

# Agenda

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## West Area Planning Committee

This meeting will be held by Zoom and streamed to the Council's YouTube channel when the meeting starts:

<https://www.youtube.com/oxfordcitycouncil>

This meeting will be held on:

Date: **Tuesday 11 August 2020**

Time: **3.00 pm**

Place: **Zoom - Remote meeting**

**For further information** please contact:

Catherine Phythian, Committee and Member Services Officer, Committee Services Officer

☎ 01865 252402

✉ [democraticservices@oxford.gov.uk](mailto:democraticservices@oxford.gov.uk)

**Members of the public can attend to observe this meeting and**

- may register in advance to speak to the committee in accordance with the [committee's rules](#)
- may record all or part of the meeting in accordance with the Council's [protocol](#)

Information about speaking and recording is set out in the agenda and on the [website](#)

Please contact the Committee Services Officer to register to speak; to discuss recording the meeting; or with any other queries.

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*All public papers are available from the calendar link to this meeting once published*

## Committee Membership

Councillors: Membership 9: Quorum 5: substitutes are permitted.

Councillor Colin Cook (Chair)	Jericho and Osney;
Councillor Michael Gotch (Vice-Chair)	Summertown;
Councillor Tiago Corais	Littlemore;
Councillor Alex Hollingsworth	Carfax;
Councillor Richard Howlett	Carfax;
Councillor Dan Iley-Williamson	Holywell;
Councillor Richard Tarver	Iffley Fields; apologies
Councillor Louise Upton	North;
Councillor Elizabeth Wade	Wolvercote;
Councillor Sian Taylor	Northfield Brook; substitute

Apologies and notification of substitutes received before the publication are shown under *Apologies for absence* in the agenda. Those sent after publication will be reported at the meeting. Substitutes for the Chair and Vice-chair do not take on these roles.

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered **and** the Head of Planning Services has issued the formal decision notice.*

# Agenda

	Pages
<b>1 Apologies for absence and substitutions</b>	
Councillor Tarver has sent apologies; Councillor Taylor will substitute.	
<b>Planning applications - background papers and additional information</b>	
To see representations, full plans, and supplementary information relating to applications on the agenda, please <a href="#">click here</a> and enter the relevant Planning Reference number in the <input type="text"/> search box.	
Any additional information received following the publication of this agenda will be reported and summarised at the meeting.	
<b>2 Declarations of interest</b>	
<b>3 20/00166/FUL: Rhodes House, South Parks Road, Oxford, OX1 3RG</b>	15 - 62
<b>Site address:</b>	Rhodes House, South Parks Road, Oxford, OX1 3RG
<b>Proposal:</b>	Demolition of Lodge buildings, garden works buildings, existing hard landscaping on Ramparts and internal elements. Refurbishment, alteration and extension of existing building, including external glazing over internal courtyards, insertion of en suite bathrooms and lifts, and extension to existing basement to provide residential, teaching and office accommodation with associated structural works. Erection of replacement Lodges and single storey garden room. Creation of underground accommodation and sunken courtyard within the grounds (east) to provide additional residential en

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suite bedrooms. Erection of a single storey glazed pavilion building (with new basement) within the grounds (west) to provide additional teaching and office accommodation. Erection of new gardeners outbuildings. New landscaping of garden and Ramparts; removal and re-instatement of boundary walls; removal and reinstatement of front ramps; and provision of cycle parking. (Amended description) (Additional and amended plans and supporting information).

**Recommendation:**

The West Area Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required conditions set out in section 12 of the report and grant listed building consent.
2. **agree to delegate authority** to the Head of Planning Services to:
  - finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

**4 20/00167/LBC: Rhodes House, South Parks Road, Oxford, OX1 3RG**

63 - 92

**Site address:** Rhodes House, South Parks Road, Oxford, OX1 3RG

**Proposal:** Demolition of Lodge buildings, garden works buildings, existing hard landscaping on Ramparts and internal elements. Refurbishment, alteration and extension of existing building, including external glazing over internal courtyards, insertion of en suite bathrooms and lifts, and extension to existing basement to provide residential, teaching and office accommodation with associated structural works. Erection of replacement Lodges and single storey garden room. Creation of underground accommodation and sunken courtyard within the grounds

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(east) to provide additional residential en suite bedrooms. Erection of a single storey glazed pavilion building (with new basement) within the grounds (west) to provide additional teaching and office accommodation. Erection of new gardeners outbuildings. New landscaping of garden and Ramparts; removal and re-instatement of boundary walls; removal and reinstatement of front ramps; and provision of cycle parking. (Amended description) (Additional and amended plans and supporting information).

**Recommendation:**

The West Area Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required conditions set out in section 12 of the report and grant listed building consent.
2. **agree to delegate authority** to the Head of Planning Services to:
  - finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary

**5 20/00259/FUL: 33-37 Offices, Stockmore Street, Oxford, OX4 1JT**

93 - 124

**Site address:** 33-37 Offices, Stockmore Street, Oxford, OX4 1JT

**Proposal:** Demolition of plumber's merchants on Stockmore Street (Mixed Use Classes B8/B1a). Redevelopment of site between Stockmore Street and Temple Street to provide new office development (Use Class B1a). Provision of bin and cycle storage (amended description and plans).

**Recommendation:**

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The West Area Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and the completion of a unilateral undertaking referred to in paragraph 3.1. and grant planning permission.
2. **agree to delegate authority** to the Head of Planning Services to:
  - finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

**Appendix 1** - site plan will be circulated separately

**6 19/03013/FUL: 8 Hollybush Row, Oxford,OX1 1JH**

125 -  
152

**Site address:** 8 Hollybush Row, Oxford, OX1 1JH

**Proposal:** Demolition of existing building. Erection of a four storey building to create 5 x 2 bed flats and 2 x 1 bed flats. Provision of amenity space, bin and bicycle storage.

**Recommendation:**

The West Area Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission, and;
2. **agree to delegate authority** to the Head of Planning Services to:
  - finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

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**7 20/01587/FUL: Car Park To The Rear Of Littlemead Business Park, Ferry Hinksey Road, Oxford, OX2 0ES**

153 -  
170

**Site address:** Car Park To The Rear Of Littlemead  
Business Park, Ferry Hinksey Road, Oxford,  
OX2 0ES

**Proposal:** Demolition of existing buildings and erection of two storey building to provide office space (Use Class B1a). Provision of amenity space, car parking and bin and cycle stores with associated landscaping.

**Recommendation:**

The West Area Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission; and
2. **agree to delegate authority** to the Head of Planning Services to:
  - finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

**8 Minutes**

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**Recommendation:** to approve the minutes of the meeting held on 7 July 2020 as a true and accurate record.

**9 Forthcoming applications**

Items currently expected to be considered by the committee at future meetings are listed for information. This is not a definitive list and applications may be added or removed at any point. These are not for discussion at this meeting.

19/00608/FUL: Jurys Inn, Godstow Road, Oxford, OX2 8AL	
18/02989/FUL: 269 Cowley Road, Oxford, OX4 2AJ (Bartlemas Nursery)	

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19/02306/FUL: Castle Hill House, 9 New Road, Oxford, OX1 1LT	
19/02307/LBC : Castle Hill House, 9 New Road, Oxford, OX1 1LT	
19/02578/OUT: Land Forming The Site Of Former Cold Arbour Filling Station, 281 Abingdon Road, Oxford, OX1 4US	
19/02601/FUL: Frewin Quad, New Inn Hall Street, Oxford, OX1 2DH	
20/00549/LBC:Town Hall, St Aldate's, Oxford OX1 1BX	
19/02815/FUL: Land Between 45 And 51 Hill Top Road, Oxford, Oxfordshire	Called in
19/02816/FUL: Land Between 45 And 51 Hill Top Road, Oxford, Oxfordshire	
19/02817/FUL: Land Between 45 And 51 Hill Top Road, Oxford, Oxfordshire	
19/02926/FUL: Land Adjacent The Old School, Gloucester Green, Oxford, OX1 2BU	
19/02723/FUL: 20 Blenheim Drive, Oxford, OX2 8DG	
20/00549/LBC: Town Hall, St Aldate's, Oxford, OX1 1BX	
20/00747/VAR: The White Rabbit, 21 Friars Entry, Oxford, OX1 2BY	
20/01337/FUL: Site Of Millway Close, Oxford, OX2 8BJ	
20/01314/FUL: Unit 1 & Unit 2, Botley Road, Oxford, OX2 0HA	
20/01597/FUL: 225-229 Banbury Road, Oxford, OX2 7HQ	
20/01118/FUL:2 St Peter's Road, Oxford, OX2 8AU	
20/01567/FUL: 7-9 Blue Boar Street, Oxford, OX1 4EE	

## 10 Dates of future meetings

Future meetings of the Committee are scheduled on:

2020	2021
8 September	19 January
13 October	9 February

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*Oxford City Council, Town Hall, St Aldate's Oxford OX1 1BX*

10 November	9 March
8 December	13 April

These may be remote meetings: start times and arrangements will be confirmed nearer the meeting date.

## Public access to this meeting and members of the public speaking

### Remote meetings will be held on Zoom.

#### Public access to remote meetings

1. You can watch the meeting remotely by clicking on the link in the comments section or under 'media' sited just above the agenda items.
2. The live link will appear on this page just as the meeting starts. This will launch a YouTube video of the live meeting. If it does not, then follow the link to the council's YouTube channel where the video will be playing.

#### Registering to speaking

3. Members of the public can register to speak at a meeting in accordance with the Procedure Rule within Council's Constitutions.
4. **For this committee you must register to speak before noon on the working day before the meeting**, giving the application name/number and whether you are supporting or objecting. You must also supply an email address and phone number.
5. **Members of the public registering to speak are recommended to submit their contribution in writing to [democraticservices@oxford.gov.uk](mailto:democraticservices@oxford.gov.uk) not less than 24 hours before the meeting is due to start.** This will ensure that their contribution can be taken into account and, where necessary, responded to, in the event that the connection is poor or they are otherwise unable to join the meeting. Members of the public who register to speak will be advised of any word limit for their written submission.

#### Public attendance and speaking at remote meetings

6. Members of the public viewing the meeting should do this through the weblink to the live stream as above.

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered **and** the Head of Planning Services has issued the formal decision notice.*

7. Members of the public may register to speak at the meeting in accordance with the procedure rules (see 4 and the notes at the end of the agenda frontsheet)
8. Those registering to speak will be provided with joining instructions and guidance on public participation in remote meetings by the Committee and Member Services Team.
9. When the meeting starts, or during the agenda item before the one they are speaking on, they should follow these instructions and join the meeting. When joining a meeting members of the public with a right to speak must ensure that they can be identified as a registered speaker otherwise their access to the meeting will be blocked.
10. They will be held as an 'attendee' and be able to see and hear the meeting but not take part.
11. The Meeting Host will 'enable' their microphone when they are called to speak, or may admit them to the meeting. They must not speak until are invited to do so by the Chair. Speeches are timed from the first words of the speech: there is no penalty for delays caused by the technology.
12. The member of the public may remain as an attendee or in the meeting to hear the remainder of the agenda item. Once their contribution has been heard the Meeting Host will mute their microphone and it must remain muted for the remainder of the meeting unless the Chair invites them to speak again, at which point the microphone will be enabled again.
13. At the end of the agenda item, the Chair may ask speakers attending for that item to disconnect from the remote meeting and the Meeting Host may remove their access to the meeting. Members of the public may continue to observe the meeting by watching the live stream accessed via a link on the Council's [meetings webpages](#).
14. If a member of the public exercising their right to speak at a remote meeting loses connectivity during their contribution, they should immediately dial back in to the meeting using the telephone number provided in the joining instructions.
15. If a member of the public exercising their right to speak at a remote meeting loses connectivity and is unable to re-join the meeting their previously submitted written contribution will be considered (it will be read out by an officer who will keep strictly to the allocated time limit). If no written contribution has been submitted the meeting will proceed without considering their contribution.

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### **Press access to remote meetings**

16. Journalists wishing to attend a remote meeting are advised to inform [pressoffice@oxford.gov.uk](mailto:pressoffice@oxford.gov.uk) not less than 24 hours before the meeting is due to start to be issued with joining instructions.
17. Journalists in remote attendance are asked to keep their microphone muted and their video camera turned off.
18. Alternatively journalists can access meetings by viewing the live stream as set out in 1 and 2 above.

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## **Information for those attending**

### **Recording and reporting on meetings held in public**

Members of public and press can record, or report in other ways, the parts of the meeting open to the public. You are not required to indicate in advance but it helps if you notify the Committee Services Officer prior to the meeting so that they can inform the Chair and direct you to the best place to record.

The Council asks those recording the meeting:

- To follow the protocol which can be found on the Council's [website](#)
- Not to disturb or disrupt the meeting
- Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule or show a lack of respect towards those being recorded.
- To avoid recording members of the public present, even inadvertently, unless they are addressing the meeting.

Please be aware that you may be recorded during your speech and any follow-up. If you are attending please be aware that recording may take place and that you may be inadvertently included in these.

The Chair of the meeting has absolute discretion to suspend or terminate any activities that in his or her opinion are disruptive.

### **Councillors 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". 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.

## **Procedure 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. Advice on bias, predetermination and declarations of interests is available from the Monitoring Officer.

### **The following minimum standards of practice will be followed:**

1. All members of the Committee will have pre-read the officers' report. Committee members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful. (In accordance with the guidance at 24.15 (Planning Code of Practice) in the Council's Constitution).
2. At the meeting the Chair may draw attention to this procedure. The Chair may 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;
  - (d) 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;
  - (e) 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 officers and/or other speakers); and
  - (f) voting members will debate and determine the application.
4. In determining an application Committee 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 overturning the officer's recommendation have been formulated including the reasons for refusal or the wording of any planning conditions; or
  - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

### **Public requests to speak**

**Members of the public wishing to speak must notify the Committee Services Officer by noon on the working day before the meeting**, giving their name, the application/agenda item they wish to speak on and whether they are objecting to or supporting the application. Notifications can be made via e-mail or telephone, to the Committee Services Officer (details are on the front of the Committee agenda).

### **Written statements from the public**

**Any written statement that members of the public or Councillors wish to be considered should be sent to the planning officer by noon two working days before the day of the meeting. The planning officer will report these at the meeting.** Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material consideration arising. Any such material will not be displayed or shown at the meeting.

### **Exhibiting model and displays at the meeting**

Applicants or members of the public can exhibit models or displays at the meeting as long as they notify the Committee Services Officer of their intention by noon two working days before the start of the meeting so that members can be notified.

### **Recording meetings**

This is covered in the general information above.

### **Meeting Etiquette**

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.

**This procedure is detailed in the Annex to part 24 of the Council's Constitution as agreed at Council in January 2020.**

**West Area Planning Committee**

11<sup>th</sup> August 2020

**Application number:** 20/00166/FUL  
**Decision due by** 6th May 2020  
**Extension of time** 31<sup>st</sup> August 2020

**Proposal** Demolition of Lodge buildings, garden works buildings, existing hard landscaping on Ramparts and internal elements. Refurbishment, alteration and extension of existing building, including external glazing over internal courtyards, insertion of ensuite bathrooms and lifts, and extension to existing basement to provide residential, teaching and office accommodation with associated structural works. Erection of replacement Lodges and single storey garden room. Creation of underground accommodation and sunken courtyard within the grounds (east) to provide additional residential ensuite bedrooms. Erection of a single storey glazed pavilion building (with new basement) within the grounds (west) to provide additional teaching and office accommodation. Erection of new gardener's outbuildings. New landscaping of garden and Ramparts; removal and re-instatement of boundary walls; and provision of cycle parking.

**Site address** Rhodes House, South Parks Road,  
**Ward** Holywell Ward  
**Case officer** Felicity Byrne  
**Agent:** Mr Rob Linnell      **Applicant:** Rhodes Trust  
**Reason at Committee** Major development

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## 1. RECOMMENDATION

1.1. is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission; and

1.1.2. **agree to delegate authority** to the Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary and issue the planning permission.

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers an application to refurbish and remodel the interior of Rhodes House, Grade II\* listed, and create new additional accommodation above and below ground to provide a total of 40 ensuite bedrooms, improved office accommodation, small & medium sized meeting spaces and conversion of the basement into a convening space for 300 people. The site is constrained by the listed building which dominates the plot, trees and the Civil War Rampart which runs down the whole of the eastern boundary. This site lies within the Central (City & University) Conservation Area.
- 2.2. It is considered that the proposal is of high quality design. Whilst there would be a large amount of work to the listed building itself and within its garden, overall this would result in less than substantial harm to the designated heritage asset and non-designated but nationally important Civil War Rampart. This less than substantial harm would be outweighed in this case by the public benefits derived.
- 2.3. There would be a small loss of trees but this could be suitably mitigated by new tree planting. There are protected bats in Rhodes House, and a special license would be required from Natural England to do any works that might affect them. However, overall there would be no adverse impact on protected species and biodiversity mitigation and enhancements measures could be secured by condition.
- 2.4. The site would remain car free and the slight increase in servicing and delivery would be undertaken in the same way as currently; subject to this not occurring during peak hours, there would be no adverse impact on the highway in this case. In relation to cycle parking, there would be a shortfall of 14 spaces under the policy requirement. However, due to the way in which Rhodes House operates, the site constraints that prevent more being put onsite without harm, the infrequency of maximum capacity events and based on an average occupancy level, it is considered that the cycle parking provision would be acceptable in this case.
- 2.5. Subject to relevant conditions, the development would not result in an adverse impact in terms of flooding & drainage, land quality, and air pollution. The development would adhere to the principles of sustainable design and construction and whilst it would not achieve a 40% carbon reduction requirement there are exceptional circumstances in this case that outweigh it.
- 2.6. In conclusion the development would result in a high quality scheme that appropriately responds to its setting that would result in public benefits that would outweigh any harm to designated and non-designated heritage assets. Through the imposition of suitably worded conditions the proposal accords with the policies of the Oxford Local Plan 2036, the NPPF and complies with the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **3. LEGAL AGREEMENT**

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

#### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

4.1. The proposal is liable for CIL amounting to £157,558.40.

#### **5. SITE AND SURROUNDINGS**

5.1. Rhodes House site is located on the corner of Parks Road and South Parks Road and consists of a single large u-shaped building with associated smaller extensions and outbuildings set within a mature garden. The site is located within the designated Central (City & University) Conservation Area (CCA) and Rhodes House is Grade II\* listed. To the north is the Radcliffe Science Library and bordering the site to the south is Wadham College. To the west are University of Oxford Nos. 9-10 Parks Road and the Garden of St John's College. The site is bounded by Love Lane to the east and on the other side of the lane are the buildings of Nos.1 & 1a South Parks Road and the Rothermere American Institute. The Radcliffe Science Library and No.1 South Parks Road, and Nos.9-10 Parks Road are also Grade II listed. Both gardens in St John's College and Wadham College are registered parks and gardens.

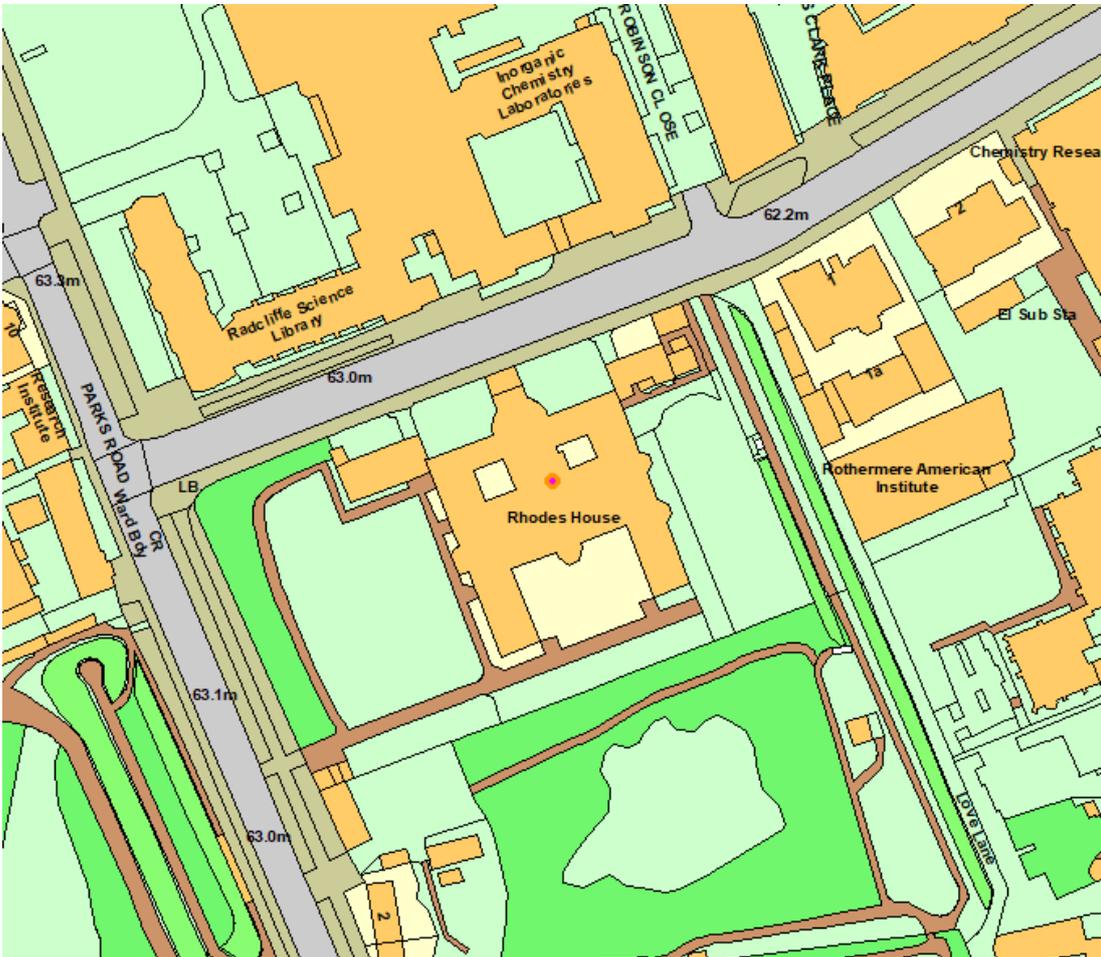
5.2. Rhodes House was built in 1929 and designed by Herbert Baker. It was built on land formerly owned by Merton College in the medieval period and later by Wadham College (1835 - 1925), during which it formed part of the Warden's Garden and later the Fellows' Private Garden. The Rhodes Trust acquired the land in 1925. The site contains features that pre-date the construction of Rhodes House including the old stone boundary wall to Parks Road and South Parks Road (grade II listed) a number of mature trees, and a section of the Royalist Civil War ramparts along the eastern boundary. The rampart continues south through Wadham College before turning east between Mansfield College and New College. This is a highly significant archaeological feature and considered to be of national importance.

5.3. The buildings plan form comprises a central range (entrance and dining hall (Milner Hall)) sited between two wings (library and former residential accommodation), and adopts a domestic Cotswold country house aesthetic with its south, east and west elevations having a relationship to the garden setting. This is combined with a classical form of architecture exhibited in the rotunda to the north elevation, the use of symmetry and the defining axes in the organisation of the plan form. It also has a large redundant basement, built in the 1950's, that up until recently housed books and material for the Bodleian Library. The rotunda vestibule is a memorial to Sir Cecil Parkin and those who died in WWI & II and Cecil Rhodes himself. Outside the garden comprises areas of lawn, shrub borders, and an area known as the Giant's Graveyard that sits above the basement between the two wings.

5.4. Rhodes House was originally listed as grade II on 12th January 1954. In 1997 the listing was revised and the building designated as grade II\*. The official listing description is largely confined to the external and internal architectural details of the building. The listing notes that the building "is a memorial to Cecil Rhodes and home of the Rhodes Trustees in Oxford. It was established in the will of Cecil Rhodes as a centre for scholars from the U.S.A., the British Empire and Germany".

5.5. The Rhodes Trust is an educational charity that administers scholarships to support students, mainly postgraduates, study at the University of Oxford through academic support, interaction with their Peers and convenings at Rhodes House. Rhodes Scholars do not reside at Rhodes House, instead they reside within their individual College or the University. Rhodes House is therefore different in nature from the Colleges and collegiate experience and instead is a central ‘hub’ or base to which Scholars may go to for support, to study, meetings and convening events associated with the Rhodes Trust Scholars. The building is also used as a venue for external events such as weddings and seasonal venue hire. There are 9 residential bedrooms for visitors. There are 50 staff based at Rhodes House but usually 30-40 staff on site at any one time due to flexible working and typically there are 15-20 scholars on site.

5.6. See block plan below:



© Crown Copyright and database right 2019.  
Ordnance Survey 100019348

**6. PROPOSAL**

6.1. The application proposes to rationalise and remodel the interior of Rhodes House and create new additional accommodation above and below ground to provide a total of 40 ensuite bedrooms, improved office accommodation, small & medium sized meeting spaces and conversion of the basement into a convening centre for 300 people.

6.2. Within Rhodes House the following works are proposed:

- Refurbishment and remodelling of the existing basement spaces to provide a convening centre with associated functions. This includes lifting the existing roof and the creation of a new landscape to the southern courtyard of Rhodes House;
- insertion of a new spiral stair into the Rotunda to connect the lower ground Foyer spaces with the ground floor of Rhodes House ;
- glazing-over and remodelling of the existing external lightwells, to form part of the Foyer space;
- changes to improve access and circulation in the building;
- replacement of building services (e.g. electrics) and improvements to the environmental performance of the existing building;
- refurbishment of existing principal rooms and circulation spaces throughout Rhodes House;
- refurbishment and remodelling of the East Wing of Rhodes House to create 24 ensuite bedrooms;
- a reduction in the length of the existing Lodge buildings and removal of existing garages and greenhouses that sit concealed behind the high stone boundary wall on South Parks Road to the west of the main house, and associated works to the boundary walls;

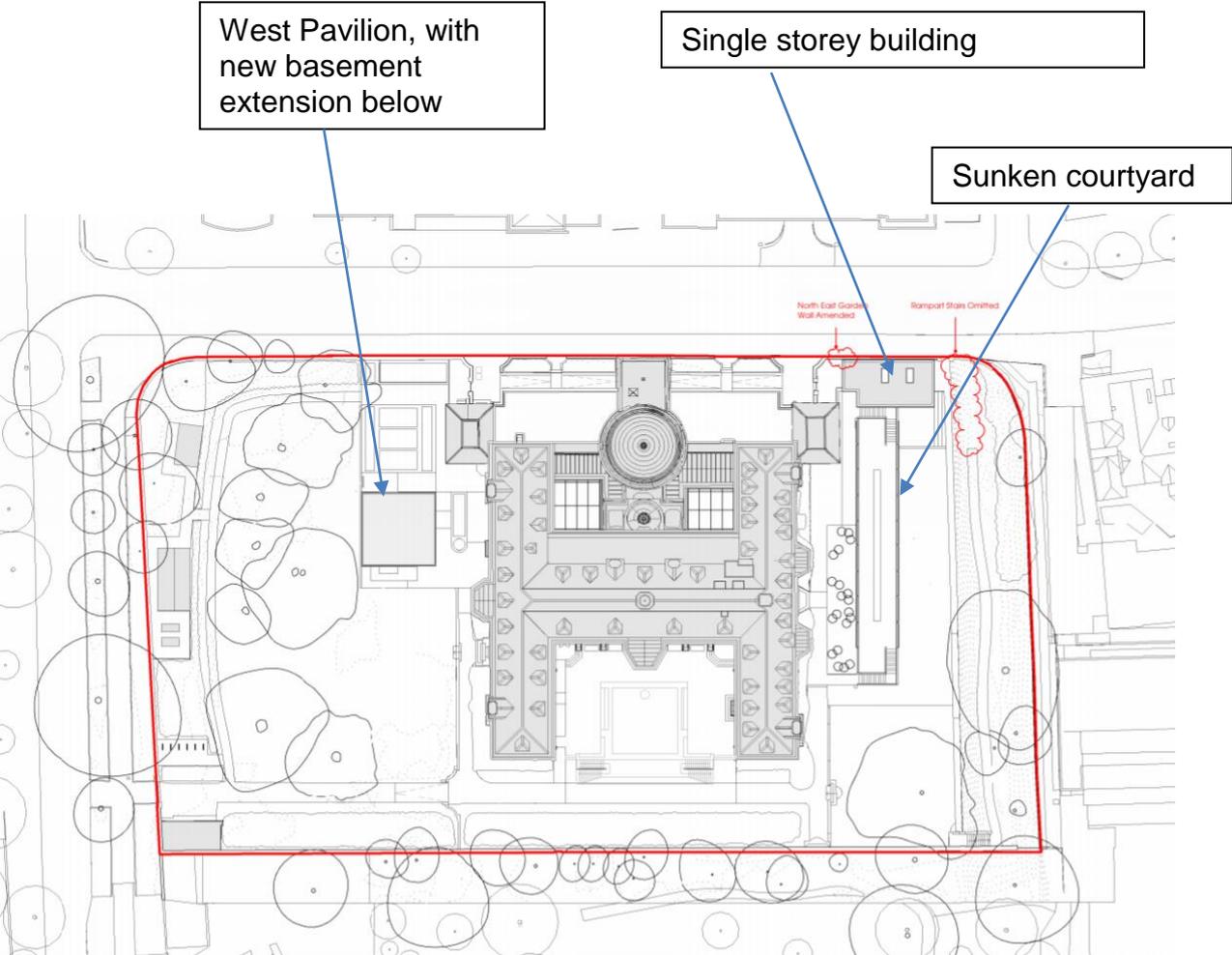
6.3. Within the garden grounds it is proposed to erect new buildings and create additional below ground accommodation including:

- Erection of a new single storey building in the east garden behind and adjoining the stone boundary wall on South Parks Road, comprising a communal space primarily for informal dining space for staff. It includes an enclosed bin storage area and venting for the proposed plant that is situated in a basement below it. The basement contains plant, storage and lift;
- Creation of 16 residential ensuite bedrooms below ground around a sunken central open courtyard area. It connects into the basement and lift of the single storey building above and lies parallel and adjacent to the Civil War Rampart;
- Erection of a single storey glass pavilion building in the west garden, with green roof and solid stone northern elevation providing oratory and meeting space for 20-40 people. The building would be connected beneath to the main House via an enlarged basement area that would provide additional office accommodation for up to 70 staff, lit via rooflights and an open sunken courtyard lightwell;
- Erection of two single storey garden buildings in the west garden to provide replacement potting shed/ storage and greenhouse facilities.

