the building with height. A structural form that is skeletal and clad in a transparent material also will give the building a lightweight presence whilst the curving facades help to reduce its bulk. In the long distance views and with the naked eye the building would not therefore appear as a large element and would not obscure views of key skyline features. In greatly magnified views (zoomed) it would be possible to see the building sitting alongside the Observatory. In the view from Port Meadow car park it would just be discernible and sit in front of Merton Tower. Merton Tower is itself only just discernible through binoculars and is hidden from view in the summer months when the trees are in leaf.
38. Magnified views (zoomed) of Oxford's skyline are also an important consideration as for many people (over time) the way they wish to experience and study the view would be through binoculars or a telephoto lens. The nature of the materials and the constructional details then become a critical factor. The architects have explored this consideration in detail with full size mock ups to test the visual impact. Officers have concluded that the skeletal nature of the constructional skin and the way in which it is clad represents a modern interpretation of the Gothic tracery and blind arcading of historic precedents and would sit comfortably next to historic buildings on the skyline.
39. The proposed development sits within the defined 1200m zone around Carfax and will exceed the 18.2m or 79.3m AOD (whichever is the lower) above which policy HE9 of the Oxford Local Plan explains that proposals should not be accepted except for "*minor elements of no great bulk*". Although it is fully acknowledged that the development exceeds the Carfax height restriction by 4.3m, and that it is doubtful that the 24,5m diameter drum feature could be considered as a minor element of no great bulk there is a case for exceptions and to accept this development as an addition to the historic skyline. The proposed development has to meet a variety of challenges presented by the site as well as meet the requirements of the design brief (to meet the academic and research needs of the institution). The design has evolved from a fundamental principle of creating a 'forum' within the building. Its shape is a deliberate expression of this principle and produces a building that sits within a 'public' space (rather than a building lining a street). The presence within the street and the opportunity for a new and positive experience will rely on its sense of proportion as well as the attention to detail. The architects have scrutinised both these issues in determining the appropriate height for the

building. To reduce the height would compromise not only the requirements of the brief but also the sense of proportion between each floor and the composition as a whole. The building has a carefully calculated geometry that is based on the diameters of the 'drums', the individual height of each floor and the overall height of the building.

40. Testing the impact of the building on the views the applicant has concluded that the significance of the long views and the pre-eminence of the spires will not be harmed and that in short views the street dynamic whilst very different from the existing will be a positive change. Officers have sought information from the applicants to demonstrate the nature of the impact on the public realm and long views and have scrutinised the impact on the views. It is clear that the building will be visible in some views, (the top drum being a similar diameter to the drum of the Radcliffe Camera) and it is a balanced judgement to determine if what will be seen is considered harmful or not, based on an understanding of the history and nature of the views.

lo , Officers have concluded that in this instance no harm would be caused to the historic skyline and that the development can therefore be supported in these terms.

41. At street level the building would inevitably have a more significant impact, and this is by design. The site provides opportunities to retain the walled enclosure and existing characteristic of exclusion, or to change the nature of the street with the demolition of the wall to open up the site and create a more public space flowing into the new quarter created at the ROQ in the years ahead. Walton Street by its nature is a linear space and users (pedestrians, cyclists and motorists), experience changing characteristics along its length from south to north – Worcester College - residential uses - clusters of restaurants and shops - Somerville College - Oxford University Press - Freud Café and ROQ - retail and restaurant - and then residential again. These events along the street are part of its character. Removal of the existing wall and opening up the ROQ site provides an opportunity to introduce a new event, ie a more public and open space framed by the University Press, Freuds, Somerville College and the proposed building.

42. The existing wall represents an historic boundary and provides a sense of enclosure to the street, but it has been extensively altered and rebuilt over subsequent years as a part of the development of the site for hospital use. The opportunity to open up the site, provide a sense of arrival, and a different but more beneficial setting to the development should be supported. (A similar opportunity existed at the Castle Yard where a new space was successfully created by the demolition of part of the prison wall). Critical to the success of the new space however is the quality of the public realm, within the site and in the highway. For this reason conditions are proposed to ensure that a comprehensive and coordinated approach to the public realm can be planned, (in a similar fashion to the public realm works for Broad Street and the Bodleian Library). The submitted proposals include the provision of bollards along the frontage to mark the definition between public and private land and to prevent unauthorised parking or servicing. Officers are not convinced that bollards are the most appropriate solution however and there may be an

option for a more creative solution that provides a future reference to the removed wall; prevents vehicular access; and perhaps incorporates some public art.

43. Overall however officers are satisfied that the changes to Walton Street and views along it are supportable. The hospital buildings which previously occupied the site until recent times represented an untidy and disparate collection of buildings of various ages and styles, clustered together in a haphazard fashion to meet functional needs but where they failed to relate to each other or to listed buildings either side of them. Indeed they obstructed views of Freuds and Somerville. The construction of the Blavatnik building addresses these shortcomings by introducing a building with a sense of space around it, creating the potential to view and enjoy its neighbours to a greater degree. Moreover by setting the drum feature of the building approximately 30m back from the boundary to Walton Street, the focus of the eye along the street would be towards the frontage section rising to 14.6m to its third floor level, not the taller rear element.
44. On specific points in relation to the Freud Café, its changed context has been the subject of concern expressed by its owner that the development would adversely affect the listed building and in particular could have a deleterious impact on the view and appreciation (from within the building) of Victorian stained glass windows by Willement and Kempe to its southern elevation due to loss of light. Similarly concern has been expressed that the construction of the Blavatnik building could impact on the structural integrity of the southern boundary wall to Freud Cafe and the building itself.
45. On the first point, the changed circumstances in relation to the stained glass windows is acknowledged and it is accepted that there would be some loss of internal light through the windows compared to current circumstances (as a cleared site). However as the proposed building adopts an essentially circular form; is glazed in its external treatment; and is set some 9.0m back from the southern elevation of Freuds at its nearest point, then the loss of light is likely be less than from a more conventionally designed building in this location. It should also be borne in mind that there were hospital buildings previously occupying this site, though not as tall as what is now proposed they too would have had an impact. Further, the positioning of the circular Blavatnik building, and opening up the space to the public allows for much greater public enjoyment of the stained glass windows from the public realm than previously and perhaps especially at night when internal lighting would allow appreciation of the stained glass from outside. The applicants stated "Rights to Light" are a civil matter which should not influence the planning merits of the proposals.
46. On the second point, a boundary wall currently exists between the planning application site and FreudCafe to its north. A listed building application was submitted as part of the package of proposals which entailed the demolition of the wall and its replacement by a new concrete reinforced retaining wall faced with salvaged materials. The wall would vary in height from 1.2m to 2.2m along its length according to ground levels. This would allow the Blavatnik building to sit on ground levels lower than currently and line through to street

levels. However the proposal was objected to by the owner of Freud Cafe, fearing that integrity of the wall and building could be undermined and that the boundary structure was not a party wall anyway but entirely in his ownership. In the event the application was withdrawn as it had been incorrectly submitted. Whilst a reworked proposal for the boundary wall could be brought forward for the agreement of Freud Cafe, the planning application is not dependent on such a proposal as any ground and stabilising construction required by sheet piling and other works can be undertaken wholly within the applicant's own land. A condition is suggested requiring that further details be submitted for approval in the event of planning permission being granted.

Archaeology

47. The application is of particular interest in archaeological terms because it will impact on the remains of the late 18th-early 19th century Radcliffe Infirmary burial ground and the remnants of the burial ground wall. The site also has potential to preserve middle Neolithic to early Bronze Age and early Saxon remains, although it is recognised that any such remains are likely to have been impacted by previous building work, gravel quarrying and grave cutting at the site.
48. The application will involve the removal of 50% of the area of the Infirmary burial ground with the remaining 50% being impacted by the proposed service trench around the exterior of the Radcliffe Observatory Quarter double basement. It is noted that the Consistory Court has produced a judgement on the treatment of the burial ground, establishing that it considers the ground to be consecrated and under its jurisdiction and setting out the view of the Diocese approving the removal of the burials subject to planning permission.
49. The infirmary burials have notable scientific interest because they represent a specific subset of the general population and because the burials were restricted to a limited time period (1770-1855). Documentary records are only available for 196 burials and indicate that many of those buried at the site were from outside of Oxford. Based on the results of the 2009 - 2010 archaeological evaluation of the burial ground by Museum of London Archaeology (MOLA) up to 700 burials may be anticipated. It should be noted however that the burial ground has been previously disturbed by the foundations of hospital buildings and services with a number of burials likely to have been removed during the construction of the Eye Hospital in 1937 and a subsequent building constructed between 1939 and 1957.
50. The infirmary inmates buried in the burial ground are likely to have been predominantly poor and/or without family and therefore were not claimed for parish burial. However the archaeological evaluation by MOLA in 2009-10 did identify some simple coffin fittings and a single corroded coffin plate, indicating that some of the burials were not of the lowest status and had relatives or benefactors who could fund coffin burials. There was also evidence for a collective burial pit containing several individuals possibly cross stacked. This could represent the re-burial of individuals removed from the site of St Paul's Church when it was constructed in the early 19th century or perhaps a large low status burial.

51. The submitted Heritage Statement by MOLA (2013) recognises the burials as of high significance as an archaeological assemblage. In this case the burial ground can be assessed as of at least local and regional archaeological interest. At present there is insufficient academic research on such sites at a national level to clearly establish whether the asset is of national significance in terms of archaeological interest. It is therefore not possible to confidently demonstrate that the asset is of equivalent significance to a Scheduled Ancient Monument and therefore should be treated as a designated heritage asset (NPPF Paragraph 139). It is acknowledged that considerable efforts have been made by the applicant to establish the current state of knowledge on infirmary burial grounds. Further excavation and academic synthesis of such sites (including work house and asylum burial grounds) would be necessary to further clarify this matter which is beyond the scope of what could be reasonably required of the applicant.
52. In terms of the burial ground wall the available map evidence suggests that the burial ground was approached from a central pathway through the Infirmary grounds in the late 18th century. Davis' Map of the City of Oxford (1797) appears to show the path running up to gate piers within an eastern boundary wall. Hoggar's 1850 map shows the same pathway extending through the site to Walton Street, although no gate is shown on either entrance. A drawing of the Oxford University Press (Ms Top Oxon.3.233.f.43) believed to be dated to the 1830s and predating St Paul's School which was built in 1848, shows gate piers in the western wall of the burial ground and a smaller entrance further to the south. A large section of the boundary wall south of the entrance gate is shown as incomplete or in the process of rebuilding at this time
53. In 1864 the Weekly Board and General Court of Governors of the Radcliffe Infirmary ordered repair of the entrance to the burial ground and setting up new iron gates. The 1876 1:500 OS map shows no gates either to the west or east of the cemetery. The Montague Evans Heritage and Townscape and Visual Assessment (2013) notes that the change in ground levels either side of the remaining western wall would indicate that the ground was built up and the wall rebuilt when the new Fever Ward was constructed in 1870 (5.160). The blocked up remains of the western frontage gate piers may therefore remain within the later rebuild. Should demolition be consented then appropriate recording would be warranted.
54. The NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the planning 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. Bearing in mind the results of various desk based assessments and the archaeological evaluation a suitable condition is suggested securing the

implementation of a scheme of archaeological mitigation in accordance with a mitigation strategy approved by the planning authority.

55. The archaeological investigations should include level 2 building recording (English Heritage 2006) prior to demolition of the perimeter wall and a targeted watching brief during demolition. Furthermore the archaeological excavation of the Infirmary burial ground, which will be secured by faculty, should seek to advance understanding in line with the advice set out in the NPPF. Following a post-excavation assessment of the burial assemblage, and if justified by the character and quality of the assemblage, the applicant should be responsible for approaching the Consistory Court for a reconsideration of the current faculty requirements regarding:
- the percentage of the assemblage to be retained for study over a specified time period;
 - the length of the specified time period; and
 - the application of intrusive sampling.
56. The applicant should also be responsible for securing specialist research of the burial assemblage if appropriate. This approach should be subject to the appropriate specialist advice and in line with the agreed published national English Heritage/Church of England guidance. The archaeological work should be appropriately archived and disseminated including the production of a published report, a popular hand-out and on-site presentation/commemoration (as appropriate). The archaeological recording should be undertaken by a professionally qualified archaeologist working to a brief issued by the diocesan advisor and local planning authority.

Access

57. The 2008 Masterplan for the ROQ site identified as a key objective a site which was essentially car free at surface level and with such car parking as there would be heavily restrained and provided for essential operational users only. Central to the concept was the introduction of 2 east - west routes through the ROQ linking Woodstock Road and Walton Street. These would be public routes but available for cyclists and pedestrians only with occasional maintenance and other access. The northern east - west route linking the new Jericho Health Centre at New Radcliffe House to Woodstock Road is now open to the public, though with a temporary tarmac surface as building work continues nearby. These primary routes would be linked within the ROQ site by a series of lower order thoroughfares, also car free. Overall it was envisaged that approximately 100 car parking spaces would be provided across the whole site when fully laid out, including 23 spaces to serve the relocated Jericho Health Centre. The figure of 100 car parking spaces would be perhaps a quarter of that on the site when the Radcliffe Infirmary was still in occupation. The majority of the parking spaces would be located at second basement level accessed by two car lifts within the new Mathematics building accessed off Woodstock Road which would also provide facilities for servicing. A small number of disabled parking spaces would be located at surface level at various points. Cycle parking across the whole ROQ was envisaged to total approximately 2600 spaces, taking into account that not all students, researchers and staff would be present on the ROQ site at the same time or for the whole day.

58. The Blavatnik proposals are consistent with these principles as no car parking specific to the development is proposed, but good levels of cycle parking is made. In total 184 cycle parking spaces are provided, 136 at surface level to the southern side of the square created around the building, but with 48 spaces at first basement level accessed via a cycle “slot” running along stairs to that level. Changing facilities are also provided at basement level. The provision of 184 cycle stands in total is in excess of the Local Plan standard of 1 space per 2 students and 1 space per 5 staff. The increase in cycle movements on Walton Street and Woodstock Road combined is estimated in the accompanying transport assessment at 123 in the peak hour which is not expected to raise any capacity issues. As indicated previously, there would be no vehicular access to the application site from Walton Street, other than may be required for emergency purposes.
59. In addition the opening of the northern east - west route has brought Woodstock Road bus services including Park and Ride within easy access of ROQ buildings, including Blavatnik. Again the Transport Assessment does not anticipate the development imposing capacity issues for existing services.
60. A Travel Plan also accompanies the planning application which seeks to secure and maintain low car usage by the promotion of alternative modes of transport. Although it is site specific it supports and subscribes to the University wide Travel Plan which is currently under review and updating. The Highway Authority welcomes and supports the contents of the Travel Plan as submitted, but notes that following occupation of the development a staff travel survey will be undertaken and a revised Travel Plan produced taking into account its findings. A condition is suggested accordingly in the event of planning permission being granted.

Sustainability

61. Across its estate the University requires that all major new building projects achieve an “excellent” BREEAM rating whilst seeking to maintain the operational performance of new and existing buildings throughout their lifetime, especially in terms of energy consumption and carbon emissions. These requirements are reflected in the intended performance of the Blavatnik building. In terms of actual features to the building, natural ventilation is provided wherever possible, except for areas such as basement lecture theatres where mechanical ventilation is utilised. The external glazed skin of the building allows the passage of air through its 30mm seams, with the inner skin fitted with opening windows accordingly, and blinds which automatically deploy to reduce solar gain when required.
62. Heating and cooling is provided by closed loop ground source heat pumps with the facility to link into the ROQ wide system, whilst energy requirements are assisted by the use of photovoltaics mounted at third and fifth floor roof levels. Rainwater harvesting is included with collection from roof areas to an underground storage tank. From here the water is used for WCs via booster pumps and filtration. Low flow taps and dual flush WCs would be used throughout. Internal lighting consists of base level provision with fixed

luminaires supplemented by additional lighting only where and when it is as required, automatically controlled by occupancy and daylight with manual override. The double skin façade to the building also assists in containing interior light within the building, avoiding excessive light spillage. Materials would be sourced locally wherever possible.

63. With these features in place a score of 8 out of a possible 11 is achieved on the Natural Resource Impact Analysis (NRIA), with the minimum standard achieved or exceeded in each of the categories of energy efficiency, renewable energy, materials and water resources.

Conclusion

64. The proposed Blavatnik School of Government represents the latest proposal to come forward in the long term redevelopment of the ROQ site following the permissions granted to refurbish the retained infirmary buildings, and new development of student accommodation for Somerville College, departmental buildings for Mathematics and Humanities, and for replacement health centre and other facilities at New Radcliffe House. The building is unapologetically contemporary in its architecture but informed by an understanding of the wider context in which it would be located. Accordingly its highly distinctive design is not harmful to the Oxford skyline, nor would it harm the listed buildings or conservation areas it adjoins. The building is energy efficient; encourages travel to it by means other than the private car; and includes public realm which facilitates movement and permeability through the ROQ site and beyond.

65. Officers conclude that the planning application can be supported subject to the conditions listed and accompanying legal agreement.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

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 safety.

Background Papers: Applications 09/00312/FUL, 09/00313/LBD, 09/00317/FUL, 09/00316/LBD, 09/02535/FUL, 09/02534/FUL, 11/00513/FUL, 13/00119/FUL.

Contact Officers: Murray Hancock / Nick Worlledge

Extensions: 2153 / 2147

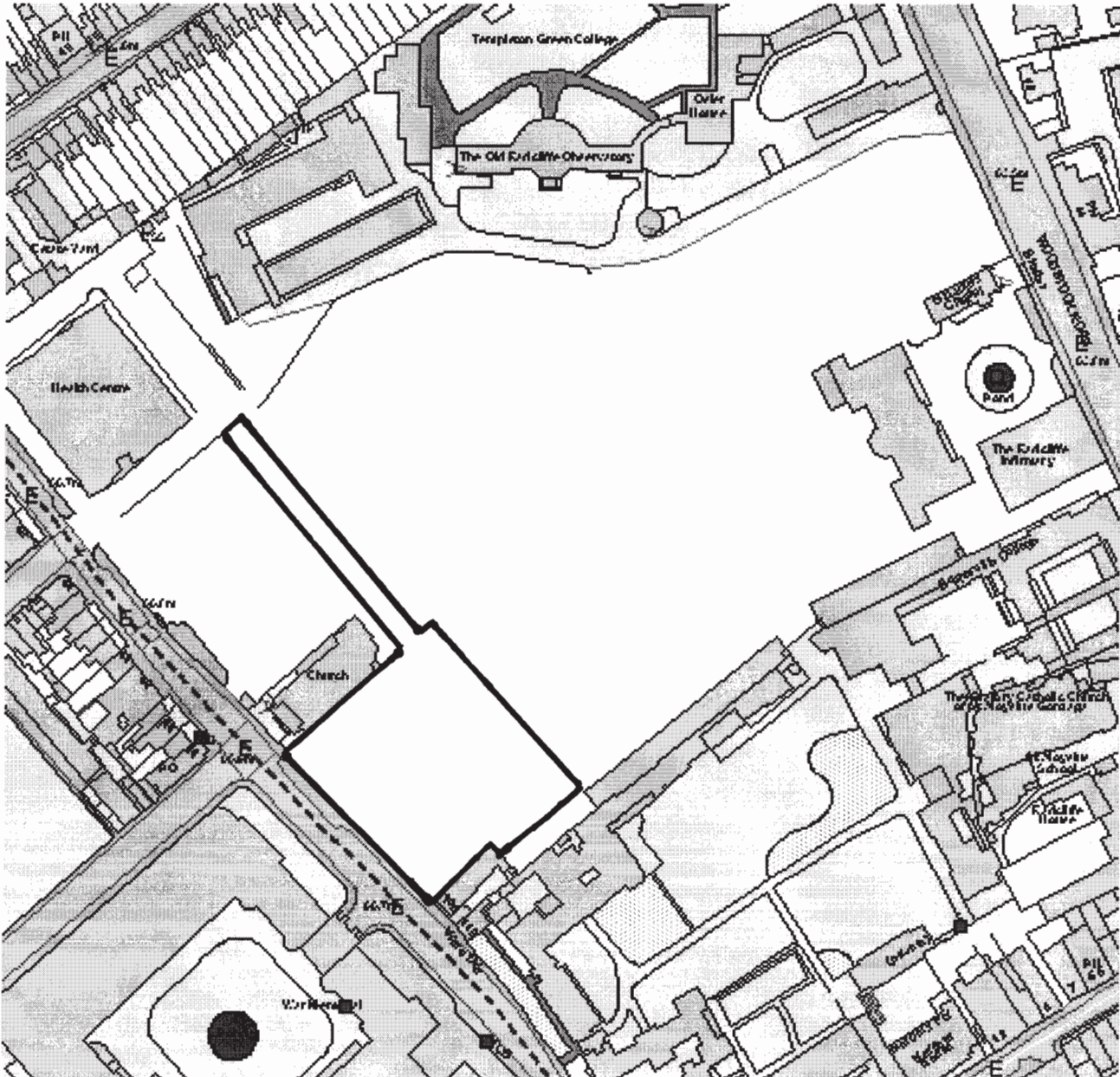
Date: 29th April 2013

Appendix 1

Blavatnik School of Government, Walton Street

13/00119/FUL – ROQ, Plot L

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Ordnance Survey 100019348

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SOUTH EAST OFFICE

PLANNING SERVICES

10 MAR 2013 01 APR 2013

REFERRED TO	DATE REPLIED
Direct Dial: 01483 252044	
Direct Fax: 01483 252001	
Our ref: P00220311	

Mr Murray Hancock
Oxford City Council
City Development
St Aldate's Chambers
109-113 St Aldate's
Oxford
OX1 1DS

OXFORD CITY COUNCIL
POST ROOM
18 MAR 2013
ALLOCATION

14 March 2013

Dear Mr Hancock

PLOT L OF THE RADCLIFFE OBSERVATORY QUARTER, WALTON STREET, OXFORD, OX2 6GG

English Heritage has been involved in the early discussions both on the Radcliffe Observatory Quarter as a whole and on the Blavatnik School building in particular. Our role is limited to commenting on the effect of the proposal on the setting of the adjacent listed buildings and conservation areas, specifically because of the II* grading of the University Press. This letter does not seek to cover the issue of the demolition of the perimeter wall.

The site in relation to other heritage assets

Plot 'L' of the Radcliffe Observatory Quarter lies in the southern corner of the Quarter, and if defined in its extent on the Walton Street side by 119A Walton Street, a small Gothic Revival school (Grade II), and the former Church of St Paul (Grade II). Opposite all of the site and for much further to the south stretches the Oxford University Press (Grade II*). Although these buildings give much for a new building to bite on, the first two might have been chosen to illustrate the sheer variety of nineteenth-century architecture, their use of stone being all they have in common despite their linked purpose; they do not even hold to a consistent street line. However, they establish a scale which needs to be considered in any new design. The Press has a relatively much stronger gravitational pull as it is highly symmetrical, forms an entire block of the city and employs the relatively rare device of a low front range, affording a sense of the depth of the site. It also gives the former church its urban role, since the church is aligned on its northern perimeter, Great Clarendon Street.

The design

The evolution of the design presented by Herzog & de Meuron has been explained in



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ENGLISH HERITAGE
SOUTH EAST OFFICE

the Design & Access Statement. While there are of course important elements of the programme that have influenced the development, the architects have also been anxious to reconcile the design to its setting. At an early stage, therefore, they began to see the building as essentially circular. A circular design has numerous advantages in this position, as they point out in the DAS (p 26). It is individual, specifically distinguished from the orthogonal forms of the church and the Press, and allows more visual access round it which in itself would encourage public movement through the site. We agree that this essential design decision was sound. The two fine Classical buildings on the site, the Press and the church, do not form a prescriptive setting although they are linked by their siting. They do not set a style, or form, for this site. A circular building would undoubtedly stand out, but not to the point where it would oppress its neighbours so long as the scale was within acceptable parameters.

The effect on settings and views

We also believe that the overall bulk of the building as seen with or from the heritage assets, and as it affects the conservation areas, would not be excessive. This is in part the result of the setting back of the upper parts, which would still be very visible from with the Quarter, but less so in the immediate views in and around Walton Street. It is nevertheless true that a circular form can appear to bulge out of its site, and press visually upon its neighbours. It is therefore important that the height of the parts which address the street would not exceed the height of St Paul's. The relationship to the Press could never be perfect, given the eccentricity of the axes, so a building with its own form and confidence is a fair response to that relationship.

The question of how far the building could extend above the Carfax limit, into the levels at which the Oxford Views are engaged, is harder to determine, and the applicants perhaps do not do themselves any favours by claiming the upper storeys as a 'knowledge and learning sensor', a phrase they seem unable to explain. The published 'Strategic Views' appear to confirm that the effect on the skyline would be very slight, but any obscuring of the existing population of towers from any viewpoint requires some justification, since the pressure on this stratum of Oxford is relentless, and any creation of precedent needs to be avoided. The applicants should be pressed on this question.

It might be pointed out that the front gate of the Press when seen from a distance (as it now can be within the Quarter) is surmounted by an upper feature of its own (the bellcage), as square as is the main body; the Blavatnik's diminishing circular forms would have a faintly similar relationship. It may therefore, on balance, be allowable to give the building this relatively small vertical emphasis, supposing you have determined why it is needed. We for our part believe that no significant view would be harmed.



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External treatment

The question of the outer skin of the building was one we specifically raised in July and there has been much work on this since. Herzog & de Meuron apply themselves to this kind of question with impressive thoroughness. The double skin of glazing seems a good solution, promising liveliness and depth. The glass ought not to be too green, but their intention appears to be to keep it out of this part of the spectrum.

The public realm

As a circular building does not maintain the street line, it always begs the question of how surfaces will be treated. We are glad to see that radiating paving would extend the idea of the design, and also that the actual line between the street and the site would be marked only by steel bollards, rather than heavier furniture. This move towards lightness and simplicity is to be encouraged.

Conclusion

This would be a bold addition to Oxford's buildings which, despite the stated comparisons with a number of famous structures in the city, would be a departure from what has been built there before and a contrast with its immediate surroundings. As the listed buildings, and especially the University Press, do not impose a style on this site and the overall bulk of the design is not excessive there would not be harm to the heritage assets in the immediate vicinity. The effect on the skyline, which is in some ways more sensitive, we also believe to be acceptable but no precedent should be set.

Yours sincerely

David Brock

Principal Inspector of Historic Buildings and Areas
E-mail: David.brock@english-heritage.org.uk



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7 BEAUMONT BUILDINGS
OXFORD OX1 2LL

29th March 2013

Planning Control and Conservation
Oxford City Council
Oxford,
OX1 1DS

Dear Sirs,

Planning Application Reference Number: 13/00119/FUL

Letter of Objection

There are many objections to this application.

This application cannot be approved without breaching binding, planning policies that are part of the Adopted Oxford Local Plan 2001-2016.

It cannot be approved without disregarding the statutory guidance contained in the National Planning Policy Framework published in March 2012 and the guidance provided by English Heritage in its document, "The Setting of Heritage Assets".

It cannot be approved and implemented without disregarding and breaching the Right to Light of the adjoining Listed Building, formerly St Paul's Church but now the FREUD Arts Café ("the FREUD building").

It cannot be approved and implemented without exposing the FREUD building to a risk of subsidence.

It cannot be approved without the City Council changing its established stance, which is that a suitable open space must be left around the FREUD building to protect and enhance its setting as an important listed building.

It cannot be approved without harming the Jericho Conservation Area and its setting.

It cannot be approved without disregarding the opportunity, which will be lost, to create spaces between buildings which are safe, sociable and a positive contribution to the life of the local community and its visitors and are not a source of unsafe, anti-social and even criminal behaviour to which the applicant's only response has been to offer 24 hour security patrols.

1. BREACHING POLICIES OF THE ADOPTED LOCAL PLAN.

POLICY HE.3 – Listed Buildings and Their Setting

“Planning permission will only be granted for development which is appropriate in terms of its scale and location and which uses materials and colours that respect the character of the surroundings, and have due regard to the setting of any listed building.”

- a. The application is not appropriate in terms of its scale and location. If permitted it would overwhelm the FREUD building and other listed buildings in the area, diminishing their importance and grandeur. It would be out of scale with the rest of Walton Street.
- b. The application does not propose the use of materials and colours which respect the character of the surroundings. The University Press, which lines the west side of the site, and the FREUD building, which lines its North, are built of matching stone. The application is for a building of glass.
- c. The application does not have due regard to the setting of the listed FREUD building. If permitted, the application would overwhelm it. At present, in the setting as it is, the building of the former church has a monumental quality. *“[Walton] street features two landmark stone buildings in the Clarendon Press and St Paul’s Church,”* says the Oxford City Council’s Jericho Conservation Area Designation Study of October 2010, adding, *“The street structure allows the formation of a number of long views. Whether by design or not St Paul’s Church, St Barnabas Church and the Radcliffe Observatory are framed in a number of key views.”* The study also notes with approval that the former church’s *“use as a café has reintegrated its position in the activity of the street. Set behind railings and raised on a plinth, the church forms a focal point for a key view east up Great Clarendon Street.”* If the former church is diminished in scale by the much, much larger structure which the applicant seeks to erect close beside it, this will be lost. If the application is allowed, it will require imagination and old photographs to understand the impact which the former church once had, because its setting, for which the policy requires due regard, will be gone.

POLICY HE.7 – Conservation Areas

“Planning permission will only be granted for development that preserves or enhances the special character and appearance of the conservation areas or their setting.”

The application will not preserve or enhance the special character and appearance of the setting of the conservation area as described in the Oxford City Council’s Jericho Conservation Area Designation Study of October 2010.

POLICY HE.9 – High Building Area

“Planning permission will not be granted for any development within a 1,200 metre radius of Carfax which exceeds 18.2 m (60 ft) in height or ordnance datum (height above sea level) 79.3 m (260 ft) (which ever is the lower) except for minor elements of no great bulk. A lesser height may be considered more appropriate for buildings that have to fit into the existing townscape.”

The application is within 1,200 metres of Carfax; it exceeds the maximum height significantly; it is of great bulk; and the existing townscape, into which it must fit, is, as the Jericho Conservation Area Designation Study records, low level, suggesting a lesser height than the maximum may be considered more appropriate. Introductory paragraph 5.7.2 explains the policy.

“The main characteristics of Oxford's skyline are its extreme fragility - the skyline seems to be composed mainly of pinnacles; the occasional dome and spire only serve to accentuate the spikiness of the silhouette. In other words, it is a matter of scale. The scale of the elements in the skyline is extremely small in height and volume. The introduction of any bulky elements would destroy this essential character.”

The application, which is for a very bulky element, a drum that will be visible even in views from the distant countryside, completely disregards this policy.

POLICY HE.11 – Architectural Lighting

“The City Council will support the lighting of landmark features and buildings subject to the following criteria:

- a. the means of lighting will be unobtrusively sited;*
- b. the level and type of lighting will enhance the feature itself and the character and amenity of the surrounding area; and*
- c. there must be adequate safeguards to prevent light pollution and spillage.”*

The application is for a building entirely of glass which will be at least twice the height of the surrounding, stone, listed buildings. If the application were allowed it is inevitable that there will be light pollution and spillage. This will not enhance the character and amenity of the surrounding area. It will change it completely.

POLICY NE.15 – Loss of Trees and Hedgerows

“Planning permission will not be granted for development proposals which include the removal of trees, hedgerows and other valuable landscape features that form part of a development site, where this would have a significant adverse impact upon public amenity or ecological interest.”

“Planning permission will be granted subject to soft landscaping, including tree planting, being undertaken whenever appropriate. Landscaping schemes should take account of local landscape character and should include the planting of indigenous species where appropriate. Where necessary, the City Council will seek long-term management plans, which will be secured through planning conditions or a planning obligation.”

Currently the ground level of the applicant’s site, which is substantially a cemetery from the eighteenth and nineteenth centuries, is about six feet above the level of Walton Street and separated from it by an ancient, stone, retaining wall of pleasing appearance and historic interest. Currently, growing out of the ground of the cemetery there are a number of mature trees. Around them, spring bulbs are now appearing as a reminder that large parts of the cemetery, which still contains many hundreds of bodies, have never been built upon. These trees and the fertile soil in which they grow will be lost if the application is granted and the ground is lowered, as the applicants seeks, to street level. The trees are a valuable landscape feature and they provide habitat for birds and other creatures. Their loss will be contrary to the policy, especially as the applicant intends, with a single, token exception, not to replace them but to pave whatever is not built upon.

POLICY NE.23 – Habitat Creation in New Developments

“The City Council will seek the creation of new habitats and habitat enhancement measures as part of new development proposals, particularly:

- a. in parts of Oxford where there is a shortage of ecologically important habitats;*
- b. where sites abut an area designated as being of ecological importance; or*
- c. on sites that have the potential to extend Oxford’s wildlife corridors and in relation to the Biodiversity Action Plan, protect priority habitats/species and species of conservation concern.”*

As those who work at the FREUD building know, there are many wild creatures living in the area. In the hours around dawn, for example, there are often many hedgehogs. By paving the area and removing established trees the applicant will create an environment that is inimical to wildlife. It will remove habitats and will not create or enhance them. It will not contribute to biodiversity. It is contrary to the policy.

2. DISREGARDING "THE SETTING OF HERITAGE ASSETS"

"Heritage asset" is a term defined in the National Planning Policy Framework. It has a wide meaning. It includes all listed buildings but it is not restricted to them. It is "*A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.*"

The applicant seeks permission to build in the respective settings of at least seven such heritage assets. They include (i) the former St Paul's Church, (ii) its former Boy's School, (iii) the Oxford University Press, (these three, between them, surround the proposed development site on three sides), (iv) the cemetery (which occupies a large part of the development site and will have to be removed, together with the remains of those who are buried there, if the application is granted) (v) the cemetery's retaining wall (which fronts Walton Street and which the applicant seeks to demolish) and the other listed buildings close by, especially (vi) the former Radcliffe Observatory and (vii) the former Radcliffe Infirmary. Each of these seven heritage assets has its own setting which must be considered.

The "setting of a heritage asset" is defined by the National Planning Policy Framework as "*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*"

As English Heritage explains,

"The significance of a heritage asset derives not only from its physical presence and historic fabric but also from its setting – the surroundings in which it is experienced." ... "setting embraces all of the surroundings (land, sea, structures, features and skyline) from which the heritage asset can be experienced or that can be experienced from or with the asset."

English Heritage adds that the setting includes its "topography" and "intentional inter-visibility between heritage assets" and notes that, "*The economic and social viability of a heritage asset can be diminished if accessibility from or to its setting is reduced by badly designed or insensitively located development.*"

These are aspects of the setting of the former church, which will be adversely affected if the planning application is granted. They are matters which the National Planning Policy Framework therefore explicitly requires the local planning authority to consider in determining the application:

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected...by development affecting the setting of a heritage asset...They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.”

To assist the local planning authority in considering the impact of the applicant’s proposal on the heritage assets and their conservation, there follows an identification and assessment of what may be affected.

(It is respectfully pointed out that the assessment by Montagu Evans LLP on behalf of the applicant is so unreliable that it even gets wrong the name of the architect who built the original St Paul’s Church in 1835-6 – see item 5.105 in its report – and can therefore say nothing about the architect’s work or his importance, both of which are clearly relevant to the proper consideration of the heritage asset in question.)