6.4. Key interventions proposed within the interior of the listed building are the insertion of a spiral staircase to the basement level within the rotunda vestibule and closing of one of the existing staircases to the rear of the rotunda to the same basement level; covering over of the internal open courtyards with glass roofs and insertion of 3 lifts.

6.5. The development also proposes increasing the visibility of the Civil War Rampart from South Parks Road together with interpretation information and a strategy for public art and increased accessibility to the house and grounds.

6.6. The proposed block plan can be seen below:



**7. RELEVANT PLANNING HISTORY**

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

00/01081/L - Listed Building consent to dismantle main entrance portico, reconstruct basement sub-structure, and rebuild portico to match existing..
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PER 6th November 2000.

00/01082/NFH - Rebuild portico to match existing following dismantling.. PER 6th November 2000.

01/00918/L - Listed building consent for internal alterations to create a readers room, with relocation of cloaks, storage and W.C's in basement.. WDN 22nd June 2001.

01/01406/L - Listed Building consent for works in basement to provide IT and Reading Room with upgraded WC, storage, cloakroom and ancillary facilities.. PER 22nd February 2002.

54/03615/A\_H - Alteration to wardens lodgings.. PER 11th May 1954.

63/13373/A\_H - Extension to caretakers quarters.. PER 23rd April 1963.

64/15039/A\_H - Alteration to lavatory.. PDV 9th June 1964.

66/17244/A\_H - Alteration to existing garage, covered car port and garden store.. PER 22nd February 1966.

66/17817/A\_H - Garage for a van.. PER 26th July 1966.

95/00817/L - Listed Building consent for (i) Demolition of garage block on east side (except staircase link) and demolition of porter's lodge. PER 31st January 1996.

95/00818/NFH - New E & W 3 storey blocks for 9 flats, 9 bedsits, porter's flat & 6 garages & access to South Parks Rd. Alterations to main block including 1 porch with steps/ramp on S & ramps to front entrance, part infilling 2 courtyards. (Amended plans). PER 31st January 1996.

12/00338/LBC - Internal alterations to refurbish pantry, office and utility accommodation and provide accessible W.C., involving removal of partitions, blocking windows and door, and new finishes and fittings. ( Amended Plans) ( Additional Information). PER 13th April 2012.

12/01854/LBC - Alterations to insert a book lift in existing void, including the replacement of grille with cellar doors.. PER 3rd September 2012.

12/02187/CAT - Fell horse chestnut tree and various self seeded horse chestnuts and sycamores, coppice 3 magnolia and prune holm oak and yew trees in the Central Conservation Area. RNO 4th October 2012.

13/03485/LBC - Internal alterations to install a new sound system in the Milner Hall, the Jameson Room and the Beit Room.. PER 12th February 2014.

14/03012/LBC - Installation of replacement lighting in the library.. PER 23rd December 2014.

15/02117/LBC - Conversion of second floor office to bathroom and addition of internal partition and doorway.. PER 18th September 2015.

16/01279/FUL - Formation of 2no. front access ramps. Formation of 3no. rear access ramps. Alterations to dormer on front north roof slope.(amended description)(amended plans). PER 19th July 2016.

16/01280/LBC - Formation of 2no. front access ramps. Formation of 3no. rear access ramps. Alterations to dormer on front north roof slope. Alterations to existing lift shaft and installation of accessible lift to all four floors. Installation of power assisted operators to main entrance doors.(amended description)(amended plans). PER 15th July 2016.

17/00077/FUL - Provision of additional paving for improved accessibility.(Amended plan). PER 31st March 2017.

17/00078/LBC - Provision of additional paving for improved accessibility (Amended plan). PER 31st March 2017.

**8. RELEVANT PLANNING POLICY**

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	117-123, 124-132	DH1 DH7  RE5 RE7		
Conservation/ Heritage	184-202	DH3 DH4		
Housing	59-76			
Commercial	170-183			
Natural environment	91-101	RE3 G2 G7 G8		

<b>Social and community</b>	102-111			
<b>Transport</b>	117-123	M1 M2 M3 M5	Parking Standards SPD	
<b>Environmental</b>	117-121, 148-165, 170-183	RE1 RE4 RE6 RE8 RE9	Energy Statement TAN	
<b>Miscellaneous</b>	7-12	SR1 SR2	External Wall Insulation TAN,	

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 12th February 2020 and an advertisement was published in The Oxford Times newspaper on 13th February 2020.

### Statutory and non-statutory consultees

#### Oxfordshire County Council (Highways Authority)

9.2. The Highways Authority (HA) submitted comments in response to the first round of public consultation and raised an objection to the development on the basis of the proposed amount of cycle parking, which is below the requirement in the Local Plan. They also commented that there were no delivery areas shown which may result in deliveries occurring on street, and which would not be acceptable in this location. They therefore raised an objection until this had been explained further.

9.3. The Applicant has sought to address cycle parking by increasing cycle parking on site. In response to the second round of public consultation the HA have commented

9.4. Should the Council be minded to approve, conditions requiring a Servicing and Delivery Management Plan, and a Construction Environmental Plan and cycle parking should be imposed.

#### Oxfordshire County Council (Lead Flood Authority (LFA))

9.5. The LFA comment that they will consider, in consultation with the applicant, an increase in the final discharge rate in order to attempt to overcome the need for a pumped surface water drainage strategy solution. They raise no objection subject to conditions requiring detailed Sustainable Drainage (SuDS) design; a Surface Water Management Strategy and associated Management and Maintenance plan; no occupation until the SUDs scheme has been implemented and submission of a documentation record of the SuDS scheme for the LFA Asset Register.

## Historic England

9.6. Historic England has no objection to the applications on heritage grounds. We consider that the applications meet the requirements of the NPPF, in particular paragraph numbers 190 and 194, providing that the issues raised in our advice detailed below are addressed.

### *Summary*

9.7. These proposals involve major intervention to a fine grade II\* listed building. Historic England are content that the designs submitted would entail a low level of harm providing that the design of the balustrade to the proposed stair in the rotunda can be resolved and represent the least harmful way of incorporating the facilities that the Rhodes Trust require into the building. We are therefore content that the requirement of paragraph 194 of the NPPF to justify any harm to the significance of a listed building has been met and do not object to the applications. It is for the Council to weigh the harm against the public benefits associated with the scheme in line with paragraph 196 of the Framework.

### *The Significance of Rhodes House*

9.8. The proposals for Rhodes House have been formulated following extensive pre application consultation with Historic England. Rhodes House was opened in 1929 and was designed by Herbert Baker (who worked for Rhodes in South Africa in the early years of the 20th century and then established himself as a leading British architect of the interwar years) to act as a home for the Rhodes Trustees in Oxford and a meeting place for Rhodes Scholars.

9.9. Rhodes House is of significance in its own right as a very high quality piece of architecture. It demonstrates Baker's great ability as a designer, is one of the best examples of the Cotswold Vernacular style that was dominant in Oxford in the interwar years and illustrates the fact that there was a lot more to architecture in this period than international modernism very well. The building is also of significance due to its connection with Rhodes' legacy. It demonstrates just how complex the past is, particularly the history of empires. Cecil Rhodes' reputation has sunk as the nation's collective understanding of the British Empire changes. This building has strong associations with a man who was responsible for events and policies now judged reprehensible but who also set up Scholarships intended to promote learning and international understanding and a Trust that has been able develop and move beyond the worldview of its founder. Rhodes House is in many ways an architectural embodiment of the British Imperial worldview in the early 20th century and illustrates well how complex historic association can be. A section of the defensive rampart thrown up to protect Oxford during the English Civil War stands in the garden to the west of the house. This is not designated but is arguably of national importance as it is one of the best surviving sections of for the 17th century defences. Rhodes House is listed Grade II\*, the site abuts the grade II registered Wadham College garden and sits within the Oxford City conservation area.

9.10. The proposals and their impact on this significance: a major refurbishment is proposed which involves four main elements: Minor alterations to upgrade the facilities in the east wing; Creation of the west garden pavilion, a convening building to the west of the main house; Provision of a residential courtyard

containing additional bedrooms below ground to the east of the house; Conversion of the basement into a conference space, including inserting a new stair into the rotunda, glazing the two internal courtyards and altering the 'giant's grave' the landscaping over the basement book stacks inserted in 1955- 57.

- 9.11. The east wing: the alterations to the east wing are relatively light touch and would have a limited impact on the significance of the building. I am content to defer to the City Council's conservation team for advice on this aspect of the proposals. The west garden pavilion: a handsome contemporary building is proposed which I think is far enough away from the main house - and small enough - to read as a garden pavilion. This would involve the removal of the current west wing, which is a later addition added to Baker's designs in 1931 on a site which had, since the inception of the scheme, been earmarked for a potential later extension. This extension is a well detailed and of the same high quality materials as the main building but is a very simple, functional service wing that does not display the outstanding architectural qualities of the main building. We therefore consider that the harm to the significance of Rhodes house entailed by its removal would be very low. The proposed new building would add interest to, rather than detract from, views of Rhodes House from Parks Road and we are therefore content with this aspect of the proposals. We note that a large basement is proposed under this pavilion. A preliminary structural engineers report suggests that existing load bearing walls in this area would need underpinning carried out in a 'hit and miss' fashion. We suggest that any consent granted is conditional on further details of the proposed engineering work being supplied and approved.
- 9.12. The residential courtyard: this is an innovative approach to creating more bedroom space while respecting the setting of both the house and the Civil War defences. Again we are supportive of this aspect of the scheme, the proviso again being that suitable conditions are applied to ensure that the below ground works do not adversely impact on the structural stability of the listed building.
- 9.13. The stair in the rotunda: this would involve the most dramatic and contentious intervention into the historic fabric of the building. This would certainly change the character and appearance of the rotunda, which remains largely as built, as the stair would become the focal point of the space. I think a well-designed stair can be inserted into the space without compromising its architectural qualities and I am of the view that alternative means of providing access to the ground floor, which will need a lift, would be more intrusive than a stair here.
- 9.14. Getting the detailing of the stair right will be vital. I think it important that any balustrade does not feel too solid, as this would dominate the space, and that it should harmonize with the existing architecture and not appear as an alien intrusion. The approach taken, which is presented in sketch form rather than as a fully worked up concept, is for a stone honeycomb design balustrade around the stairwell with a metal handrail and stanchions to the stair itself, which would be a spiral of post-tensioned stone without a central column.
- 9.15. In terms of solidity I think this could work well but at present the stone balustrade looks very simple, without the classical mouldings that characterise the rest of the rotunda, and I fear that it would look too stark and an alien intrusion into what is probably the finest internal space in the building. Further design

development is needed here. As this is a matter of detail, which we believe could be resolved with sufficient thought, we would be content this matter to be dealt with via a condition attached to any consent granted. The proviso to this is that we had the opportunity to comment on any application for its discharge of conditions and that the conservation team at the Council were content that any application for discharge of conditions would only be determined after appropriate consultation with both themselves and Historic England. It may be necessary to create a mock up in the space to give a clearer idea about how it might look and feel.

9.16. Glazing the internal courtyards: the proposal to glaze the courtyards involves inserting glass roofs between second and third floor windows. Studies suggest that these would not be visible externally and the line chosen avoids clashing with the courtyard windows. There would be some impact on the character of rooms lit from the courtyard as the quality of light entering would change and light levels in these spaces would be lowered. The appearance and character of the courtyards would also be markedly altered, but as these are minor spaces we consider that the impact of this aspect of the proposals on the significance of the building as a whole to be very limited. The way in which the north walls of the courtyards are built up to take the roof also needs careful thought if it is to look elegant. I am not convinced by the current treatments and further design work is needed here. Again, I am content for this to be resolved by condition if it could be guaranteed that Historic England were consulted on any application for discharge of condition.

9.17. The reconfiguration of the 'Giant's Grave': The proposals here would involve re-landscaping the Giant's Grave and adding a balustrade and a large window open. This has the potential to be an elegant intervention provided that the detailing of the balustrade is detailed to match the balustrade around the eaves. Again, we would be content for a condition to be applied requiring further details to be supplied provided that we had the opportunity to comment on any application for the discharge of condition.

9.18. Planning policy considerations: When taken as a whole the proposals would entail a degree of harm to the significance of this grade II\* listed building. The most harmful element would be the alterations to the rotunda. However, providing that a suitable design for the balustrade to the rotunda stair can be agreed upon we assess the level of harm as being low are content that this harm is justified, as is required by paragraph 194 of the NPPF as the design in its current form represents in our view the least harmful way of adapting the building to meet the evolving needs of the Rhodes Trust. It is for the Council to decide whether the public benefits associated with the scheme outweigh the harm, in accordance with paragraph 196 of the NPPF.

9.19. Historic England had no further comment to make in response to second public consultation on amended plans and information.

#### Thames Water Utilities Limited

9.20. With regard to foul water sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided. Thames Water would advise that with regard to surface water network infrastructure capacity, we would not have any objection to the above planning

application, based on the information provided. On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. An informative regarding minimum water pressure should be added. They advise there are water mains crossing or close to your development. Thames Water do not permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way.

9.21. No further comments made in response to second public consultation.

#### Environments Agency

9.22. No comment.

#### Thames Valley Police

9.23. Does not wish to object to the proposals, but does have some concerns in relation to community safety/crime prevention design which may mean the development may not meet the NPPF and NPPG on well designed and safe places. Crime and disorder has not been addressed in the DAS. However a condition could be imposed requiring secure by design accreditation, and it is possible for the new element of the development to achieve this. TVP offer advice on the scheme in order to achieve Secure by Design accreditation including management of the access to the Civil War Rampart and gate, lighting, CCTV, Management of deliveries, and secure and enclosed bin & cycle stores. Building Regulation compliant doors and windows should be installed.

9.24. Comments submitted in response to second public consultation did not alter as a result of amended plans or information submitted.

### **Public representations**

9.25. Two public comments were received from Oxford Civil Society & Victorian Group of the OAHS. Their comments are summarised as:

#### *Support*

9.26. The proposed interventions and additions sympathetic in terms of space planning and the missions of the institution, architecture and urban design.

- The garden pavilion will be a welcome addition.

#### *Object*

- Objection to the staircase in the Rotunda that would impair perhaps the most important interior of the building. An alternative location should be found for the staircase.
- The garden pavilion is an unfortunate intrusion and out of keeping; the garden is precious and should be unspoilt
- The 'pavilion' buildings fronting South Parks Road should remain unaltered in

appearance when viewed from the street.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development
- Design & Heritage
- Archaeology
- Landscape and trees
- Neighbouring amenity
- Highways, parking
- Biodiversity
- Energy efficiency
- Other matters

### **a. Principle of development**

10.2. At the heart of the National Planning Policy Framework (NPPF) remains a presumption in favour of sustainable development, which should be approved without delay unless material considerations dictate otherwise. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (para.117). Any proposal would be required to have regard to the contents of the NPPF along with the policies of the current up-to-date development plan, which include the newly adopted Oxford Local Plan 2036 (OLP) and the Summertown and St Margaret's Neighbourhood Plan (SMNP).

10.3. Policy S1 of the OLP states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF, working with applicants so that sustainable development can be approved that secures economic, social and environmental improvements. Planning applications that accord with Oxford's Local Plan (and, where relevant, with neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Development should make efficient use of land making best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford in accordance with RE2 of the OLP.

10.4. Policy SR2 sets out that where appropriate the Council will seek to secure physical, social and green infrastructure measures to support new development by means of planning obligations, conditions, funding through the Council's Community Infrastructure Levy (CIL) or other mechanisms.

- 10.5. *Need for the development:* The Rhodes Trust exists entirely in support of academic transformation. The number of Rhodes Scholars in Oxford has increased from 215 to 260 in recent years, and the Trust is looking to expand further to allow 325 scholars in residence in Oxford by 2028. The Trust has also expanded to include partnerships with the Mandela Rhodes Foundation, Atlantic Institute and Schmidt Science Fellowship. Rhodes House therefore is the main hub for all Rhodes Scholars (including alumni), Atlantic Fellows and Schmidt Science Fellows, its main function being a place to convene, and hold formal and informal meetings. Rhodes House has an increasing importance as a central hub for exchange of knowledge and ideas, and social interaction, amongst those various cohorts and others in the future. The expansion of the Trust and increase in partnerships has led to an increased need for additional staffing on site and ability to hold events for as many as possible at certain times during the year. Further a desire to accommodate more residential accommodation on site to capture the benefit from creating an immersive residential environment, where continued social interaction can carry on after meetings and events without having to disperse to local hotels.
- 10.6. Rhodes House was originally designed as a memorial to Sir George Parkin (first secretary of the Trust) and later Cecil Rhodes, to house their library and for entertaining visitors and holding their annual dinners. Whilst the building continues to do this, with the expansion of the Trust and its partnerships the building does not meet the needs of the Trust. The original residential east wing has been reduced to just 9 bedrooms, which lack modern facilities, and the office accommodation has expanded into this wing every other available space, including the linen cupboard. There are 30-40 staff members on site at any one time due to flexible working patterns. For larger gatherings there is the one large meeting space, the Milner Hall which seats up to approximately 200, and some are smaller meeting spaces, including the Rosebury Room and smaller academic rooms within the building. The large 1950's basement, which provided storage for the Bodleian Library, lies empty and without purpose.
- 10.7. With the expansion of the Trust and the Atlantic Fellows and Schmidt Science Fellows partnerships, there is a need for an additional 15 staff on site and for the building to accommodate a maximum of 250 scholars, Fellows, Alumni and visitors at any one time, together with a larger number of smaller meeting rooms for break out groups of up to 20 people. The Trust wish to refurbish and restore the original residential east wing, creating 24 ensuite rooms, and an additional 12 ensuite bedrooms externally to provide a collegiate type experience, bringing the total to 40 rooms.
- 10.8. In terms of use class, the way in which the Rhodes Trust operates and Rhodes House is and would be used is not considered to function in the same way as other Colleges or the University of Oxford does. Due to the length and nature of the events provided and type of attendees/ participants it cannot be considered academic and student accommodation (C2 residential institution), because event/ courses are less than a year and Scholars do not permanently reside there. Neither does it fall into hotel or hostel accommodation/ convention facilities (although more akin) again due to the length of stay and attendee type. Furthermore, given the type of and nature of events and convening use it would not fall wholly into educational use either an educational establishment (D1 non-

residential institution). As such it is considered that the use of the building would be sui generis by virtue of the fact it does not fall wholly into any one use class.

10.9. The NPPF and Policy S1 are clear that sustainable development should be approved without delay unless material considerations dictate otherwise. RE2 sets out that development should make best and most efficient use of land. Officers understand the need for Colleges, institutions or educational establishments to adapt and expand in order to better meet their needs and continue into the future. Rhodes House was built for the Trust and as such they are the most appropriate users of the building; other occupiers would mostly likely require more intensive interventions to adapt the building to their needs.

10.10. It is considered that the principle of development is acceptable on the basis that the development would make best and most efficient use of a building that historically was built for that purpose and would enable it to continue to do so in a better way, subject to other material considerations set out below.

#### **b. Design & Heritage: Listed building and Conservation Area**

10.11. In relation to design the NPPF emphasises that high quality buildings are fundamental to achieving sustainable development and good design creates better places in which to live and work and helps make development acceptable to communities (para 124). New development should function well, be visually attractive, sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site and create places that are safe, inclusive and accessible and which promote health and well-being (para 127).

10.12. In 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 193). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (para 194).

10.13. Development proposals that would lead to substantial harm or result in total loss of the significance of a designated heritage asset should be refused unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm (para 195).

10.14. Where development would lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against any public benefits the proposed development may offer, including securing its optimum viable use (para 196).

10.15. Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and preserving or enhancing the character

or appearance of any conservation area. In the Court of Appeal, *Barnwell Manor Wind Energy Ltd v East Northants District Council*, English Heritage and National Trust, 18th February 2014, Sullivan LJ made clear that to discharge this responsibility means that decision makers must give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise (of weighing harm against other planning considerations).

10.16. Policies DH1, DH3 and DH4 of the OLP are consistent with the NPPF because they include the balancing exercise identified in paragraphs 195-196 of the NPPF. DH1 requires new development to be of high quality that creates or enhances local distinctiveness and that meets the key design objectives and principles set out in Appendix 6.1 of the OLP for delivering high quality development in a logical way that follows morphological layers and is inspired and informed by the unique opportunities and constraints of the site and its setting.

10.17. DH3 states that planning permission or listed building consent will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset and locality. For all planning decisions for planning permission or listed building consent affecting the significance of designated heritage assets, great weight will be given to the conservation of that asset and to the setting of the asset where it contributes to that significance or appreciation of that significance. Development that would or may affect the significance of heritage asset either directly or by being within its setting must be accompanied by a Heritage Assessment. Substantial harm to or loss of Grade II listed buildings, or Grade II registered parks or gardens, should be exceptional. Substantial harm to or loss of assets of the highest significance, notably scheduled monuments, Grade I and II\* listed buildings, Grade I and II\* registered parks and gardens, should be wholly exceptional. Development that will lead to substantial harm to or loss of the significance of a designated heritage asset, planning permission or listed building consent will only be granted if it meets the tests set out in the policy. Where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal.

10.18. Policy DH4 states development proposals that affect archaeological features and deposits will be supported where they are designed to enhance or to better reveal the significance of the asset and will help secure a sustainable future for it. Proposals which would or may affect archaeological remains or features which are designated as heritage assets will be considered against the policy approach in policy DH3 set out above.

10.19. Archaeological remains or features which are equivalent in terms of their significance to a scheduled monument are given the same policy protection as designated heritage assets and considered against policy DH3. Proposals that will lead to harm to the significance of non-designated archaeological remains or features will be resisted unless a clear and convincing justification through public benefit can be demonstrated to outweigh that harm, having regard to the significance of the remains or feature and the extent of harm. Where harm to an archaeological asset has been convincingly justified and is unavoidable, mitigation

should be agreed with Oxford City Council and should be proportionate to the significance of the asset and impact.

10.20. Policy RE5 states that the Council seeks to promote strong, vibrant and healthy communities and reduce health inequalities. Proposals that help to deliver these aims through the development of environments which encourage healthier day-to-day behaviours and are supported by local services and community networks to sustain health, social and cultural wellbeing will be supported. Developments must incorporate measures that will contribute to healthier communities and reduce health inequalities and for major developments details of implementation and monitoring should be provided.

10.21. Policy RE2 seeks to ensure development proposals make efficient use of land making best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford. Development should be of an appropriate density for the use, scale (including heights and massing), built form and layout, and should explore opportunities for maximising density.

10.22. Standards of amenity (the attractiveness of a place) are major factors in the health and quality of life of all those who live, work and visit Oxford. Policy RE7 is an all-encompassing policy covering different aspects to ensure a standard of amenity. Development should protect amenity, not result in unacceptable transport impacts affecting communities, occupiers and neighbours, and provide mitigation measures where necessary.

10.23. The siting, design and appearance of the external elements and internal alterations and refurbishment of the development has evolved through extensive pre-application discussions with Officers and Historic England due to the importance of the archaeology and significance of Rhodes House and its garden setting.

#### *Heritage significance*

10.24. Rhodes House is of high architectural significance as an important piece of interwar architecture designed by notable architect Herbert Baker. Exhibiting both the domestic and classical architectural styles, the building is unique in its character and appearance. Constructed from Bladon rubble stone, the building was influential in the architectural development of Oxford in the early 20<sup>th</sup> century. The buildings interiors are of particularly high significance exhibiting very fine craftsmanship and constructed from high quality natural materials, displaying the arts and crafts approach. Despite the change in the use of the east wing in recent decades from residential to largely office accommodation, the buildings plan form and interiors have survived largely intact and undergone relatively little alteration.

10.25. The building and its site have historic significance, in its associated value with Cecil Rhodes and the Rhodes Trust. The relative under-use and little alteration that Rhodes House has experienced since its construction makes it a unique record and embodiment of the British Imperial culture at that time in history, whilst also being the home and headquarters of a Scholarship programme and Trust set up from the Rhodes' legacy that is forward and progressive in its thinking,

including challenging the concepts on which the programme was originally founded.

10.26. Situated along the eastern edge of the site is one of the best surviving sections of the defensive English Civil War rampart, which together with the potential for prehistoric and Roman remains, gives the site significant archaeological interest (this is discussed in more detail at section c. below). Until the early 20<sup>th</sup> century the site formed part of the Wadham College gardens, which abut the southern boundary of the site and are designated as a grade II registered park and garden.

10.27. Sited prominently on the corner of Parks Road and South Parks Road, Rhodes House has a strong presence within the street scene and conservation area, and has significant group value with the other listed buildings along South Parks Road including the grade II listed Radcliffe Science Library, Inorganic Chemistry Laboratory, 1 & 2 South Parks Road, 1 & 2 Parks Road, . This part of the conservation area (part of the Colleges Character Zone as shown in the draft Central Conservation Area Appraisal), is characterised by a low density of development comprising 19<sup>th</sup> century and early 20<sup>th</sup> century buildings of architectural significance, many of which are listed, and extensive areas of enclosed green space within college and university grounds. Rhodes House and its grounds which feature extensive mature tree cover, landscaped gardens and surrounding stone walls, some of which pre-date Rhodes House, make an important and positive contribution to these characteristics of the conservation area and the buildings setting.

### *Impact on significance*

Existing Basement and Giant's Graveyard:

10.28. The basement, historically a secondary functional service area, is the part of the building which has experienced the largest amount of alteration in the past, including the extension under the southern courtyard in the mid-20<sup>th</sup> century to form library storage. No longer required for storage purposes, large areas of the basement are currently not in use. The basement is the least significant and therefore, the least sensitive part of the building. The principle of converting the basement into useable spaces or greater importance (a convening centre) to meet the needs of the Trust is considered an appropriate and efficient use of space. The alterations proposed would affect both original and later fabric to create the proposed convening centre and associated facilities. The creation of new openings are proposed to enable adequate circulation within the new foyer area, new connections into the western basement extension and between the ground floor with the new stair and lift installations. The original fabric to be impacted comprises a low degree of significance, and the works would cause a low level of less than substantial harm to the overall significance of the listed building.

10.29. The external alterations associated with the proposed basement convening centre, resulting in the raising of the basement roof, new hard and soft landscaping within the southern courtyard and the introduction of a lightwell with two sets of steps necessary for fire escape purposes, are considered to be of a suitable siting, scale, form and design quality that they would sit comfortably within

the setting of the listed building and its wider garden, and not detract from the significance of the building.