- a. Intentional inter-visibility: The former church was designed by the architect, Henry Jones Underwood, whose speciality (which had begun before St Paul’s and continued afterwards) was Gothic Revival buildings. That St Paul’s was built in the Greek Revival style of neo-classicism appears therefore to have been a deliberate choice reflecting its location between the already existing, neo-classical, Oxford University Press and Radcliffe Observatory. The latter is based on a model from ancient Athens, the Tower of the Eight Winds. So too is the tetrastyle portico of the former church, which is based on a part of the Erechtheion. For the next century after the church was built, nothing stood between these two Athenian based buildings but the garden of the Observatory. In what will soon be two centuries, unless the application is granted and the proposed development proceeds, nothing will have ever separated the buildings of the former church from those of the Press that line the other side of Walton Street – such buildings as were put up by the hospital were set well back from the road and were low in height. For the time being that “intentional inter-visibility” between the three buildings is restored in full. Whether it is retained is now an important planning decision. Similarly, the church was, of course, connected with the cemetery, which is next to it, and its Boy’s School on the other side of the cemetery. Again, the “intentional inter-visibility” has been restored and could, if the planning rules are followed, legitimately, be retained.

- b. Topography: The present topography of the site is approximately level: the ground on which the former church stands is about a foot or so lower than the level on the cemetery side of its boundary wall. That small difference may be attributable to the ground level being raised by the burials. Whatever its explanation, the overall level reflects the ancient topography of the setting both of the cemetery and the former church. That setting will not be preserved if the retaining wall is demolished and the ground level on the cemetery side of the wall is lowered by some six feet to street level. At present, the fact that Walton Street is substantially lower than both the church and the cemetery is preserved. That is why there is the ancient, stone wall which the applicant wishes to demolish. Its purpose, as with similar walls elsewhere in, is to hold back the higher ground from spilling into the street. If the application is granted, instead of standing where it is because that was the ground level when it was built (hence the need for the steps at the front of it to provide access from the street) the setting of the former church will be materially changed and it will be left artificially raised up in the air. This discontinuity will be further emphasised because the three remaining trees, which grow out of the high ground on the cemetery side of the retaining wall, and are a marker of its level to passers-by in the street, will all be lost.
- c. Economic and social viability: The former church is listed for its architectural and historic importance and because of the art it contains – Willement, ‘the father of Victorian stained glass’ is mentioned by name in the listing particulars (but ignored by Montagu Evans LLP). If the listing is to mean anything, the building must be preserved. That requires the funds which its operation as a café and a social resource for the community can generate. If the building is cut off because the land around it is lowered, that will not enhance the revenues which must pay for its upkeep but may adversely affect them. It is a legitimate expectation that any development should enhance the setting of the heritage asset and it is a concern that this application does nothing to enhance the social and economic viability of the former church’s setting. How that might be achieved is something that should properly have been considered. That it should be considered was submitted by the present writer on behalf of the former church in a document sent to the University in 2007 in response to the University’s masterplan for the site. That submission on behalf of the former church was ignored. Herzog & de Meuron produced their designs without being shown a copy of it and without consulting the owners of the former church for their views about its needs and interests. Throughout, it has been the consistent position of those owners (a copy of their 2007 submission, as updated and resubmitted in 2008, was lodged with the planning department of the City Council on 5th March 2013 under the address 119 Walton Street) that something which adds to the social viability of the former church would also benefit the new Observatory Quarter

and, by bringing desirable social activity to the space between the buildings and creating places where people want to go, rather than simply to pass quickly through, would contribute to the local community and prevent the creation of deserted areas where crime and anti-social behaviour is all that can flourish.

- d. The setting in which the heritage asset is appreciated: The former church was designed to be a landmark. Within its setting, that is how it continues to be seen. The Jericho Conservation Area Designation Study describes it as one of Walton Street's "two landmark buildings" – the other being the University Press. In keeping with its landmark status, the former church has always stood forward of the general building line on its side of the street. Nothing has been allowed to block the view of it as the road unfurls. Those using Walton Street, like those using Great Clarendon Street, can see it long before it is reached. From the south, the columns of its portico and the first windows on its southern side come into view in the distance as the road bends a few paces past the junction with Little Clarendon Street. This would not continue to be the case if the application is allowed. The proposed new building will push in front of it and will take away its status as the landmark in its setting. It is no secret that this is the intention of the proposal's architects. They declare their ambition for *their* proposed building on the Herzog de Meuron website:

"Prominently located at the southwest corner of the Radcliffe Observatory Quarter (ROQ) the School will be the first building pedestrians, visitors and students encounter when approaching this quarter from the south... With this proposal we aim to provide a project that can act as a focal point both for the Radcliffe Observatory Quarter and the academic activity of the study of government and public policy; a landmark building housing a ground breaking School. Herzog & de Meuron, 2012."

This aspiration by the architects is incompatible with the setting in which the applicant seeks to build. In the language of the National Planning Policy Framework, the applicant's proposal would make a "*negative contribution to the significance of the heritage asset*". It would not preserve, let alone enhance, the setting in which the former church buildings are presently appreciated. As the NPPF requires, this should be taken "*into account when considering the impact of [the] proposal on [the] heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.*"

Obviously there is a conflict which ought to be resolved in favour of the former church.

e. Factual error/misinformation of David Brock of English Heritage:

David Brock writes in his letter of response to the application, "*It is nevertheless true that a circular form can appear to bulge out of its site, and press visually upon its neighbours. It is therefore important that the height of the parts which address the street would not exceed the height of St Paul's.*" This implies that he believes they do not. In fact the height of St Paul's is lower than it appears in the application drawings. On the south-eastern side of St Paul's which faces the proposed building, the height of St Paul's is 10.5 metres from the ground to the top of its parapet (on the opposite side, where the parapet is lower, it is 9.5 metres). The third storey of the applicant's proposed building has a height of 10.8 metres above street level and its fourth story has a height of 14.25 metres above street level. The ground level at the side of St Paul's is approximately a metre above street level. If that is added in, the height of its south-east facing parapet would still be substantially lower than the fourth storey of the proposed building and only 0.7 metre higher than its proposed third storey. Both the proposed third and fourth storeys "address the street". But even if David Brock's reference is only to the proposed third storey, it ignores the fact that, in what is presently the prettier of the two views along Walton Street, to a person looking northwards towards the buildings, the further building, St Paul's, will naturally appear lower and the nearer building will appear higher. This means that even the third storey will appear substantially to exceed the height of St Paul's and will obscure the upper part of its columns and portico. This is shown in the images on pages 98 and 99 of the "heritage, townscape and visual assessment" provided by Montagu Evans on behalf of the applicant. This is Port Meadow all over again.

3. BREACH OF RIGHT TO LIGHT

The windows of the FREUD building benefit from unrestricted natural light. The stained glass windows to each side of the building are filled with sunlight at different times of the day – in the morning on the south east facing side (the ecclesiastical "south" wall, which faces the site for which the application is made) and in the afternoon on the north-west side (the ecclesiastical "north" wall).

There was, previously, a near-by building on the south eastern side, but it was considerably smaller than is shown in the drawings provided by the applicant's light consultants. As can be seen from that former building's plinth, which remains *in situ*, and from photographs like that provided by the applicant for its related application, reference 13/00450/LBD, the former building's length was the distance

from shortly before the second FREUD window from the west to mid-way through the third. It was not therefore in line with and did not obscure any of the ground floor openings into the building and it was so low in height that it did not obstruct the sunlight or cast any shadow on *any* of the FREUD building's windows.

The stained glass windows in the FREUD building are important to art, to history and to culture. They are by Willement and Kempe, the two greatest makers of Victorian stained glass. They are superb examples of their work. They can be seen at their most beautiful when they are illuminated by the direct fall of sunlight upon them. Sunshine makes their dense colours glow. It passes through them to spill coloured light on surfaces within, an effect which is part of the charm of stained glass and creates a wonderful ambience. Even when the sky is cloudy and overcast, the windows admit ample natural light – no artificial light is needed – for those enjoying the building's interior space during the day.

Right to light is protected under common law and the Prescription Act 1832. The primary remedy is an injunction. This was confirmed by the Court of Appeal's 2006 decision in *Dennis Regan v Paul Properties Ltd & Others*. No monetary remedy would compensate for the loss of light to the stained glass. The preservation of the listed building and its art is the priority. The important, recent case of *HKRUK II (CHC) Limited v Marcus Alexander Heaney 2010* ("the Heaney Case") is very much in point.

Like the former church, Mr Heaney's building (which is in the centre of Leeds) is nineteenth century, listed grade II, not residential and used as a restaurant and for a wide variety of social and other events.

Mr Heaney objected to a neighbouring development because of the impact that it would have on his building's light. The developers ignored his objections and proceeded to build. Mr Heaney did not take out an injunction to stop them but continued to protest. Two years after the development was complete and its upper parts let, the developers went to court for a declaration that they were free from liability in relation to a light claim by Mr Heaney. The court declared that they were not free from liability and issued a mandatory injunction which required the developers to remove parts of the upper two floors of their building. The cost of doing this was estimated in court at between £1.2million and afterwards as £2.5 million. In making the order for a mandatory injunction, the Judge concluded that there had been damage which could not be compensated by a money payment and the injury to Mr Heaney was not small. Even if only one of these two points had been true, in accordance with the leading case on the subject, *Shelfer v City of London Electric Lighting Company (1895)*, an injunction would have been granted.

In the case of the former church, a money payment could not compensate for the damage that would be caused by a reduction in daylight and sunlight to the stained glass. The stained glass cannot even be removed to be admired elsewhere. The listing of the building of which it is a part and agreements with the Church of England, which are even registered as a land charge, make that impossible, even if it were desired, which it is not. As in the Heaney case, a reduction in daylight and sunlight would also adversely affect the flow of natural light into the building's interior. There is no dispute that this reduction would be material. That it would be is confirmed in the report provided by the applicant's daylight and sunlight consultants, Hoare Lea Lighting.

As the courts were understood to require prior to the Heaney Case, it was made clear to the University in 2007, in a document copied to the Oxford City Council, that an injunction would be sought to prevent any works that interfered with the FREUD building's right to light.

That notice is repeated here and Councillors are put on notice that should the planning application be granted and should, as a consequence, an injunction have to be sought to preserve the FREUD building's right to light, costs of that injunction may be recoverable against them or the Council.

4. TOPOGRAPHY AND THREAT OF SUBSIDENCE

The FREUD building stands on an elevated site some four feet above the level of the road surface in Walton Street, from which it is set back. Entrance to the building is therefore reached either by the stone steps to its portico or via a sloping, earth ramp, surfaced with flag stones, on its south eastern side. This ramp provides disabled and other access.

The ground level on either side of the FREUD building's boundary wall is perhaps a foot higher on the applicant's side than on the FREUD building side. This may be because the applicant's side is the burial ground and the finished level on the church side was slightly reduced to accommodate its finished position. The application is to reduce the level on the applicant's site to that of the street and to dig out a double basement. The whole of the former Radcliffe Infirmary site, including the FREUD building, is believed to stand on river terrace gravel. When the FREUD building was erected in 1835-6, this would have been a more than good enough reason not to build substantial foundations. As long as the gravel remains in place on the application site, it prevents lateral movement of the gravel beneath the FREUD building.

There is a concern however that this may not be the case if the land closely surrounding the FREUD building is lowered as the application proposes. The stability of the foundations of the FREUD building may be compromised, causing it to suffer subsidence. From a separate application lodged by the applicant under reference 13/00450/LBD it appears that the applicant may share this concern. That separate application is for permission to build a retaining structure on land, which is part of the former church and which the applicant does not own. That application has been opposed by the owners of the land for the reasons described in their response.

Before further discussion of topography and subsidence, there are two things that should be noted and borne in mind.

Firstly, such small buildings as were previously placed on parts of the former cemetery respected the existing ground level. There is no reason such respect should not continue to be shown.

Secondly, the "Landscape Strategy" document provided by the applicant is misleading and inaccurate. Under the heading "Levels and gradients" it says, "*the proposed topography around the School of Government does not include any significant level changes. the scheme proposes to tie in with the existing levels around the site perimeter which [sic]. the design of the levels have been developed to ensure that gentle cross falls can also be achieved.*"

The second sentence does end "*which*". Someone perhaps realized that the text was untrue but could not think how to correct it. To reduce the ground level of the site by about six feet would represent a significant change of level. The scheme can not "*tie in with the existing levels around the site perimeter*" because the level of the FREUD building's ground cannot be reduced. The application as submitted will not produce a "gentle fall" but a drop.

This drop will not only run along the whole south eastern side of the FREUD building.

The application also proposes a severe drop in ground level at the east end of the FREUD building. No drawings seem to have been provided, however, to show precisely what this is supposed to entail. The limited drawings that show anything of this area misrepresent the eastern end of the FREUD building by omitting both its former vestry and the eastern boundary wall which forms part of its curtilage.

A drop of some six feet in the level of the surrounding land will cut the FREUD building off from the proposed Quarter which is to surround it. This is not desirable and should not be permitted.

5. ESTABLISHED STANCE OF THE CITY COUNCIL

The City Council has twice expressed its view on the need to preserve space around the former church.

- (i) The first such occasion was when its planning department required the owners of the FREUD building to provide a drawing showing what the diagonal view of its "north" side from Walton Street would be if it were allowed to build a new structure in its north eastern corner. This requirement would have been senseless if there was not a commitment, as there clearly was, that a space should always be preserved on either side of the FREUD building, large enough for there to be a good diagonal view for members of the public of the full length of its "north" and "south" walls as they pass along Walton Street.

A copy of the required drawing which was provided, as part of that former planning application, is included in a document submitted as a comment on the present application on 5th March 2013.

That side view from Walton Street was important when the owners of the FREUD building made a planning application. It should be equally important when the applicant is anyone else. It means that adequate space must be left between the FREUD building and any new development.

- (ii) The second occasion was during consideration by the City Council's area and main planning committees of the master plan for the Radcliffe Observatory Quarter. The present writer attended and was allowed to address the main planning committee and one of the local area committees. On each occasion, the majority of Councillors on each committee expressed strong support for the creation of a piazza around the FREUD building so that the setting of the listed building was enhanced and pleasing, social spaces might be created around it. If the master plan consultation had meaning, the University should have heeded what Councillors had to say and should not have brought forward the present application which does not create a piazza between the FREUD building and the proposed development.

6. JERICHO CONSERVATION AREA AND ITS SETTING.

In 2010, Oxford City Council undertook and published a "Conservation Area Designation Study" for Jericho.

The study identifies qualities which make Jericho worthy of conservation status.

They include its modest scale, unassuming, vernacular architecture full of individual detail, consistency of character, shared aesthetic, sense of heritage and the vitality of the attractive place for living which all this creates.

These are extracts from the Study's "*Summary of Significance*":

"Distinctive townscape character featuring late Georgian and Victorian working class cottages and artisan housing interspersed with landmark buildings of significant architectural importance... Streetscapes typified by a uniformity of building line, roofscape, fenestration and materials. All of which give a consistency of character... There is a common aesthetic of building characteristics within each character area... Overall there is a vibrant urban character defined by its built form, mix of uses, mixed tenure and independent businesses... The survival of much of the Victorian housing is a testament to the longstanding value attached character of the area and is an early example of the 'heritage dividend' – the ability of historic areas and buildings to act as a catalyst for regeneration and create social and economic value."

The Study also identifies Jericho's "*Vulnerabilities*". These include,

"The Integration of the Radcliffe Observatory Quarter (ROQ) development into the area, and the new linkages to the east it will provide, will potentially exert a new influence on the character of Walton Street and Jericho as a whole that must be positively managed."

This is clear advice: the character of Walton Street is vulnerable to the development of the Radcliffe Observatory Quarter.

This is what the Conservation Area Designation Study has to say in its the introduction to Walton Street.

"Walton Street's overriding character trait is that of unassuming vibrancy and individuality. There is a wide mixture of uses, including restaurants, bars, shops and offices, with many of the businesses being unique to the area rather than part of large chains. Among these businesses are a mixture of residential flats and houses. This combination creates an active and diverse locality that is unique within Oxford. Its Georgian and Victorian buildings, constructed largely in brick, are a complimentary foil for these traits. The architecture is restrained with simple expressions of detail."

Walton Street is, of course, the location of the FREUD building, though its setting is larger than that, as the Study makes clear. It makes 17 mentions of the importance of the FREUD building to the Jericho Conservation Area.

Under "*Central Jericho Important Features*", for example, it records (at page 40) that "*The street structure allows the formation of a number of long views. Whether by design or not St Paul's Church [is] framed in a number of key views.*" At page 43, of Great Clarendon Street the Study says, "*The street is defined by its view up to St Paul's Church.*" The observation is repeated with more detail on page 48. "*Set behind railings and raised on a plinth, the church forms a focal point for a key view east up Great Clarendon Street.*"

Turning to Walton Street the Study says, "*The street features two landmark stone buildings in the Clarendon Press and St Paul's Church*" - on opposite sides of the road from each other and "*complimentary in appearance.*" Of the former church it notes, with approval that, "*its use as a café has reintegrated its position in the activity of the street*".

It is into this setting within the Conservation Area that the proposed Blavatnik School of Government will come.

St Paul's Church and the Clarendon Press are there presently as "*landmark buildings*" because, among other things, they are taller and larger than anything nearby. That would no longer be the case if the proposed Blavatnik building is built. It will be twice the height of the former church and it will have many times its mass. It will not only overwhelm the existing landmark buildings. It will also be so much larger than the very small scale, domestic buildings, shops and cafes which give Jericho the character which earned it conservation area status. It will "*exert a new influence on the character of Walton Street and Jericho*" and illustrate in the clearest possible way why the Study was correct to warn that the Jericho Conservation Area is vulnerable to the development of the Radcliffe Observatory Quarter. If that development is to be "*positively managed*", as the Study says it "*must be*", the application should be refused.

Montagu Evans LLP said at the public meeting on 27th March that Conservation Area considerations do not apply to the application because the Conservation Area ends in the middle of the Walton Street road. That is not a sustainable position.

It is clear from the City Council's Study that Conservation Area considerations do apply. The site of the former Radcliffe Infirmary, which had Crown immunity from the planning system, may not technically be part of a designated Conservation Area. But it is bounded by the Jericho, Central and Walton Manor conservation areas and what happens on it cannot but have an impact on the contiguous conservation areas which adjoin it.

The *Jericho* Conservation Area Designation Study, which included it in its remit (see e.g. the map it provided) expressly recognises this:

“Three of Oxford’s conservation areas converge on Walton Street: (City & University), Walton Manor and the North Oxford Victorian Suburb. In terms of the character of the study area it is necessary to consider elements that lie within those conservation areas.”

And, indeed, it is a statutory requirement, as well as policy HE7 of the Adopted Oxford Local Plan, that the character and appearance of the setting of a conservation area is as important as the character and appearance of the conservation area itself.

7. LOSING AN OPPORTUNITY TO CREATE SOCIABLE SPACES

The Radcliffe Observatory Quarter will occupy a substantial part of central Oxford.

What kind of place it will be will have an impact on the residential and non-University areas that surround it.

From the many negative comments made at the well attended, public meeting which was held to discuss this application at St Barnabas Church in Jericho last Wednesday, 27th March 2013, it is clear that residents are apprehensive. Crossing the Quarter or even passing by, when it is largely deserted, could feel unsafe.

A question on the subject was asked by someone at the public meeting and the reply, on behalf of the University, was that there would be 24 hour security patrols. That was not what people wanted to hear. Rather than reassuring, it suggests such patrols are a necessity. Which they are not in places where people want to be.

It is not a novel idea that bringing the right kind of life into the streets and other spaces between buildings makes them a safer place for everyone. It is what works in many European towns and cities, where pavement cafes abound and small squares open up for people to enjoy. It is an idea that has increasingly been applied with great success, despite our climate, in developments in London such as Bloomsbury’s Brunswick Centre, Renzo Piano’s Central St Giles near Tottenham Court Road and Seven Dials in Covent Garden. Where good people in sufficient numbers are attracted to go out for sociable purposes, the fear of crime and anti social behaviour falls. Everyone feels safer.

There is a TED talk by James Kunstler: 'How bad architecture wrecked cities' http://www.ted.com/talks/james_howard_kunstler_dissects_suburbia.html, which explores and illustrates failures in civic design and explains what can be done to remedy them through the creation of public spaces worth caring about, "outdoor public rooms" to which people go because it is pleasurable to be there.

Places like the FREUD building are already geared up to perform this role. Despite the problems caused for the café by the isolating, hoardings which surround it from the applicant's site, it has managed to maintain the garden with trees and shrubs in its front forecourt where people can, and do, sit and watch the world go by, whenever the weather allows. It makes such obvious sense that this should be happening all around the FREUD building and that, if it did, that would be generally beneficial to the Radcliffe Quarter and to the wider community.

It is implied in the decision to call it a "Quarter", which is not a term regularly applied to places in England. It evokes the Latin Quarter in Paris, of which Wikipedia says, "*It is situated on the left bank of the Seine, around the Sorbonne. Known for its student life, lively atmosphere and bistros, the Latin Quarter is the home to a number of higher education establishments besides the university itself.*" The promise implied by the name is a good, sensible one, if it can be delivered.

A challenge is that an understandable priority for the University is to create buildings for education. But if that is all that it does, in a site as large as the Radcliffe Quarter will be, it will create another Science Area, unfriendly, unsafe and inhospitable when the working day is over. Poking as it does into the Radcliffe Quarter, the FREUD building is there already, able to help make the contribution which, with support at other points, could make all the difference, not just to how the new Quarter is, but to its impact on Jericho and the other surrounding areas.

Harm can be caused both to the FREUD building and to the new Quarter if there is an insufficiency of care and forethought at the planning stage.

It should never be forgotten that both the Oxford City Council (as local planning authority) and the Commissioners for Redundant Churches allowed the change of use which has enabled the FREUD building to be used as a café in order to provide a means to ensure the building's conservation and the protection of the works of art that it contains.

The building is listed for its architectural and historic importance. But listing alone is not sufficient for conservation. The costs of building maintenance and repair must be funded from somewhere. Commercial use serves the building's conservation. Even the business of keeping it warm and dry is important for its long-term welfare.

But the building needs to be more than a monument to the grandeur of ancient architecture. It needs to be part of life, giving and receiving. A consequence of keeping it in social use is what it is able to give to the community in which it exists.

That community will be expanded by the development of the Radcliffe Observatory Quarter. This offers both the building and the new Quarter (of which, properly considered, it cannot but be an integral part) mutually exciting benefits.

A fundamental problem with the proposed Blavatnik School of Government is that its design focuses entirely on the creation of the space within its walls. It may be delightful to be on the inside looking out. But in the spaces between it and its neighbours, no one will want to spend very long. Oxford is full architecture from times past which manages external space beautifully. There is no excuse for that not to be a planning requirement for the Radcliffe Observatory Quarter. All it requires is imagination and intelligence, qualities in which Oxford would like to believe it abounds.

Kindest regards,

Yours sincerely,

David Freud

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South East Regional **Design Panel**

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13 July 2012

Dear Mr Wigg

BLAVATNIK SCHOOL OF GOVERNMENT

Thank you for asking the South East Regional Design Panel to review the above project. Panel members visited the site before their meeting on 29 June at Oxford Town Hall. We should like to thank Simon Demeuse of Herzog & de Meuron for his presentation; we also appreciated your update on the Radcliffe Observatory Quarter and insights from the City Council into the planning context.

SUMMARY

The Panel is pleased to review this project at an early stage. We find the emerging design promising and it demonstrates considerable originality in its internal planning and form. It is important however to demonstrate the civic responsibility of the building as part of Oxford's townscape, including its role as part of an ensemble of other major buildings on Walton Street. The critical relationship between the building and the public space that flows around it should be given priority in the next stage of the design.

CONTEXT

The Radcliffe Observatory Quarter (ROQ) is the area formerly occupied by the City's general hospital, the Radcliffe Infirmary. Most of the old hospital buildings have been demolished and the site is gradually being redeveloped by the University of Oxford in accordance with an agreed masterplan. The Design Panel has advised on two of the new buildings, one of which is currently under construction.

The site is at the south-west corner of the ROQ facing the portico of the Oxford University Press and given prominence by its position on a bend on Walton Street. To the north is the former St Paul's Church (Grade II listed) which sits above the ground

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level. The Blavatnik School will be a freestanding building that will house an international centre for government studies across a wide range of disciplines, with a post-graduate and research emphasis.

DESIGN PRINCIPLES: FORM AND MASSING

The future of St Paul's Church has yet to be resolved and there are uncertainties about the form and nature of substantial remaining parts of the Observatory Quarter. This poses a clear challenge to the architects, particularly in addressing the change of levels around the site and in anticipating pedestrian movement.

The tiered, mainly circular form of the building had been generated from ideas about the functions within the School and their interrelationships. Inspiration has also been taken from two of Oxford's landmarks, the Sheldonian Theatre and the Radcliffe Camera.

This approach will result in an 'object' building which seems appropriate for the aspirations of the project. The way in which the School will relate to its context, particularly the former church, and how the surrounding spaces will be defined, needs to be demonstrated. This is essentially a question of urban dynamics which needs to be tested further through contextual studies. A model showing the wider area (not least, Somerville College and the west side of Walton Street) would be a helpful design tool.

From the information we were given the building did not appear too tall for its surroundings but we understand it may breach the long-established Carfax Height policy. This too will call for further investigation and the effect on key views across the city.

PUBLIC REALM

The handling of the spaces in front of the building and around its sides will be a key aspect of the project, but it is currently the least developed. We are pleased that all of the space will be public, but its dimensions, character and use calls for careful scrutiny. There needs to be adequate breathing room around the building but the spaces should have some genuine purpose and not be amorphous left-over areas. There may be insights to be derived from studies of the Radcliffe Camera or other public spaces in the city. The former St Paul's Church will be an important element in the composition of this new place.

The landscape architect and the highway authority will have a key role in the next stage and the quality of the public realm will be as important as the design of the building.

OTHER ARCHITECTURAL CONSIDERATIONS

The qualities of internal spaces look promising and are the most convincing aspect of the project. The success of the largely open forum area will be heavily dependent on the use of daylight and acoustics and no doubt the architects are already giving this their

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attention. Other details, such as the treatment of the balustrade and the internal windows overlooking the forum, will also be vital to the success of the building.

Oxford's public and university buildings are predominantly built in oolitic limestone and there is to be a departure from this familiar material, the chosen palette and textures should complement their neighbours. The façade treatment we saw was work in progress, but the shifting rhythms of mullions and glazing at each tier looked well considered. Extensive use of glazing raises questions about opacity, reflectivity, coloration, solar gain and night-time appearance and need to be addressed in due course. The appearance of the façade will be a major factor in the success of the building, balancing its particularity with the urban fabric of Walton Street, the ROQ and the wider city.

The considerable area of flat roof is effectively another important elevation and needs to be carefully designed. It could provide other opportunities, possibly relating to the internal spaces to become an additional asset to the building.

The architects are experimenting with various ways of signalling and celebrating the main entrance on Walton Street; we are confident that this can be resolved once the fundamentals have been agreed. The second entrance could bring life to the public realm.

CONCLUSION

This is a promising scheme which we are pleased to have seen at an early stage. The Panel would be very willing to review the project when it has progressed further; please keep us in touch with your progress and let me know if anything in this letter is unclear.

Yours sincerely



 GEOFF NOBLE
Panel Secretary

cc Simon Demeuse, Herzog and de Meuron
David Oakey, University of Oxford Estates Directorate
Chris Miele, Montagu Evans
Michael Crofton-Briggs, Oxford City Council
Murray Hancock, Oxford City Council
Angela Fettiplace, Oxford City Council
Jennifer Owen, Oxford City Council
Rachel Williams, Oxford City Council
Kathryn Davies, English Heritage

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Panel members present: Paul Koralek (Panel Chair), James McCosh, Richard Portchmouth, Hilary Satchwell, Wendy Shillam

The cost of this review was met by the University of Oxford with the full knowledge and agreement of Oxford City Council

Confidentiality

Since the scheme was not the subject of a planning application when it came to the Panel, this letter is offered in confidence to the addressee and those listed as being sent copies. There is no objection to the letter being shared within the respective practices/organisations. SERDP reserves the right to make the guidance known should the views contained in this letter be made public in whole or in part (either accurately or inaccurately). The letter would also be made available to any public inquiry concerning the scheme. SERDP also reserves the right to make the guidance available to another design review panel should the scheme go before them. If you do not require this letter to be kept confidential, please let us know.

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7 November 2012

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Dear Mr Wigg

BLAVATNIK SCHOOL OF GOVERNMENT, UNIVERSITY OF OXFORD

Thank you for inviting the South East Regional Design Panel to review the latest proposals for the Blavatnik School of Government. We reviewed the revised scheme at our meeting in Oxford on 23 October and we should like to thank Simon Demeuse of Herzog & de Meuron Architects for his clear presentation. Because of transport problems this was relayed through Skype.

The Panel continues to support the ambition and imagination that underpins this project. We are satisfied that the shape, massing and height of the building is well considered and appropriate for its status, for the site, and for its role in wider Oxford views. The internal organisation and overall architectural quality is high. From now on much will depend on securing the quality and refinement of the details; matters such as the choice and use of materials, the degree of transparency from the inner and outer skins, and the perception of the building at ground floor level.

Equally important is the confident handling of the public realm, which has progressed since our last meeting but which still calls for a strong and simple treatment to unite the building with the space it occupies.

Our advice is as follows:

CONTEXT AND FORM

Panel members visited the site and first reviewed the project in June 2012, when the design was at an early stage. We supported the general direction of the project and made a number of observations that have now been addressed by the design team.

As we have noted, the site is sensitive and any new building needs to establish appropriate relationships with the adjacent Freuds building (formerly St Paul's Church), Somerville College and the Oxford University Press, as well as the new buildings emerging through the Radcliffe Observatory Quarter (ROQ). Despite its radical form we consider that the Blavatnik School respects its surroundings. At our meeting it was useful to see the building displayed as part of a large-scale physical model of this part of the city.

678-380.2 BLAVATNIK SCHOOL OF GOVERNMENT, UNIVERSITY OF OXFORD

1

Design Review affiliated with

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We note that the top tier of the building remains above the Carfax heights limit and that this raises policy implications for the City Council and others. From the verified views we saw, however, we believe the city skyline should be able to take an intervention of this nature if the overall quality of the architecture is sufficiently high. We consider that this extra height is justified given the overall form and design of the building, and its modest impact on the Oxford skyline. By the same token, we believe the new building has every prospect of being a welcome addition to Walton Street.

We support the rooftop terrace, which will be an asset to the building users. It should however be set back far enough to avoid being seen from the public realm below.

PUBLIC REALM

By virtue of its size and bold form, the Blavatnik School will have a profound influence on the urban character and the paved area around the building needs to be correspondingly strong and simple. It should certainly respect the setting of the surrounding buildings, but it needs to be clear whether the building is resting lightly within a square, or whether it is growing out of it. At the moment this resolution of the architecture with the landscape seems ambiguous and we recommend that the design team pursue this aspect further, as it is not yet as convincing as other elements of the proposals.

The settings of the Radcliffe Camera and the Sheldonian Theatre were both cited as useful precedents. However, these suggest differing approaches; that of a landscape ordered by the form of the building (the formal lawns and paving around the Radcliffe Camera) or that of a flowing landscape treatment, which extends up to and stops at the building form (the paving around the Bodleian and Sheldonian). At the Blavatnik School, the architects' stated intention is for the landscape treatment to pass through the facades to the communal heart of the building. Its strong geometry needs to be positively reconciled with Walton Street and its pavement, the form of the surrounding buildings, the RoQ master plans, east-west routes and the new Library Square.

We suggest that the way the spaces are to be used – and the distinction between the Walton Street frontage and the inward area – should in some way be reflected in the design. For example, we saw potential in the stepped transition to St Pauls/Freuds, which would give this side of the space a particular character.

On the detail, the landscape architects may wish to look again at the number and position of trees to ensure that they are used sparingly, but to maximum effect. We welcome the commitment to simple, high quality paving materials and the idea of a circular pattern clay pavements radiating from the building is interesting, but the point at which the paving meets the Humanities faculty building and other parts of the ROQ needs to be resolved.

We recognise the security needs of the building and agree that they should appear as a holistic building and public realm decision.

INTERIOR PLANNING

From what we saw in the presentation, the internal arrangement of the School continues to be impressive and well thought through. It offers flexible accommodation, logical and clear circulation, good use of natural light and some dramatic spaces.

The internal views were useful in showing the spatial sequences and treatment, though it was noted that the balcony/slab edges were not fully resolved. We agree that this aspect needs more study to achieve convincing resolution of the building.

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OTHER ARCHITECTURAL CONSIDERATIONS

The architects acknowledge that the detail, both in design and execution, will be fundamental to the building's success. We are pleased that there is a rigorous testing programme under way with full-scale mock-ups to test the appearance and performance of different options. We would recommend that in due course some are undertaken in-situ.

Materials are crucial for the aesthetic of this building, for colour, texture and transparency. The building has a radical form, and so we support the intention to achieve an overall material harmony with the Oxford limestones. We are not wholly persuaded by the proposed use of etched glass for the opaque parts of the inner skin, which could look austere and synthetic; this should certainly be tested further. In particular we feel that the greenish/white colour of etched glass could jar with the stonework surrounding materials. The degree of transparency of outer skin and the dimensions of the double skin catwalk will also come into play in how the building is perceived, whether by day or night.

The cantilevers that support the outer glazing at each tier will read strongly, so their colour and profile will be another important consideration. Making them lightweight elements would weaken the building concept and we feel that continuing the materiality of the concrete frame through to the outer line of the building would help to express this. We suggest that the expression of their edges and the framing / fixings of the glass need to be studied carefully.

We support the position and general appearance of the recessed entrances. The comparative studies of the entrances to neighbouring buildings provide a sound basis for the proposed scale, materials and detailing.

OTHER ASPECTS

As we have observed in our comments on the public realm, there is a need to resolve whether the building touches the ground lightly in a square with the paving flowing beyond the threshold, or whether it is more obviously rooted. This has an important bearing on the treatment of the ground floor walls and the detailing of mullions or seams between the glazing. Whatever material or finish is used for the mullions (bronze for example) could be echoed in the public realm elements like the posts, tree grilles or seating elements. The relationship of the facade at this level and above (where it is generally double skin) needs to be better resolved.

The overhanging nature of the tiers means that views upwards will be important, externally as well as internally, so the appearance of the soffits should be considered carefully. This includes the cantilever soffits within the double façade.

CONCLUSION

We commend the way this proposal is taking shape and look forward to its continuing refinement. Do contact me if anything in this letter is unclear and please keep us in touch with further progress.