Internal alterations to Rhodes House:

- 10.30. The Rotunda has a very high level of significance which is comprised of both architectural and historic significance. As a set-piece room, a circular domed ante hall in the classical style, the Rotunda is a visually distinctive and unique addition to the buildings otherwise domestic Cotswold country house aesthetic. The Rotunda also forms part of a carefully planned entrance sequence, a series of designed spaces in which movement through is controlled. Sited on the north to south axial line, the building is entered from South Parks Road through the Portico, into the Rotunda, the Parkin Vestibule, the Gallery (sited on the east to west axis) and into the Milner Hall where the visual connection through the bay window into the garden is experienced. The Rotunda's historic significance is as a memorial to Cecil Rhodes and his ideals (although historic research shows it was originally intended to be a memorial to Lord Milner), and as a memorial to the War Dead, commemorating the fallen on both sides of the conflict. It is recognised that there is an inherent conflict between the Rotunda's purpose as a memorial, as a space for contemplation, and its purpose as an ante hall, as part of the planned entrance sequence of the building.
- 10.31. The insertion of a spiral staircase into the Rotunda, which remains largely as built, will cause a significant amount of change to the space and is considered to be the most dramatic intervention proposed as part of this scheme. The works would consist of the insertion of a sculptural spiral staircase in the centre of the Rotunda floor leading into the basement involving the removal of a section of the floor structure and structural columns below; the insertion of a steel ring beam; the loss of the stone flooring but the retention and relocation of the central Matapos stone to the base of the staircase in the centre of the basement floor below; a new perforated stone balustrade surrounding the new opening within the Rotunda and a lightweight metal balustrade around the staircase itself.
- 10.32. The purpose of the staircase is to direct the delegates and people attending the large convening events into the basement Convening Centre at an early stage in their arrival, enabling the Rhodes Scholars and staff to use the same main entrance, moving directly through the Rotunda into the principal spaces of the building.
- 10.33. The level of harm caused by the insertion of a spiral staircase into the Rotunda is assessed as high level of less than substantial harm to the Rotunda itself. The staircase would fundamentally change the way in which the space is experienced as a memorial, detracting from the relatively austere, contemplative and classical yet simple architectural character that emphasises its purpose as a memorial, harming the historic interest of the Rotunda. It is considered that, in terms of the impact of on the architectural qualities and significance of the Rotunda, the staircase by reason of its sculptural form and high quality design, would maintain the 'high note of impressiveness' that Baker expressly intended for the space and would not detract from its spectacular and 'magic influence' upon entering.

- 10.34. Historic England have raised no objection to the proposed staircase, which they consider would not harm the architectural qualities of the space, and subject to further design development of the balustrades which can be dealt with via condition, consider that it represents the least harmful way of incorporating the facilities required by the Rhodes Trust into the building.
- 10.35. Further information was submitted during the application to further demonstrate that all possible alternative options of providing accessibility into the basement have been explored accordingly; namely the provision of a staircase into one of the lightwells. The heritage assessment carried out is concurred with and identifies that the level of harm caused by the Rotunda staircase to the heritage significance of the building would be slightly higher than that caused by the lightwell staircase. However, it is recognised that the Rotunda staircase would bring additional benefits in terms of ensuring the functionality of the building is fit for purpose for the foreseeable future and secure its optimum viable use, as the home and headquarters of the Rhodes Trust.
- 10.36. Officers are satisfied that clear and extensive justification has been provided for the proposed Rotunda staircase and that it would be the least harmful way to meet the evolving needs of the Trust and ensure the optimum viable use of the building, in accordance with the requirements of Local Plan policy DH3 and NPPF paragraphs 194.
- 10.37. The existing lightwells sited in between the Parkin Vestibule and the flanking wings are by their nature little-used utilitarian spaces, which comprise a low degree of significance as spaces in themselves but where the rubble stone external walls with dressed stone window frames and leaded window casements of the principal building ranges surround and are key features of the building. The proposal to incorporate the lightwells as part of the basement floorspace by installing glazed roof coverings and replacing existing basement windows with larger doorways would cause a medium level of less than substantial harm to the significance of the building. The new glazed roof coverings and associated upstands and ventilation grilles would be highly visible internally from the windows of the surrounding rooms and corridors, and externally, visibility of the new roof coverings would not occur at street level as shown on the sightline drawings, and be limited to high level views from the upper floor windows of the buildings on the opposite side of the street. Amendments to the design and materials of the roof coverings and associated upstands and ventilation grilles were submitted during the application, mitigating the level of harm.
- 10.38. The proposal to install three additional lifts within the building would result in the removal of original fabric and alterations to the original plan form, causing less than substantial harm to the buildings significance. The reason for the lifts, to achieve greater accessibility throughout the building is considered to be sufficient justification that would outweigh the harm (discussed below).
- 10.39. The removal of the tiered seating from the Milner Hall gallery would result in less than substantial harm. The difficulties with the functionality of this space as existing due to health, safety and practical reasons is acknowledged. The proposals to re-use the timber from the seating within the gallery space would

mitigate some of the resulting harm, and the need to create a functional space is considered adequate justification.

10.40. Less than substantial harm would be caused by the proposals to accommodate 24 ensuite bedrooms within the East Wing, which would involve alteration to the original floorplan through the removal and reconfiguration of internal walls, the installation of ensuite facilities into a number of rooms, and the erosion of the original service function at the north end of the wing. The harm would be mitigated to some extent by the use of 'light touch' design and construction techniques and the re-use of displaced fixtures and features. The works would also enable the East Wing to be returned to its original intended residential use, albeit with facilities to meet modern-day standards, removing the harmful office functions, which would be considered a heritage benefit of the scheme (discussed below).

Lodges:

10.41. The existing east and west lodges and side wings which are the result of various design iterations and have undergone a number of alterations are considered to comprise medium significance, and as such their loss would result in less than substantial harm. It is considered that the proposed smaller replacement lodges would be a better architectural response, reinforcing the symmetry and improving and enhancing the buildings architectural significance, which can be appreciated from the public realm. The harm resulting from the loss of the existing historic fabric can be mitigated by re-using as much of the original significant fabric as possible within the new constructions, which can be secured by condition.

West Garden Pavilion & extended basement:

10.42. It is proposed to erect a new pavilion building which is principally frameless glass with one solid stone wall facing South Parks Road (north) and a green roof. It measures approximately 11m square and 4.8m high at its northern end and 5m high at the southern end due to a slight change in ground level. Inside it would be set out as a flexible space used for oratory, meetings and other gatherings. Due to changing weather and time of day the building would become reflective, transparent and visible. It would be connected below ground by an extended basement which would connect into the existing basement within the house. This area would provide new office accommodation. Lit via skylights and a sunken courtyard at the northern boundary with South Parks Road.

10.43. The reduction of the existing west lodge would better reveal the west elevation of Rhodes House that would be visible above the retained high boundary wall. The pavilion building is located approximately 18.5m from the front boundary wall would sit comfortably within the garden space so that the west elevation could still be admired and a sufficient amount of lawn would be retained. However it would be mostly screened from public views from the north and west by the existing mature trees and high boundary wall.

10.44. It is considered that the proposed west garden pavilion would be a high quality architectural addition to the site that would cause a low level of less than substantial harm to the character, appearance and setting of the listed building and the conservation area. It would not be visually dominant or adversely impact upon the character and appearance of the street scene. The pavilion would be

sited a sufficient distance away from the principal building and be suitably subservient in scale and size and of a simple yet elegant high quality design, that it would contrast but not unduly compete with the listed building, ensuring the level of harm is kept to a minimum. To ensure the intended high quality design is delivered in practice and light spill is kept to a minimum, it is recommended further design details and specifications are secured by condition.

East Garden single storey building:

10.45. This new building would sit behind the South Parks Boundary wall and would not be visible from the street. It would measure 2.8m high with a flat roof, 12.4m long and 6.4m wide. It replaces the existing garage and outbuildings in this location. Again it would be contemporary design in a simple form with mainly glass southern elevation onto the garden. It would offer flexible dining space for staff and also house plant for the below ground residential accommodation. This building would not be visible from the street and would not adversely impact public views of the Rhodes House. The low height and simple design would ensure it would not be an imposing addition within the setting of the listed building or Civil War Rampart. Associated works are required to the South Parks boundary wall to adjoin it and remove an existing pier, further details of this are required. These works are considered acceptable and would not harm the character and appearance of the wall. Further detailing could be secured by condition.

East Sunken Residential Accommodation:

10.46. The location and amount of rooms within this accommodation has been constrained by the proximity to the listed building, Civil War Rampart and root protection areas of trees. The design solution has been discussed in consultation with Officers with regards to the impact on the setting of the Civil War Rampart and ability to appreciate it from within the garden. Whilst sunken the overall design would be of high quality and the design. The Design & Access statement demonstrates that the size of the open courtyard is optimal to provide adequate light into the bedrooms measuring approximately 5m wide, 34.6m long and 4m deep with a 60cm parapet upstand. Above ground there is also a requirement for a 1m high balustrade for health and safety reasons and the intention is that it would be screened in part by the new soft landscape planting. The detailed design of the balustrade could be secured by condition.

10.47. It is considered that this element of the scheme would be a significant intervention into the east gardens resulting in the loss of the warden's garden, causing less than substantial harm to the significance of the gardens and setting of the building. The visual impact has been mitigated by a combination of high quality design integrated with appropriate landscaping, to ensuring it would sit comfortably within the gardens, rather than appearing an incongruous and visually distinct feature. This element is considered further in the report below

Outbuildings:

10.48. The proposed gardener's outbuildings would be simple, single storey functional subservient additions to the site, that when viewed against the existing and proposed vegetation and landscaping would have minimal impact on the setting of the listed building, the boundary walls and the character and appearance of the conservation area.

## *Summary*

10.49. Officers consider that the siting, design and appearance of the development is appropriate to its setting and would form an appropriate relationship to the listed building. Overall, the degree of harm caused by the proposed alterations to the special architectural and historic interest of the grade II\* listed building is assessed as a medium level of less than substantial harm. The level of harm caused to the special character and appearance of the Central Conservation Area is assessed as a low level of less than substantial harm, and no harm would be caused to the settings of the surrounding listed buildings.

## *Public Benefits*

10.50. The NPPF states that paragraph 194 of the NPPF requires 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification' and 'substantial harm to or loss of...assets of the highest significance, notably scheduled monuments... should be wholly exceptional'. The footnote states that 'Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets'. Paragraphs 195 is clear that planning permission should be refused for development that would cause substantial harm to a designated heritage asset, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm. NPPF paragraph 196 states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.' Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives and do not always have to be visible or accessible to the public in order to be genuine public benefits; for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

10.51. The heritage benefits associated with the proposed scheme are:

- The improvements to the setting and appreciation of the rampart from within the site, which would outweigh the harm caused by the proposed sunken courtyard.
- The replacement lodges will enhance the architectural character of the building, improve how it is appreciated within the street scene, and improve the views of the west elevation from public vantage points, which would outweigh the harm resulting from the loss of the existing lodges.
- Re-introducing the residential uses back into the East Wing and removing the unsympathetic office uses would return the principal building to its original intended uses.
- The removal of existing modern unsympathetic internal alterations from the principal building would comprise a relatively small heritage benefit given the nature of the existing alterations.

10.52. Other public benefits associated with the proposed scheme are:

Optimum Viable Use:

10.53. It is agreed that the optimum viable use of Rhodes House is with the Rhodes Trust as its user, and that there is a need to improve the functionality of the building for the Trust, namely through the provision of adequate office space and convening facilities. The proposed re-organisation of the spaces, returning the building back to its original intended uses, removing later unsympathetic additions, enhancing the architectural quality of the north elevation with more appropriately proportioned lodges and single-storey additions to better facilitate the needs of the trust, and improving accessibility to the building, would bring the public benefit of securing the listed building into the future and its optimum viable use by its original user. The need for the proposed development as set out above in the report is considered to be clearly and extensively justified in accordance with policy DH3 of the OLP and NPPF paragraph 194 and a moderate level of benefit would be derived in this case.

Inclusivity:

10.54. Provision of level accesses and increased accessibility within the building which would outweigh the harm caused by the lifts and associated works.

Archaeology:

10.55. This can be weighed against improved public visibility and interpretation from the north, improved visibility of the rampart from the grounds of Rhodes House and careful minor landscaping of the rampart which will remove unsympathetic modern terracing and planting and prioritises it in the hierarchy of the garden design. A moderate level of public benefit would be derived. This could be secured by condition.

Public Access and Art Strategy:

10.56. Rhodes House is not open to the public and visiting is ad hoc and can be arranged by appointment or asking at the porters lodge. As part of the development the Trust intends to open up its doors to the visitors in a more transparent and frequent basis, tailored around their main convening and scholar operations in accordance with the 'Rhodes Trust Public Access Statement'. The proposals include:

- 12 open days / organised events per year to occur once a month involving tours including a narrative on the history of the building, its architecture and work of the Trust.
- Open garden events including guided tours at least once per month from April-August providing information on the landscape architecture, biodiversity and planting scheme.
- One annual event to celebrate the history of the site in particular the Civil War period. Installation of an information panel visible from the street explaining the significance of the rampart.

- Public arts programme involving a programme of temporary exhibitions and installations that engage with the public and profile the works of the Rhodes Trust in a positive and accessible way. The art exhibitions and the art owned by the Rhodes Trust will be accessible during open days.
- Supporting outreach programme of art tours and talks, inviting curators, artists and business leaders to give talks on topics which will be free to attend.

10.57. It is considered that a moderate level of public benefit would be derived from this public access and art strategy. The strategy could be secured by condition.

10.58. As discussed above, overall, a medium level of less than substantial harm would be caused to the heritage significance of the grade II\* listed building. There is considered to be a clear and evident justified need for the works. Overall it is considered that the heritage benefits and level of public benefits derived from the development would be commensurate to and outweigh the level of less the substantial harm that would be caused. On balance, it is considered that the proposed scheme would result in high quality alterations and additions that would ensure the building remains in its optimum viable use and meets the evolving needs of the Rhodes Trust in the least harmful way. As such the proposal would accord with the NPPF and Policies DH1 DH3 and DH4 of the OLP36.

### **c. Archaeology:**

10.59. The site is of archaeological interest because of the potential for prehistoric and Roman remains and because it preserves a section of Royalist Civil War rampart.

10.60. The site is located within an extensive ritual and funerary landscape that was laid out across the gravel terrace between the Thames and Cherwell Rivers in the Middle Neolithic –Early Bronze Age periods. The nearest recorded prehistoric assets are a large east-west-ditch at the New Chemistry Laboratory site, which George Lambrick has speculated may be part of a *Cursus* monument (Lambrick 2013, *Prehistoric Oxford, Oxoniensia p13-14*) and the large late Neolithic henge at Keble College. Furthermore Roman remains belonging to a dispersed rural settlement or ‘village’ and its outlying cemetery have been recorded at the Radcliffe Science library directly to the north of Rhodes House and at the New Chemistry Laboratory site directly to the east.

#### Significance of the rampart

10.61. The Royalist defences were established between 1642 and the successful Parliamentary Siege of 1646, during which time Oxford was the military and political capital of the Royalist cause. Rapid defences were established with the help of pro-Royalist students in 1642, these were subsequently slighted by the Parliamentarians. The defences were then repaired and a new outer line created by the Royalists by means of conscripting able bodied men from the town.

10.62. Of the two lines of defences that are shown running around the town on Bernard De Gomme’s siege map of 1644 the only section of the ramparts that

remain visible is an intermittent earthwork belonging to the inner defensive line. This runs from the heavily remodelled emplacement at the University Club on Mansfield Road westwards to Wadham College Fellows Garden and then north into the grounds of Rhodes House, forming a rough L shape that is dissected by Mansfield Road and Love Lane.

10.63. Within Wadham College Fellows Garden and Rhodes House the rampart survives to a far more impressive degree and can be more easily understood as a defensive rampart that has been incorporated into college gardens. The available historic map evidence suggests that the line of the rampart was designed to enclose land belonging to Wadham College and Merton College and on Logan's 1675 map the line of the earthwork is shown enclosing laid out gardens. The rampart here became a garden landscape feature, being united under the ownership of Wadham College in the 18th century when the northern area was bought from Merton College and subsequently being divided again when the northern part of the garden was sold to Rhodes House in the early 20th century. The impact of this history can be seen in the more curving morphology and wooded character of the Wadham section and the more angular character of the Rhodes House section.

10.64. The surviving parts of the Royalist rampart, although not currently scheduled, can be assessed as of national significance. With the siege work banks and outer ditches otherwise slighted, filled or excavated the extant ramparts provide a unique and exceptional visual link to an important period in Oxford's history. The ramparts are important for their illustrative historical value, being a visual reminder of Oxford's role as capital and fortress during a pivotal moment in British history and for the associative historic value being linked with both strong pro-Royalist sentiment and the more ambivalent attitudes of the townspeople. The ramparts also clearly have important evidential value/archaeological interest in terms of the potential for evidence relating to construction techniques, phased repairs, other military works and related activity.

#### *Results of the archaeological evaluation*

10.65. The geophysical survey produced limited results for linear and other features that proved difficult to fully evaluate as the scope of trial trenching was constrained by tree root and other issues. The evaluation recorded a distinctive soil horizon that produced a finds assemblage suggesting a 17th century date for its deposition. A trench excavated right next to the foot of the Civil War rampart at the east side of Rhodes House observed sloping layered gravel deposits that may be buried remains of the rampart which changed direction at this point or perhaps associated late 17th century re-landscaping related to garden design. A clay and sand layered at the base of the gravel tips may be platform for the gravel, although no such arrangements have been seen on other exposures of the rampart.

10.66. Five Auger holes excavated along the edge of the extant rampart to establish whether similar deposits to those described above survived (i.e. potentially the base of the visible rampart covered in garden soil), however only one produced a potentially comparable profile.

#### *Assessment of harm to the rampart*

10.67. The development has been designed to create below ground accommodation that preserves views from the west of the garden toward the monument and involves a landscape design that maintains the relationship of the rampart with the designed garden.

10.68. The application may result in a degree of harm to the rampart and its setting as it has the potential to remove parts of the base of the rampart that may be buried by later development/garden soil and because the sunken courtyard may result in a degree of visual distraction. Based on the available evidence the level of harm can be assessed as a low level of less than substantial harm to the significance of the asset.

10.69. As discussed above it is considered that the level of less than substantial harm would be outweighed by the public benefits set out above in this case. As such it accords with DH4 and the NPPF subject to conditions.

#### **d. Landscape and trees**

10.70. OLP Policy G7 states that permission will not be granted for development that results in the loss of green infrastructure features such as hedgerows, trees or woodland where this would have a significant adverse impact upon public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated. Policy G8 states that development proposals affecting existing Green Infrastructure features should demonstrate how these have been incorporated within the design of the new development where appropriate.

10.71. Rhodes House sits within a landscaped garden setting within the Central Conservation Area. The garden contains lawns, mature border planting and trees. There are no Tree Preservation Orders on the site. The tree lined and leafy character and verdant quality of this part of Parks Road and South Parks Road are key to the character and appearance of this part of the Central Conservation Area and set the scene for the character and appearance of the North Oxford Conservation Area adjacent and University Parks further north. The street trees along the northern boundary outside of the site and those within Rhodes House make a significant contribution to the character and appearance of the street scene and a contribution to public amenity, both individually and collectively. Eight of the trees within the site are remnants of the original garden of Wadham College's Wardens garden and therefore have historical value and interest. It is noted that a tree on the corner of Parks Road and South Parks Road was removed in 2019 and a replacement tree will be planted. This tree and the others on South Parks act as foil to the large buildings in the Science Area.

10.72. The trees also are features of significance in terms of the setting of the garden but also as individual or collective landscape features. It is not proposed to remove any of the eight mature historic trees as a result of the development. However there would be removal of 7 smaller trees together with a new landscaped garden layout and replacement planting.

10.73. In the east garden 2 moderate Box Elder trees would be removed that sit at the base of the Civil War rampart and 2 small groups of (overgrown) yew hedging

on the Rampart would be removed (together with the steps) in order to restore the Rampart. These Elder trees are not significantly visible from the public realm of South Parks Road and the yews are completely hidden from view. The wall of the underground residential courtyard would fall partially within the Root Protection Area (RPA) of one historic Oak (T19) that sits on top of the rampart. Further information supplied has confirmed that there would be no significant harm to the roots of the trees providing suitable tree protection measures are put in during construction. These could be suitably secured via condition.

10.74. In the western garden area a mixed shrub group and three small trees (holly, crab apple and Japanese maple) that sit under the canopy of the larger mature trees along Park Road would be removed to facilitate cycle parking, chiller units and gardeners buildings. Due to the high stone boundary wall the shrubs are not visible but some of the tree canopies can be seen above/ over the wall. These trees are not highly significant specimens or high quality trees and contribute a small amount to the overall verdant street scene.

10.75. New lightweight garden structures are proposed for the area currently occupied by a pathway within the trees adjacent to Parks Road. The glass pavilion building would result in a small encroachment of the structure over the RPA of a mature Yew T10, however it is considered that this would have minimal harmful impact on the tree. A service run is proposed between the main building and proposed new chiller units situated on a slab within the western tree group. The run has been designed to have least disturbance impact on tree roots and would be carefully installed via soil displacement air spading. This could be secured by condition.

10.76. It is considered that whilst there would be tree removals as a result of the development, of those that can be seen from the public realm contribute a very small amount to the amenity of the street scene. Their loss could be mitigated by new tree planting. As such it is considered that there would be no adverse impact on the setting of the listed building and its garden or the character and appearance of the Conservation Area. Measures to mitigate and facilitate construction and to mitigate tree loss and new landscape planting could be secured by conditions. As such the development accords with Policies G7, G8 and DH1 of the Oxford Local Plan.

#### **e. Neighbouring amenity**

10.77. The low key nature of the development and distance to the southern boundary means that it would not be significantly visible from within the Wardens Garden of Wadham College that adjoins the site to the south. This boundary is demarcated by a high wall and mature shrubs and trees (in both gardens). The west pavilion may be glimpsed more when in use at night. To the east of the site are Nos.1 & 1a South Parks Road and the Rothermere American Institute which are separated by Love Lane and a dense band of trees along the eastern site boundary. There would be no adverse impact on these neighbours. As such the proposal accords with RE7 of the OLP.

#### **f. Transport**

## Transport sustainability

- 10.78. Policy DH7 of the OLP sets out requirements for bike and bin stores and external servicing features should be considered from the start of the design process. Policy M1 states that planning permission will only be granted for development that minimises the need to travel and is laid out and designed in a way that prioritises access by walking, cycling and public transport. In accordance with policy M2, a Transport Assessment for major developments should assess the impact of the proposed development and include mitigation measures to ensure no unacceptable impact on highway safety and the road network and sustainable transport modes are prioritised and encouraged. A Travel Plan, Delivery and Service Management Plan and Construction Management Plan are required for development of this type and size.
- 10.79. Policy M3 sets out the Council's policy for motor vehicle parking. In the case of the redevelopment of an existing or previously cleared site, such as this, there should be no net increase in parking as existing on site and a reduction will be sought where there is good accessibility to a range of facilities. Expansion of existing operations on existing large sites should provide a comprehensive travel plan for the whole site, demonstrating opportunities to enhance and promote more sustainable travel to and from it. Policy M5 and Appendix 7.4 set out minimum cycle parking standards and shower facilities for development.
- 10.80. The site is in a sustainable location within the City Centre with easy access to public transport and within walking/cycling distance to a number of local amenities. The site is to remain car-free and as such there would be no increase in car parking on site. The existing garage would be removed. Disabled drivers could pull into the grounds off Parks Road as is currently the case. Given the nature of the operation of Rhodes House, most arrive by train then public transport and on foot. The development accords with Policies M1 and M3 of the OLP.

## Cycle parking

- 10.81. Due to the unusual nature of the proposal, the development is difficult to categorise within the scope of Oxford's cycle parking standards as although the proposed development is associated with the University, it is neither a school nor a non-residential higher and further education establishment, a conference centre, nor hotel and includes some residential accommodation use. Therefore it is reasonable to categorise the proposed development as 'other development' under M5 of the OLP, which is to be treated on its individual merits, guided by the general principle of 1 space per 5 people.
- 10.82. Currently there are 30-40 staff on site and a maximum of 200 persons at an event and 6 cycle parking spaces provided in the existing secure/covered cycle store in the garden. There are no external visitor parking spaces outside the boundary walls of the house and they have operated like that with no incidents for many years.
- 10.83. The Trust indicates that as a result of the development there would be an average of 115 visitors to the site at any one time together with 70 staff. Occasionally a maximum of 300 people could be seated during one of their

convening events, but 250 people is more realistic. A maximum of 350 could be on site at any one time. Two showers and staff lockers will be provided within the main building for use by staff. In accordance with the parking standard a total of 370 persons would require 74 cycle parking spaces. The average visitors and maximum staff (115 and 70 respectively) would require 34 spaces.

10.84. The proposed plans have been revised in response to the County Highways Authority's (HA) initial objection to the level of cycle parking (30 spaces). Amended plans submitted now show 50 cycle parking spaces in the form of uncovered Sheffield stands along Parks Road wall, which would be screened from the west garden by proposed planting. This is an increase of 20 spaces.

10.85. The site is very constrained containing a listed building, Civil War Ramparts and protected trees and adjacent to other listed buildings within the CA. Officers and the Applicant have looked at additional provision and agreed that there is no suitable additional space to provide the shortfall spaces within the site or immediately outside in a way that would not result in unacceptable harm to the listed building and its setting, the Civil War rampart or trees, the character and appearance of this part of the Conservation Area or to other listed buildings and their settings in this case.

10.86. Furthermore, the way in which Rhodes House operates means that it would only have a full capacity 300 people convening event occasionally, approximately 3 times a year, and the vast majority of those visitors would be arriving from overseas and elsewhere in the UK. It is understood that most people travelling to and from the site for an event would use public transport (train/ bus) and on foot. Those that are not accommodated within the proposed residential accommodation would be staying within local hotel/ B&B accommodation again within walking distance or by public transport. Some people may choose to cycle to the site (using community bikes or those provided by their hotel). No car parking is currently provided nor proposed at the site. The surrounding road network is either subject to a 2/3 hour maximum stay pay and display restriction or is located within a permit only CPZ. Visitors would therefore be required to travel by public modes of transport, park within long stay car parks or use park-and-ride facilities. The current Rhodes Scholars at the University are placed within the existing Colleges and so they would be able to walk to or cycle to site.

10.87. It is considered that whilst there would be a shortfall in spaces, the constrained and sensitive nature of the site and surroundings is an important material consideration in this case. Taken together with the way in which people would likely access the site in future in extremis events and that the average number of visitors plus maximum staff numbers on site would be adequately catered for, on balance it is considered that the provision of 50 spaces is acceptable in this case. A condition requiring a Travel Plan would also ensure that sustainable transport modes other than the car are promoted and all visitors are clearly informed about the choices available when travelling to and from the site. These could be secured by condition requiring implementation in accordance with the submitted revised cycle parking plan and retention thereafter.

#### Servicing and deliveries

10.88. At present delivery and servicing is undertaken using the areas of hardstanding in front of Rhodes House, to avoid vehicles parking on the highway. There are two delivery and servicing vehicles are currently generated by the existing uses on site. Waste is taken from South Parks Road. As proposed the number of deliveries a day would increase to 6 but the servicing and delivery arrangement would not change because there is no ability to provide any new area within the site due to its constrained and sensitive nature. The road network is sensitive to traffic during peak hours. The HA are satisfied with the current situation provided a condition is imposed requiring Service and Delivery Management Plan to ensure that deliveries do not occur at peak times and avoid a harmful impact on the highway network.

### Construction traffic

10.89. A draft Construction Environmental Management Plan (CEMP) has been submitted and is considered largely acceptable by the HA, but needs further refinement, including but not limited to details of contractors parking, explicitly stating that parking will not occur on surrounding streets, and deliveries will not take place at peak times. This could be dealt with by condition requiring an updated version.

10.90. In summary, the development would remain car free, on balance provide adequate cycle parking, and would not harm the highway network. Subject to conditions, the development accords with M1, M2, M3 & M5 of the OLP.

### **g. Air Quality**

10.91. Improving local air quality, mitigating the impact of development on air quality and reducing exposure to poor air quality across Oxford is key to safeguarding public health and the environment. The whole of the city was declared an Air Quality Management Area (AQMA) in September 2010. OLP Policy RE6 ensures that the impact of new development on air quality is mitigated and exposure to poor air quality is minimised or reduced for existing and new occupants.

10.92. An Air Quality Assessment (AQA) was submitted with the application which states that current baseline air pollutant concentrations in the area of the proposed development are well within the relevant health-based air quality objectives. On that basis, it is considered that current and future occupants of the proposed development would be exposed to acceptable air quality and the site is deemed suitable for its proposed future use in this respect. The development would result in a negligible increase in traffic movements as a result and it is therefore considered that the impacts on air quality from operational phase traffic generation would not be significant. The NO<sub>x</sub> emissions from the proposed gas-fired boilers and the CHP would have a low NO<sub>x</sub> specification and meet the criteria set out in Oxford City Council's Air Quality Guidance.

10.93. During construction phase the AQA has identified that there is a risk of increased dust and suggests mitigation measures. It is considered that provided the mitigation measures are implemented and included within a dust management plan, the residual impacts would not be significant. The mitigation measures could be incorporated with in the CEMP and secured by condition requiring an updated

version (as set out above). On this basis the development accords with policies RE6 and RE7 of the OLP.

## **h. Biodiversity**

10.94. OLP policy G2 states that development that results in a net loss of sites and species of ecological value will not be permitted. On sites where there are species and habitats of importance for biodiversity that do not meet criteria for individual protection, development will only be granted where a) there is an exceptional need for the new development and the need cannot be met by development on an alternative site with less biodiversity interest; and b) adequate onsite mitigation measures to achieve a net gain of biodiversity are proposed; and offsite compensation can be secured via legal obligation. Compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity and for major development this should be demonstrated in a biodiversity calculator where sites have become vegetated. Policy G8 requires new development that affects green infrastructure to demonstrate how these have been incorporated within the design, including health and wellbeing and biodiversity enhancement.