Yours sincerely



ROBERT OFFORD
Panel Manager

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cc Murray Hancock, Oxford City Council
Simon Demeuse, Herzog & de Meuron Architects
Chris Miele, Montagu Evans
Martha Alker, Townshend Landscape Architects
Gareth Hughes, Gardiner and Theobald
Miles Thompson, SERDP Steering Group
Kathryn Davies, English Heritage

Panel members present: Richard Portchmouth (meeting chair), James McCosh,
Hilary Satchwell

Geoff Noble (report author)

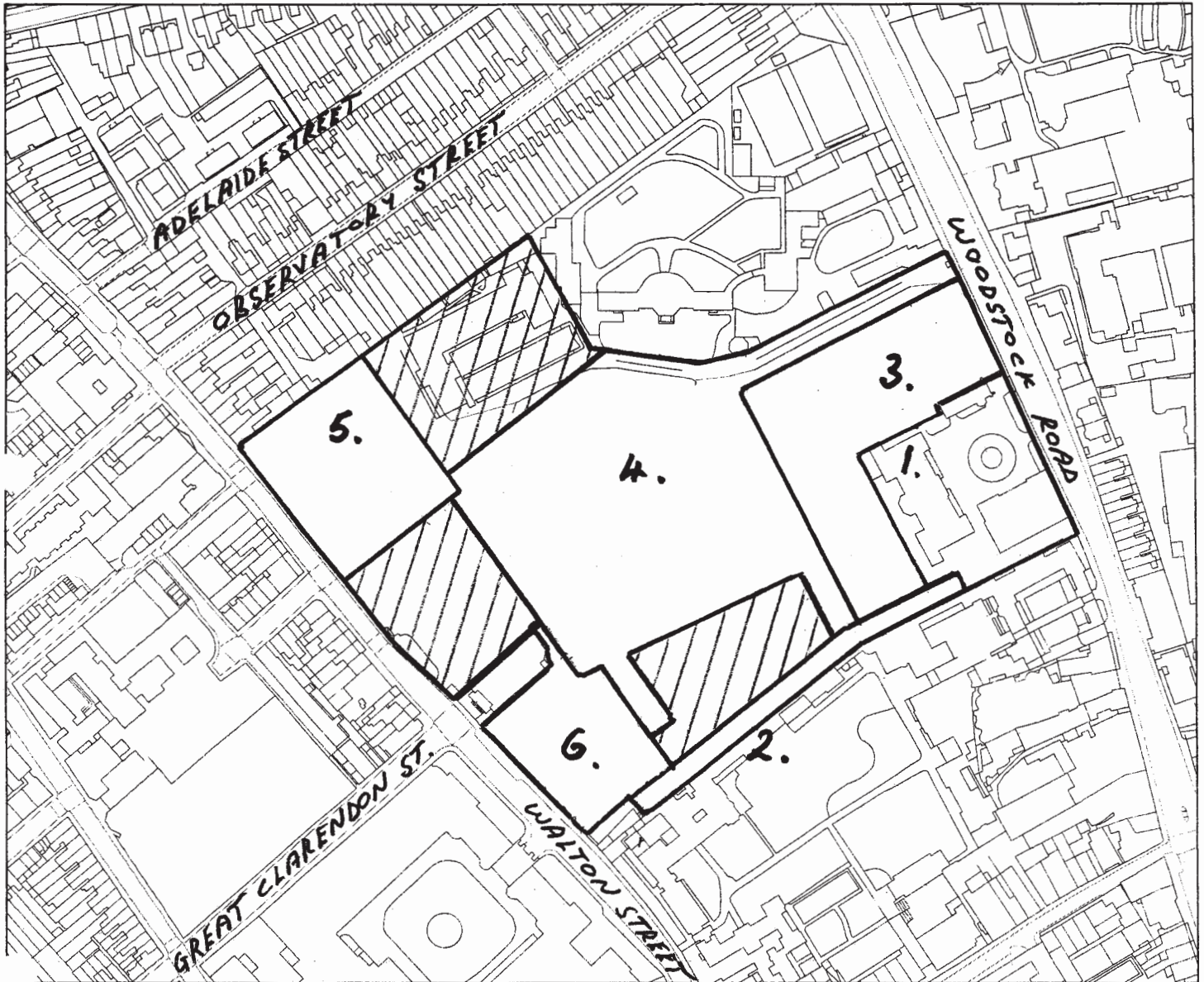
This review was commissioned by the University of Oxford, with the knowledge and agreement of Oxford City Council.

CONFIDENTIALITY

Since the scheme was not the subject of a planning application when it came to the Panel, this letter is offered in confidence to the addressee and those listed as being sent copies. There is no objection to the letter being shared within the respective practices/organisations. SERDP reserves the right to make the guidance known should the views contained in this letter be made public in whole or in part (either accurately or inaccurately). The letter would also be made available to any public inquiry concerning the scheme. SERDP also reserves the right to make the guidance available to another design review panel should the scheme go before them. If you do not require this letter to be kept confidential, please let us know.



Former Radcliffe Infirmary



Legend	
1.	RETAINED INFIRMARY
2.	SOMERVILLE COLLEGE
3.	MATHEMATICS DEPT.
4.	HUMANITIES DIVISION
5.	NEW RADCLIFFE HOUSE
6.	BLAVATNIK SCHOOL
Scale:	1:2500



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Organisation	Oxford City Council
Department	
Comments	
Date	26 March 2011
SLA Number	LA100019348

Radcliffe Infirmary Quarter (ROQ): Development Proposals.

Masterplan: 07/02592/CONSLT. Turnberry Consulting and Niall McLaughlin Architects. Establishes key development principles, including site being essentially car free at ground floor level; provision of 2 east - west public pedestrian / cycle routes; principal buildings to front Walton Street, Woodstock Road and east - west routes; taller buildings generally to east - west routes.

1. **Somerville College: 09/00317/FUL & 09/00316/LBD.** Niall McLaughlin Architects. 68 student study rooms plus teaching space. Completed Autumn 2012.
2. **Retained Infirmary Buildings: 09/00312/FUL & 09/00313/LBD.** Purcell Miller Tritton Architects. Main range (1770), St. Luke's Chapel (1865) and Outpatients Building (1911) listed and retained. Main range currently occupied by part Humanities Division; St. Luke's Chapel to be used as exhibition and meeting space; Outpatients Building originally intended for Ruskin College of Art but other occupier now sought. Main range and St. Luke's restored summer 2012.
3. **Mathematics Building: 09/02535/FUL.** Raphael Vinoly Architects. Consolidates Mathematics Department onto one site. Up to 5 levels above ground plus 2 basement levels. Car lifts to underground car park. Due for completion Autumn 2013.
4. **Humanities Division: 09/02534/FUL.** Rab Bennetts Architects. Centrally located in two buildings plus "lantern" building on up to 5 levels above ground plus 2 basement levels. Intended to accommodate History, English, Philosophy, Theology, Oriental Studies, Modern Languages, Linguistics and Music. Not yet commenced.
5. **New Radcliffe House: 11/00513/FUL.** Hawkins Brown Architects. Three floors, accommodating replacement Jericho Health Centre on ground floor with above floors occupied by University Department of Public Healthcare and University Press. Completed Summer 2012.
6. **Blavatnik School of Government: 13/00119/FUL.** Heuzog and De Meuron Architects. Postgraduate institute on six levels above ground plus 2 basement levels. Located on site of burial grounds from infirmary.

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Agenda Item 4

West Area Planning Committee

8th May 2013

Application Number: 12/02560/VAR

Decision Due by: 9th January 2013

Proposal: Variation of condition 7 (occupation by full time students) of planning permission 09/02518/OUT to allow occupation of the development by students in full time education on courses of an academic year or more

Site Address: Travis Perkins, Chapel Street, **Appendix 1.**

Ward: St Clement's Ward

Agent: Mr Nik Lyzba

Applicant: Dominion Developments
2005 Ltd

Recommendation: Committee is recommended to support the proposals in principle but defer the planning application in order to draw up an accompanying legal agreement, and the delegate to officers the issuing of the notice of planning permission subject to conditions.

Reasons for Approval

- 1 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 2 The planning application seeks to provide employment use and student accommodation by variation to planning permission 09/02518/OUT. The Class B1 offices proposed would contribute to the expansion of employment opportunities in the area whilst extending the purpose built student accommodation permitted to occupation by students other than those of the two universities. Conditions on the public highway would be improved by the removal of heavy vehicle movements to the builders' yard which occupied the site until recently. Financial contributions to highways works and other facilities would assist in mitigating any impact of the development.
- 3 There have been few public comments though the original outline application 09/02518/OUT gave rise to concerns about the scale of development, perceived traffic impacts, potential for overlooking, noise problems, etc. These can be addressed in the submission of subsequent reserved matters applications in due course. Statutory agencies are not opposed to the development subject to the imposition of appropriate conditions.

Conditions

- 1 Time limits
- 2 Maximum floorspace & student rooms
- 3 Approved drawings
- 4 Materials
- 5 Boundary treatment student accommodation
- 6 Boundary treatment B1 offices
- 7 Obscure glazing.
- 8 Student accommodation
- 9 Exclusion from CPZ
- 10 Tenancy agreement.
- 11 Car Parking Spaces
- 12 Car & cycle parking
- 13 Landscaping
- 14 Landscape management
- 15 Construction Traffic Plan
- 16 Construction Man Plan
- 17 Mud on road
- 18 Foul and surface water
- 19 Contamination
- 20 Piling
- 21 Petrol / oil interceptors
- 22 Noise emissions
- 23 Public art
- 24 Sustainability
- 25 Wildlife and habitats
- 26 Fire hydrants

Planning Obligations

- Contribution of £12,000 to County Council for footway / public realm improvements on commencement of the office accommodation permitted.

Main Planning Policies

Oxford Local Plan 2001-2016:

- CP1 - Development Proposals
- CP5 - Mixed-Use Developments
- CP8 - Design Development to Relate to its Context
- CP10 - Siting Development to Meet Functional Needs
- CP11 - Landscape Design
- CP13 - Accessibility
- CP14 - Public Art
- CP17 - Recycled Materials
- CP18 - Natural Resource Impact Analysis
- CP19 - Nuisance
- CP21 - Noise
- CP22 - Contaminated Land
- TR1 - Transport Assessment

TR12 - Private Non-Residential Parking
TR14 - Servicing Arrangements
NE21 - Species Protection
NE23 - Habitat Creation in New Developments
HE10 - View Cones of Oxford
HS19 - Privacy & Amenity
HS20 - Local Residential Environment

Core Strategy:

CS2 - Previously developed and greenfield land
CS9 - Energy and natural resources
CS10 - Waste and recycling
CS12 - Biodiversity
CS13 - Supporting access to new development
CS17 - Infrastructure and developer contributions
CS18 - Urban design, town character, historic environment
CS25 - Student accommodation
CS18 - Urban design, town character, historic environment
CS25 - Student accommodation
CS18 - Urban design, town character, historic environment

Sites and Housing Plan:

MP1 - Model policy
SP58 - Travis Perkins, Chapel Street
HP5 - Location of Student Accommodation
HP6 - Affordable Housing from Student Accommodation
HP15 - Residential cycle parking
HP6 - Residential cycle parking

Other Material Considerations:

National Planning Policy Framework (NPPF)

Public Consultation

Statutory Bodies:

- Oxfordshire County Council, Environment and Economy: No requirement to consult.
- Oxfordshire County Council, Drainage: No comment.
- Thames Water: No comments.

Third Parties:

- 31 East Street: Problems with high density of students in area.
- 68 East Avenue: Impact on character of area; noise and disturbance; inadequate cycle provision; inadequate car parking; significant change to previous permission.
- 3 Ablett Close: Noise and disturbance; dismayed that no longer for St. Hilda's; increased traffic and parking problems; buildings too close to nearby housing; loss of privacy and height.

Officers Assessment:

Summary of Planning History.

1. The site was formally occupied as a builders yard, for many years known as Tuckwells Yard. Subsequently it was occupied by Travis Perkins also as a builders yard who in recent times have relocated to a site at Sandy Lane. Part of the site was developed in the early 1980s for residential purposes accessed off East Avenue at what is now Ablett Close.
2. In 2004 planning permission was sought to redevelop the remainder of the site with outline planning permission being granted in 2005 for 57 x 2 bed flats and 2044 sq m of business floorspace under reference 04/02259/OUT. At that time the outgoing 1997 Local Plan was still in force which did not allocate the site for redevelopment, though the successor Local Plan intended to identify the site as a key employment site under policy EC2. In the event the Plan was adopted in November 2005 as the 2005 Local Plan though by this time the outline permission had been granted.
3. In 2009 a further outline application was submitted under 09/02518/OUT which was similar to the previous one but substituting student accommodation for the residential element. Although no occupier was identified for the business floorspace, the intended occupier for the student accommodation was St. Hilda's College who intended to relocate its graduate students from a number of college owned houses (along Iffley Road in particular) to this site. As part of that process it had committed to return those properties to the open market so that they could be made potentially available for family housing. This would be secured by a S.106 agreement, which would also secure financial contributions to cycling facilities, library services, indoor sports facilities and public realm improvements. The S.106 would also secure exclusion for students at the site from eligibility for residents' parking permits:
Student Accommodation:
 - Contribution of £12,000 to County Council for footway / public realm improvements.
 - Contribution of £138 per student study room to County Council for cycling improvements in the locality.
 - Contribution of £63 per student study room to County Council for library services.
 - Contribution of £60 per student study room to City Council for indoor sports facilities.
 - Contribution of £1000 to County Council's costs of excluding site from eligibility for residents parking permits in the CPZ in operation.Office Accommodation:
 - Contribution of £12,000 to County Council for footway / public realm improvements.
4. The outline permission was followed up by a reserved matters application for the student accommodation only part of the development under reference 11/01712/RES, again with St. Hilda's as the intended occupier. The S.106 commitments followed accordingly. Although St. Hilda's had been the

intended occupiers at both outline and reserved matters stages, the planning permissions were not personal to the college, and subsequent to the grant of permission to 11/01712/RES the college withdrew its interest in the development. As a consequence a revised reserved matters application was submitted as 12/01388/FUL which remained essentially as the previous one but without some of the features which the college had sought, such as the central buildings accommodating fitness and meeting rooms etc. These were replaced by a central landscaped area. Again the reserved matters application related to the student part of the site only, with the S.106 requirements following. No reserved matters application has been submitted for the business part of the site fronting Chapel Street.

5. Attached as **Appendices 2 and 3** are letters from the applicant's agent and St. Hilda's College which refer.

Current Proposal

6. This latest proposal represents a variation of the outline planning permission by changing only the terms of condition no. 7 of the outline permission 09/02518/OUT. That condition limited occupation of the student accommodation to the two universities and constituent colleges, in line with policy HS14 of the 2005 Local Plan in force at the time the permission was issued. However since the grant of the outline permission that policy has been superseded by policy CS25 of the Oxford Core Strategy which widens the possible occupation to other institutions providing the students are on full - time courses of at least a year. In granting permission for the current application it would therefore allow the development to reflect the current policy position. Moreover the occupants could be a variety of different types of students, whether from the 2 universities or other institutions such as tutorial colleges etc. There could also be more than one institution occupying the site.
7. Although the application forms a variation to the outline permission 09/02518/OUT, it represents a new permission in its own right with a requirement that the same restrictive conditions be applied again. As most of the details required to be submitted for approval by the outline permission have now been agreed however, then the wording to conditions would need to be varied accordingly to reflect that. The intention would still be to implement the permission in accordance with these details and the reserved matters permission 12/01388/RES. As the financial contributions arising from the student accommodation have now been paid in full however, and the requirements on St. Hilda's fall away, then only the public realm works to be funded from the business element of the outline permission is required to be retained in the S.106 agreement.

Conclusion

8. The planning application seeks the modification of condition no. 7 of outline permission 09/02518/OUT in order to bring it into line with current policy requirements in respect of the occupation of the student accommodation. In all other respects the intention is to implement the development in accordance with outline and reserved matters permissions 09/02518/OUT

and 12/01388/RES.

9. The application can be supported accordingly, subject to the imposition of the same requirements by condition and a revised S.106 agreement.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions and accompanying legal agreement. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

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 subject to conditions and accompanying legal agreement, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: Planning applications 04/02259/OUT, 09/02518/OUT, 11/01712/RES, 12/01388/RES, 12/02560/VAR.

Contact Officer: Murray Hancock

Extension: 2153

Date: 29th April 2013

APPENDIX 1



Km 0.02 0.04 0.06 0.08 0.1 0.12

- 12/02560/VAR
- TRAVIS PERKINS, CHAPEL STREET



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NL/5155

24 April 2013

Murray Hancock
 Oxford City Council
 Planning Control & Conservation
 St Aldate's Chambers
 109 - 113 St Aldate's
 Oxford
 OX1 1DS

Dear Mr Hancock,

PROPOSED VARIATION OF CONDITION NO.7 OF PLANNING PERMISSION 09/02518/O TO ALLOW OCCUPATION BY STUDENTS IN FULL-TIME EDUCATION ON COURSES OF AN ACADEMIC YEAR OR MORE AT FORMER TRAVIS PERKINS SITE, CHAPEL STREET, OXFORD

I refer to the above application and to the deliberations which have been taking place in respect of the completion of a deed of variation of the original S.106 agreement. In particular, although St. Hilda's College has no interest in the land, as it was a signatory of the original agreement, your Solicitors have asked that it be a party to the proposed deed.

This has caused concern for the College which has no interest in the land or in the development taking place. As you know, the College had expressed an interest in the past, as a consequence of which the Council wished to ensure that if the College acquired an interest (or contracted to acquire an interest) in the site it would within 3 months of the grant of reserved matters approval seek permissions to change its Iffley Rd. properties to Class C3 uses.

As you know, the College has no interest and declared some long time ago that it would not be acquiring an interest. I attach a further copy of a letter sent by the then Bursar to the then owners of the site confirming that it does not intend to acquire an interest.

Since that time, reserved matters approval was granted on 23 August 2012, i.e. over 8 months ago. Consequently, the College has not sought to acquire an interest, has not acquired an interest, is not seeking to acquire an interest and the timescale referred to in the agreement has long past. The site is in the ownership of Dominion Developments 2005 Ltd, a part of the A2 Dominion Group.

Continued/2

The John Phillips Planning Consultancy
 Partners:
 Nik Lyzba MRTPI Ltd
 Adrian Gould MRTPI Ltd



RTPI

Bagley Croft
 Hinksey Hill
 Oxford OX1 5BD
 T: 01865 326823
 F: 01865 326824
 E: planning@jppc.co.uk
 W: www.jppc.co.uk
 @JPPCPlanning


The College does not consider that there is any reason why its properties should continue to be referred to in the agreement and takes the view that the current application provides a suitable point for the agreement to be varied to exclude its properties. To repeat, the College has not acquired an interest, is not seeking to do so and the timescale referred to in the agreement has nonetheless past (even if it was)! Notwithstanding this, the Council's planning policies do not include any reference to such matters being covered by an agreement in this or any similar form, though at the time the Council thought it expedient to ask the College to enter into it due to its interest and then stated intentions.

Consequently, given the above, the College and the applicants for the above variation would wish the variation of the condition (which is in accordance with the Council's Core Strategy) to include the variation of the S.106 agreement to exclude the College's properties altogether.

I understand from our discussions that this is a matter which you consider needs to be put to the relevant Committee. We are surprised that this is the case bearing in mind the above comments. If it remains the case, I would be pleased if you would draw the Committee's attention to my above comments. The terms of the agreement are of no real effect as the College has not acquired an interest, is not doing so, and the timescale has nonetheless passed.

Please let me know if you need any further information.

Yours sincerely,



Nik Lyzba DipTP DipCP MRTPI

Enc.

From the Bursar:

Richard L Berry MA Bsc(Hons)Durh



St Hilda's College Oxford OX4 1DY

Direct Line: (01865) 276803 PA: (01865) 276809 Fax: (01865) 286675

Email: richard.berry@st-hildas.ox.ac.uk

Mr A Nolan
Ardant Ltd
Park End Place
Oxford
OX1 1JD

8 December 2011

Dear

Tony

**Development of Graduate Centre
Chapel Street Oxford**

Thank you for your time today to allow us to apologise and explain the situation of the College regarding the new Graduate Centre.

As I outlined to you, I am afraid the Governing Body decided at their last meeting that at present the College did not wish to commit to such a large financial risk at its present stage of development. Having worked with you so well for the last four years, I can only apologise for this U-turn in the Governing Body's opinion.

As you can imagine, we did everything in our authority to explain the value of this project to the long-term development of the College, even to the extent of getting independent reports from Critchleys and Ridge and Partners, both of whom authenticated the viability of this project.

Once again, thank you very much for all your support and help, and also your understanding of this decision. I can only apologise again for this late turn of events.

If there is anything further we can do to help you in the future, please do not hesitate to contact us.

Kindest Regards

Richard

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West Area Planning Committee

8th May 2013

Application Number: 13/00217/VAR

Decision Due by: 29th April 2013

Proposal: Variation of conditions 2 (develop according to approved plans) and 3 (option for development of lift and stair access) relating to planning permission 12/00239/FUL for: 'Refurbishment of eastern block of student accommodation including re-cladding of all elevations, internal alterations to stairs, lifts and student flats to create 5 additional residential units. Alterations to central car parking area to create landscaped garden, plus creation of covered cycle store for additional 84 cycles to rear of site, and new car port and store to serve Lodge.' (Amended plans) (Amended description). Variation of conditions sought in order to accommodate the selected option of development and subsequently build to approved plans. To include the energy centre within the building on the fourth floor of the East Block. (amended letter) (Amended Plans)(Amended Description)(Additional Information)

Site Address: Summertown House Apsley Road (site plan at **Appendix 1**)

Ward: Summertown Ward

Agent: Ferax Planning

Applicant: The University Of Oxford

Application Called in – by Councillors – McCreedy, Fooks, Jones and Brett for the following reasons – neighbour concerns in particular regarding the energy centre

Recommendation: Approve planning permission

For the following reasons:

- 1 The principle of the refurbishment and alterations to the building has already been established under the granting of planning permission 12/00239/FUL. The amendments to the scheme will not alter the overriding aim of the scheme which is to improve the appearance of the existing building and internal accommodation. The relocation of the energy centre/plant room to inside the building will not have a detrimental impact in terms of noise/emission on the surrounding area and will have limited impact in terms of the increase in height.

- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 3 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 Revised landscape plan
- 5 Tree Protection Plan (TPP)
- 6 Arboricultural Method Statement (AMS)
- 7 Recommendations ecological survey
- 8 Cycle parking details required
- 9 Target Hardening measures cycle parking
- 10 SUDS
- 11 Construction Travel Plan
- 12 Travel Plan Statement/Travel Statement
- 13 Details of Gates
- 14 Internal noise levels
- 15 External noise levels
- 16 Mechanical ventilation

Main Planning Policies:

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP13** - Accessibility
- CP19** - Nuisance
- CP21** - Noise
- NE15** - Loss of Trees and Hedgerows
- NE16** - Protected Trees
- HE3** - Listed Buildings and Their Setting

Core Strategy

- CS9_** - Energy and natural resources

CS12_ - Biodiversity
CS18_ - Urban design, town character, historic environment
CS25_ - Student accommodation
CS29_ - The universities

Sites and Housing Plan

HP5_ - Location of Student Accommodation
HP6_ - Affordable Housing from Student Accommodation
HP9_ - Design, Character and Context
HP14_ - Privacy and Daylight
HP15_ - Residential cycle parking
HP16_ - Residential car parking
SP53_ - Summertown House, Apsley Road

Other Material Considerations:

National Planning Policy Framework (NPPF)

Relevant Site History:

- 99/01619/NF - Timber multi activity play building/climbing frame for children at Summertown House and attending nursery on site. Permitted 21st December 1999.
- 08/02393/LBC - Listed Building Consent for internal works to convert two ground floor rooms into 2 self-contained flats with shared bathroom facilities. Permitted 2nd April 2009.
- 0/00789/NF - Refurbishment of 133 flats to include removal of external cladding, infilling of balconies & structural repairs. Overcladding in insulated render & new metal roof. Demolition of 5 car points to rear & construct single storey building. Permitted 8th August 2001.
- 12/00239/FUL - Refurbishment of eastern block of student accommodation including recladding of all elevations, internal alterations to stairs, lifts and student flats to create 5 additional residential units. Alterations to central car parking area to create landscaped garden, plus creation of covered cycle store for additional 84 cycles to rear of site, and new car port and store to serve Lodge. (Amended plans) (Amended description). PER 17th May 2012.

Representations Received:

371 Banbury Road: Energy Centre to be located on the 4th and 5th (new) floor; this will be an industrial type facility located in a residential block in a residential area; will overshadow 371 Banbury Road; will significantly reduce the amenity of at least 371 377 Banbury Road; there will be additional noise, additional nitrogen dioxide emissions, loss of light to gardens; anxiety at having an industrial type facility, so close to residencies; not considered fully the alternative of individual boilers in each flat; energy centre will require specialist support and maintenance 24/7; not found

any examples of CHP units and associated plant rooms being installed in a residential block in a residential area; consider again alternative sites within the boundaries of Summertown House and ones that have less negative impacts on neighbours; support the refurbishment of the East Block, the proposed energy conservation measures in each flat, the switch from electric heating to gas based heating and the objective of a significant reduction in carbon dioxide emissions; can be achieved without the proposed Energy Centre; no site plan showing new houses; proposed that a further noise survey is undertaken over a 24/7 period at a location 1m from the master bedroom window on the 1st floor of the west side of 371;

375 Banbury Road: Support the refurbishment of Summertown House but not the positioning of the energy centre (plant room) on the 5th floor; no clear rationale for its proposed location; only logical explanation is to placate and avoid the original objectors; industrial type plant room which is inappropriate to incorporate into the top floor of a residential building in a residential neighbourhood; no other type can be found like this; negative visual impact from raising the roofline; noise and exhaust fumes a major concern; potentially harmful and toxic omissions; CHP generate liquid effluents which are a potential hazard in the event of an accidental discharge; rare but most common accident risks in operating CHP plant is fire or explosion from un-burnt exhaust gas; CHP plant may be low carbon but it is not renewable;

Statutory and Internal Consultees:

Oxfordshire County Council Drainage Team: expect the cycle store and car port to drain using SUDs techniques to the new landscape gardens (swale, pond or filter trench for example).

Environmental Development: See text to report.

Determining Issues:

- Revised plans
- Noise/Emissions
- Other

Officers Assessment:

Site Description

1. The application site lies to the north of Summertown on the northern side of Apsley Road with the largest block of accommodation fronting onto Banbury Road. The main access to the site is from two vehicular access points off Apsley Road. The site comprises the original Summertown House, which is a listed building situated centrally to the site, and three large 1960s blocks of post graduate student accommodation which surround it. A single storey building has been added to the rear of the listed house and is used as a day nursery operated by the University.

Background

2. Planning permission was granted in May 2012 under reference 12/00239/FUL for the refurbishment of eastern block of student accommodation including recladding of all elevations, internal alterations to stairs, lifts and student flats to create 5 additional residential units. Alterations to the central car parking area were also involved to create landscaped garden, plus the creation of covered cycle store for additional 84 cycles to rear of site, and new car port and store to serve the Lodge. The officers' previous report to committee is attached as **Appendix 2** for ease of reference.
3. The original submission of 12/00239/FUL included an energy centre which was located along the northern boundary abutting the rear boundaries of properties fronting Upland Park Road. As a result of objections the energy centre was omitted from the application and approved at West Area Planning Committee.
4. Two variations of the refurbishment proposals had been presented in the previous planning application which showed alternative arrangements relating to the position of the main lift and stairs and how these appear on the main elevation. The selection of which option is implemented was dependant on viability when the tendering process for the refurbishment work is complete. A condition was added (condition 3) to confirm which scheme was to be implemented. The condition reads:

Prior to the commencement of development or such other timescale as previously agreed in writing by the Local Planning Authority it shall be agreed which option for development relating to the detailing of the lift and stair access is to be implemented. There shall be no variation to these details without the further prior approval of the Local Planning Authority.

Reason: To avoid doubt and in the interest of visual amenity in accordance with policy CS18 of the Oxford Core Strategy 2026 and CP1, CP6, CP8 and CP10 of the Adopted Oxford Local Plan 2001-2016

Proposal

5. Various changes have been made to the approved scheme in order to accommodate the selected option referred to in condition 3. The chosen option is essentially option 2 but retains the south stair which was not originally part of option 2. As a result this application also seeks to vary condition 2 of 12/00239/FUL which states:

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.

6. A summary of the changes/approvals sought are as follows:
 - Confirmation of Lift & Stair Arrangements (condition 3) as:
 - North Core: Remove existing stair & replace with new lift and stair (as submitted option 2)
 - East Core: Remove existing lift & replace with new stair (as submitted option 2)
 - South Core: Retain and refurbish existing stair (not as submitted option 2 - hence need to vary condition)
 - Revised elevations to reflect final arrangement of plant room on top floor of north end of the block.
 - Facade design development generally reflecting the use of self-supporting fusion panels in lieu of replacement exposed concrete facade support beams as per the originally submitted scheme.
7. The revised drawings show an amendment to the roof height to accommodate the location of the energy centre and associated plant. The energy centre/plant room has been positioned on the existing 4/5th floor of the building at the north end of the East Block. This will result in the loss of two student rooms. The energy centre/plant room would include 4 gas fired boilers and a small combined heat and power (CHP) unit along with heating water storage vessels.

Assessment

Revised Plans

8. The principle of refurbishment and alterations to the building has already been established under the granting of planning permission 12/00239/FUL. Under consideration now are the amendments sought to the scheme and option 2. It must be noted that if there were no external alterations the energy centre/plant room would not require consent as it would constitute internal alterations.
9. As part of the 12/00239/FUL application two options were presented. It was considered in both options the refurbishment and alterations could only be seen as an overall improvement in access terms as well as enhancing the Banbury Road elevation and street scene. Both options in relation to the lift / stairs had their advantages and neither would have been detrimental to the overall elevation fronting Banbury Road. Therefore the final choice of option 2 is welcomed.
10. Some changes to option two are proposed notably retaining and refurbishing

an existing stair which is located on the south elevation. There are changes to the glazing to the stair and the entrance is retained as on option 2. The stairs currently exist and there is no objection to their retention.

11. The energy centre/plant room will add some additional height to the roof at the northern end when compared to the approved scheme.
12. The north elevation is 8m from the common boundary with 371 Banbury Road. When viewed from the gardens of the new properties to the north and in particular 371 Banbury Road, the alterations at roof level would appear as a protrusion at one end on the roof. It is acknowledged that the additional floor will have some impact when viewed from or neighbouring properties to the north, but less so from Banbury Road as it is drawn away from the eastern side of the building. Overall it is considered that the additional building work at this height compared to that previously approved would not have such an impact as to warrant refusal of planning permission
13. As part of the approved application it is proposed to replace the concrete tiles with a modern terracotta rainscreen cladding system and the existing dark stained external joinery by composite timber and aluminium windows and glazing systems. There would therefore be a significant improvement in other terms to the appearance of the north elevation when viewed from the rear gardens of the neighbouring properties. 14. Nor would the addition to the roof harm the outlook from the windows and conservatory at 371 Banbury Road as they are on the rear elevation which face down the garden. There are no windows in the side elevation.
15. The other significant changes are to the elevational treatment and in particular to the northern end of the east elevation where the windows have been reduced in number and none appear on the fifth floor due to the energy centre/plant room. The windows here still continue the horizontal rhythm of the rest of the elevation, though the uppermost section which is currently blank would be broken up with louvres. The changes are still seen as an improvement on the current building and therefore are considered acceptable.

Noise/Emissions

16. Environmental Development Officers have reviewed the noise report originally supplied by Hoare Lea and do not challenge the findings provided that the plant installed meets the noise criteria specified in the report. The criteria specified does not mean that the plant would be entirely inaudible, but that it will be at a level sufficiently below the current noise in the area that it would not cause offence.
17. Environmental Development Officers have also looked at the supplementary documents submitted, especially the ones regarding the noise. They indicate no reason to change their original opinion, that is to say that provided that the plant meets the noise levels specified then there would be little likelihood of complaint. In any event should noise levels exceed those stipulated or become a nuisance there is separate legislation in place outside

of the planning system to address concerns.

18. In addition Environmental Development Officers do not consider that emissions to atmosphere from the proposed plant would impact the local air quality to any great degree such as to warrant refusal of planning permission.

Conclusion:

20. Committee is recommended to support the changes and the choice of option 2.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

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 safety.

Background Papers:

12/00239/FUL

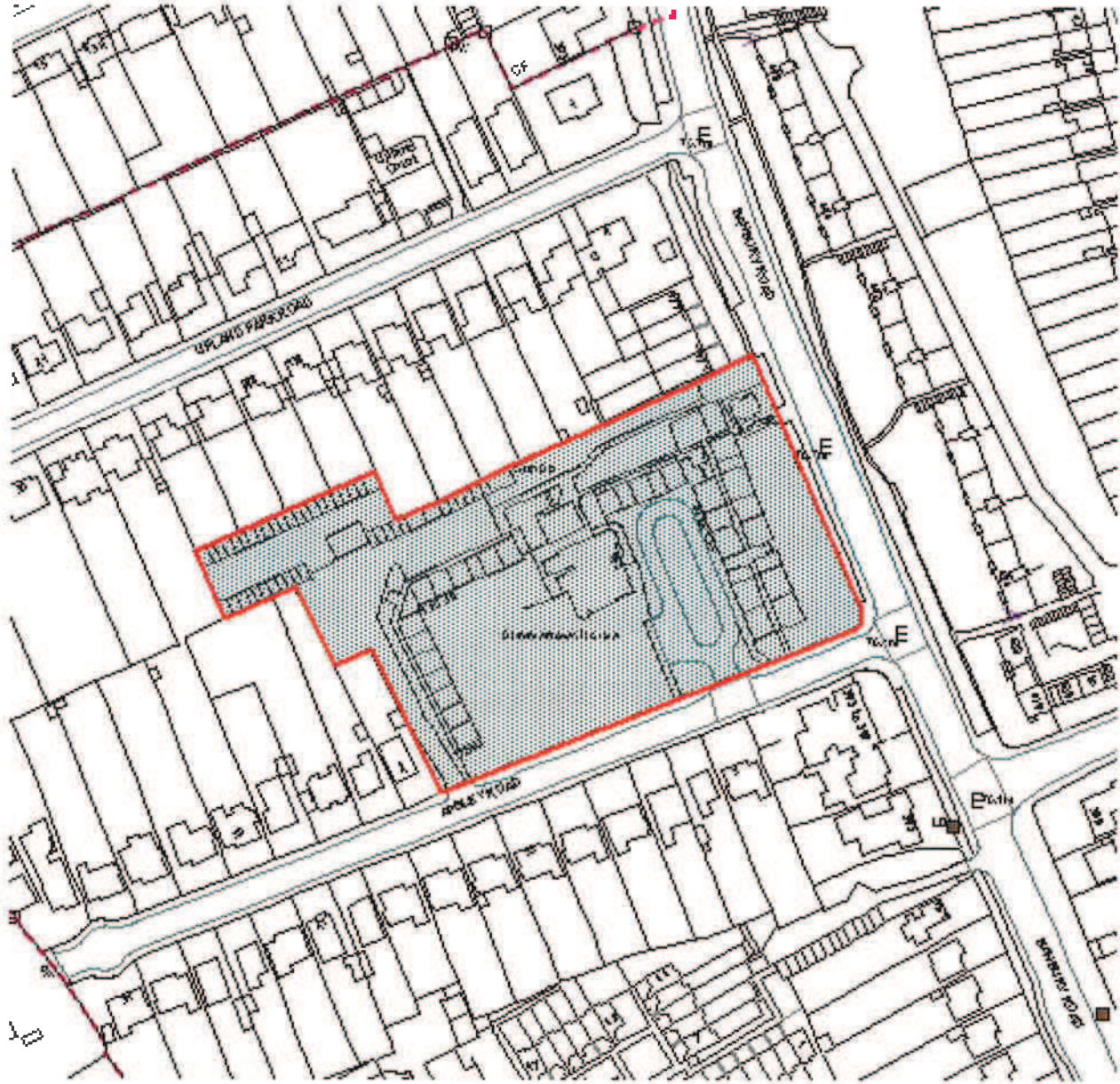
Contact Officer: Lisa Green

Extension: 2614

Date: 25th April 2013

Appendix 1

13/00217/VAR - Summertown House, Apsley Road



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Ordnance Survey 100019348

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Application Number: 12/00239/FUL

Decision Due by: 4th May 2012

Proposal: Refurbishment of eastern block of student accommodation including recladding of all elevations, internal alterations to stairs, lifts and student flats to create 5 additional residential units. Alterations to central car parking area to create landscaped garden, plus creation of covered cycle store for additional 84 cycles to rear of site, and new car port and store to serve Lodge. (Amended plans) (Amended description)

Site Address: Summertown House, Apsley Road, (**Appendix 1**)

Ward: Summertown Ward

Agent: Ferax Planning

Applicant: University Of Oxford

Recommendation: West Area Planning Committee is recommended to support the proposals in principle but to defer the application in order to receive a Unilateral Undertaking and to delegate to officers the issuing of the notice of planning permission subject to conditions on its receipt.