10.95. A Preliminary Ecological Appraisal and Bat Survey Report (September 2018) and Bat Survey Addendum (May 2020) produced by Applied Ecology Ltd have been submitted and Officers are satisfied that the potential presence of protected habitats and species has been given due regard. The surveys undertaken have confirmed the presence of a Common Pipistrelle and Brown Long-eared bat day roosts within the roof and dormers of Rhodes House, but no large or important bat roosts in the building.

10.96. All species of bat and their roosts are protected under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2010. In considering whether permission should be granted the Local Planning Authority must be satisfied that the three tests stated in the Conservation (Natural Habitats, &c.) Regulations 2010 listed below can be met:

- a. The development must be for one of the reasons listed in regulation 53(2) of the 2010 Regulations. This includes imperative reasons of overriding public interest of a social or economic nature or of a public health and safety nature
- b. There must be no satisfactory alternative, and
- c. Favourable conservation status of the European Protected Species in their natural range must be maintained.

10.97. As set out elsewhere in the report the proposed development would result in the optimum use and future preservation of the heritage asset in to the future, this would be an overriding public benefit and meets the test (a) above. The development could not happen elsewhere or another satisfactory alternative provided and as such meets test (b) above. In considering the proposals, the Ecological Report recommends that mitigation measures could be put in place if there are works to the dormers and roof to ensure the day roosts are not adversely affected. It therefore considered that it would be possible to meet test 3, subject to

the inclusion of a condition that requires obtaining a European Protected Species Mitigation Licence from Natural England to agree these mitigation measures.

10.98. Therefore if minded to approve, the development must be undertaken in accordance with the recommendations of the Ecological Report, including obtaining a European Protected Species Mitigation Licence from Natural England and provision of artificial roost features. Full mitigation measures are to be agreed with Natural England. Officers consider that there is a need for the new development that cannot be met by development on an alternative site and it also meets part a) exception test of G2.

10.99. The site has a well tended garden including large areas of lawn, borders and trees adjacent to the Warden's garden at Wadham and surrounded by trees along the road and other College gardens opposite on Parks Road. A biodiversity calculator has been submitted that shows only a marginal 1.88% gain as currently proposed. It should be noted that the individual trees aren't included in the metric and nor has some of the hedgerow. The calculator forms part of the wider assessment of biodiversity on the site and as proposed.

10.100. The development proposes a new landscaping scheme including planting within the below ground residential courtyard, in and around the Giants' Graveyard and the west pavilion would have a green roof. The submitted Health Impact Assessment (HIA) states that the proposal would not provide new links but would retain links between the existing planting within the gardens and that within adjacent sites and beyond. Whilst there would be some removals of smaller lower amenity value trees (as set out above in the report) overall most of the trees on site would remain. It is considered that the development this would not adversely affect the connection to wider green infrastructure. Whilst the biometric calculator only shows a small gain, mitigating tree and shrub planting for biodiversity interest could achieve a further gain, secured by condition. Taken together with the existing retained trees and assessment of the site, Officers are satisfied that the development would not result in a detrimental impact on protected species or biodiversity in this case and details of ecological and biodiversity enhancements could be secured by condition. As such the development accords with G2 and G8 of the OLP.

#### **i. Flood Risk & Drainage**

10.101. The site lies within flood Zone 1. Policy RE3 relates to flood risk management and directs new developments to flood Zone 1 and developments over 1ha in these areas should be accompanied by a Site Specific Flood Risk Assessment (FRA). Policy RE4 requires developments to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Development should not have an adverse impact on groundwater flow.

10.102. An FRA was submitted and following submission of further information, the County as Lead Flood Authority (LFA) raise no objection to the development subject to conditions requiring a detailed SuDS design, a Surface Water Management Strategy and associated Management and Maintenance plan, no

occupation until the SUDs scheme has been implemented; and submission of documentation record of the Suds scheme for the Asset Register.

10.103. Whilst the use of underground attenuation tanks, or pumped systems (both of which are included in these plans) is generally not accepted. It is considered that given the constraints on the site (listed building, trees, limited garden space and proposed development) they are unavoidable in this instance. Officers are satisfied that the runoff from site has been reduced as much as feasible and the best discharge rate achieved. There would be no harm to ground water flow. Subject to the conditions listed above, the development accords with Policy RE3 of the OLP.

#### **j. Energy Efficiency**

10.104. Policy RE1 states that planning permission will only be granted where it can be demonstrated that sustainable design and construction principles have been incorporated. In respect of carbon emissions the policy requires for major developments at least a 40% reduction carbon emissions from a 2013 Building Regulations (or future equivalent legislation) compliant base case. This reduction could be secured through on-site renewable energy and other low carbon technologies and/ or energy efficiency measures.

10.105. An Energy Statement has been submitted together with an updated addendum. The site is constrained by the historic fabric and its setting. In this case Officers have agreed that the energy efficiency should relate to the new building element of the proposed development. The information submitted demonstrates therefore that improvements would be achieved with the use of the proposed CHP system, to achieve 12% total carbon reduction against the base case and 20.5% energy reduction. The CHP would also serve hot water demands for bedrooms, WCs and kitchens in the Rhodes House, so carbon reduction is envisaged there too. This is approximated to represent a further 10% carbon reduction relative to the new building calculated emissions. Officers are also satisfied that other low and zero carbon technologies are not appropriate or suitable for use in the development.

10.106. Officers are satisfied that there are exceptional circumstances due to the constraints of the site and development proposed, that 40% is not achievable and that the development has maximised energy efficiency as practically possible. As such it is considered that on balance the development accords with the principles of sustainable design and construction in accordance with RE1 of the OLP.

#### **k. Land Quality**

10.107. Policy RE9 requires a land quality assessment report where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment. The report should assess the nature and extent of contamination and the possible impacts it may have on the development and its future users, biodiversity, the natural and built environment; and set mitigation measures to allow the development to go ahead safely and without adverse effect.

10.108. The revised report 'Phase I & II Geo-Environmental Assessment has been reviewed which contains the most up to date ground gas monitoring data. It confirms the previous Characteristic Situation 1 gas risk classification for the site. No remedial measures are therefore required and a watching brief condition recommended. As such the development accords with Policy RE9 of the OLP.

## **I. Other matters**

10.109. Secure by Design (SbD) – the advice and comments given by Thames Valley, have been taken board and some of which are relevant to the more detailed phase of the proposal. More consideration needs to be given due to the listed building, however some of the suggestions may not achievable due to the listed building, design constraints and conflict with protected species on site. A suitably worded condition would ensure the building demonstrates compliance with SbD principles.

## **11. CONCLUSION**

11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

11.2. The NPPF recognises the need to take decisions in accordance with section 38(6) but also makes clear that it is a material consideration in the determination of any planning application. The main aim of the NPPF is to deliver sustainable development, with Paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.

11.3. It is therefore necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with those policies.

11.4. It is considered that the development would provide for an identified need for Rhodes Trust enabling optimum viable use of the listed building into the future. It would be of high quality design that appropriately responds to the site and surroundings. The significance of the conservation area and listed building has been understood. It is considered that the harm caused to the listed building and its setting and the setting of the Civil War Rampart would be a medium level of less than substantial harm. It is also considered that the moderate level of public benefits of the development would outweigh the harm in this case. The development would not adversely impact upon neighbouring amenity.

11.5. Whilst there would be tree removals as a result of the development, of those that can be seen from the public realm contribute a very small amount to the amenity of the street scene. Their loss could be mitigated by new tree planting.

As such it is considered that there would be no adverse impact on the setting of the listed building and its garden or the character and appearance of the Conservation Area. There would be a net gain in biodiversity and no harm to any identified protected species. A licence from Natural England would be required prior to any works commencing. The development would adhere to the principles of sustainable design and construction and whilst it would not achieve a 40% carbon reduction requirement there are exceptional circumstances in this case that outweigh it. There would be no adverse flood risk & drainage, land contamination or air quality impact.

11.6. The development would remain car free and would not harm the highway network. Whilst there would be a shortfall in required cycle parking spaces when the site would be at maximum capacity, based on the infrequency of such events and average occupation capacity of staff, scholars and visitors it is considered on balance that the development would provide adequate cycle parking.

11.7. In terms of any material considerations which may outweigh these development plan policies, the NPPF has a presumption in favour of sustainable development. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted. Policy SR1 of the OLP 2036 repeats this.

11.8. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF and policy SR1 for the reasons set out within the report. Therefore in such circumstances, planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.

11.9. Officers would advise members that having considered the application carefully including all representations made with respect to the application, that the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Local Plan 2016-2036, when considered as a whole, and that there are no material considerations that would outweigh these policies.

11.10. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions in section 12 below.

## **12. CONDITIONS**

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. Subject to conditions requiring updated or revised documents submitted with the application, 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 SR1 of the Oxford Local Plan 2016-2036.

3. Prior to the commencement of development excluding demolition and enabling works, a schedule of materials together with samples of the exterior materials to be used shall be submitted to and approved in writing by the Local Planning Authority and only the approved materials shall be used unless otherwise agreed in writing by the Local Planning Authority.

Samples panels of all exterior materials shall be constructed and made available to view on site prior to commencement of each relevant phase above ground.

Reason: To ensure high quality development and in the interests of the visual appearance of the Central Conservation Area in which it stands in accordance with policies DH1 and DH3 of the Oxford Local Plan 2016-2036.

4. A watching brief shall be undertaken throughout the course of the development to identify any unexpected contamination. Any unexpected contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. The responsibility to properly address contaminated land issues, irrespective of any involvement by this Authority, lies with the owner/developer of the site. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued. If topsoil material is imported to the site the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use.

Reason: To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy of the Oxford Local Plan 2016-2036.

5. No demolition shall take place until the applicant, or their agents or successors in title, has submitted a demolition method statement and this has been approved in writing by the Local Planning Authority. The method statement should set out how demolition will be undertaken to facilitate archaeological recording of archaeological remains that may be preserved below existing structures. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on the historic environment of the people of Oxford and their visitors, including on the Grade II\* Rhodes House in accordance with Local Plan Policies DH3 & 4.

6. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording to Level 4 standard (Historic England, 2017, Understanding Historic Buildings) in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on the historic environment of the people of Oxford and their visitors, including on the Grade II\* Rhodes House in accordance with Local Plan Policies DH3 & 4.

7. No development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the approved works. The scope of works shall include provision for public outreach.
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including prehistoric, Roman and post-medieval in accordance with Local Plan Policies DH3 & 4.

8. No development-related works shall take place within the site until a method statement for foundation design and construction (including landscaping) in a manner to secure the protection of the extant Civil War earthwork has been submitted to and approved in writing by the Local Planning Authority. This method statement shall set out how the extant Civil War earthworks are to be protected during construction and landscaping works. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including prehistoric, Roman and post-medieval remains in accordance with Local Plan Policies DH3 & 4.

9. Occupancy of the building shall not commence until a method statement to secure on-site interpretation of the Civil War rampart has been submitted to and approved in writing by the Local Planning Authority including a timescale for implementation. The on-site interpretation works shall be carried out and completed in accordance with the approved scheme within the agreed timescale, unless otherwise agreed in writing by the Local Planning Authority and thereafter retained.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including prehistoric, Roman and post-medieval remains in accordance with Local Plan Policy Policies DH3 & 4 .

10. A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to first occupation or first use of the development hereby approved. The plan shall show details of treatment of paved areas, and areas to be grassed or finished in a similar manner, existing retained trees and proposed new tree, shrub and hedge planting for the benefit of biodiversity. The plan shall correspond to a schedule detailing plant numbers, sizes and nursery stock types.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

11. The landscaping proposals as approved by the Local Planning Authority shall be carried out no later than the first planting season after first occupation or first use of the development hereby approved unless otherwise agreed in writing beforehand by the Local Planning Authority. Any planting that fails to be established or dies within the first 3 years shall be replaced with a suitable alternative which shall first be agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

12. The development shall be carried out in strict accordance with the tree protection measures contained within the planning application details shown in The Tree Protection Plan (Reference: HTS-TPP-01C) unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

13. The development shall be carried out in strict accordance with the approved methods of working and tree protection measures contained within the planning application details shown in the Full Arboricultural Method Statement (Nov 2019) unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

14. Development, including demolition and enabling works, shall not begin until details of an Arboricultural Monitoring Programme (AMP) have been submitted to and approved in writing by the Local Planning Authority (LPA). The AMP shall include a schedule of a monitoring and reporting programme of all on-site supervision and checks of compliance with the details of the Tree Protection Plan and/or Arboricultural Method Statement, as approved by the Local Planning Authority. The AMP shall include details of an appropriate Arboricultural Clerk of Works (ACoW) who shall conduct such monitoring and supervision, and a written and photographic record shall be submitted to the LPA at scheduled intervals in accordance with the approved AMP. The development shall be implemented in accordance with the approved AMP.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

15. The development shall not be brought into use until the cycle parking has been installed within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport in line with policies MI, M2 and M5 of the Oxford Local Plan 2016-2036.

16. Prior to commencement of each phase of development in accordance with the approved Phasing Plan including demolition and site clearance a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the following matters:-

- the routing of construction and demolition vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- access arrangements and times of movement of construction and demolition vehicles (to minimise the impact on the surrounding highway network),
- times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- hours of working;
- travel initiatives for site related worker vehicles;
- signage for construction traffic, pedestrians and other users of the site;
- piling methods (if employed) and controls on vibration;
- earthworks;
- hoardings and security fencing to the site;
- noise limits;
- control of emissions;
- Dust mitigation measures including site specific dust mitigation measures identified in the site's air quality assessment (pages 24-26);
- waste management and disposal, and material re use;
- wheel cleaning / wash facilities to prevent prevention of mud / debris being deposited on public highway;

- contact details of the Project Manager and / or Site Supervisor;
- layout plan of the site;
- materials storage including any hazardous material storage and removal.
- Engagement with local residents and neighbours

The approved Construction Environmental Management Plan shall be implemented accordingly throughout the demolition and construction period.

Reason: In the interests of the amenities of neighbouring occupiers, in accordance with the results of the dust assessment and policies RE1, RE6, M1 and M2 of the Oxford Local Plan 2016-2036.

17. Prior to occupation a Delivery and Service Management Plan shall be submitted to and approved in writing by the Local Planning Authority stating the size and frequency of service and delivery vehicles accessing the site and show the loading and parking areas that will be used. Delivery and Servicing shall not take place between the peak hours of 07:30-09:30 or 16:30-18:30. The development shall be operated in accordance with the approved Plan on completion of the development and at all times thereafter.

Reason: To mitigate the impact of delivery vehicles on the highway network at peak times in accordance with policies RE7, M1 and M2 of the Oxford Local Plan 2016 – 2036.

18. No development shall take place until a detailed drainage design for the site which follows the principles set out in the Flood Risk Assessment SuDS Strategy Report and information as submitted by Dawn Brodie of Savills, email dated 9th April 2020 including calculations, ground levels and plans has been submitted to and approved in writing by the Local Planning Authority. The drainage design shall include sustainable drainage methods and shall be implemented in accordance with the approved details prior to the use of the building commencing.

All design must take note of OCC Local Standards and Oxford City Council SuDS Design Guide and Local Policy RE4.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with RE4 of the Oxford Local Plan 2016-2036.

19. No building or use hereby permitted shall be occupied until a sustainable drainage Management and Maintenance Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall accord with Section 32 of CIRIA C753 including maintenance schedules for each drainage element and include contact details of any management company. The sustainable drainage scheme shall be managed and maintained thereafter in perpetuity in accordance with the approved management and maintenance plan.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

20. Prior to occupation, a record of the approved SuDS details and their construction/ installation shall be submitted to and approved in writing by the Local Planning

Authority for deposit in the Lead Local Flood Authority Asset Register. The details shall include:

- As built plans in both .pdf and .shp file format;
- Photographs to document each key stage of the drainage system when installed on site;
- Photographs to document the completed installation of the drainage structures on site.

Reason: In accordance with section 21 of the Flood and Water Management Act 2010.

21. Notwithstanding the approved plans, prior to occupation of the development hereby approved, details shall be submitted to and be approved in writing by the Local Planning Authority to demonstrate that the proposed development would comply with Secured by Design principles. The development shall be carried out in accordance with the approved details.

Reason: To ensure the development accords with Secure by Design principles and DH1 of the OLP.

22. The development shall be undertaken in accordance with the recommendations provided within the Preliminary Ecological Appraisal and Bat Survey Report (September 2018) and Bat Survey Addendum (May 2020) produced by Applied Ecology Ltd. No works of site clearance, demolition or construction shall take place until a European Protected Species Mitigation Licence has been granted by Natural England should any works directly or indirectly impacting bat roosts be required. A copy of the licence is to be provided to the Local Planning Authority within 5 working days of approval by Natural England.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 and to protect species of conservation concern.

23. Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme shall include details of new landscape planting of known benefit to wildlife and provision of artificial roost features, including specifications and locations of bird and bat boxes. Other features such as invertebrate houses shall also be detailed. The ecological enhancements shall be incorporated into the scheme and be fully constructed prior to occupation of the development and retained as such thereafter.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy G2 of the Oxford Local Plan 2016-2036.

24. Notwithstanding the approved drawings, the following details concerning the alterations to the east and west lightwells, shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant works commence and the works shall be carried out in accordance with the approved details only:

- Large scale drawn details of new high level ventilation louvres and junctions between the wall and roofs
- Material samples of the stone, framing and ventilation louvres

Reason: To ensure a sympathetic appearance for the new work, in the interest of the special character of the listed building, in accordance with policy DH1 and DH3 of the Adopted Oxford Local Plan 2036.

25. Notwithstanding the approved drawings, the following details concerning the Rotunda staircase shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant works commence and the works shall be carried out in accordance with the approved details only:

- Construction method statement, including details of existing floor
- Large scale drawn details of the balustrade within the Rotunda
- Large scale drawn details of the plinth, staircase and balustrading
- Material samples of the floor finish, balustrade, staircase railing

Reason: To ensure the preservation of valuable features of historic interest, which might otherwise be lost during the proposed works, and to ensure a sympathetic appearance for the new work, in the interest of the special character of the listed building, in accordance with policy DH1 and DH3 of the Adopted Oxford Local Plan 2036.

26. Notwithstanding the hereby approved drawings, large scale drawn design details of the following areas of work, shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only:

- West Garden Pavilion, details to include wall and roof junctions, curtain wall system, fenestration, internal finishes, electrical and mechanical building services;
- East Garden Room, details to include roof specification, overhanging eaves, soffit and fascia, doors;
- Sunken Residential Courtyard, details to include fenestration, wall upstand and railings/ balustrade;

- Southern lightwell (Giants Grave), details to include balustrade, steps, railings, fenestration, wall upstands and seating;
- Sunken Office Courtyard, details to include fenestration, wall upstand and railings;
- East and West Lodges, details to include eaves, fenestration;
- Ground-mounted rooflights and ventilation panels;
- Gardener's outbuildings, details to include elevations.

Reason: To ensure a sympathetic appearance for the new work, in the interest of the special character of the listed building and Civil War Rampart, in accordance with policy DH1, DH3 and DH4 of the Adopted Oxford Local Plan 2036.

27. Details of the siting, size, design and finished appearance of the following external fixtures, shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only:

- New or replacement ventilation grilles and extracts
- New or replacement boiler flues and new soil and vent pipes
- CCTV cameras
- Bird and bat boxes
- New signage

Existing openings shall be re-used where ever possible. All existing redundant non-original external fixtures and associated wiring and ducting shall be removed from the building and the affected areas of fabric made good to match the existing original work in respect of materials used, detailed execution and finished appearance.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed building, in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

28. Notwithstanding the submitted Lighting Planning Report, an architectural and landscape lighting strategy including details of new lighting fixtures on the exterior of the building, luminance levels and colour temperatures, shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed building, and in the interest of

protected species in accordance with policies DH3 and G2 of the Adopted Oxford Local Plan 2036.

29. Prior to substantial completion of the development, details of the Public Access and Public Art Strategy shall be submitted to and approved in writing by the Local Planning Authority. The whole site shall be operated in accordance with the approved strategy at all times thereafter,

Reason: To ensure the less than substantial harm caused to the designated and non-designated heritage assets is adequately mitigated and outweighed by the public benefits proposed in accordance with DH3 and DH4 of the Oxford Local Plan 2036 and the NPPF.

30. The development shall be undertaken in accordance with the principles and details within the Energy Statement (Nov 2019, Rev.3) Report unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure carbon reduction and energy efficiency of the development in accordance with RE1 of the Oxford Local Plan 2036.

### **13. HUMAN RIGHTS ACT 1998**

- 13.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

### **14. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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



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## WEST AREA PLANNING COMMITTEE

**Application number:** 20/00167/LBC

**Decision due by** 6th May 2020

**Extension of time** 31<sup>st</sup> August 2020

**Proposal** Demolition of Lodge buildings, garden works buildings, existing hard landscaping on Ramparts and internal elements. Refurbishment, alteration and extension of existing building, including external glazing over internal courtyards, insertion of en suite bathrooms and lifts, and extension to existing basement to provide residential, teaching and office accommodation with associated structural works. Erection of replacement Lodges and single storey garden room. Creation of underground accommodation and sunken courtyard within the grounds (east) to provide additional residential en suite bedrooms. Erection of a single storey glazed pavilion building (with new basement) within the grounds (west) to provide additional teaching and office accommodation. Erection of new gardeners outbuildings. New landscaping of garden and Ramparts; removal and re-instatement of boundary walls; removal and reinstatement of front ramps; and provision of cycle parking. (Amended description) (Additional and amended plans and supporting information).

**Site address** Rhodes House, South Parks Road, Oxford, Oxfordshire – see **Appendix 1** for site plan

**Ward** Holywell Ward

**Case officer** Amy Ridding

**Agent:** Mr Rob Linnell      **Applicant:** Rhodes Trust

**Reason at Committee** Major development

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

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

1.1.2. **agree to delegate authority** to the Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers an application to refurbish and remodel the interior of Rhodes House, a Grade II\* listed building, including the conversion of the basement into a convening space for 300 people, and to create new additional accommodation within the grounds above and below ground to provide a total of 40 en suite bedrooms, improved office accommodation, and small & medium sized meeting spaces. Rhodes House dominates the plot and a well preserved section of the Civil War rampart runs along the eastern boundary. The rest of the site is characterised by landscaped gardens, mature trees, stone boundary walls, and lies within the Central (City & University) Conservation Area.
- 2.2. There are a number of proposed alterations affecting the interior to the listed building. The most significant alterations are the creation of a new convening centre at basement level; the insertion of a spiral staircase into the Rotunda; the covering over and incorporation of the internal lightwells into the basement floorspace for the convening centre; the provision of residential accommodation with en suite bathrooms in the East Wing and the installation of three lifts within the building.
- 2.3. Within the grounds a glazed pavilion and basement extension are proposed in the western garden, and a garden room and sunken courtyard housing residential accommodation are proposed in the eastern garden. The southern courtyard would be raised in height, re-landscaped and a new lightwell with stair access to the basement would be constructed to the south.
- 2.4. The alterations and additions are assessed as causing varying levels of less than substantial harm, from low to high, to the heritage significance of the different parts of the building in question. Overall, the cumulative impact of the proposed works is assessed as causing medium level of less than substantial harm to the historic and architectural special interest of the grade II\* listed building and its setting.
- 2.5. Great weight and importance has been given to the desirability of preserving this grade II\* listed building as a designated heritage asset. Clear and convincing justification of the need for the proposed works has been demonstrated and the proposed scheme is considered the least harmful way of ensuring the building remains in its optimum viable use securing its future conservation. The less than substantial harm that would be caused to the heritage significance of the listed building is considered sufficiently mitigated by high quality architectural design, and outweighed by the resulting public benefits of improving accessibility throughout the building; enhancements to the building and the site's architectural and historic significance; increasing public access, understanding and appreciation of the site's rich and complex heritage; and the provision of a publically accessible arts programme. These public benefits would outweigh the less than substantial harm caused and subject to conditions, the scheme would

comply with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 193, 194 and 196 of the NPPF and policies DH1 and DH3 of the Oxford Local Plan 2036.

### **3. LEGAL AGREEMENT**

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

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

4.1. The proposal is not liable for CIL.

### **5. SITE AND SURROUNDINGS**

5.1. Rhodes House site is located on the corner of Parks Road and South Parks Road and consists of a single large u-shaped building with associated smaller extensions and outbuildings set within a mature garden. The site is located within the designated Central (City & University) Conservation Area (CCA) and Rhodes House is Grade II\* listed. To the north is the Radcliffe Science Library and bordering the site to the south is Wadham College. To the west are University of Oxford Nos. 9-10 Parks Road and the Garden of St John's College. The site is bounded by Love Lane to the east and on the other side of the lane are the buildings of Nos.1 & 1a South Parks Road and the Rothermere American Institute. The Radcliffe Science Library, No.1 South Parks Road and Nos.9-10 Parks Road are also Grade II listed. Both gardens in St John's College and Wadham College are registered parks and gardens.

5.2. Rhodes House was built in 1929 and designed by Herbert Baker and built on land formerly owned by Merton College in the medieval period and later by Wadham College (1835 - 1925), during which it formed part of the Warden's Garden and later the Fellows' Private Garden. The Rhodes Trust acquired the land in 1925. The site contains features that pre-date the construction of Rhodes House including the old stone boundary wall to Parks Road and South Parks Road (grade II listed) a number of mature trees, and a section of the Royalist Civil War ramparts along the eastern boundary. The rampart continues south through Wadham College before turning east between Mansfield College and New College. This is a highly significant archaeological feature and considered to be of national importance.

5.3. The building's plan form comprises a central range (entrance and dining hall (Milner Hall)) sited between two wings (library and former residential accommodation), and adopts a domestic Cotswold country house aesthetic with its south, east and west elevations having a relationship to the garden setting. This is combined with a classical form of architecture exhibited in the rotunda to the north elevation, the use of symmetry and the defining axes in the organisation of the plan form. It also has a large redundant basement, built in the 1950's, that up until recently housed books and material for the Bodleian Library. Outside the garden comprises areas of lawn, shrub borders, and area known as the Giant's Graveyard that sits above the basement between the two wings.

- 5.4. Rhodes House was originally listed as grade II on 12th January 1954. In 1997 the listing was revised and the building designated as grade II\*. The official listing description is largely confined to the external and internal architectural details of the building. The listing notes that the building “is a memorial to Cecil Rhodes and home of the Rhodes Trustees in Oxford. It was established in the will of Cecil Rhodes as a centre for scholars from the U.S.A., the British Empire and Germany”.
- 5.5. The Rhodes Trust is an educational charity that administers scholarships to support students, mainly postgraduates, study at the University of Oxford through academic support, interaction with their peers and convenings at Rhodes House. Rhodes Scholars do not reside at Rhodes House, instead they reside within their individual College or the University. Rhodes House is therefore different in nature from the Colleges and collegiate experience and instead is a central ‘hub’ or base to which Scholars may go to for support, to study, meetings, convening events associated with the Rhodes Trust Scholars. The building is also used as a venue for external events such as weddings and seasonal venue hire. There are 9 residential bedrooms for visitors. There are 50 staff based at Rhodes House but usually 30-40 staff on site at any one time due to flexible working and typically there are 15-20 scholars on site.

5.6. See block plan below:



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Ordnance Survey 100019348

**6. PROPOSAL**

- 6.1. The application proposes to rationalise and remodel the interior of Rhodes House and create new additional accommodation above and below ground both within the existing building and within the grounds, to provide a total of 40 en suite bedrooms, improved office accommodation, small and medium sized meeting spaces and conversion of the basement into a convening centre for 300 people.

6.2. Within Rhodes House the following works are proposed:

- Refurbishment and remodelling of the existing basement spaces to provide a large convening space with associated facilities. This includes raising the existing basement roof which is sited within the southern courtyard (known as the Giants Graveyard) and the creation of a new hard and soft landscaped area above, within the courtyard;
- Creation of a new southern lightwell with stair access to the large convening facility within the basement;
- Insertion of a new spiral stair into the rotunda to connect the remodelled basement spaces with the ground floor;
- Glazing-over and remodelling the existing lightwells to form part of the foyer space within the basement;
- Internal alterations to improve access and circulation in the building, including the insertion of three lifts;
- Refurbishment and remodelling of the East Wing to create 24 en suite bedrooms;
- Refurbishment of existing principal rooms and spaces throughout the building;
- Replacement of building services (e.g. electrics) and improvements to the environmental performance of the existing building;
- Demolition of the existing east and west lodge buildings, garages and ancillary stores, and replacement with lodge buildings of a smaller size, and associated works to the boundary walls;

6.3. Within the garden grounds it is proposed to erect new buildings and create additional below ground accommodation including:

- Erection of a new single storey building in the east garden behind and adjoining the stone boundary wall on South Parks Road, comprising a communal space primarily for informal dining space for staff. It includes an enclosed bin storage area and venting for the proposed plant that is situated in a basement below it. The basement contains plant, storage and lift;
- Creation of 16 residential en suite bedrooms below ground around a central open courtyard area, connecting into the basement and lift of the single-storey building above and laying parallel and adjacent to the Civil War Rampart;
- Erection of a single-storey glass pavilion building in the west garden, with green roof providing oratory and meeting space for 20-40 people, sited above a basement extension that would connect into the existing basement and provide additional office accommodation for up to 70 staff, lit via rooflights and an open sunken courtyard lightwell within the north west garden area;

- Erection of two single-storey garden buildings in the west garden to provide replacement potting shed / storage and greenhouse facilities, and the refurbishment of the existing cycle shed along the existing southern garden wall.

## 7. RELEVANT PLANNING HISTORY

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

54/03615/A\_H - Alteration to wardens lodgings. PER 11th May 1954.

63/13373/A\_H - Extension to caretakers quarters. PER 23rd April 1963.

64/15039/A\_H - Alteration to lavatory. PDV 9th June 1964.

66/17244/A\_H - Alteration to existing garage, covered car port and garden store. PER 22nd February 1966.

66/17817/A\_H - Garage for a van. PER 26th July 1966.

74/01122/L\_H - Strip existing defective Cotswold slates and re-slate all roofs in Westmoorland Brushton Moor slates.. PER 28th February 1975.

95/00817/L - Listed Building consent for (i) Demolition of garage block on east side (except staircase link) and demolition of porter's lodge. PER 31st January 1996.

95/00818/NFH - New E & W 3 storey blocks for 9 flats, 9 bedsits, porter's flat & 6 garages & access to South Parks Rd. Alterations to main block including 1 porch with steps/ramp on S & ramps to front entrance, part infilling 2 courtyards. (Amended plans). PER 31st January 1996.

00/01081/L - Listed Building consent to dismantle main entrance portico, reconstruct basement sub-structure, and rebuild portico to match existing.. PER 6th November 2000.

00/01082/NFH - Rebuild portico to match existing following dismantling.. PER 6th November 2000.

01/00918/L - Listed building consent for internal alterations to create a readers room, with relocation of cloaks, storage and W.C's in basement.. WDN 22nd June 2001.

01/01406/L - Listed Building consent for works in basement to provide IT and Reading Room with upgraded WC, storage, cloakroom and ancillary facilities.. PER 22nd February 2002.

12/00338/LBC - Internal alterations to refurbish pantry, office and utility accommodation and provide accessible W.C., involving removal of partitions, blocking windows and door, and new finishes and fittings. ( Amended Plans) (

Additional Information). PER 13th April 2012.

12/01854/LBC - Alterations to insert a book lift in existing void, including the replacement of grille with cellar doors. PER 3rd September 2012.

13/03485/LBC - Internal alterations to install a new sound system in the Milner Hall, the Jameson Room and the Beit Room. PER 12th February 2014.

14/03012/LBC - Installation of replacement lighting in the library. PER 23rd December 2014.

15/02117/LBC - Conversion of second floor office to bathroom and addition of internal partition and doorway. PER 18th September 2015.

16/01279/FUL - Formation of 2no. front access ramps. Formation of 3no. rear access ramps. Alterations to dormer on front north roof slope.(amended description)(amended plans). PER 19th July 2016.

16/01280/LBC - Formation of 2no. front access ramps. Formation of 3no. rear access ramps. Alterations to dormer on front north roof slope. Alterations to existing lift shaft and installation of accessible lift to all four floors. Installation of power assisted operators to main entrance doors. (Amended description) (Amended plans). PER 15th July 2016.

17/00077/FUL - Provision of additional paving for improved accessibility. (Amended plan). PER 31st March 2017.

17/00078/LBC - Provision of additional paving for improved accessibility. (Amended plan). PER 31st March 2017.

20/00166/FUL - Demolition of Lodge buildings, garden works buildings, existing hard landscaping on Ramparts and internal elements. Refurbishment, alteration and extension of existing building, including external glazing over internal courtyards, insertion of ensuite bathrooms and lifts, and extension to existing basement to provide residential, teaching and office accommodation with associated structural works. Erection of replacement Lodges and single storey garden room. Creation of underground accommodation and sunken courtyard within the grounds (east) to provide additional residential ensuite bedrooms. Erection of a single storey glazed pavilion building (with new basement) within the grounds (west) to provide additional teaching and office accommodation. Erection of new gardeners outbuildings. New landscaping of garden and Ramparts; removal and re-instatement of boundary walls; removal and reinstatement of front ramps; and provision of cycle parking. (Amended description) (Additional and amended plans and supporting information). PCO.

## **8. RELEVANT PLANNING POLICY**

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents
Design	124, 127, 130-131	DH1 High quality design & placemaking	
Conservation/ Heritage	184-202	DH3 Designated heritage assets	

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 12<sup>th</sup> February 2020 and 4<sup>th</sup> June 2020 and advertisements were published in The Oxford Times newspaper on 13<sup>th</sup> February 2020 and 4<sup>th</sup> June 2020.

### **Statutory and non-statutory consultees**

#### Historic England

9.2. Historic England's initial response of no objection to the application, dated 18<sup>th</sup> March 2020, is detailed in full below. They were consulted further on 4<sup>th</sup> June 2020 following the submission of additional and amended information and had no further comments to offer but wish to have opportunity to comment on any future amendments.

#### *Summary*

9.3. 'These proposals involve major intervention to a fine grade II\* listed building. Historic England are content that the designs submitted would entail a low level of harm providing that the design of the balustrade to the proposed stair in the rotunda can be resolved and represent the least harmful way of incorporating the facilities that the Rhodes Trust require into the building. We are therefore content that the requirement of paragraph 194 of the NPPF to justify any harm to the significance of a listed building has been met and do not object to the applications. It is for the Council to weigh the harm against the public benefits associated with the scheme in line with paragraph 196 of the Framework.

#### *The Significance of Rhodes House*

9.4. The proposals for Rhodes House have been formulated following extensive pre-application consultation with Historic England. Rhodes House was opened in 1929 and was designed by Herbert Baker (who worked for Rhodes in South Africa in the early years of the 20<sup>th</sup> century and then established himself as a leading British architect of the interwar years) to act as a home for the Rhodes Trustees in Oxford a meeting place for Rhodes Scholars.

9.5. Rhodes House is of significance in its own right as a very high quality piece of architecture. It demonstrates Baker's great ability as a designer, is one of the best examples of the Cotswold Vernacular style that was dominant in Oxford in the interwar years and illustrates the fact that there was a lot more to architecture

in this period than international modernism very well. The building is also of significance due to its connection with Rhodes' legacy. It demonstrates just how complex the past is, particularly the history of empires. Cecil Rhodes' reputation has sunk as the nation's collective understanding of the British Empire changes. This building has strong associations with a man who was responsible for events and policies now judged reprehensible but who also set up a Scholarships intended to promote learning and international understanding and a Trust that has been able to develop and move beyond the worldview of its founder. Rhodes House is in many ways an architectural embodiment of the British Imperial worldview in the early 20th century and illustrates well how complex historic association can be.

- 9.6. A section of the defensive rampart thrown up to protect Oxford during the English Civil War stands in the garden to the west of the house. This is not designated but is arguably of national importance as it is one of the best surviving sections of for the 17th century defences.

*The proposals and their impact on this significance*

- 9.7. The east wing: the alterations to the east wing are relatively light touch and would have a limited impact on the significance of the building. I am content to defer to the City Council's conservation team for advice on this aspect of the proposals.
- 9.8. The west garden pavilion: a handsome contemporary building is proposed which I think is far enough away from the main house - and small enough - to read as a garden pavilion. This would involve the removal of the current west wing, which is a later addition added to Baker's designs in 1931 on a site which had, since the inception of the scheme, been earmarked for a potential later extension. This extension is a well detailed and of the same high quality materials as the main building but is a very simple, functional service wing that does not display the outstanding architectural qualities of the main building. We therefore consider that the harm to the significance of Rhodes house entailed by its removal would be very low. The proposed new building would add interest to, rather than detract from, views of Rhodes House from Parks Road and we are therefore content with this aspect of the proposals. We note that a large basement is proposed under this pavilion. A preliminary structural engineers report suggests that existing load bearing walls in this area would need underpinning carried out in a 'hit and miss' fashion. We suggest that any consent granted is conditional on further details of the proposed engineering work being supplied and approved.
- 9.9. The residential courtyard: this is an innovative approach to creating more bedroom space while respecting the setting of both the house and the Civil War defences. Again we are supportive of this aspect of the scheme, the proviso again being that suitable conditions are applied to ensure that the below ground works do not adversely impact on the structural stability of the listed building.
- 9.10. The stair in the rotunda: this would involve the most dramatic and contentious intervention into the historic fabric of the building. This would certainly change the character and appearance of the rotunda, which remains largely as built, as the stair would become the focal point of the space. I think a well-designed stair can be inserted into the space without compromising its architectural qualities and I

am of the view that alternative means of providing access to the ground floor, which will need a lift, would be more intrusive than a stair here.

- 9.11. Getting the detailing of the stair right will be vital. It think it important that any balustrade does not feel too solid, as this would dominate the space, and that it should harmonize with the existing architecture and not appear as an alien intrusion. The approach taken, which is presented in sketch form rather than as a fully worked up concept, is for a stone honeycomb design balustrade around the stairwell with a metal handrail and stanchions to the stair itself, which would be a spiral of post-tensioned stone without a central column.
- 9.12. In terms of solidity I think this could work well but at present the stone balustrade looks very simple, without the classical mouldings that characterise the rest of the rotunda, and I fear that it would look too stark and an alien intrusion into what is probably the finest internal space in the building. Further design development is needed here. As this is a matter of detail, which we believe could be resolved with sufficient thought, we would be content this matter to be dealt with via a condition attached to any consent granted. The proviso to this is that we had the opportunity to comment on any application for its discharge of conditions and that the conservation team at the Council were content that any application for discharge of conditions would only be determined after appropriate consultation with both themselves and Historic England. It may be necessary to create a mock up in the space to give a clearer idea about how it might look and feel.
- 9.13. Glazing the internal courtyards: the proposal to glaze the courtyards involves inserting glass roofs between second and third floor windows. Studies suggest that these would not be visible externally and the line chosen avoids clashing with the courtyard windows. There would be some impact on the character of rooms lit from the courtyard as the quality of light entering would change and light levels in these spaces would be lowered. The appearance and character of the courtyards would also be markedly altered, but as these are minor spaces we consider that the impact of this aspect of the proposals on the significance of the building as a whole to be very limited. The way in which the north walls of the courtyards are built up to take the roof also needs careful thought if it is to look elegant. I am not convinced by the current treatments and further design work is needed here. Again, I am content for this to be resolved by condition if it could be guaranteed that Historic England were consulted on any application for discharge of condition.
- 9.14. The reconfiguration of the 'Giant's Grave': The proposals here would involve re-landscaping the Giant's Grave and adding a balustrade and a large window open. This has the potential to be an elegant intervention provided that the detailing of the balustrade is detailed to match the balustrade around the eaves. Again, we would be content for a condition to be applied requiring further details to be supplied provided that we had the opportunity to comment on any application for the discharge of condition.

*Planning policy considerations*

9.15. When taken as a whole the proposals would entail a degree of harm to the significance of this grade II\* listed building. The most harmful element would be the alterations to the rotunda. However, providing that a suitable design for the balustrade to the rotunda stair can be agreed upon we assess the level of harm as being low and are content that this harm is justified, as is required by paragraph 194 of the NPPF as the design in its current form represents in our view the least harmful way of adapting the building to meet the evolving needs of the Rhodes Trust. It is for the Council to decide whether the public benefits associated with the scheme outweigh the harm, in accordance with paragraph 196 of the NPPF.

#### *Recommendation*

9.16. Historic England has no objection to the applications on heritage grounds. We consider that the applications meet the requirements of the NPPF, in particular paragraph numbers 190 and 194, providing that the issues raised in our advice detail above are addressed.'

#### The Twentieth Century Society

9.17. The Twentieth Century Society submitted an objection to the application, dated 11th March 2020, which is detailed in full below. They were consulted further on 4th June 2020 following the submission of additional and amended information, including further information concerning the proposed Rotunda staircase. No further comments were received.

9.18. 'Rhodes House is a highly significant piece of interwar architecture, designed by the internationally famous architect Sir Herbert Baker, and listed at Grade II\*. As a result any interventions into the fabric, layout or original design legibility of the building should be approached cautiously and with considerable sympathy. In this context, the Society wishes to make the following observations.

9.19. The Society has no concerns about the change of uses proposed in various areas of Rhodes House, as the intention is to return most areas to the uses originally intended as part of Baker's overall vision. As such spaces are best used for their original purpose, this aspect is appropriate for the listed building. The additions in this scheme have been carefully conceived to allow expansion of the facilities at Rhodes House in a way that minimises the impact on the majority of highly significant areas in the listed building. The Society therefore has no comments to make on the removal of the later extensions to the pavilions nor on the extension of the basement space.

9.20. However, the Twentieth Century Society objects to the insertion of the spiral staircase into the Rotunda. This is an area of extremely high significance, identified as such on the applicant's documents, and any intervention should be resisted. The Rotunda is the defining statement of the building and is fundamental to the finely crafted entrance sequence devised by Baker, as the compression of the entry under the portico is relieved on movement into this lofty memorial space. It has significance not merely for its architectural impact but also for its function as an area of remembrance and record. The insertion of the staircase is profoundly detrimental to this boldly expressive piece of architecture. It will destroy the 'magic influence' and 'high note of impressiveness' that Baker

expressly intended and reduce its function to a circulation space servicing the basement. The Society urges that the relocation of this staircase be required by Oxford City Council.'

Thames Water

9.21. No objection

Natural England

9.22. No comments

**Public representations**

The Victorian Group of the Oxfordshire Architectural and Historical Society

9.23. The VGOAHS submitted an objection comment under associated planning application 20/00166/FUL which is detailed in full below.

9.24. 'Our principal objection to this application concerns the proposal to put a circular staircase in the centre of the rotunda. This is perhaps the most important interior in the building, and this would seriously impair it. It is essential that an alternative location (as suggested in the application) should be found for the staircase.

9.25. We are somewhat concerned about the treatment of the 'pavilions' which flank the South Parks Road front, and hope that their appearance will remain, from the street, unaltered.

9.26. The 'West lawn pavilion' is an unfortunate intrusion, and sadly out of keeping. The garden is precious and should not be spoilt.'

Oxford Civic Society

9.27. The Oxford Civic Society submitted a support comment under associated planning application 20/00166/FUL which is detailed in full below.

9.28. 'Despite the reservations of at least one past eminent critic, this fine assembly by Herbert Baker has made a comfortable, civilised and original contribution to the architecture of Oxford for almost a century, enjoyed by many and deserving of its Grade II \* status.

9.29. Oxford Civic Society consider that the interventions and additions currently proposed are sympathetic in terms of space planning and the missions of the institution, architecture and urban design and that the garden pavilion proposed, will be a welcome addition as conceived by a distinguished architectural practice.'

**10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- a. Impact on the special architectural and historic interest and the setting of the grade II\* listed building
- b. Impact on protected species

**a. Impact on the listed building and its setting**

- 10.2. In accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent, special regard should be given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- 10.3. Local Plan policy DH3 requires development to respect and draw inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance, character and distinctiveness of the heritage asset and locality. Both policy DH3 and paragraph 193 of the NPPF require great weight to be given to the asset's conservation.
- 10.4. Local Plan policy DH3 and NPPF paragraph 194 require clear and extensive justification to be demonstrated for any harm caused to heritage assets. Development that would lead to less than substantial harm to the significance of a designated heritage asset should be weighed against any public benefits the proposed development may offer, including securing its optimum viable use (policy DH3 and paragraph 196).
- 10.5. Policy DH1 of the Oxford Local Plan 2036 stipulates that permission will only be granted for development of high quality design that creates or enhances local distinctiveness, where the design rationale has been explained in accordance with key design objectives and principles as set out in the Local Plan.

*Heritage significance*

- 10.6. Rhodes House is of high architectural significance as an important piece of interwar architecture designed by notable architect Herbert Baker. Exhibiting both the domestic and classical architectural styles, the building is unique in its character and appearance. Constructed from Bladon rubble stone, the building was influential in the architectural development of Oxford in the early 20<sup>th</sup> century. The buildings interiors are of particularly high significance exhibiting very fine craftsmanship and constructed from high quality natural materials, displaying the arts and crafts approach. Despite the change in the use of the east wing in recent decades from residential to largely office accommodation, the buildings plan form and interiors have survived largely intact and undergone relatively little alteration.
- 10.7. The building and its site have historic significance, in its associated value with Cecil Rhodes and the Rhodes Trust. The relative under-use and little alteration that Rhodes House has experienced since its construction makes it a unique record and embodiment of the British Imperial culture at that time in history, whilst also being the home and headquarters of a Scholarship programme and Trust set up from the Rhodes' legacy that is forward and progressive in its

thinking, including challenging the concepts on which the programme was originally founded.

- 10.8. Situated along the eastern edge of the site is one of the best surviving sections of the defensive English Civil War rampart, which together with the potential for prehistoric and Roman remains, gives the site significant archaeological interest. Until the early 20<sup>th</sup> century the site formed part of the Wadham College gardens, which abut the southern boundary of the site and are designated as a grade II registered park and garden.
- 10.9. Sited prominently on the corner of Parks Road and South Parks Road, Rhodes House has a strong presence within the street scene and conservation area, and has significant group value with the other listed buildings along South Parks Road including the grade II listed Radcliffe Science Library, Inorganic Chemistry Laboratory, 1 & 2 South Parks Road, 1 & 2 Parks Road, . This part of the conservation area (part of the Colleges Character Zone as shown in the draft Central Conservation Area Appraisal), is characterised by a low density of development comprising 19<sup>th</sup> century and early 20<sup>th</sup> century buildings of architectural significance, many of which are listed, and extensive areas of enclosed green space within college and university grounds. Rhodes House and its grounds which feature extensive mature tree cover, landscaped gardens and surrounding stone walls, some of which pre-date Rhodes House, make an important and positive contribution to these characteristics of the conservation area and the buildings setting.

*Impact on significance*

- 10.10. The basement, historically a secondary functional service area, is the part of the building which has experienced the largest amount of alteration in the past, including the extension under the southern courtyard in the mid-20<sup>th</sup> century to form library storage. No longer required for storage purposes, large areas of the basement are currently not in use. The basement is the least significant and therefore, the least sensitive part of the building. The principle of converting the basement into useable spaces or greater importance (a convening centre) to meet the needs of the Trust is considered an appropriate and efficient use of space. The alterations proposed would affect both original and later fabric to create the proposed convening centre and associated facilities. The creation of new openings are proposed to enable adequate circulation within the new foyer area, new connections into the western basement extension and between the ground floor with the new stair and lift installations. The original fabric to be impacted comprises a low degree of significance, and the works would cause a low level of less than substantial harm to the overall significance of the listed building.
- 10.11. The external alterations associated with the proposed basement convening centre, resulting in the raising of the basement roof, new hard and soft landscaping within the southern courtyard and the introduction of a lightwell with two sets of steps necessary for fire escape purposes, are considered to be of a suitable siting, scale, form and design quality that they would sit comfortably within the setting of the listed building and its wider garden, and not detract from the significance of the building.

- 10.12. The Rotunda has a very high level of significance which is comprised of both architectural and historic significance. As a set-piece room, a circular domed ante hall in the classical style, the Rotunda is a visually distinctive and unique addition to the buildings otherwise domestic Cotswold country house aesthetic. The Rotunda also forms part of a carefully planned entrance sequence, a series of designed spaces in which movement through is controlled. Sited on the north to south axial line, the building is entered from South Parks Road through the Portico, into the Rotunda, the Parkin Vestibule, the Gallery (sited on the east to west axis) and into the Milner Hall where the visual connection through the bay window into the garden is experienced. The Rotunda's historic significance is as a memorial to Cecil Rhodes and his ideals (although historic research shows it was originally intended to be a memorial to Lord Milner), and as a memorial to the War Dead, commemorating the fallen on both sides of the conflict. It is recognised that there is an inherent conflict between the Rotunda's purpose as a memorial, as a space for contemplation, and its purpose as an ante hall, as part of the planned entrance sequence of the building.
- 10.13. The insertion of a spiral staircase into the Rotunda, which remains largely as built, will cause a significant amount of change to the space and is considered to be the most dramatic intervention proposed as part of this scheme. The works would consist of the insertion of a sculptural spiral staircase in the centre of the Rotunda floor leading into the basement involving the removal of a section of the floor structure and structural columns below; the insertion of a steel ring beam; the loss of the stone flooring but the retention and relocation of the central Matapos stone to the base of the staircase in the centre of the basement floor below; a new perforated stone balustrade surrounding the new opening within the Rotunda and a lightweight metal balustrade around the staircase itself.
- 10.14. The purpose of the staircase is to direct the delegates and people attending the large convening events into the basement Convening Centre at an early stage in their arrival, enabling the Rhodes Scholars and staff to use the same main entrance, moving directly through the Rotunda into the principal spaces of the building.
- 10.15. The level of harm caused by the insertion of a spiral staircase into the Rotunda is assessed as a high level of less than substantial harm to the Rotunda itself. The staircase would fundamentally change the way in which the space is experienced as a memorial, detracting from the relatively austere, contemplative and classical yet simple architectural character that emphasises its purpose as a memorial, harming the historic interest of the Rotunda. It is considered that, in terms of the impact of on the architectural qualities and significance of the Rotunda, the staircase by reason of its sculptural form and high quality design, would maintain the 'high note of impressiveness' that Baker expressly intended for the space and would not detract from its spectacular and 'magic influence' upon entering.
- 10.16. Historic England have raised no objection to the proposed staircase, which they consider would not harm the architectural qualities of the space, and subject to further design development of the balustrades which can be dealt with via condition, consider that it represents the least harmful way of incorporating the facilities required by the Rhodes Trust into the building.

- 10.17. In response to the objection received from the Twentieth Century Society who consider the staircase would be 'profoundly detrimental to this boldy expressive piece of architecture' and 'reduce its function to a circulation space servicing the basement', and due to Officers assessment of the harm, further information was submitted during the application to further demonstrate that all possible alternative options of providing accessibility into the basement have been explored accordingly; namely the provision of a staircase into one of the lightwells. The heritage assessment carried out is concurred with and identifies that the level of harm caused by the Rotunda staircase to the heritage significance of the building would be slightly higher than that caused by the lightwell staircase. However, it is recognised that the Rotunda staircase would bring additional benefits in terms of ensuring the functionality of the building is fit for purpose for the foreseeable future and secure its optimum viable use, as the home and headquarters of the Rhodes Trust.
- 10.18. Officers are satisfied that clear and extensive justification has been provided for the proposed Rotunda staircase and that it would be the least harmful way to meet the evolving needs of the Trust and ensure the optimum viable use of the building, in accordance with the requirements of Local Plan policy DH3 and NPPF paragraphs 194.
- 10.19. The existing lightwells sited in between the Parkin Vestibule and the flanking wings are by their nature little-used utilitarian spaces, which comprise a low degree of significance as spaces in themselves but where the rubble stone external walls with dressed stone window frames and leaded window casements of the principal building ranges surround and are key features of. The proposal to incorporate the lightwells as part of the basement floorspace by installing glazed roof coverings and replacing existing basement windows with larger doorways would cause a medium level of less than substantial harm to the significance of the building. The new glazed roof coverings and associated upstands and ventilation grilles would be highly visible internally from the windows of the surrounding rooms and corridors, and externally, visibility of the new roof coverings would not occur at street level as shown on the sightline drawings, and be limited to high level views from the upper floor windows of the buildings on the opposite side of the street. Amendments to the design and materials of the roof coverings and associated upstands and ventilation grilles were submitted during the application, mitigating the level of harm.
- 10.20. The proposal to install three additional lifts within the building would result in the removal of original fabric and alterations to the original plan form, causing less than substantial harm to the buildings significance. The reason for the lifts, to achieve greater accessibility throughout the building is considered to be sufficient justification that would outweigh the harm (discussed below).
- 10.21. The removal of the tiered seating from the Milner Hall gallery would result in less than substantial harm. The difficulties with the functionality of this space as existing due to safety and practical reasons is acknowledged. The proposals to re-use the timber from the seating within the gallery space would mitigate some of the resulting harm, and the need to create a functional space is considered adequate justification.

- 10.22. Less than substantial harm would be caused by the proposals to accommodate 24 en suite bedrooms within the East Wing, which would involve alteration to the original floorplan through the removal and reconfiguration of internal walls, the installation of en suite facilities into a number of rooms, and the erosion of the original service function at the north end of the wing. The harm would be mitigated to some extent by the use of 'light touch' design and construction techniques and the re-use of displaced fixtures and features. The works would also enable the East Wing to be returned to its original intended residential use, albeit with facilities to meet modern-day standards, removing the harmful office functions, which would be considered a heritage benefit of the scheme (discussed below).
- 10.23. Upgrading works relating to the existing mechanical and electric services together with a number of fire resistance safety measures are proposed throughout the building. The upgrading and provision of new services to serve the new east wing en suites would involve the installation of several new service risers. The fire safety works would include the upgrading of the existing doors and partitions using intumescent paint products and seals, and the installation of new secondary glazing to some windows and glazed screens to provide the necessary compartmentalisation around the main stair in the east wing. The works would cause a small amount of less than substantial harm to the original fabric and aesthetics of some of the interior spaces. The impact is considered to be mitigated, however, by the sensitive siting and appropriate design of the works minimising the degree of harm caused. The works would be justified by the improved fire safety and functionality of the building.
- 10.24. The existing east and west lodges and side wings which are the result of various design iterations and have undergone a number of alterations are considered to comprise medium significance, and as such their loss would result in less than substantial harm. It is considered that the proposed smaller replacement lodges would be a better architectural response, reinforcing the symmetry and improving and enhancing the buildings architectural significance, which can be appreciated from the public realm. The harm resulting from the loss of the existing historic fabric can be mitigated by re-using as much of the original significant fabric as possible within the new constructions, which can be secured by condition.
- 10.25. The proposed west garden pavilion would be a high quality architectural addition to the site that would cause a low level of less than substantial harm to the character, appearance and setting of the listed building. The pavilion would be sited a sufficient distance away from the principal building and be suitably subservient in scale and size and of a simple yet elegant high quality design, that it would contrast but not unduly compete with the listed building, ensuring the level of harm is kept to a minimum. To ensure the intended high quality design is delivered in practice and light spill is kept to a minimum, it is recommended further design details and specifications are secured by condition.
- 10.26. The east garden room would be sited behind and below the front wall. Its low height and simple design would ensure it would not be an imposing addition within the setting of the listed building or the rampart. The proposed sunken courtyard containing residential accommodation would be a significant

intervention into the east gardens resulting in the loss of the warden's garden, causing less than substantial harm to the significance of the gardens and setting of the building. The visual impact has been mitigated by a combination of high quality design integrated with appropriate landscaping, to ensuring it sits comfortably within the gardens, rather than appearing an incongruous and visually distinct feature.

10.27. Overall, the degree of harm caused by the proposed alterations to the special architectural and historic interest of the grade II\* listed building and its setting is assessed as a medium level of less than substantial harm.

*Need for the development*

10.28. The Rhodes Trust exists entirely in support of academic transformation. The number of Rhodes Scholars in Oxford has increased from 215 to 260 in recent years, and the Trust is looking to expand further to allow 325 scholars in residence in Oxford by 2028. The Trust has also expanded to include partnerships with the Mandela Rhodes Foundation, Atlantic Institute and Schmidt Science Fellowship. Rhodes House therefore is the main hub for all Rhodes Scholars (including alumni), Atlantic Fellows and Schmidt Science Fellows, its main function being a place to convene, and hold formal and informal meetings. Rhodes House has an increasing importance as a central hub for exchange of knowledge and ideas, and social interaction, amongst those various cohorts and others in the future. The expansion of the Trust and increase in partnerships has led to an increased need for additional staffing on site and ability to hold events for as many as possible at certain times during the year. Further a desire to accommodate more residential accommodation on site to capture the benefit from creating an immersive residential environment, where continued social interaction can carry on after meetings and events without having to disperse to local hotels.

10.29. With the expansion of the Trust and its partnerships the building as it currently exists does not meet the needs of the Trust. The office functions have expanded into the original residential east wing, reducing the available on-site residential accommodation to just 9 bedrooms, which lack modern facilities. For larger gatherings there is the one large meeting space, the Milner Hall which seats up to approximately 200, and some are smaller meeting spaces, including the Rosebury Room and smaller academic rooms within the building. The large 1950's basement, which provided storage for the Bodleian Library, lies empty and without purpose. Many of the existing principal and other rooms do not contain the modern-day facilities required for the various functions the building is required to accommodate, and there are numerous constraints associated with providing the required facilities in these spaces due to their heritage significance. With the expansion of the Trust and the Atlantic Fellows and Schmidt Science Fellows partnerships, there is a need for an additional 15 staff on site and for the building to accommodate a maximum of 250 scholars, fellows, alumni and visitors at any one time, together with a larger number of smaller meeting rooms for break out groups of up to 20 people.

10.30. In summary, the need for the proposed development is considered to be clearly and extensively justified in accordance with Local Plan policy DH3 and NPPF paragraph 194.