Reasons for Approval.

- 1 The refurbishment, alterations and additions are considered to form an appropriate visual relationship with the surroundings which will enhance the style and perception of this section of Banbury Road and have due regard to the setting of the listed building. The removal of the energy centre has eliminated any impact on the adjoining neighbouring properties.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 3 The Council considers that the proposal, subject to the conditions imposed, would accord with the special character, setting, features of special architectural or historic interest of the listed building. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.

- 4 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 Revised landscape plan
- 5 Tree Protection Plan (TPP)
- 6 Arboricultural Method Statement (AMS)
- 7 Recommendations ecological survey
- 8 Cycle parking details required
- 9 Target Hardening measures cycle parking
- 10 SUDS
- 11 Construction Travel Plan
- 12 Travel Plan Statement/Travel Statement
- 13 Details of Gates
- 14 Internal noise levels
- 15 Mechanical ventilation

Legal Agreement:

Unilateral Undertaking for £690 as contribution towards off site cycle works.

Principal Planning Documents:

Oxford Local Plan 2001-2016

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP10 - Siting Development to Meet Functional Needs
- CP11 - Landscape Design
- CP13 - Accessibility
- CP21 - Noise
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- NE15 - Loss of Trees and Hedgerows
- NE16 - Protected Trees
- HE3 - Listed Buildings and Their Setting
- HS19 - Privacy & Amenity

Core Strategy 2026

- CS9 - Energy and natural resources
- CS12 - Biodiversity
- CS18 - Community safety
- CS25 - Student accommodation

CS29 - The universities

Sites and Housing DPD – Proposed Submission

HP5 - Location of Student Accommodation
HP6 - Affordable Housing from Student Accommodation
HP9 - Design, Character and Context
HP14 - Privacy and Daylight
HP15 - Residential cycle parking
HP16 - Residential car parking
SP55 - Summertown House, Apsley Road

NB: The City Council has recently approved the Sites and Housing Development Plan Document (SHDPD) for consultation prior to public examination by an Inspector later this year. It forms part of Oxford's Development Plan Framework and although not formally adopted it does carry weight as a material consideration in determining planning applications.

National Planning Policy Framework

As of 27th March 2012 the National Planning Policy Framework (NPPF) replaced various Planning Policy Statements (PPSs) and Planning Policy Guidance Notes (PPGs) which are now withdrawn.

Relevant Site History:

- 99/01619/NF - Timber multi activity play building/climbing frame for children at Summertown House and attending nursery on site. Permitted 21st December 1999.
- 08/02393/LBC - Listed Building Consent for internal works to convert two ground floor rooms into 2 self-contained flats with shared bathroom facilities. Permitted 2nd April 2009.
- 00/00789/NF - Refurbishment of 133 flats to include removal of external cladding, infilling of balconies & structural repairs. Overcladding in insulated render & new metal roof. Demolition of 5 car points to rear & construct single storey building. Permitted 8th August 2001.

Public Consultation:

Statutory and Other Parties:

Thames Valley Police: No objection subject to condition/informative

Highway Authority: No objection subject to conditions regarding cycle parking details to be confirmed, development to be SUDS compliant, Construction Travel Plan to be submitted and approved prior to the commencement of development and a Travel Plan Statement to be submitted within 3 months of occupation (or existing Travel Plan/Travel Statement to be updated within 3 months of occupation).

Oxford Civic Society: Many aspects of the refurbishment are welcomed, the energy issues give some cause for concern and could be better organised. Use of solar energy could come in immediately; the energy centre is likely to cause noise disturbance and possibly harmful emissions.

Third Party Comments:

Energy Centre:

- Energy centre will reduce amenity of residents of Upland Park Road backing on to the site
- Industrial type unit close to residential properties
- Loss of privacy
- Loss of light to gardens due to height of energy centre
- Not enough detail known of the noise/emissions implications/lack of information
- Noise nuisance
- Background noise survey taken in winter when acoustic protection from trees/foilage is at a minimum which would bias the findings. In summer less noise in the relevant area from traffic in Banbury Road
- Noise survey not taken from Upland Park Road gardens
- Emission plumes unsightly
- Emission plumes could cause harm to garden plants
- Unsightly flue
- Increase of pollution
- Out of keeping with character of area
- No justification for its proposed location
- No information on how fuel will be transported to the site and how the site will be accessed
- No information on how possible contaminants into the water supply will be controlled
- Also included was a petition signed by 20 people, all residents of Upland Park Road which are opposed to the energy centre element of the application for the reasons given above.
- 28 Upland Park Road commissioned a desktop study of the noise survey which stated "The acoustic survey does not demonstrate that noise from the proposed energy centre will not result in justified complaints from the residents in the existing adjacent noise sensitive properties".

Other Comments:

- No bat survey

NB: The comments received relate to the planning application as submitted. However during the course of processing the planning application the contentious energy centre was deleted from the proposals. Amended plan were received accordingly and site notices were displayed with a consultation deadline of 6th April 2012. Any further comments received will be reported verbally to committee.

Officers Assessment:

Site Description

1. The application site lies to the north of Summertown on the northern side of Apsley Road with the largest block of accommodation fronting onto Banbury Road. The main access to the site is from two vehicular access points off Apsley Road. The site comprises the original Summertown House, which is a listed building situated centrally to the site, and three

large 1960s blocks of post graduate student accommodation which surround it. A single storey building has been added to the rear of the listed house and is used as a day nursery operated by the University.

Proposals

2. The application seeks the refurbishment of the eastern block of accommodation which involves the removal of the existing cladding and roofing material and recladding with modern materials; creation of five additional units by the subdivision of five existing larger units; internal alterations including the enclosure of an open staircase; and the formation of balconies within the building. Alterations are also proposed to the old lodge and the gate piers located to the north - east corner of the site near Banbury Road. The proposal as submitted included an energy centre which was intended to provide a combined heat and power (CHP) scheme for the development. This was intended to be located to the northern side of the site, to the rear of the main accommodation blocks. An alternative location is now being sought however, and this is referred to in the text which follows. The proposals also include new landscaping and covered cycle stores. In terms of landscaping the intention is to improve the setting of the listed house as part of a more strategic maintenance and planting regime. The new cycle parking is located along the northern boundary behind the north west block and the existing cycle stores are to be refurbished.
3. Two variations of the proposals are presented which show alternative arrangements relating to the position of the main lift and stairs and how these appear on the main elevation. The selection of which option is implemented is dependant on viability when the tendering process for the refurbishment work is complete.
4. Following submission of the planning application the applicants and their representatives met with the residents of Apsley Road and Upland Park Road to discuss the proposal and in particular the proposed energy centre which has caused concern amongst the residents. As a result of these discussions the University has decided to review the location of the energy centre. The review has concluded that there are a number of alternative locations on the site which could be suitable. Work continues in assessing these locations. As a result the application has been amended to exclude the energy centre but with a view to submitting a separate application at a later date once a suitable location has been finalised.
5. Officers consider the principle determining issues in this case to be:
 - the principle of development;
 - design and built forms;
 - impact on the listed building;
 - trees and landscaping;
 - biodiversity;
 - residential amenity;

- highways and access;
- cycle stores; and
- sustainability

Principle of Development

6. The application site is referred to in the draft Sites and Housing DPD at policy SP55. The policy is supportive of new student accommodation. However this application is for refurbishment only and there is therefore no conflict with policy SP55.

Design and Built Forms

7. The eastern block of accommodation fronts onto Banbury Road and is the main elevation of the site when viewed from Banbury Road. The block has a mixture of flat types with the majority being two bed units with some studios and one beds units and 5 x 3 bed flats. These are arranged over five floors off a central corridor. The three bed flats are to the northern end of block. The elevations are currently hung with distinctive concrete hung tiles with single glazed timber framed windows all on a concrete frame.
8. The current flats have small external balconies which are recessed and considered to be too small and to be useful for their intended purpose. They appear to be mainly used as additional storage space. The internal arrangements of the flats are also considered to be too small with poor circulation, a lack natural lighting and with an institutional feel to them. None of the flats are accessible by the disabled as all have a step up into them.
9. The overall aim of the proposal is to provide a better standard of accommodation for the occupiers and to increase the energy efficiency of the building. This can be achieved by increasing the space within the flats by replacing the balconies with projecting bay window seats and opening up the internal space by bringing the lounge, diner and kitchen spaces together at the rear of the flats. It is proposed to replace the concrete tiles with a modern terracotta rainscreen cladding system and the existing dark stained external joinery by composite timber and aluminium windows and glazing systems.
10. The main entrance to the building is mid way along the west elevation. There is a secondary entrance from this side to the north - west corner. The main entrance provides access to the lift only with the stair cases being remote from the main entrance to the southern and northern ends of the building. Two options presented to improve this situation.
- 11 Option 1.
This retains the existing main entrance from the west side. The northern external stair well is to be rebuilt within an enclosed space with interconnection to the three storey northern block. The southern stair well would be remodelled to comply with current building regulations. A new lift

would be installed within the existing shaft with the addition of some glazing to the Banbury Road elevation to provide views out and animation to the elevation.

12. Option 2
Again this retains the main entrance from the west side. The existing lift and shaft are removed and replaced with a new main staircase in a glazed structure to the Banbury Road elevation. The existing southern staircase is removed to allow natural light into the corridor.
13. In both alternatives the refurbishment and alterations can only be seen as an overall improvement in access terms as well as enhancing the Banbury Road elevation and street scene. Both options in relation to the lift / stairs have their advantages and neither would be detrimental to the overall elevation fronting Banbury Road. As either option is supportable, a condition can be added to the permission if granted requiring the applicant to inform the planning authority which is to proceed.

Impact on Listed Building

14. Summertown was developed from the early 1830s with a series of villas set in large grounds and elsewhere smaller rows of terraces. Summertown House is one of these villas and is one of the few that survive that is listed (grade II). There is only one left that has not has its garden developed, at 304 Woodstock Road and that is listed grade II*.
15. The early OS maps show the original garden layout as a series of compartments, depending on the function. So there is a kitchen garden, a garden which forms part of the formal approach, a pleasure garden and then larger paddock areas. The 1960s development occupies the area that was the kitchen garden, part of the formal approach gardens and spaces along a north - south boundary between two paddock areas.
16. The 1960s development changed the orientation and setting of the house and how it is now experienced. The 1960s buildings was designed by Howard, Killick, Partridge and Amis, a recognised and respected practice whose buildings elsewhere in Oxford are listed. These current buildings have also been considered for listing in view of their unusual construction and distinctive tile hung exteriors but did not meet the required criteria.
17. The setting of the original house is now one that relies on a green 'quad' to the south, framed by these modern residential blocks. The lodge house and gate piers to the north - east corner of the site also survive as evidence and a memory of the original entrance and approach. The quad area has been compromised by areas of tarmac and parking.
18. The proposals do not involve any works to the listed or curtilage buildings that would require listed building consent. The recladding of the 1960s western accommodation block will revive the building, giving it a more contemporary appearance, whilst still respecting its architectural origins and provenance.

19. In accordance with policy SP55 of the SHDPD further development on the site it must demonstrate that the refurbished buildings and other works will have a positive effect on the setting of the listed building compared to the existing development. Officers conclude that the proposals are in accordance with this policy.

Trees and Landscaping

20. The application site is not within a conservation area nor are there any tree preservation orders on the site. Notwithstanding this there are some significant trees present.
21. The proposals in relation to the "Oval" to the southern side of the site adjacent to the eastern vehicular access, are likely to impact on the large Plane tree present at this point. The work involves the removal of four car parking spaces and the re-instatement with a permeable material of the tarmac area of roadway, and the introduction of steps and a ramp giving access to the building. Officers recommend that a grassed area is retained around the tree and that the "hard surface" should be of a permeable material. The ramp is within the root protection area of the tree and given that it is on a raised area above the road, any excavation to construct the ramp would be harmful. It is suggested that the ramp should be re-located to a position alongside the west face of the western accommodation block, and that the permeable area should then extend to the new edge of carriageway.
22. A diseased Horse Chestnut and a Plane tree that are close to a large Wellingtonia to the Apsley Road frontage are proposed to be removed so that views of the listed building are opened up from Apsley Road and from the site entrance. Officers have no objections to the removal of these trees or to the trees closer to the House which are almost all evergreens (Cypressus and Irish Yew).
23. A new pedestrian access to the nursery is also proposed with a formal line of tree planting alongside this path. A more informal arrangement is preferred and can be dealt with via a landscaping condition.
24. In addition the westernmost of the three new cycle sheds would be within the root protection zone of a large oak tree at the northern side of the site along with a proposed path. The positions need to be adjusted to avoid the root protection zone of the tree. Again this can be dealt with via a condition.
25. Overall the proposed landscaping works will greatly improve the setting and visibility of the listed house, and as part of a more strategic maintenance and planting regime will ensure that any further depletion of the surviving original landscape features is avoided.

Biodiversity

26. A Phase 1 habitat survey (baseline ecological survey) was submitted as part of the application. The survey noted that the existing cladding could have the potential to house species such as bats though no indications of them being present were found. If a bat maternity roost is subsequently encountered however, then suitable mitigation will be required. A condition can be added accordingly.

Residential Amenity

27. The main concern with regards to the neighbouring properties was the impact of the proposed energy centre. However this element has now been removed. The application in its amended form is not considered to have a detrimental impact on neighbouring residential properties.

Highways and Access

28. The supporting 'Planning Statement' indicates that the proposal involves the subdivision of 5 no. existing 2 bed flats to create an additional 5 no. 1 bed flats within the existing eastern block. Thus creating in total, provision of 84 graduate rooms within the eastern block.
29. The submission also indicates that a new pedestrian gate would also be created from Apsley Rd. Further details on the design of this gate have not been included, but it should open inwards and not oversail the adjacent public footway. A condition can be added accordingly.
30. As part of the proposals the number of parking spaces within the site (accessed via the Apsley Road access) will be reduced by 4 spaces following the introduction of a landscape strategy. This is welcomed. The drawings do however indicate the provision of a new car port for two cars specifically for the occupants of the Lodge which is not opposed.
31. As the proposal will give rise to an additional 5 student rooms, the Local Highway Authority requests a contribution of £690 towards cycle infrastructure measures within the city. This can be secured via a Unilateral Undertaking.

Cycle Stores

32. An additional 84 cycle parking spaces are also proposed, to be located at the rear of the site. Again this is to be welcomed. There are no details on the internal arrangements of this cycle parking provision however and further details should be provided to demonstrate how cycles would be secured internally within the designated cycle store. This can be covered by the inclusion of a condition.
33. The proposed cycle stores to the north and south of the eastern block are integrated into the site layout where there is likely to be opportunity for natural surveillance and policing from the residents and visitors to the site. This should reduce opportunity for cycles to be stolen from the new secured cycle stores.

34. The Thames Valley Police Crime Prevention Design Advisor has some concerns in relation to the refurbishment of the existing cycle store which is situated to the rear of the site however. This location is more secluded and is not particularly well lit, making it a possible target for cycle theft. Measures to improve security of cycles at this point is therefore recommended, which can again be secured by condition.

Sustainability

35. The eastern block of accommodation was built in the 1960s and had poor insulation and inadequate heating, with the existing façade possessing no insulation at all. Complete demolition and rebuilding was considered but the embodied energy / carbon gains, thermal mass benefits and lower environmental impact of retaining the building outweighed the benefits of a new building.
36. The proposal therefore aims to refurbish the block and enhance its thermal and environmental performance. This is to be achieved by reducing the energy demand by installing energy efficient features such as high levels of insulation, high performance glazing, local and intelligent heating controls, reducing drafts, energy efficient lighting etc. All flats would be provided with under floor heating which would replace the old and inefficient electrical heating systems. This will provide a more even distribution of heat and will also improve the acoustic performance of the floors. In the event of planning permission being granted a further planning application would be submitted for the relocated energy referred to above.