*Public benefits*

10.31. The heritage benefits associated with the proposed scheme are:

- The improvements to the setting and appreciation of the rampart from within the site, which would outweigh the harm caused by the proposed sunken courtyard.
- The replacement lodges will enhance the architectural character of the building, improve how it is appreciated within the street scene, and improve the views of the west elevation from public vantage points, which would outweigh the harm resulting from the loss of the existing lodges.
- Re-introducing the residential uses back into the East Wing and removing the unsympathetic office uses would return the principal building to its original intended uses.
- The removal of existing modern unsympathetic internal alterations from the principal building would comprise a relatively small heritage benefit given the nature of the existing alterations.

10.32. The other public benefits associated with the proposed scheme are:

- Provision of level accesses and increased accessibility within the building, which would outweigh the harm caused by the lifts and associated works.
- Increased public access into the site and building, raising further public awareness of the buildings architectural and historic significance and its complex heritage. Rhodes House is currently not intentionally open to the public and ad hoc visiting by members of the public has to be arranged by appointment or asking at the porters lodge. As part of the development the Trust intends to open up its doors to the visitors in a more transparent and frequent basis in accordance with the 'Rhodes Trust Public Access Statement'. The proposals include:
  - 12 open days / organised events per year to occur once a month involving tours including a narrative on the history of the building, its architecture and work of the Trust.
  - Open garden events including guided tours at least once per month from April-August providing information on the landscape architecture, biodiversity and planting scheme.
  - One annual event to celebrate the history of the site in particular the Civil War period. Installation of an information panel visible from the street explaining the significance of the rampart.

- Public arts programme involving a programme of temporary exhibitions and installations that engage with the public and profile the works of the Rhodes Trust in a positive and accessible way. The art exhibitions and the art owned by the Rhodes Trust will be accessible during open days.
- Supporting outreach programme of art tours and talks, inviting curators, artists and business leaders to give talks on topics which will be free to attend.

10.33. As discussed above, overall, a medium level of less than substantial harm would be caused to the heritage significance of the grade II\* listed building. There is considered to be a clear and evident justified need for the works and a number of public benefits that would be commensurate to and outweigh the less the substantial harm that would be caused. On balance, it is considered that the proposed scheme would result in high quality alterations and additions that would ensure the building remains in its optimum viable use and meets the evolving needs of the Rhodes Trust in the least harmful way.

#### **b. Protected species**

10.34. A Preliminary Ecological Appraisal and Bat Survey Report (September 2018) and Bat Survey Addendum (May 2020) produced by Applied Ecology Ltd have been submitted and Officers are satisfied that the potential presence of protected habitats and species has been given due regard. The surveys undertaken have confirmed the presence of a Common Pipistrelle and Brown Long-eared bat day roosts within the roof and dormers of Rhodes House, but no large or important bat roosts in the building.

10.35. There is a duty on Local Authorities, in the exercise of any of their functions, to have regard to the requirements of the Habitats Directive, which lists all species of bats as being protected species. As set out in paragraphs 10.95-10.98 (section h. Biodiversity) of the associated planning report for 20/00166/FUL, the development is considered to meet the three tests required by regulation 53 of the Conservation of Habitats and Species Regulations 2010, subject to the inclusion of a condition that requires obtaining a European Protected Species Mitigation Licence from Natural England to agree the mitigation measures.

## **11. CONCLUSION**

11.1. Great weight and importance has been given to the desirability of preserving this grade II\* listed building as a designated heritage asset. Clear and convincing justification of the need for the proposed works has been demonstrated and the proposed scheme is considered the least harmful way of ensuring the building remains in its optimum viable use securing its future conservation. The less than substantial harm that would be caused to the heritage significance of the listed building is considered sufficiently mitigated by high quality architectural design, and outweighed by the resulting public benefits of improving accessibility throughout the building; enhancements to the building and the site's architectural and historic significance; increasing public access, understanding and appreciation of the site's rich and complex heritage; and the provision of a

publically accessible arts programme. These public benefits would outweigh the less than substantial harm caused and subject to conditions, the scheme would comply with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 193, 194 and 196 of the NPPF and policies DH1 and DH3 of the Oxford Local Plan 2036.

11.2. It is recommended that the Committee resolve to grant listed building consent for the development proposed subject to the conditions set out in section 12.

## 12. CONDITIONS

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

Reason: In accordance with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in accordance with policy and DH3 of the Adopted Oxford Local Plan 2036.

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

Reason: As Listed Building Consent has been granted only in respect of the application as approved, to ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

- 3 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording to Level 4 standard (Historic England, 2016, Understanding Historic Buildings: A Guide to Good Recording Practice) in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

The programme of historic building recording shall consist of a survey to be undertaken prior to the refurbishment works and an intermittent watching brief carried out during the significant interventions into the building fabric. The recording should be undertaken by a professionally qualified archaeologist working to a brief issued by the Local Planning Authority.

Reason: Because the development may have a damaging effect on the historic environment of the people of Oxford and their visitors, including on the Grade II\* Rhodes House in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

- 4 The development shall be undertaken in accordance with the

recommendations provided within the Preliminary Ecological Appraisal and Bat Survey Report (September 2018) and Bat Survey Addendum (May 2020) produced by Applied Ecology Ltd. No works of site clearance, demolition or construction shall take place until a European Protected Species Mitigation Licence has been granted by Natural England should any works directly or indirectly impacting bat roosts be required. A copy of the licence is to be provided to the Local Planning Authority within 5 working days of approval by Natural England.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 and to protect species of conservation concern.

- 5 Methodologies for the deconstruction and re-use of the external materials of the east and west lodges, and the deconstruction and reconstruction of the fronts sections of boundary wall shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant works and the works shall be carried out in accordance with the approved details only.

Reason: To ensure the preservation and protection of original, weathered materials and features of historic interest and their reinstatement as part of this contract, and to preserve the special architectural or historic listed building, in accordance with policies DH3 of the Adopted Oxford Local Plan 2036.

- 6 Samples of all exterior materials proposed to be used for the following new works, shall be made available for inspection on site and details shall be submitted to and approved in writing by the Local Planning Authority before the start of the relevant work and only the approved materials shall be used. All existing original materials from the dismantled sections of building shall be re-used in accordance with the requirements of condition 5. The Local Planning Authority shall be notified where the re-use of existing external materials is not possible.

- a) Replacement East and West Lodges and bin stores
- b) East Garden Room
- c) Residential Courtyard
- d) Giants Grave and Southern Lightwell
- e) West Garden Pavilion
- f) Office Courtyard
- g) East and West Lightwells

Reason: To enable the Local Planning Authority to give further consideration to the external appearance of the approved works, in the interest of visual amenity and the special character of the listed building, in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2036.

- 7 Sample panels of brickwork and stonework demonstrating the colour, texture, face bond, mortar and pointing for the following elements shall be erected on site and approved in writing by the Local Planning Authority before relevant parts of the work are commenced. The approved sample shall be constructed

with a lime mortar mix, shall represent the minimum standard and any pointing shall at least match the standard of the sample, to the satisfaction of the Local Planning Authority. The development shall be completed in accordance with the approved sample panel which shall remain on site for the duration of the development works.

- a) Replacement East and West Lodges
- b) East Garden Room
- c) Sunken Residential Courtyard
- d) Giants Grave and Southern Lightwell
- e) Sunken Office Courtyard
- f) East and West Lightwells

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed building, in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2036.

- 8 Sample areas of stone cleaning no bigger than 1m<sup>2</sup> in size shall be made available for inspection on site and details of the proposed cleaning methods shall be submitted to and approved in writing by the Local Planning Authority before the start of the relevant work and only the approved methods shall be used. The development shall be completed in accordance with the approved sample areas which shall remain on site for the duration of the stone cleaning works.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed building, in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2036.

- 9 Details in the form of methodologies, schedules of works, drawings, and structural engineers reports, of the necessary structural works which would involve the removal of or impact to existing historic fabric concerning the following areas of work below, shall be submitted to and approved in writing by the Local Planning Authority before the start of the relevant works. The works shall only be carried out in accordance with the approved details.

- a) Rotunda stair opening
- b) New lift within the Parkin Vestibule
- c) New lift within the West Wing
- d) East and west lightwells
- d) Basement conference centre
- e) Underpinning works to existing foundations and basement walls

Reason: To preserve the significance of the listed building, in accordance with its special architectural and historic interest and with policy DH3 of the Adopted Oxford Local Plan 2036.

- 10 Notwithstanding the hereby approved drawings, large scale drawn design details of the following areas of work, shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed

and the works shall be carried out in accordance with the approved details only:

- a) West Garden Pavilion, details to include wall and roof junctions, curtain wall system, fenestration, internal finishes, electrical and mechanical building services;
- b) East Garden Room, details to include roof specification, overhanging eaves, soffit and fascia, doors;
- c) Sunken Residential Courtyard, details to include fenestration, wall upstand and railings;
- d) Southern lightwell (Giants Grave), details to include balustrade, steps, railings, fenestration, wall upstands and seating;
- e) Sunken Office Courtyard, details to include fenestration, wall upstand and railings;
- f) East and West Lodges, details to include eaves, fenestration;
- g) Ground-mounted rooflights and ventilation panels;
- h) Gardener's outbuildings, details to include elevations.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed building, in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2036.

- 11 The reinstatement of the existing stone ramps and steps shall be carried out in accordance with the submitted document 'Method Statement for the deconstruction and reconstruction of existing ramps at Rhodes House' by Beard, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a sympathetic appearance for the work and in the interest of the special character of the listed building, in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2036.

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

- a) New or replacement ventilation grilles and extracts
- b) New or replacement boiler flues and new soil and vent pipes
- c) CCTV cameras
- d) Bird and bat boxes
- e) New signage, including dry falling main

Existing openings shall be re-used where ever possible. All existing redundant non-original external fixtures and associated wiring and ducting shall be removed from the building and the affected areas of fabric made good to match the existing original work in respect of materials used, detailed execution and finished appearance.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed building, in accordance with policy

DH3 of the Adopted Oxford Local Plan 2036.

- 13 All existing original rainwater goods shall be retained, repaired and re-used on the building wherever possible. Any required replacement rainwater goods shall match the existing original work in terms of materials, design, detailed execution and finished appearance.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed building, in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

- 14 Notwithstanding the submitted Lighting Planning Report, an architectural lighting strategy including details of new lighting fixtures on the exterior of the building, luminance levels and colour temperatures, shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed building, in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

- 15 All existing original internal features, such as plaster work, floorboards, ironwork, fireplaces, doors, windows, staircase balustrading and other woodwork, shall remain undisturbed in their existing position, and shall be fully protected during the course of works on site unless expressly specified to the contrary in the approved drawings. Any as yet unknown features of historic interest discovered during the progress of the works shall be retained in situ and preserved to the satisfaction of the Local Planning Authority. The Local Planning Authority shall be notified in writing of their discovery and details of their preservation shall be submitted to, and approved in writing by, the Local Planning Authority before any relevant works take place.

Reason: To ensure the preservation of valuable features of historic interest, which might otherwise be lost during the proposed works in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

- 16 All original architectural features to be displaced as a result of the approved works shall be retained and re-used in other locations within the building as part of the works. Where it is proposed not to re-use displaced features, they shall be stored safely and securely on site. Details of the displaced features and any adaptations necessary for their re-use or new storage location shall be submitted to, and approved in writing by, the Local Planning Authority before any relevant works take place.

Reason: To ensure the preservation of valuable features of historic interest, which might otherwise be lost during the proposed works in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

- 17 The hereby approved new partitions shall be of a reversible construction, with

minimal fixings into the existing fabric and scribed to fit around the existing original skirtings, cornices and other original features which shall be retained in situ unless expressly specified to the contrary in the approved drawings.

Reason: To protect the special interest of the building in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

- 18 Notwithstanding the approved drawings, the following details concerning the Rotunda staircase shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant works commence and the works shall be carried out in accordance with the approved details only:

- a) Construction method statement, including details of existing floor
- b) Large scale drawn details of the balustrade within the Rotunda
- c) Large scale drawn details of the plinth, staircase and balustrading
- d) Material samples of the floor finish, balustrade, staircase railing

Reason: To ensure the preservation of valuable features of historic interest, which might otherwise be lost during the proposed works, and to ensure a sympathetic appearance for the new work, in the interest of the special character of the listed building, in accordance with policy DH1 and DH3 of the Adopted Oxford Local Plan 2036.

- 19 Notwithstanding the approved drawings, the following details concerning the alterations to the Milner Hall Gallery, shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant works commence and the works shall be carried out in accordance with the approved details only:

- a) Deconstruction and reconstruction method statement
- b) Large scale drawn details of new seating, floor and wall panelling
- c) Large scale drawn details of new balustrade

Reason: To ensure the preservation of valuable features of historic interest, which might otherwise be lost during the proposed works, and to ensure a sympathetic appearance for the new work, in the interest of the special character of the listed building, in accordance with policy DH1 and DH3 of the Adopted Oxford Local Plan 2036.

- 20 Notwithstanding the approved drawings, the following details concerning the alterations to the east and west lightwells, shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant works commence and the works shall be carried out in accordance with the approved details only:

- a) Large scale drawn details of new high level ventilation louvres
- b) Material samples of the stone, framing and ventilation louvres

Reason: To ensure a sympathetic appearance for the new work, in the interest of the special character of the listed building, in accordance with policy DH1

and DH3 of the Adopted Oxford Local Plan 2036.

- 21 Notwithstanding the approved drawings, drawn details and/or samples of the new lift doors and surrounds shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant works commence and the works shall be carried out in accordance with the approved details only.

Reason: To ensure a sympathetic appearance for the new work, in the interest of the special character of the listed building, in accordance with policy DH1 and DH3 of the Adopted Oxford Local Plan 2036.

- 22 Further to the proposals submitted for the East Wing, the following details, shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only:

- a) Plans showing the distribution and locations of new mechanical, electrical and plumbing services;
- b) Method statement and schedule of works for the proposed installation of new mechanical and electrical services; and
- c) Elevations showing the proposed location of any new associated internal fixtures and details of their size, design and finished appearance.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed building, in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

- 23 The framing of the hereby approved secondary glazing shall be colour matched to the existing stone mullions and window surrounds, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed building, in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

- 24 All repair works shall be carried out, and any damage caused to the building as a result of the works hereby approved shall be made good, to exactly match the existing original work in respect of materials used, detailed execution and finished appearance.

Reason: In the interest of the special character of the listed building, in accordance with policy DH1 and DH3 of the Adopted Oxford Local Plan 2036.

#### INFORMATIVES :-

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the

opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

2 Nesting birds

All wild birds, nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that persons undertaking site clearance, hedgerow removal, demolition works etc. between March and August may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The City Council advises that such work should be scheduled for the period 1 September-28 February wherever possible. Otherwise, a qualified ecologist should make a careful check before work begins.

### **13. APPENDICES**

- **Appendix 1 – Site location plan**

### **14. HUMAN RIGHTS ACT 1998**

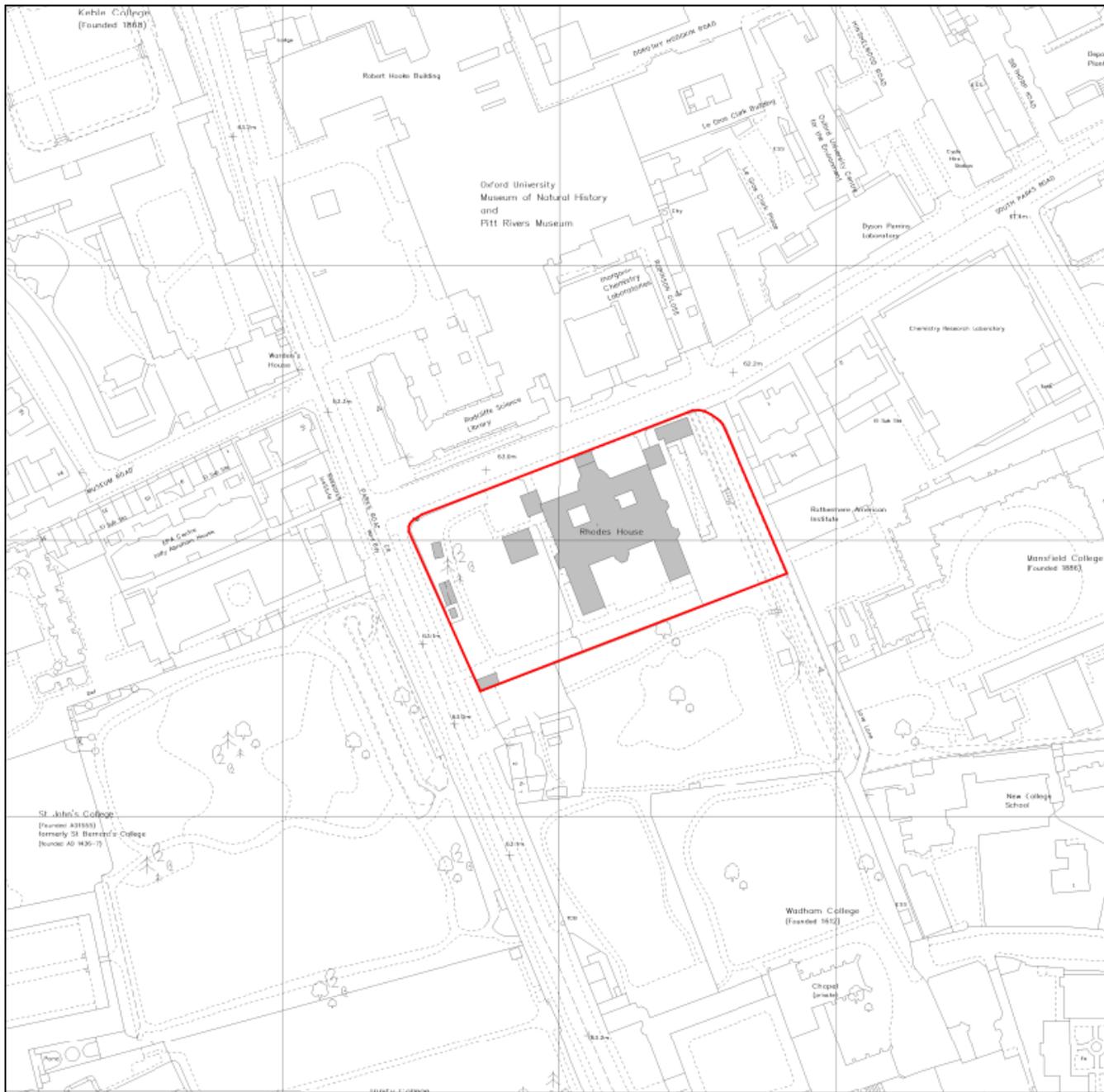
14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

### **15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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

# Appendix 1 – Location Plan

## 20/00167/LBC – Rhodes House



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## WEST AREA PLANNING COMMITTEE

<b>Application number:</b>	20/00259/FUL
<b>Decision due by</b>	1st May 2020
<b>Extension of time</b>	21st August 2020
<b>Proposal</b>	Demolition of plumber's merchants on Stockmore Street (Mixed Use Classes B8/B1a). Redevelopment of site between Stockmore Street and Temple Street to provide new office development (Use Class B1a). Provision of bin and cycle storage (amended description and plans).
<b>Site address</b>	33-37 Offices , Stockmore Street, Oxford, OX4 1JT – see <b>Appendix 1</b> for site plan
<b>Ward</b>	St Marys Ward
<b>Case officer</b>	Jennifer Coppock
<b>Agent:</b>	Mr Alex Cresswell <b>Applicant:</b> Robin Swailes Design and Development
<b>Reason at Committee</b>	The application is before the committee because it is a major planning application.

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and the completion of a unilateral undertaking referred to in paragraph 3.1. and grant planning permission.

1.1.2. **agree to delegate authority** to the Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

## 2. EXECUTIVE SUMMARY

2.1. This report considers the proposal to demolish the existing plumbers merchants (use class B8/B1a) and erect a part single, part two and part three storey office development with basement (use class B1a) fronting both Temple Street and Stockmore Street. The proposal includes the provision of bin and cycle storage.

- 2.2. The application site is currently in commercial use as set out above and is considered to fall within a Category 3 site for the purposes of Policy E1 of the Oxford Local Plan 2036. It is considered that the proposed development for the intensification of employment use would make the most efficient use of the site and would not cause unacceptable environmental impacts and effects, as detailed below, and therefore the principle of intensifying the site for employment use is considered acceptable in accordance with Policy E1 of the Oxford Local Plan 2036.
- 2.3. The proposed scale, mass and contemporary design is considered acceptable taking into account the mix of uses and vernacular along Stockmore Street and Temple Street and the existing built form, use and history of the application site. The impact of the building's scale, beyond the street frontages, has been mitigated due to its undulating roof form and low height adjacent to neighbouring properties. The proposed proportions of the façades respond to the rhythm of adjacent terraces and acknowledge the scale of historical built form on site, albeit in a contemporary manner. It is considered that the proposed development complies with Policies RE7 and DH1 of the Oxford Local Plan 2036.
- 2.4. The site lies within the Crescent Road view cone; this being one of the identified key views of the historic skyline of Oxford as defined in Policy DH2 of the Oxford Local Plan 2036. Taking into account the existing surrounding dense urban form with varied height and mature tree cover, the proposed enhanced green infrastructure on the roof and the proposed varied roof form, it is considered that the proposed development would not have a detrimental impact on the views into the City centre. Furthermore, views have been assessed from St Mary's Tower which has confirmed that the application site is imperceptible from this vantage point. Therefore, it is considered that views looking out of the City would not be impacted by the proposed development and therefore the proposal would comply with Policy DH2 of the Oxford Local Plan 2036.
- 2.5. The site lies approximately 45m from the boundary of the St Clement's and Iffley Road Conservation Area. It is considered that the site's position, in relation to the Conservation Area, the layout and proposed lightweight, contemporary materials would mitigate the potential impact on the glimpsed views of the site from the Conservation Area and therefore, the impacts on the heritage asset would be acceptable in the context local plan Policies DH3 and paragraphs 192-196 of the NPPF.
- 2.6. Taking into account, the potential impact on privacy, access to daylight/sunlight, overshadowing, sense of overbearing and light spill, it is considered that the proposed development would not have an unacceptable impact on neighbouring amenity in accordance with Policy H14 of the Oxford Local Plan 2036.
- 2.7. The site is in a highly sustainable location with good access to public transport and within walking/ cycling distance from large residential areas and local amenities. The proposed site would likely generate less traffic than the existing uses. The site is proposed to be car free, which would be acceptable

in this location. 34 cycle parking spaces, including 7 with electrical sockets, are proposed, exceeding the 14 spaces required for an office development of this size. It is considered that the proposed development is acceptable in highways terms.

### **3. Legal Agreement**

- 3.1. Prior to the commencement of development, a Unilateral Undertaking must be given by the applicant to amend the Traffic Regulation Order for the Double Yellow Lines and Controlled Parking Bays on Temple Street and Stockmore Street at a cost of £3,120.

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 4.1. The proposed development is liable for a CIL payment of £104,599.45

### **5. SITE AND SURROUNDINGS**

- 5.1. The site fronts Temple and Stockmore Streets, off Cowley and Iffley Roads, and comprises an existing plumber's merchants, offices and informal parking area. The built up element of the site fronts Stockmore Street in the form of a two storey flat roof office building, measuring 6m in height and a single storey ancillary storage area measuring 3m in height. The two storey element protrudes beyond the principal building line of adjacent residential properties by approximately 2.4m. The total width of the Stockmore Street frontage is 15.4m. This built form extends 23m in depth and, at its widest point, measures 19.5m in width encompassing a large extent of the former garden of no. 31 Stockmore Street. The Temple Street frontage measures 9.1m in width and forms the entrance to the informal hard surfaced parking area, a wooden fence and gate bounds the site.
- 5.2. Due to the site's position on the curve of Temple Street, the gap in built up frontages is visible from Cowley Road, it is less so from Iffley Road. With regards to the Stockmore Street frontage, the existing flat roof part single, part two storey building is visible from Iffley Road, largely due to the principal elevation protruding beyond the adjoining building line as set out above. The site is not visible from Cowley Road.
- 5.3. Adjoining properties on Temple Street are in residential use in the form of 2/2.5 storey Victorian terrace dwelling houses with private gardens to the rear. Temple Street comprises a mix of uses and built forms, including a Dr's surgery, Kingdom Hall of Jehovah's Witnesses, a dentist surgery in the backland of no. 26, restaurants and a furniture upholsterers. Stockmore Street is a residential street with a mix of Victorian, Edwardian two storey dwelling houses and modern three storey flats.
- 5.4. The application site falls within the East Oxford Controlled Parking Zone (CPZ), on-street parking is available for resident permit holders.
- 5.5. The site lies within flood zone 1 (lowest probability of flooding) and falls within the Crescent Road view cone. There are no other specific planning policy

constraints relating specifically to the site, however the site does lie approximately 40m east of the St Clement's and Iffley Road Conservation Area boundary.

5.6. See block plan below:



## 6. PROPOSAL

6.1. The application proposes to demolish the existing plumber's merchants and offices and replace with a part single, part 2 and part 3 storey 1207sq. m. office development with basement fronting both Temple Street and Stockmore Street. The Stockmore Street frontage would measure a maximum of 9.5m in height at the mid-point of the ridgeline, with its ridgeline lowering to 9m, 1.4m above that of adjoining 31 Stockmore Street. The height falls away further to 7.4m, approximately 0.8m lower than the ridgeline of adjoining 39 Stockmore Street. The principal elevation is in line with that of adjoining properties. A frameless glass balustrade, surrounding the basement lightwell, measuring 6.1m in width and 0.9m in height would extend beyond the principal elevation by approximately 2.1m but would still be within the envelope of the existing building on site. The elevations would be predominantly glazed but broken up into three elements; the shorter, 4m wide section with metal shutter reflecting the existing single storey storage area, the middle 4.2m wide section with

metal fins (details of which are to be secured by condition); and the glazed elevation surrounding the entrance with dark metal clad roof and 3no. dormer windows.

- 6.2. The narrower Temple Street frontage would measure 8m in height, in line with adjoining residential properties. The elevations would be predominantly glazed but with a section of metal louvres, measuring 3.7m in width at second floor level. Boundary fences, measuring 1m in height and 2m in width, would be positioned at either side of the Temple Street frontage. An element of the cycle parking would be provided behind these fences. Details of this boundary treatment would be secured by condition.
- 6.3. Turning to the land in between the street frontages, the proposal would comprise single and two storey built form, characterised by an undulating roofscape with sedum roof and roof mounted solar panels. The maximum width of the building would be 19.5m, in line with the existing building, however the depth would clearly be increased to extend between the Temple Street and Stockmore Street frontages. The maximum height would be 7.5m, 1.7m higher than the existing offices. However, this increased height would extend for 1m only and then fall away. The existing single storey office and storage area, to the rear of 31 Stockmore Street, would be replaced by a single storey, mono pitched metal clad office space with 5no. rooflights. The dimensions of this element replicate the existing built form. The side elevations would be a mix of glazing with metal louvres and render, details of render would be secured by condition. A metal louvered fence would bound the site, again details of this boundary would be secured by condition.
- 6.4. In terms of proposed floor areas, the new basement would accommodate an office space with open plan kitchen area and separate W.C, a shower room with 4 cubicles, a bin and cycle store, plant and service rooms and a service lift. Externally, a small patio area would be provided to the Stockmore Street frontage below the lightwell.
- 6.5. The ground floor would accommodate a large open plan 'collaborative working space' with kitchen area. Off this space would be smaller meeting and 'quiet' rooms and W.Cs. Reception areas would be located at both entrances. External patio areas would be provided to the north east and south western boundaries, accessed via bi-folding doors.
- 6.6. The first and second floor areas would extend no further than existing built form and/ or would largely be in line with adjoining two storey properties. These floors would provide further open plan and private office space with kitchens and W.Cs.
- 6.7. Prior to the submission of the application, several pre-application meetings took place with the agent, applicant and planning and design officers. During the determination of the application, amended plans and additional supporting information were requested and submitted in order to ensure the proposed development better responds to the characteristics of the immediately surrounding area. Amendments have included; re-designing the roof fronting Stockmore Street, setting the building line back to respond to adjoining

residential properties fronting Stockmore Street, reducing and re-designing the metal fins and reducing the extent of the basement. It was also requested that the terrace at second floor level fronting Stockmore Street is restricted in terms of its use so that it can only be used by maintenance staff when accessing the roof in order to avoid any unacceptable overlooking onto neighbours. The use of the terrace would be restricted by condition.

## 7. RELEVANT PLANNING HISTORY

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

19/01178/FUL Erection of a two storey infill building to provide 1 x 2-bed and 2 x 1-bed maisonettes (Use Class C3). Provision of amenity space, bin and cycle stores. Approved 2<sup>nd</sup> July 2019

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Oxford Local Plan 2036
Design	11, 12	RE2, DH1
Conservation/ Heritage	16	DH2
Housing		H14
Commercial	6	E1
Natural environment	15	G2
Social and community		RE5
Transport	9	M1, M2, M3, M4, M5
Environmental	14	RE1, RE4, RE5, RE6, RE9
Miscellaneous		S1, RE7

## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 19<sup>th</sup> February 2020 and an advertisement was published in The Oxford Times newspaper on 20<sup>th</sup> February. Following receipt of amended plans, pink site notices were posted on 12<sup>th</sup> June 2020 with a further advertisement published in The Oxford Times on 11<sup>th</sup> June 2020. Following public consultation on the amended plans, some minor elements of the scheme have been amended or removed but Officers did not consider that these needed to be subject of further consultation as they would represent improvements, for example the removal of the second floor terrace.

### **Statutory and non-statutory consultees**

#### Oxfordshire County Council (Highways)

- 9.2. Oxfordshire County Council do not object to the planning application on highways grounds providing that conditions are included relating to the provision of cycle parking, a construction traffic management plan and changes are made (at the applicant's expense) to the Local Traffic Order relating to double yellow lines and dropped kerbs

#### Thames Water Utilities Limited

- 9.3. No objection, subject to the following condition:

The development shall not be occupied until confirmation has been provided in relation to foul water drainage to the local planning authority that either:-

1. Capacity exists off site to serve the development or 2. A housing and infrastructure phasing plan has been agreed with Thames Water. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. Or 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Reason - Network reinforcement works may be required to accommodate the proposed development.

#### Oxford Civic Society

*First comment, March 2020*

- 9.4. This space, which will become available when the current building is demolished and the car park erased, has great potential. However, this application is for a building totally out of character and scale for the site: the surrounding buildings are small-scale, residential Edwardian and Victorian terraced houses - even the Kingdom Hall in one of the streets involved is comparatively homely when compared to the proposed building.

The street elevations have absolutely no relevance to the context in design and materials and it is hard to see any design logic in either of the street elevations, which are completely out of scale with the adjoining houses. The Planning Statement refers to the building being predominantly 2-storey but,

perversely, the 3-storey elements are on the street frontages, up against 2-storey terraced housing. The prominence of the Stockmore Street elevation is increased by placing it forward of the building line of the houses. Most of the curvy roof would be invisible except from the backs of the adjacent houses, which will be completely overshadowed, so its presumed point is lost. In addition, it is an inefficient in provision of useful space.

We do, however, support the good points of the application. The large provision of cycle parking, and including some charging points for electric bikes. However, most of the cycle parking involves using the goods lift or the convoluted staircase. There is an important number of PVs for electricity generation interspersed with the green roof.

The Oxford Civic Society feels that this proposal is an inappropriate design which needs to be drastically re-thought.

*Second comment, June 2020*

- 9.5. Oxford Preservation Trust (OPT) has looked carefully at the revised and additional plans put forward by the applicant for the redevelopment of the above site. As set out in our previous letter to you dated 23rd March 2020, we felt this development needed to be redesigned in a manner that better reflected the scale and nature of the surrounding built environment. We also raised concern about the appearance of the building, particularly its unusual roof form and potentially reflective finish when seen from across the western hills.

It is unfortunate that no summary statement has been provided by the Applicant to explain what changes have now been made to the planning application. Nor is there any rationale provided by the Applicant to explain why elements of the previous design proposals have been retained in the revised plans, particularly those elements with which OPT and members of the community have raised concern. The most notable example being the large, curved metallic roof which in no way sits comfortably with its surroundings or respects the surrounding vernacular. It is noted that building has been stepped back slightly on the Stockmore Street frontage, which has been accompanied by minor elevational design changes. We are disappointed that these minor alterations do not address the fundamental concerns previously cited in our letter dated 23rd March 2020.

We would like to reiterate that the remit of OPT is not to stifle new and innovative development, and we recognise the unique opportunity that this site creates to create an attractive new development linking Stockmore Street with Temple Street. However, OPT simply cannot support this proposal in its current form due to fundamental concerns relating to its design.

We therefore again ask for this planning application to be refused and that Oxford City Council encourages the Applicant to rethink the overall approach to this site's redevelopment.

Natural England

9.6. No comments

Thames Valley Police

9.7. I do not wish to object to the proposals. However, I consider some aspects of the design and layout to be problematic in crime prevention design terms and therefore feel that the development may not meet the requirements of;

- The National Planning Policy Framework 2018, Section 12 'Achieving well-designed places', point 127 (part f), which states that; 'Planning policies and decisions should ensure that developments... create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'. And;
- HMCLG's Planning Practice Guidance on 'Design', which states that; 'Although design is only part of the planning process it can affect a range of objectives... Planning policies and decisions should seek to ensure the physical environment supports these objectives. The following issues should be considered: safe, connected and efficient streets... crime prevention... security measures... cohesive & vibrant neighbourhoods.'

In addition, it appears that the Design and Access Statement (DAS) does not adequately address crime and disorder as required by CABI's 'Design & Access Statements- How to write, read and use them'. This states that DAS' should; 'Demonstrate how development can create accessible and safe environments, including addressing crime and disorder and fear of crime'.

I recommend that this omission is addressed and that the opportunity to design out crime is not missed by attaching the following (or a similarly worded) condition to any approval for this application;

*Prior to commencement of development, an application shall be made for Secured by Design accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until confirmation of SBD accreditation has been received by the authority.*

With this in mind, I offer the following advice in the hope that it will also help the authority and applicants in creating a safer and more sustainable development;

- I recommend that the physical security features of the proposed buildings and their ancillary features meet the standards of Secured by Design's Commercial guide. Details can be found at; <http://www.securedbydesign.com/industry-advice-and-guides/>
- Given the intended use of the premises, the applicant's security strategy should set out how access control will be provided and managed for the

entire development. It should also cover post and other deliveries and personnel security management to ensure the safety of everyone that will work at or visit the premises.

- Consideration should be given to the provision of CCTV that compliments the access control system and security management strategy.

### Stockmore Street Residents Association

*First comment, March 2020*

- 9.8. The Stockmore Street Residents Association strongly object to application 20/00259.

We would be supportive of the redevelopment of this brownfield site with an appropriate design and use. We believe the significant changes required to the current application to make it acceptable are beyond the scope of planning conditions. Previous regard in 19-01178 for the character of the street scene, 'tailored to respect the forms and scales of other properties within the immediate vicinity' has gone; instead claims of architectural distinction and environmental empathy appear.

Opinions are unanimous against the overbearing bulk of the proposal for the Stockmore Street frontage, which will dwarf the residential nature of the street. We concur with the comments made by the Civic Society. A number of relevant considerations have been omitted in the planning statement, and some dubious assertions made.

The major issues relate to CP1 & CP8 in the context of the NPPF. CP1 requires that proposals 'respects the character and appearance of the area' which is very subjective. We agree with the summary of one architect familiar with the street who was consulted.

'The architectural language is out of context and out of scale. It is not on a business park. It is in a Victorian brick built residential street. It does not try to fit in with the materiality or street scene and is very visible at the turn of the street. Design quality is a material consideration in planning law'. CP8 also states at (d) 'proposed development on sites with a high public visibility enhances the style and perception of the area, particularly by retaining features which are important to, and REMOVE FEATURES WHICH DETRACT FROM, THE CHARACTER OF THE LOCAL AREA. In addition, in and adjacent to conservation areas, new development needs to have special regard for the character and appearance of the area'.

The NPPF at para 30 further emphasises 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area'.

The existing building footprint pre dates planning regulations. Plots that were 3 houses wide were sold in the 1860's and built on not long after. In the SSRA's opinion planning permission would not be granted today for a building 2.5

metres in front of the building line of every other property in a residential street.

There have been three planning applications for new developments approved in recent years in either Stockmore St [11/00935/FUL & 06/00181/FUL] or a very similar adjacent residential street, Jeune St [08/02721/FUL] which is an extension down to St Clements, and in all cases they adhered to the existing building line [and character of their surroundings], as did this developer's previous proposal for the Temple St end of the site. Note too the new redevelopment by St Hilda's of Rosalind Hill House at 44a is also set back. Consequently, the SSRA believes this protuberance from the building line everywhere else in the street is a strong candidate to 'remove features which detract from, the character of the local area'.

The developer is well aware of this, saying 'The building has been pulled back from the frontage by approximately 1 metre from the existing street frontage arrangement, providing a greater sense of space and assisting in bringing the building back into 'line' with existing buildings on the street.' In SSRA's opinion the facade should be brought back into line. This version states 'it is 'outside of any designated Conservation Area' which is odd given that the previous version more correctly stated 'The site sits outside the Conservation Area but will be visible as you start to experience the Conservation Area as you walk down the street. The development is not considered to have an adverse impact on the setting of the Conservation Area due to the design and its position within the street scene. The development would not harm the designated heritage assets and the proposals therefore meet the requirements of Paragraphs 192- 196 of the NPPF and Policy HE7 of the Oxford Local plan 2001-2016'. The facts are that the St. Clement's And Iffley Road Conservation Area actually includes St Hilda's Rosalind Hill House at 44a, Stockmore House at 46 and Merton's Jocelyn Morris Quad at 75, a mere 100 yards or so away from 33-37 on the Iffley Road end of the Stockmore St side. The same applies to Temple St. With the proposed projection from the curving street line in Stockmore St, and height above the ridge level of surrounding residential houses, it will dominate the view up Stockmore Street from the nearby conservation area. The development does indeed have 'special regard for the character and appearance from the adjacent conservation area' but not in a good way. This changed planning statement is positively misleading. Turning to bulk, the developer states 'It is relevant to consider the site opportunities and constraints in relation to this historical context, which establishes the presence of a higher (three storey) building on the site' but elsewhere states 'proposals has been PREDICATED on the basis that in former years the building stood at three storey height (as shown in the photograph) but was more recently reduced to two storey height'. They do not date this photograph or provide any evidence for when the building became two stories. One long standing inhabitant of Stockmore Street recalls that on 19 December 1966 it was the Organ brothers timber yard and already only two floors [see comment by No 5 Stockmore Street], a memory also backed by another resident from that time [No 20]. We do not believe much weight, still less 'predicating' the entire design, should be placed on a precedent more than half a century old. The application prays the NPPF in aid when stating 'In

determining applications, great weight should be accorded to outstanding or innovative designs which promote high levels of sustainability, or which help to raise the standard of design more generally in an area, SO LONG AS they fit with the overall form and layout of their surroundings (Paragraph 131)'. Note 'so long as'. This proposal clearly does not fit the 'overall form and layout of their surroundings'.

We deal with three similar planning objectives, CP7, CP8 & CS18 essentially covering appropriate for, & visual relationship with, the surrounding area, & an appropriate response to the site and its surroundings, contributing to an attractive public realm, together. The proposal seeks to justify the increased height and continuing positioning in front of the prevailing building line in several ways. One is stressing the innovative design, which 'includes an interesting 'wave-like' form roof which will provide visual interest both outside and within the site'. Except it won't. We have no objection to the roof per se, but, as the application form concedes at question 22, 'Can the site be seen from a public road, public footpath, bridleway or other public land?' the answer is No. There will be some limited private benefit from the back windows of the northern side of Stockmore St and some on the southern side of Temple St [where many are blocked by the large building at 25-26 in the middle of the gardens, currently a dental surgery]. But by far the most overwhelming impact will be felt by the public in Stockmore St. The proposal claims 'the roof forms and heights have been tailored to run the boundary with equivalent heights to neighbouring buildings and to also reflect the scale of existing buildings on the site. On this basis the development would not have a greater impact on adjoining buildings than the present on-site arrangement'. That is not true. The justification of the roof line Appendix 4 seeks to show the proposed roof is no higher than adjacent chimneys. But chimney's have metres of space between them, whereas 33- 37 is predominately solid. The real comparison for impact on the public should be with the ridge line. Note too that from a human perspective, the housing ridge lines are set back by 7.5 metres compared to 33-37, whose height will rise only one metre from the pavement. It will appear to loom far higher than the house ridges. Only as both Temple and Stockmore Streets reach the ends of the road, joining Iffley and Cowley Roads, do properties rise to more than two stories. We do not believe comparison with St Hilda's set back Rosalind Hill House - cited in Appendix 3 - is comparing like with like. In short, the SSRA does not agree that the developer has proved 'the increased scale would not be at odds with the predominant character of the area'. The proposal seeks two and a half times the existing square metres. According to the application form, that also involves a change of use from B8 Storage or distribution gross internal floorspace of 503.5 to B1(a) Office (other than A2) which exceeds the limits requiring express approval, quite apart from the extra 752.7 of B1 space. The proposal justifies this as being needed to support incubators or co working office space, increasingly in demand. That may well be, but the proposal does not note that very close by at the Old Music Hall exactly the same kind of space is already offered. This facility is next to the nearest bus stop, helpfully plotted top right at paragraph 2.13 The proposal could equally serve as a conventional office. Some residents have expressed a preference for residential development instead, as both are needed and neither street is really an office area. 1,270 sq m of office space

is already available at Tyndale House one block further up Cowley Road, above Saisbury's and Superdrug.

We note that nowhere did the daylight/sunlight assessment report tabled evaluate the Oxford 45° rule.

We urge Swailes to consult residents before the next plan for this site. With constructive engagement it should be possible to identify a solution acceptable to all parties.

*Second comment, July 2020*

- 9.9. The Stockmore Street Residents Association remains strongly opposed to application 20/00259.

We still believe the significant changes required to the current application to make it acceptable are beyond the scope of planning conditions. The points raised in our comments in March remain valid, particularly concerning the Stockmore Street roofline and overbearing nature of the proposal. We focus here on new submissions by the developer in June. In response to comments the developer has moved half the Stockmore St end back in line with the building line of the adjoining terrace, which is appreciated. However, as can most easily be seen from Night\_Visuals-2355243 that still leaves what appears to be a cascading waterfall of perforated corrugated iron jutting forward of the building line to a considerable extent, falling to the edge of the pavement. The developer also claims the proposal 'is not seen in any long views as part of the two storey terrace and semis development' [in the Historic\_Analysis\_Report-2355270] which is simply not true. The two Stockmore St views in Visuals-2355255 carefully do not show a wider perspective and the curve of the terraced houses into which the new building would protrude very prominently. It is claimed 'the site does not lie within an designated conservation area' but it *is* directly adjacent to one, and standing in that conservation area at the south west end of Stockmore St, the building is right at the apex of the curve and will most definitely dominate the street scene viewed from the conservation area. The developer themselves explicitly acknowledged this in their original 2019 application for the Temple Street plans. Unfortunately the online planning system does not permit uploading images to illustrate the point here, and will have to await the committee hearing. Historic\_Analysis\_Report-2355270 claims 'the original building's height, appearance and relationship to the street' encourages the current proposal because 'its differences helps to articulate the history of the site'. It further says 'The selection of materials intends to express the building as a 20th century addition to the street, utilising materials and a form that help to identify it as that, not in a way that jars with its surroundings'. Except it does jar, vehemently, with the surroundings. Indeed it is hard to think of a proposal that would jar more.

Alternatives exist. Note how Wadham's recent 265 - 279 Iffley Road development 'maintains a difference in appearance' but by using brick and timber, is distinct and clearly 'a 20th century addition to the street' yet is far

more sympathetic to its context. Indeed some timber use would be a very appropriate tribute both to the Stockmore/Temple St site's long history as a timber yard, and to current eco credentials. In our opinion a more relevant takeaway from the Historic\_Analysis\_Report-2355270 would be that from the analogous cases of *Hartley v Minister of Housing and Local Government* [1970] 2 WLR 1 and *SSETR v Hughes* (2000) 80 P & CR 397 which although concerning use rather than appearances, set out helpful principles when evaluating 'abandonment'. Two important considerations are the length of time and the owner's intentions. Some time before Building Regs records started in 1965, ie well over half a century ago, the third floor was removed. Organ Bros never took any steps to reinstate it, from which a reasonable person would infer as Lord Denning MR stated 'when a man ceases to use a site for a particular purpose and lets it remain unused for a considerable time then the proper inference may be that he has abandoned the former use'. Widgery LJ helpfully added that a use had been abandoned rather than merely suspended when it had 'ceased with no intention to resume it at any particular time'. Accordingly we believe the validity of claiming a planning precedent for a third storey has long been abandoned. We further believe the Planning Inspectorate would support such a contention.

Energy\_Report-2355268 implies Air Source Heat Pumps will be the most likely solution to low carbon energy targets. However no estimate appears to have been made of the noise from the necessary ASHP fans, immediately next to residential properties. The Air\_Quality\_Assessment-2355273 report is incorrect in claiming 'There will be no vehicle movements associated with the proposed development' because obviously there will, as some visitors from beyond Oxford will likely take a taxi from the station, and there will inevitably be some commuter traffic as relatives drop off office workers.

The report authors lack of local knowledge is betrayed by the comment 'James Street has approximately 50% more properties than Temple Street or Stockmore Street and therefore in all likelihood has more traffic movements' as most vehicle movements in both streets are not by residents but by local tradespeople and cabs using these two streets as rat runs between Iffley & Cowley roads. So existing pollution is probably quite similar.

A report on the 45\_25\_Degree\_Window\_Line-2361710 now exists, but it has no commentary, is very complicated, so we will have to rely on Officers' determination if it complies with current Oxford policy in a residential context.

In short, the proposed development is excellent for an office park but not in this residential setting.

### **Public representations**

- 9.10. 63 local residents have commented on the application from the following areas; Stockmore Street, Temple Street, Eaton Road (Appleton), Magdalen Road and Rose Hill.

- 9.11. In summary, the main points of objection were to the height and mass of the building, the building line on Stockmore Street being forward of the adjoining building line, the use of inappropriate materials and glare from the glazing, overbearing and overshadowing impact on neighbours, increased traffic in the area, light spill, inappropriate use of the site and impact on view cone.

#### **Officer response**

- 9.12. Many concerns were raised in relation to the height and building line fronting Stockmore Street. In response to these concerns, plans were amended to set the building line back, to respond to the adjoining properties. Whilst the actual height of the ridgeline fronting Stockmore Street has not been lowered, the design of the roof has been amended to respond better to the adjoining properties by lowering the eaves and introducing a dark metal cladding to the roof with dormer windows, replacing the glazing and light metal cladding originally proposed. In response to objections to the inappropriate use of materials, the overall width of the metal fins proposed to the Stockmore Street elevation have been reduced by 50cm and each fin is graduated to reduce their impact. A condition has been recommended, requesting large drawn details of the fins to be submitted to and approved by the Council prior to the commencement of development. A condition has also been recommended to stipulate that all metal elements are in a matt finish to mitigate reflection. To ensure the impact on neighbouring amenity would be protected, a revised Daylight and Sunlight Assessment and further drawings to illustrate the 45/25 degree lines from neighbouring habitable windows were submitted. To minimise glint and glare from the proposed roof mounted solar panels, a condition has been recommended requiring the specifications of the solar panels to be submitted to and approved by the Council prior to the commencement of development. This would mitigate impact on neighbours and any longer distance views. With regards to light spill and glare from the glazing, a lighting strategy has been submitted and conditions have been recommended requiring details of façade glazing (to be non-reflective) and lighting levels to be submitted to and approved by the Council prior to determination. Furthermore, automated blinds and louvres, to be activated at dawn and dusk are proposed, the use of which would be enforced by a compliance condition.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Principle of development
- ii. Design and impact on the historic environment
- iii. Renewable energy
- iv. Air Quality
- v. Land quality

- vi. Noise
- vii. Ecology
- viii. Impact on neighbouring amenity
- ix. Highways

**i. Principle of development**

- 10.2. Policy E1 of the Oxford Local Plan 2036 states that planning permission will be granted for the intensification, modernisation and regeneration for employment purposes of any employment site if it can be demonstrated that the development makes the best and most efficient use of land and does not cause unacceptable environmental impacts and effects.
- 10.3. The application site is considered to fall within a Category 3 employment site (the lowest importance site in terms of employment land) and is currently used as a plumber's merchants and offices with ancillary storage (use classes B8 and B1a). The proposal seeks to retain commercial use on a currently underutilised site with a high quality office development (use class B1a). The proposal would make much more efficient use of this previously developed site by developing the existing parking area, accessed off Temple Street and increasing the density and concentration of workspace.
- 10.4. Taking into account all of the environmental mitigation measures, which are assessed in detail within sections iii, iv, v, vi and vii below, it is considered that the proposed development would not lead to unacceptable environmental impacts and effects.
- 10.5. It is therefore considered that the proposed development would comply with Policy E1 of the Oxford Local Plan 2036, the proposed intensification of the site for employment use is therefore acceptable in principle.

**ii. Design and impact on the historic environment**

- 10.6. Policy DH1 of the Oxford Local Plan 2036 stipulates that planning permission will only be granted for development which shows a high standard of design, and which respects the character and appearance of an area and uses materials appropriate to the site and surroundings.
- 10.7. Policy DH2 of the Oxford Local Plan 2036 states that the Council will seek to retain significant views both within and from outside Oxford, in particular to and from the historic skyline. Planning permission will not be granted for any building that would harm the special significance of Oxford's historic skyline. Planning permission will not be granted for development proposed within a view cone or the setting of a view cone if it would harm the special significance of the view.
- 10.8. Policy DH3 requires development to respect and draw inspiration from Oxford's unique historic environment (above and below ground), responding

positively to the significance character and distinctiveness of the heritage asset and locality.

- 10.9. When determining an application affecting a Conservation Area, officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended and Chapter 16 of the NPPF which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.
- 10.10. The scale and mass of the proposed development is unusual, however there are a number of large scale local developments, encroaching into the backland, particularly along Temple Street. It is also acknowledged that the character of the site itself, does not currently mirror the adjacent residential properties or grain of development in the immediate surrounding area and therefore, it is considered that the introduction of an alternative design approach is acceptable in this instance. The impact of the building's scale, beyond the street scene, has been mitigated due to its undulating roof form and low height adjacent to neighbouring properties. More private vantage points from nearby neighbours would not be able to see the whole building but rather experience small sections that are sensitively designed and often curved with green roof sections, helping to settle this large building into its urban context.
- 10.11. Turning to the Temple Street frontage, it is considered that the form of this facade reflects the horizontality of the adjacent terrace properties. The proposed proportions sit comfortably within the street scene and retain the rhythm of the adjacent terraced built form. The introduction of a glazed façade is considered appropriate as it maintains the sense of openness of the existing gap in the terraces. It is acknowledged that the level of glazing proposed has caused concern amongst neighbours in relation to the possible glare into their properties, a condition has been recommended to stipulate that the façade glazing is non-reflective to mitigate this potential harm.
- 10.12. The Stockmore Street frontage is the more dominant of the two, due to the fact that this frontage is wider than Temple Street and currently comprises part two, part single storey built form. During the determination process, the frontage was pulled back to respond to the building line of adjoining properties. This is considered an improvement on the existing situation as the two storey element of the existing building protrudes 2.6m beyond the frontage of nos. 31 and 39 Stockmore Street. The roof was also re-designed to better relate to the scale and domestic nature of adjoining properties by lowering the eaves line and wrapping the second storey in dark metal cladding with the insertion of 3no. dormer windows. Whilst part of the roofline is higher than adjoining no. 31 Stockmore Street, it is considered that the increased height would not necessarily be read as such from the street scene given the use of materials and the three sectional elements, breaking up the mass. Furthermore, evidence has been provided to demonstrate that, historically, the building had been higher but was reduced some time ago. Therefore, the principle of introducing a taller building on site is accepted.

- 10.13. As above, the frontage has been divided into three sections to reflect the terraced nature of the adjoining properties. The shorter section, adjoining no. 39 Stockmore Street, seeks to replicate the existing single storey garage with its metal shutter. The middle section is wrapped in metal fins, the width of which were reduced during the determination process, and the remaining element is predominantly glazed with the metal clad roof and dormer windows. Again, the introduction of contemporary materials is considered acceptable in an acknowledgement that the site has always been in contrast with the predominant use, form and design within the street.
- 10.14. The proposed layout and mass of the proposed development is considered to respond to the site itself and local built form which includes elements of varying backland development. The frontages respond to the rhythm of terraces and proportions of existing and historical built form on the site. It is therefore considered to comply with policies RE7 and DH1 of the Oxford Local Plan 2036.
- 10.15. With regards to the proposal's impact on the historic environment, the site lies within the Crescent Road view cone and therefore consideration must be given to the proposal's impact on views looking onto the City's historic skyline. The Council's High Buildings Technical Advice Note (TAN) acknowledges that architectural styles will change over time and that different design approaches in the same area may be justifiable. A degree of variation in height, scale and mass of any single proposal or its relationship to adjoining development is encouraged to promote an interesting and diverse townscape, provided it does not conflict with the surrounding context or appears incoherent. Proposals for high buildings should contribute positively to the green infrastructure of the City, by including green roofs, sustainable drainage systems or other environmental benefits that support natural and ecological processes.
- 10.16. The maximum height of the proposed building would be 9.5m from ground level at the Stockmore Street frontage, this height would extend for 4.2m only. As discussed above, the roof scape would undulate between the two frontages, falling away to 3m at its lowest point. The majority of the roof would be sedum, interspersed with solar PV panels and elements of metal cladding and metal louvres to the Temple Street and Stockmore Street frontages. To ensure the longevity of the green roof, a maintenance plan would be secured by condition and to mitigate any unacceptable glint and glare from the solar panels, specifications would be required to be submitted to and approved by the Council prior to the commencement of development. The metal elements shall be in a matt finish, this would also be secured by condition.
- 10.17. Taking into account the existing surrounding dense urban form with varied height and palette of materials and mature tree cover in the middle ground, the proposed enhanced green rooftop infrastructure and the proposed varied roof form, it is considered that the proposed development would not have a detrimental impact on the views into the City centre. Furthermore, views have been assessed by Officers from St Mary's Tower which confirmed that the application site is imperceptible from this vantage point. Therefore, it is considered that views looking out of the City would not be impacted by the

proposed development and therefore the proposal would comply with policy DH2 of the Oxford Local Plan 2036.

10.18. As set out above, the application site lies approximately 45m east of the boundary of the St Clement's and Iffley Road Conservation Area and can be glimpsed from Iffley Road. The Conservation Area Appraisal does not identify any listed buildings or buildings of local interest within the vicinity of the application site.

10.19. It is considered that the site's position, in relation to the Conservation Area, the layout and proposed lightweight, contemporary materials and recommended conditions on the external material finishes would mitigate any potential impact on the glimpsed views of the site from the Conservation Area. It is concluded that there would be no harm to the heritage asset and therefore the proposal would be acceptable in the context local plan policies DH3 and paragraphs 193-196 of the NPPF.

### **iii. Renewable energy**

10.20. During the determination process, an amended energy statement was provided, demonstrating that the development could meet the requirements to reduce carbon emissions utilising sustainable energy techniques (solar photo voltaic panels at roof level and air source heat pumps) which complement the building energy and water systems by 20% as required by the superseded Core Strategy. The applicant has agreed to prepare additional information, demonstrating the scheme's compliance with the new Local Plan (adopted 8<sup>th</sup> June 2020) which requires a reduction in carbon emissions by 40%. A policy compliant energy statement would be required by condition.

### **iv. Air Quality**

10.21. The submitted Air Quality Assessment identified that the proposed development would be at medium risk with respect to dust amenity impacts during the construction phase in the absence of mitigation. However, through good site practice and the implementation of suitable site specific mitigation measures (identified within the Air Quality Assessment), the effect of dust and particulate matter releases would be further reduced and the impact on air quality considered to be negligible. It is therefore mandatory that the outcomes of the dust assessment, (which allowed the identification of site specific dust mitigation measures) are incorporated in the site's Construction Environmental Management Plan (CEMP). A condition has been recommended requiring a CEMP to be submitted to and approved by the Council prior to the commencement of development.

### **v. Land quality**

10.22. Taking into account the use of the site as a builder's yard and plumber's merchants, it is clear that there is potential for contamination to exist on site that may present a potential risk to future occupiers or the surrounding environment. Therefore, conditions have been recommended requiring a phased risk assessment to be submitted to and approved by the Council prior

to the commencement of development. Prior to occupation, any approved remedial works would need to be carried out and a full validation report would need to be submitted to and approved by the Council. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority.

**vi. Noise**

- 10.23. Given the location of the site, in close proximity to other noise sensitive receptors i.e. residential properties, the demolition and construction works would need to be carried out in a controlled manner as significant noise, dust and vibration issues may be caused during the works. Conditions have therefore been recommended, requiring a demolition method statement, a noise impact assessment and details of anti-vibration measures (in relation to plant and machinery) to be submitted to and approved by the Council prior to the commencement of development.
- 10.24. Deliveries, collections and loading/ unloading would be restricted, by condition, to between 08:00 and 18:00 on Monday to Friday, and at no time on Saturdays, Sundays and Public/Bank Holidays. This is to ensure the health and wellbeing of neighbouring residents and occupiers/users of the application site is maintained.

**vii. Ecology**

- 10.25. A protected species survey report was submitted with the application. It is considered that the potential presence of protected species has been given due regard. A scheme of ecological enhancements shall be submitted to and approved by the Council prior to the commencement of development to ensure the recommendations in the report are adhered to.