Conclusion

37. The proposals represent a much welcomed scheme of improvement and refurbishment of the eastern block of accommodation at Summertown house. It also improves the setting of the listed house, reduces car parking and increases cycle parking. A separate application will be submitted for a relocated energy centre.
38. Committee is recommended to support the proposals accordingly.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions and an accompanying Unilateral Undertaking. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance

with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

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 subject to conditions and accompanying Unilateral Undertaking officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

Contact Officer: Lisa Green

Extension: 2614

Date: 26th March 2012

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West Area Planning Committee

8th May 2013

Application Number: 13/00760/FUL

Decision Due by: 22nd May 2013

Proposal: Conversion of garage in to habitable space

Site Address: 24 Marlborough Court, Duke Street, **Appendix 1.**

Ward: Jericho And Osney Ward

Agent: N/A

Applicant: Emily Pinching

Recommendation: APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal is acceptable in terms of its visual impact and would not be detrimental to the streetscene, or to the living conditions of neighbouring properties. The loss of the garage is compensated by the creation of an additional off-street parking space. The site is located in a sustainable location close to local amenities and a regular bus service. The proposal accords with policies CP, CP6, CP8 and CP10 of the Oxford Local Plan, HP14 and HP16 of the Sites and Housing Plan and CS11 and CS18 of the Core Strategy.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials - matching
- 4 In accordance with Flood Risk Assessment
- 5 Ground resurfacing - SUDS compliant

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

Core Strategy

CS11 - Flooding

CS18 - Urban design, town character, historic environment

Sites and Housing Plan

HP9 - Design, Character and Context

HP14 - Privacy and Daylight

HP16 - Residential car parking

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

98/01910/NOY - Demolition of existing commercial buildings. Outline application for the erection of 31x3 and 4 bed units. (All details reserved for subsequent approval.. PER 17th September 1999.

99/01989/NR - Construct 29x3 & 4 bed units (details of siting, design, external appearance, access & landscaping reserved by outline planning permission 98/01910/NOY. PER 3rd June 2000.

Representations Received:

11 Duke Street – need to consider impact on local parking pressure

At the time of writing this report the consultation period was still open; any further comments received will be reported verbally at Committee.

Statutory and Internal Consultees:

Highways Authority – no objection (see comments below)

Determining Issues:

- Visual impact
- Parking
- Flood risk

Officers Assessment:

Site

1. The application site comprises a three-storey end of terrace town house located in a close at the southern end of Duke Street, to the south side of Botley Road. The house has an integral garage to the side with an off-street parking space in front of it.

Proposal

2. Planning permission is sought to convert the garage into living accommodation to provide a study room and a larger kitchen/diner.
3. Planning permission is required for this alteration as a condition was placed on the consent for the development granted in 1999 (ref. 98/01910/NOY) which states:

Any garages which are approved shall not be changed or adapted for living purposes or used for any other purpose except as a private domestic garage without the prior written permission of the Local Planning Authority.

Reason: To ensure that a garage is always available for use with the house.

4. Officers consider the determining issues in this case to be the visual impact of the proposal, the loss of the garage in terms of parking provision, and any potential for increased flood risk.
5. The application comes before committee as the applicant is an employee of the Council.

Visual Impact

6. The external changes to appearance of the house are fairly minimal, with an existing garage door being replaced with a window to match existing ones. A condition is suggested requiring matching materials to be used when blocking up the garage entrance.
7. An existing small front garden area would be levelled to provide some extra parking space to the front, as well as the existing parking space to the side which would remain unaffected.
8. The visual impact of the proposal is considered to be acceptable and would not be harmful to the character of the existing building and surrounding area, and would not appear out of keeping with the overall character of the area. In this respect the proposal complies with policies CP1, CP8 and CP10 of the Oxford Local Plan and CS18 of the Core Strategy.

Parking

9. An existing off-street space would remain to the side of the house, and an additional space would be created in front the house by levelling the small garden area. This level of parking is deemed to be acceptable in this location and does not conflict with the aims of policy HP16 of the Sites and Housing Plan.
10. The site is not eligible for parking permits as it is outside of the West Oxford Controlled Parking Zone (CPZ). Duke Street immediately to the north is within the CPZ as is the rest of Marlborough Court which runs parallel to this section of the street so it is possible to control parking in the immediate area. As the application site is not eligible for parking permits officers are satisfied that the proposal would not lead to additional pressure on surrounding streets.
11. The Highway Authority has no control over highway matters on the section of Marlborough Court, which is a private road; however, they have commented that it is likely that the proposed parking arrangement for 2 parking spaces to the side and front of the dwelling will require multiple manoeuvres. However, this is not considered to create undue risks to safety as there are only a small number of properties served off the private access.. The Highway Authority has no objection to the proposal.
12. Other properties in this section of the street already park on the front garden areas and planning permission was granted last year for no. 20 Marlborough Road to convert their garage to habitable accommodation. In view of the off-street parking proposed, and the location of the dwelling in a private road shared by only 4 other dwellings, as well as the existence of a CPZ in the neighbouring streets, officers are of the view that the loss of the garage would not cause an increase in parking pressure in the local area.

Flooding

13. The site is located within a flood zone and as such a Flood Risk Assessment (FRA) has been submitted which confirms that the floor levels will not be lowered. A condition is suggested requiring the development to be carried out in accordance with the information submitted in the FRA.
14. A condition is also suggested requiring ground resurfacing works to be compliant with Sustainable Urban Drainage techniques, to prevent surface water flooding and in accordance with policy CS11 of the Core Strategy.

Conclusion: recommendation to approve subject to conditions.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

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

Contact Officer: Rona Gregory

Extension: 2157

Date: 25th April 2013

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Appendix 1

13/00760/FUL - 24 Marlborough Court



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Ordnance Survey 100019348

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Agenda Item 7

Monthly Planning Appeals Performance Update – March 2013

Contact: Head of Service City Development: Michael Crofton-Briggs.
Tel 01865 252360.

1. The purpose of this report is two-fold: a) to provide an update on the Council's planning appeal performance; and b) to list those appeal cases that were decided and also those received during the specified month.
2. The Government's Best Value Performance Indicator BV204 relates to appeals arising from the Council's refusal of planning permission and telecommunications prior approval refusals. It measures the Council's appeals performance in the form of the percentage of appeals allowed. It has come to be seen as an indication of the quality of the Council's planning decision making. BV204 does not include appeals against non-determination, enforcement action, advertisement consent refusals and some other types. Table A sets out annual performance for the current business plan year, ie. 1 April 2012 to 31 March 2013.

Table A. BV204: Current Business plan year performance (1 April to 31 March 2013)

A.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No	%	No.	No.
Allowed	16	(38%)	4(50%)	12 (37%)
Dismissed	26	62%	4 (50%)	22 (63%)
<i>Total BV204 appeals</i>	42		8	34

3. A fuller picture of the Council's appeal performance is given by considering the outcome of all types of planning appeals, i.e. including non-determination, enforcement, advertisement appeals etc. Performance on all appeals is shown in Table B.

Table B. All planning appeals (not just BV204 appeals): Rolling year to 31 March 2013

	Appeals	Percentage performance
Allowed	19	(39%)
Dismissed	30	61%
All appeals decided	49	
Withdrawn	0	

4. When an appeal decision is received, the Inspector's decision letter is circulated (normally by email) to all the members of the relevant committee. The case officer also subsequently circulates members with a commentary on the decision if the case is significant. Table C, appended below, shows a breakdown of appeal decisions received during March 2013.
5. When an appeal is received notification letters are sent to interested parties to inform them of the appeal. If the appeal is against a delegated decision the relevant ward members receive a copy of this notification letter. If the appeal is against a committee decision then all members of the committee receive the notification letter. Table D, appended below, is a breakdown of all appeals started during March 2013. Any questions at the Committee meeting on these appeals will be passed back to the case officer for a reply.

Table C

Appeals Decided between 1/3/13 and 31/3/13

DECTYPE KEY: COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by Area Committee, STRACM - Strategic Committee; RECM KEY: PER - Approve, REF - Refuse, SPL - Split Decision; NDA - Not Determined; APP DEC KEY: ALC - Allowed with conditions, ALW - Allowed without conditions, ALWCST - Allowed with costs, AWD - Appeal withdrawn, DIS - Dismissed

DC CASE NO.	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDED	WARD:	ADDRESS	DESCRIPTION
12/00914/FUL	12/00036/REFUSE	DEL	REF	DIS	15/03/2013	COWLEY	1 Clive Road Oxford Oxfordshire OX4 3EJ	Two-storey, side extension and other alterations to create 2x1 bed flats with associated car parking, amenity space and refuse/cycle storage facilities (variation of scheme approved by application 11/02631/FUL)
12/01780/FUL	12/00046/REFUSE	DEL	REF	DIS	19/03/2013	STMARY	9 Green Street Oxford OX4 1YB	Part removal of existing buildings. Erection of 2 x 4 bedroom dwellings and 1 x 2 bedroom dwelling with associated car parking, cycle parking and bin storage.

Total Decided: 2

Table D

Appeals Received between 1/3/13 and 31/3/13

DECTYPE KEY: COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by Area Committee, STRACM - Strategic Committee; RECMND KEY: PER - Approve, REF - Refuse, SPL - Split Decision, NDA - Not Determined; TYPE KEY: W - Written representation, I - Informal hearing, P - Public Inquiry, H - Householder

DC CASE NO.	AP CASE NO.	DEC TYPE	RECM	TYPE	ADDRESS	WARD:	DESCRIPTION
12/02376/FUL	13/00008/REFUSE	DEL	REF	W	Cedar House 2B Bladon Close Oxford Oxfordshire OX2 8AD	WOLVER	Erection of 2 storey 4-bed detached dwellinghouse (use class C3) (retrospective) (amendment to planning permission 11/01398/FUL) and garden outbuilding.
12/02904/FUL	13/00009/REFUSE	DEL	REF	H	34 Tarragon Drive Oxford Oxfordshire OX4 7XT	NORBRK	Erection of front porch and conversion of existing garage to form gym room.
12/02964/FUL	13/00010/REFUSE	DEL	REF	H	30 Weirs Lane Oxford Oxfordshire OX1 4US	HINKPK	Provision of dropped kerb for vehicle access from highway.
12/03016/FUL	13/00007/NONDET	DELCOM	REF	W	81 Wytham Street Oxford Oxfordshire OX1 4TN	HINKPK	Erection of single storey side extension and single storey rear extension.
13/00023/FUL	13/00011/REFUSE	DEL	REF	W	106 London Road Headington Oxford Oxfordshire OX3 9AJ	HEAD	Change of use from retail unit (Use Class A1) to licensed betting office (Use Class A2). Alterations to side elevation and shopfront.
13/00036/FUL	13/00012/REFUSE	DEL	REF	W	Land Rear Of 2-14 Jack Straws Lane Headington Oxford OX3 0DL	HHLNOR	Erection of three detached two-storey dwellings with parking, access and amenity space. (Amended plans)

Total

6

Table E

Enforcement Appeals Received between 1/3/13 and 31/3/13

TYPE KEY: W - Written representation, I - Informal hearing, P - Public Inquiry, H - Householder

EN CASE NO.	AP CASE NO.	TYPE	ADDRESS	WARD:	DESCRIPTION
12/00635/ENF	13/00006/ENFORC	W	73 Dene Road Oxford Oxfordshire OX3 7EQ	LYEVAL	Alleged erection of single storey outbuilding without planning permission.

Total **1**

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WEST AREA PLANNING COMMITTEE

Wednesday 17 April 2013

COUNCILLORS PRESENT: Councillors Van Nooijen (Chair), Goddard (Vice-Chair), Benjamin, Canning, Cook, Jones, Khan, Tanner and Price.

OFFICERS PRESENT: Michael Crofton-Briggs (Head of City Development), Murray Hancock (City Development), Huw Jones (Oxfordshire County Council), Michael Morgan (Law and Governance) and Sarah Claridge (Trainee Democratic and Electoral Services Officer)

149. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Bev Clack (substitute Councillor Bob Price).

150. DECLARATIONS OF INTEREST

There were no declarations of interest.

151. ROGER DUDMAN WAY

The Head of City Development submitted a report (previously circulated now appended) which detailed the progress made into the investigation of the Roger Dudman Way application (11/02881/FUL).

In accordance with the criteria for public speaking, the Committee noted that Nicky Moeran, Councillor Mike Gotch and Toby Porter spoke on the report.

The public made the following comments:

- Upset with Council's decision and the University's response.
- Upset with the lack of consultation for the application. There was no visible display or advertised plans in the Port Meadow vicinity of the proposed plan.
- Fear that the ongoing meetings with the University will not yield very much or lead anywhere.
- The Council, University and public need to work together to right this wrong.
- Council could propose to the University the following mitigating effects:
 1. One way glass all windows fronting Port Meadow instead of blinds
 2. Cascade planting at the front of the building
 3. Remove pitched roof from western façade
 4. Re-locate plant and other services to eastern side of the roof voids

Members' Questions

- When will we get a report? – The earliest a report can be presented would be May 2013,
- Can a special meeting of the committee to deal with this issue be arranged? – Yes the committee can decide to hold a special meeting.

Members made the following comments:

- Worried about the time it is taking to solve this issue as the building will be finished soon.
- The planning decision was reasonable as the Council has to balance the city's needs for housing, preserving the environment and student accommodation. However, this is a significant application and the public thinks we have got it wrong
- We need to put pressure on the officers and University to solve the problems and produce a report ASAP.
- The University's response has been inadequate and does its reputation no good.
- Officers can't solve it, the Vice Chancellor and Leader of the Council need to meet, as they are not bound by planning law.
- Planning law is not going to create a solution, a political decision now needs to be made.
- The Leader has already offered to meet with the University to discuss the way forward. However more information is needed before parties can meet.
- Would like to see timeline of how progress has been made.

The Committee resolved (by 9 votes to 0) the following:

1. That the Committee calls upon those at the highest levels in Oxford University and the Council to meet as soon as possible to discuss and find a solution
2. That a letter from the Chair of the West Area Planning Committee to the Vice Chancellor of Oxford University be sent which outlines the Committee's concerns in regards to the Roger Dudman Way application (11/02881/FUL).
3. That a progress report from West Area Planning Committee be presented to Council.

152. UK BATHROOM WAREHOUSE, ABINGDON ROAD: 13/03279/FUL

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application to demolish the existing building on site. Erection of 83 bedroom hotel on 3 floors accessed from Abingdon Road. Provision of 45 car parking spaces and bin and cycle storage (Amended and additional plans).

In accordance with the criteria for public speaking, the Committee noted that Tony O'Brian and Adrian James spoke in favour of the application and no one spoke against it.

After taking into consideration all oral and written submissions, the Committee resolved (by 9 votes to 0) to REFUSE the planning application for the following reasons:

1. Having regard to the location of the proposed Travelodge in close proximity to the strategic road network, the amount of car parking provided is considered to be inadequate to serve the amount of accommodation

proposed. The development would therefore be contrary to policies TR3, TR9 and Appendix 3 of the Oxford Local Plan 2001 to 2016.

2. In the absence of a legal agreement securing financial contributions towards highways infrastructure, affordable housing, off - site landscaping and public art the proposed development would be contrary to the requirements of policies CP9 and CP14 of the adopted Oxford Local Plan 2001 to 2016; policy CS24 of the Oxford Core Strategy 2026 and accompanying Planning Obligations Supplementary Planning Document in respect of facilities required to mitigate the impact of the development.
3. Having regard to its massing; the regularity of its appearance; and its use of inappropriate panelling materials, the proposed development would represent an incongruous and discordant feature in the landscape at a prominent location at the southern edge of the city, close to open land and Oxford Green Belt. The development would therefore be contrary to policy CP8 of the Oxford Local Plan 2001 to 2016 and policy CS18 of the Oxford Core Strategy 2026.

153. 10 & 10A BARTLEMAS ROAD: 13/00304/FUL

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application for an extension to 10a Bartlemas Road to create a 2 bedroom dwelling. Extension and subdivision of the existing 10 Bartlemas Road to create 2 x 1 bedroom dwellings (to be known as 10 and 10b Bartlemas Road). Removal of workshop in rear garden and provision of shared amenity space

In accordance with the criteria for public speaking, the Committee noted that Emily Warner spoke in favour of the application and no one spoke against it.

After taking into consideration all oral and written submissions, the Committee resolved (by 9 votes to 0) to APPROVE the planning application subject to the following conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials - matching
- 4 Prior to occupation the existing garden building shall be removed
- 5 Bin and Cycle storage
- 6 Limit parking permit eligibility to four permits:

154. 55 WOLVERCOTE GREEN: 13/00290/FUL

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application to erect a two storey side extension.

In accordance with the criteria for public speaking, the Committee noted that Councillor Mike Gotch and Robbie Scott spoke in favour of the application and no one spoke against it.

After taking into consideration all oral and written submissions, the Committee resolved (by 6 votes to 3) to APPROVE the planning application subject to the following conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans

155. CUTTESLOWE PARK PAVILION: 13-00389-CT3

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application to install an external raised metal platform to front and side. Refurbishment works including insertion of windows and doors to create enclosed glazed corridor to front, insertion of windows and doorways, removal of rear windows, installation of public toilets and internal remodelling.

In accordance with the criteria for public speaking, the Committee noted that no one spoke on this application

After taking into consideration all written submissions, the Committee resolved (by 9 votes to 0) to APPROVE the planning application subject to the following conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Building to incorporate energy efficient and sustainable measures in excess of Building Regulations requirements.

156. PLANNING APPEALS

The Committee resolved (by 9 votes to 0) to NOTE the report on planning appeals received and determined during February 2013

157. FORTHCOMING APPLICATIONS

The Committee resolved (by 9 votes to 0) to NOTE the list of forthcoming applications.

158. MINUTES

The Committee resolved (by 9 votes to 0) to APPROVE the minutes of the meeting held on 13 March 2013 (adjoined and reconvened on 14 March 2013) as a true and accurate record.

The meeting started at 6.00 pm and ended at 7.45 pm