**viii. Impact on neighbouring amenity**

Daylight/ sunlight

- 10.26. Policy H14 of the Oxford Local Plan 2036 requires new development to provide reasonable privacy, daylight and sunlight for occupants of existing homes. Consideration must be given to the degree of overlooking to and from neighbouring properties or gardens, the orientation of windows in both new and existing development in respect of access to daylight, sunlight and solar gain and existing and proposed walls, hedges, trees and fences in respect of their impact on overshadowing both existing and new development. Planning permission will not be granted for any development that has an overbearing effect on existing homes.
- 10.27. The 45 degree line would be contravened when applied to neighbouring habitable windows by virtue of the proposal spanning the entire depth of the

site. When assessing the elevations, the 25 degree line would not be contravened when applied to the habitable windows at no. 32 Temple Street. When applied to the ground floor rear window of no. 29 Temple Street, the 25 degree line would be contravened however this is already the case due to the side boundary fence, furthermore, the affected room benefits from dual aspect windows with a further window to the south eastern elevation which would not be impacted by the proposed development. The 25 degree line would be contravened when applied to habitable windows at no. 31 and ground floor windows at no. 39 Stockmore Street, however this is already the case when applied to the existing development fronting Stockmore Street and boundary treatments.

- 10.28. Furthermore, the submitted daylight and sunlight assessment confirms that the average vertical sky component (VSC) (the illuminance on the outside of a window, divided by the illuminance on an unobstructed roof, under overcast conditions) for adjacent dwelling facades would be in excess of 27% (an acceptable VSC level) when assessed against the proposed scheme and the facades would receive no less than 80% of the existing levels of illuminance. Therefore, the scheme is considered acceptable in this regard.
- 10.29. The proposed development is therefore not considered to materially impact on the level of daylight and sunlight to neighbouring properties, over and above the existing development.

#### Overshadowing

- 10.30. It is recommended that at least 50% of outdoor amenity areas should receive at least two hours of sunlight on 21<sup>st</sup> March. The daylight and sunlight assessment confirms that this target would be exceeded when assessed against the neighbouring east and west gardens. It is therefore considered that the proposed development would not lead to an unacceptable level of overshadowing.

#### Privacy

- 10.31. The useable floorspace within the 'backland' of the site would be limited to ground floor level. The metal louvered fence proposed to the side boundaries would measure between approximately 2m and 4.5m in height and metal louvres would be installed onto the windows which would close intermittently during the day and close at dusk. This, in addition to the timber fences currently forming the neighbouring boundary treatments, would prevent overlooking into neighbouring properties and gardens. The second storey glazed section, over and above no. 39 Stockmore Street shall be obscurely glazed as set out within the recommended condition to prevent overlooking from this potential vantage point. The terrace at second floor level would be used only by maintenance staff when accessing the roof to avoid any unacceptable overlooking or perceived overlooking.

#### Overbearing

10.32. The outlook of neighbours would undeniably be altered and whilst it is acknowledged that the proposed curved roofscape is unusual, it needs to be considered within the context of existing development on site. The existing outlook for neighbours is a combination of an untidy, hard surfaced builder's yard and a part brick, part render and part timber two storey office building which is considered, by Officers, an unattractive outlook for neighbours. The existing built form measures 5.8m in height and extends 13m from the rear elevation of neighbouring properties fronting Stockmore Street. The maximum height of the proposed development within the 'backland' would be 7.3m but this would only extend for 1m. The element of the scheme, over and above 5.8m in height, would extend 11.3m from the rear elevations of neighbouring properties fronting Stockmore Street. The development would then fall away in height to a minimum of 3m. It is therefore considered that the proposed development would not be unacceptably overbearing on neighbours, taking into account the existing development on site. The outlook for neighbours would be glimpses of sedum roof, interspersed with glazing and solar panels (to be conditioned) which is considered an improvement to the existing situation.

#### Light spill and reflection

10.33. In order to mitigate light spill, the lighting would be limited to a maximum of 3000K to emit a warm light. This lighting level would be secured by condition. To limit light spillage at night, an integrated louvre and automated blind system would be installed. To the front elevations, the internal blinds would be equipped with a dawn and dusk sensor. The side elevations would be equipped with an external, horizontal louvre system that would automatically shut at dusk also. This would be secured by condition along with details of suitable façade glazing to ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting. Conditions would be attached to stipulate that the façade glazing shall be non-reflective and the metal elements shall be matt finish in order to mitigate the impact of reflection.

10.34. It is considered that the proposed development would not lead to an unacceptable impact on neighbouring amenity, in accordance with policy H14 of the Oxford Local Plan 2036.

### **ix. Highways**

#### Transport sustainability

10.35. The site is in a highly sustainable location with good access to public transport and within walking/ cycling distance from large residential areas and local amenities. As set out above, the site sits within the East Oxford CPZ.

10.36. The proposed site would likely generate less traffic than the existing uses as plumber's merchants typically receive a relatively high number of short trips which are more difficult to enforce. Furthermore, the existing car park would be removed which would assist in reducing vehicular trips and the development is also proposed to be car-free (and would not be eligible for residential parking permits within the CPZ).

10.37. Kerbs are proposed to be reinstated to full height and the double yellow lines would be converted to on-street parking bays. This would require an amendment to the Traffic Regulation Order (TRO) and would be at the applicant's expense. Both streets are constrained, and the local highway network is above capacity at peak times, as such, a comprehensive Construction Traffic Management Plan is required to show how this will be managed during the construction phase. This would be required prior to the commencement of development.

#### Cycle parking

10.38. 34 cycle parking spaces, including 7 with electrical sockets, are proposed, exceeding the 14 spaces required for an office development of this size. All cycle parking should be covered, secure and accessible, as such a condition requiring details of cycle parking to be submitted to and approved by the Council prior to the commencement of development has been recommended.

10.39. It is considered that the proposed development is acceptable in highways terms.

## **11. CONCLUSION**

11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the publication of the framework.

11.3. Therefore it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.

11.4. In summary, the proposed development would be an acceptable addition to the site. The design of the proposal is suitable in terms of design, heritage, principle, neighbouring amenity, flooding and land quality and complies with the relevant policies of the Oxford Local Plan 2036.

- 11.5. Therefore officers consider that the development accords with the development plan as a whole.

*Material consideration*

- 11.6. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.
- 11.7. National Planning Policy: the NPPF has a presumption in favour of sustainable development.
- 11.8. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.
- 11.9. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be granted without delay.
- 11.10. Officers would advise members that, having considered the application carefully, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Local Plan 2036 when considered as a whole. There are no material considerations that would outweigh these policies.
- 11.11. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

## **12. CONDITIONS**

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

3. The materials to be used in the proposed development shall be as specified in the application hereby approved. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure that the development is visually satisfactory as required by policy RE7 of the Oxford Local Plan 2036.

4. Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR11) (or equivalent British Standards and Model Procedures if replaced). Each phase shall be submitted in writing and approved in writing by the local planning authority.

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model and preliminary risk assessment. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved in writing by the local planning authority to ensure the site will be suitable for its proposed use.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2036.

5. The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2036.

6. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out

before the development (or relevant phase of development) is resumed or continued.

Reason: To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2036.

7. No development shall take place until a Construction Environmental Management Plan (CEMP), containing the specific dust mitigation measures identified for this development, has first been submitted to and approved in writing by the Local Planning Authority. The specific dust mitigation measures to be included in the plan can be found in the Air Quality Assessment - version number A3912/AQ/002 (from 26/05/2020 - Page 18), that was submitted with the planning application. The approved CEMP shall be implemented during the construction period.

Reason: To ensure that the overall dust impacts during the construction phase of the proposed development will be mitigated in accordance with Policy RE6 of the Oxford Local Plan 2036.

8. A noise assessment shall be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of works. The assessment shall follow the methodology set out in BS 4142: 2014 to predict the likely noise impact from the proposed development at all noise sensitive receptors. The assessment shall demonstrate that the proposed development would not cause any significant adverse noise impacts and all reasonable steps have been taken in its design and operation to achieve a rating level L<sub>Ar,Tr</sub> at least 5 dB below the existing background sound level L<sub>A90,T</sub> at any dwelling. The development shall be carried out in accordance with the approved noise assessment.

Reason: In the interests of the amenities of neighbouring occupiers, in accordance with policies RE7 and RE8 of the Oxford Local Plan 2036.

9. Prior to commencement of the development, details of anti-vibration measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall ensure that machinery, plant/equipment are mounted with proprietary anti-vibration isolators and fan motors are vibration isolated from the casing and adequately silenced. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason In the interests of the health and wellbeing of neighbouring residents and occupiers/users of the application site subject to the development, in accordance with Policies RE7 and RE8 of the Oxford Local Plan 2036.

10. Prior to commencement of the development hereby approved, a demolition method statement and a construction management plan shall be submitted

to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The approved details shall be implemented throughout the project period.

Reason In the interests of the health and wellbeing of neighbouring residents and occupiers/users of the application site subject to the development, in accordance with Policies RE7 and RE8.

11. Prior to the commencement of development, a Health Impact Assessment shall be submitted to, and approved in writing by, the Local Planning Authority. Details within the approved assessment shall be implemented during the construction of the development and maintained thereafter.

Reason: To encourage and sustain healthy day-to-day behaviours and social and cultural wellbeing in accordance with policy RE5 of the Oxford Local Plan 2036.

12. Prior to the commencement of development, details of suitable façade glazing shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting, in accordance with policies RE7 and RE8 of the Oxford Local Plan 2036.

13. The internal lighting shall be restricted to a maximum of 3000 kalvin. Details of the illuminance level shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of visual amenity of the area in accordance with policies RE7 and H14 of the Oxford Local Plan 2036.

14. No deliveries nor collections/ loading nor unloading shall occur at the development hereby approved other than between the hours of 08:00 to 18:00 on Monday to Friday, and at no time on Saturdays, Sundays and Public/Bank Holidays.

Reason: In the interests of the health and wellbeing of neighbouring residents and occupiers/users of the application site subject to the development, in accordance with Policies RE7 and RE8 of the Oxford Local Plan 2036.

15. Prior to the commencement of development, plans, calculations and drainage details to show how surface water will be dealt with on-site through the use of sustainable drainage methods (SuDS) shall be submitted to and approved in writing by the Local Planning Authority (LPA). The plans, calculations and drainage details shall be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics.

The plans, calculations and drainage details submitted shall demonstrate that;

- I. The drainage system is to be designed to control surface water runoff for all rainfall up to a 1 in 100 year storm event with a 40% allowance for climate change.
- II. The rate at which surface water is discharged from the site may vary with the severity of the storm event but must not exceed the greenfield runoff rate for a given storm event.
- III. Excess surface water runoff must be stored on site and released to receiving system at greenfield runoff rates.
- IV. Where sites have been previously developed, discharge rates should be at greenfield rates.

Any proposal which relies on Infiltration will need to be based on on-site infiltration testing in accordance with BRE365 or alternative suitable methodology, details of which are to be submitted to and approved by the LPA. Consultation and agreement should also be sought with the sewerage undertaker where required. The approved details shall be implemented during the construction of the development.

16. A SuDS maintenance plan shall be submitted and approved in writing by the LPA. The Sustainable Drainage (SuDS) Maintenance Plan shall be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The SuDS maintenance plan shall provide details of the frequency and types of maintenance for each individual sustainable drainage structure proposed and ensure the sustainable drainage system will continue to function safely and effectively in perpetuity. The SuDS shall be maintained in accordance with the approved plan.

Reason: To ensure compliance with policy RE4 of the Oxford Local Plan 2036.

17. The development shall not be occupied until confirmation has been provided in relation to foul water drainage to the local planning authority that either:-
1. Capacity exists off site to serve the development or
  2. A housing and infrastructure phasing plan has been agreed with Thames Water. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. Or

3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Reason - Network reinforcement works may be required to accommodate the proposed development.

18. Prior to the commencement of development, an updated energy statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved energy statement shall be implemented during the construction of the development.

Reason: To ensure the development makes best use of natural resources in accordance with policy RE1 of the Oxford Local Plan 2036.

19. Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to, and approved in writing by, the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme will include any landscape planting of known benefit to wildlife, including nectar resources for invertebrates. Details shall be provided of artificial roost features, including bird and bat boxes, and a minimum of two dedicated swift boxes. The approved details shall be implemented prior to occupation of the development.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and policy G2 of the Oxford Local Plan 2036.

20. Before the development hereby permitted is commenced details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport in line with policy M5 of the Oxford Local Plan 2036.

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

- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),

- Details of wheel cleaning / wash facilities to prevent mud, etc. from migrating on to the adjacent highway,
- Contact details for the Site Supervisor responsible for on-site works,
- Travel initiatives for site related worker vehicles,
- Parking provision for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Engagement with local residents

Details within the approved CTMP shall be carried out during the construction of the development.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times in accordance with policy M2 of the Oxford Local Plan 2036.

22. Prior to the commencement of development, a maintenance plan for the sedum roof shall be submitted to, and approved in writing by, the Local Planning Authority. Details within the approved plan shall be carried out in perpetuity.

Reason: To ensure the longevity of the new green infrastructure network feature in accordance with policy G8 of the Oxford Local Plan 2036.

23. Automated blinds shall be fitted to each window and shall be activated at dawn and dusk.

Reason: To ensure light spill in the evening is minimised and the impact on neighbours is mitigated in accordance with policy RE7 of the Oxford Local Plan 2036.

24. The glazing to the second storey, over and above the roofline of 39 Stockmore Street, shall be obscure and shall be retained as such.

Reason: To avoid the impact of overlooking onto neighbouring dwellings and private gardens in accordance with policy H14 of the Oxford Local Plan 2036.

25. The second floor terrace shall be used only as a means of accessing the roof by maintenance staff and for no other purposes.

Reason: To ensure the amenity of neighbours is protected in accordance with policy H14 of the Oxford Local Plan 2036.

26. The façade glazing shall be non-reflective and shall be retained as such.

Reason: To ensure the development does not impact on the setting of the nearby Conservation Area and the amenity of neighbours is protected in accordance with policies H14 and DH3 of the Oxford Local Plan 2036.

27. The external metal elements shall have a matt finish and shall be retained as such.

Reason: To ensure the development does not impact on the setting of the nearby Conservation Area and the amenity of neighbours is protected in accordance with policies H14 and DH3 of the Oxford Local Plan 2036.

28. Prior to the commencement of relevant works, large scale drawn details of the proposed metal fins fronting Stockmore Street shall be submitted to, and approved in writing by, the Local Planning Authority. The fins shall be installed in accordance with the approved details.

Reason: To ensure a sympathetic appearance of the new development, in accordance with policies RE7 and DH1 of the Oxford Local Plan 2036.

29. Prior to the commencement of development, details of the proposed boundary treatments to the front and side elevations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the sympathetic design of the works in accordance with policy DH1 and RE7 of the Oxford Local Plan 2036.

30. The colour of the render shall be neutral off white or cream, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development in accordance with policies RE7 and DH1 of the Oxford Local Plan 2036.

31. Prior to commencement of development, an application shall be made for Secured by Design accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until confirmation of SBD accreditation has been received by the local planning authority.

Reason: To create a safe environment for occupiers of the development and the local community in accordance with policy RE7 of the Oxford Local Plan 2036.

#### INFORMATIVES :-

1. The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement

of development. For more information see: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL)

2. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
3. Removal of any building or vegetation shall be undertaken outside of the bird nesting season (March to August inclusive). If this is not possible, then a suitability qualified ecologist shall check the areas concerned immediately prior to the commencement of clearance works to ensure no nesting or nest-building birds are present. If any nesting activity is confirmed, no clearance will be permitted within the area until the birds have fledged and the nest is considered inactive.

### **13. APPENDICES**

- **Appendix 1** – Site location plan

### **14. HUMAN RIGHTS ACT 1998**

14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

### **15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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

## WEST AREA PLANNING COMMITTEE

<b>Application number:</b>	19/03013/FUL		
<b>Decision due by</b>	28th January 2020		
<b>Extension of time</b>	21 <sup>st</sup> August 2020		
<b>Proposal</b>	Demolition of existing building. Erection of a four storey building to create 5 x 2 bed flats and 2 x 1 bed flats. Provision of amenity space, bin and bicycle storage.		
<b>Site address</b>	8 Hollybush Row, Oxford, OX1 1JH, – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Carfax Ward		
<b>Case officer</b>	Natalie Dobraszczyk		
<b>Agent:</b>	Mr Alex Cresswell	<b>Applicant:</b>	Robin Swailes Design And Development
<b>Reason at Committee</b>	The application is before the committee because the number of dwellings proposed means that this has to be determined by an area committee.		

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission, and;

1.1.2. **agree to delegate authority** to the Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

## 2. EXECUTIVE SUMMARY

2.1. This report considers the demolition of the existing building 8 Hollybush Row and the erection of a four storey building to create 5 x 2 bed flats and 2 x 1 bed flats, including the provision of amenity space and bin and bicycle storage.

2.2. The proposal would fail to comply with the development plan as a whole. The principle of development is acceptable however the demolition of the existing

building is considered to result in moderate less than substantial harm to heritage assets which would not be outweighed by public benefits and which therefore would be contrary to paragraphs 196-197 of the NPPF and Local Plan Policy DH3.

- 2.3. The absence of suitably detailed information means that the proposal would fail to demonstrate that it would utilise sustainable design and construction methods or include an element of on-site renewable or low carbon technologies. As such the proposal would fail to accord Local Plan 2036 Policy RE1.
- 2.4. Notwithstanding this, officers have given significant weight to the fallback position which allow the proposals to be constructed as submitted, and as such do not consider it reasonable to refuse the application on these grounds.
- 2.5. The proposal will not have an unacceptable impact on neighbouring amenity, trees, flooding, archaeology, land quality and highways/ transport. Conditions have been included to ensure this remains the case in the future.
- 2.6. Therefore, it is recommended that the Committee resolve to grant planning permission for the proposed development subject to the conditions set out in section 12 of this report.

### **3. LEGAL AGREEMENT**

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

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 4.1. The proposal is liable for a CIL contribution of £65,225.79.

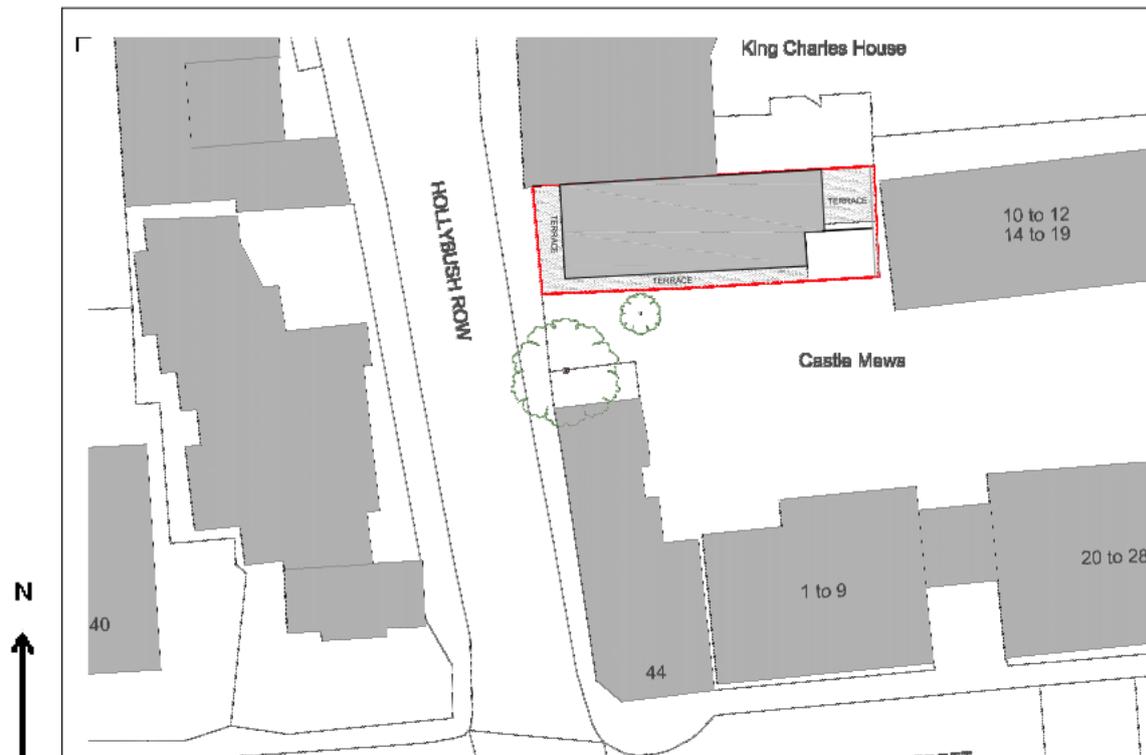
### **5. SITE AND SURROUNDINGS**

- 5.1. The application site and its surroundings are located within the city centre, the West End (city centre commercial area) and within the Central Conservation Area. The area is of a predominantly mixed-use in character with built form comprising of both domestic brick terraces of two and three storeys, and larger commercial buildings.
- 5.2. The application property is a part two-storey, partly single-storey building. The building comprises a roof-shape that is pitched with two end-gables, constructed of glazed red brick, dark grey plain roof tiles, and painted timber cladding. The upper floor has three windows with a painted pebbledash finish to the upper floor elevation.
- 5.3. To the immediate north of the site is King Charles House, a part three, part four storey building which provides commercial office accommodation. To the south is no.44 St. Thomas Street which is a two storey non-designated heritage asset which has been converted into residential dwellings. Bounding the site to the east and south east is the residential development known as Castle Mews. To the north west of the site, on the opposite side of Hollybush

Row, is Coopers Jam Factory which is grade II Listed. The Lodge, located to the south west of the site is also grade II listed.

5.4. The site is located within Flood Zones 1 and 2.

5.5. The block plan is shown below:



## 6. PROPOSAL

- 6.1. The application proposes the demolition of existing building and the erection of a four storey building to create 5 x 2 bed flats and 2 x 1 bed flats. The proposal includes the provision of amenity space and bin and bicycle storage.
- 6.2. At ground floor level, a 1-person unit is proposed measuring approximately 48.8sqm GIA, together with storage for 12 bicycles, waste and recycling, storage space and amenity space.
- 6.3. Both first and second floor levels would contain a 1-bed unit (measuring 60 sqm GIA), a 2-bed unit (measuring 78sqm GIA) and private amenity space to serve both units.
- 6.4. The top floor of the building would house a 1-bed unit (measuring approximately 50 sqm GIA), a 2-bed unit (measuring approximately 62sqm GIA) both with private roof terracing.

## 7. RELEVANT PLANNING HISTORY

- 7.1. The table below sets out the relevant planning history for the application site (approved schemes are highlighted for clarity):

**15/02694/FUL** - Demolition of existing public house. Erection of four storey building to provide 5 x 1-bed and 2 x 2-bed flats (Use Class C3). Provision of private amenity space, bin and cycle storage. Approved 27th May 2016.

16/01541/FUL - Demolition of existing public house. Erection of four storey building to provide 5 x 2-bed and 2 x 1-bed flats (Use Class C3). Provision of private amenity space, bin and cycle storage. Appeal Dismissed 12th July 2017.

16/01655/VAR - Variation of condition 2 (approved plans) of planning permission 15/02694/FUL to allow amendments to approved plans including insertion of windows to south elevation, alteration to window position on front elevation, amendments to internal layout and amendments to bin and cycle store to provide individual store. Withdrawn 13th June 2017.

**15/02694/CND** - Details submitted in compliance with conditions 5 (Sample materials), 6 (Existing materials), 9 (Construction Traffic Management Plan) and 12 (Drainage) of planning permission 15/02694/FUL. Approved 1st March 2017.

**15/02694/CND2** - Details submitted in compliance with conditions 7 (Development to salvage existing material) and 11 (Details of underground services and soak) of planning permission 15/02594/FUL. Approved 24th October 2016.

**16/03189/FUL** - Demolition of existing public house. Erection of a four storey building to create 7 flats (5 x 2-bed and 2 x 1-bed flats (Use Class C3)). Provision of bin and cycle store. Approved 15th May 2017.

**18/01523/FUL** - Change of use from drinking establishment (Use Class A4) to Office space (Use Class B1a). Removal of existing chimneys. Approved 6th September 2018.

18/01541/OUT - Outline application (seeking the approval of access, layout and scale) for the redevelopment of Public House (The Adventurer) with four storey building comprising collaborative office space, live/work units, office suites and 3 x 1 bedroom apartments (including private amenity space, bin storage and cycle parking). Withdrawn 17th July 2018.

18/01542/OUT - Outline application (seeking the approval of access, layout and scale) for the redevelopment of Public House (The Adventurer) with four storey building comprising collaborative office space, wet labs, office suites and 3 x 1 bedroom apartments (including private amenity space, bin storage and cycle parking). Withdrawn 17th July 2018.

**18/02103/OUT** - Outline application (seeking the approval of access/layout/scale) for the redevelopment of Public House (The Adventurer) with four storey building comprising collaborative office space, office space, short stay (hotel) accommodation and 1 x 1 bedroom and 1 x 2 bedrooms apartments (including private amenity space, bin storage and cycle parking). (Amended description). Approved 12th November 2018.

19/01161/OUT - Outline application (seeking approval of access, appearance, layout and scale) for the redevelopment of Public House (The Adventurer) with five storey building comprising collaborative office space, office suites (Use Class B1), short stay (hotel) accommodation and 1 x 1-bed and 2 x 2-bed apartments (including private amenity space, bin storage and cycle parking). Withdrawn 26th June 2019.

19/03013/FUL - Demolition of existing building. Erection of a four storey building to create 5 x 2 bed flats and 2 x 1 bed flats. Provision of amenity space, bin and bicycle storage. Pending Consideration.

19/03378/FUL - Demolition of existing building. Erection of a five storey building to create office suites (Use Class B1), 4no. short stay hotel rooms and 1 x 1-bed and 2 x 2-bed apartments. Provision of amenity space, bin and cycle stores. Withdrawn 22<sup>nd</sup> April 2020.

7.2. As detailed above the application site has a convoluted planning history. To summarise, there are extant permissions for the following schemes:

- 16/03189/FUL - Demolition of existing public house. Erection of a four storey building to create 7 flats (5 x 2-bed and 2 x 1-bed flats (Use Class C3)). Provision of bin and cycle store.
- 18/01523/FUL - Change of use from drinking establishment (Use Class A4) to Office space (Use Class B1a). Removal of existing chimneys.
- 18/02103/OUT - Outline application (seeking the approval of access/layout/scale) for the redevelopment of Public House (The Adventurer) with four storey building comprising collaborative office space, office space, short stay (hotel) accommodation and 1 x 1 bedroom and 1 x 2bedrooms apartments (including private amenity space, bin storage and cycle parking).

7.3. This application is a resubmission of the scheme approved under planning consent 16/03189/FUL. It differs from the approved application only in that it seeks to remove the obligation for affordable housing contributions which were previously required in accordance with Sites and Housing Plan Policy HP4.

**8. RELEVANT PLANNING POLICY**

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan 2036
Design	Paragraphs 124 - 132	DH1, DH6, DH7, H10, H14, H15, H16

<b>Conservation/ Heritage</b>	Paragraphs 184, 189 - 202	DH3, DH4, DH5
<b>Housing</b>	Paragraphs 59 – 76	H2, H4, H10
<b>Natural environment</b>	Paragraphs 148-165, 170 – 183	RE1, RE2, RE3, RE4, RE6, RE7, RE8, RE9, G8
<b>Transport</b>	Paragraphs 102-111	M1, M2, M3, M5
<b>Miscellaneous</b>	Paragraphs 7 – 12, 47 – 48	S1

## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 13th December 2019, 6<sup>th</sup> April 2020 and 15<sup>th</sup> July 2020 and advertisements were published in The Oxford Times newspaper on 12th December 2019, 12<sup>th</sup> March 2020 and 16<sup>th</sup> July 2020.

### **Statutory and non-statutory consultees**

#### Oxfordshire County Council (Highways)

- 9.2. No objections subject to conditions relating to restricting resident parking permits and the submission of a Construction Traffic Management Plan (CTMP).

#### Oxford Preservation Trust

- 9.3. Objected to the proposals on the basis that the existing building should not be demolished because it makes a positive contribution to the character of the Conservation Area. The proposed building was not considered to be visually attractive, not sympathetic to the local character and history of the area and in would not establish nor maintain a sense of place. Concerns were also raised about the quality of the proposed accommodation particularly in relation to limited natural lighting and ventilation and restricted outlook preventing enjoyment of the proposed dwellings.

#### Oxford Civic Society

- 9.4. Objected to the proposals on the basis that the existing building should not be demolished because it makes a positive contribution to the character of the Conservation Area. Also, objected to the design of the proposed building for being “bulky”, “bland”, “out of scale” and “characterless”. Concerns were raised about the quality of the proposed residential accommodation, specifically regarding lighting, outlook and ventilation.

#### Oxfordshire Architectural and Historical Society

9.5. Objected to the proposals for the following reasons:

- The negative impact on the Central Conservation Area from the loss of 8 Hollybush Row;
- The negative impact on the Central Conservation Area from the proposed development, which, it is argued, has not been informed by the existing building;
- The significance of the existing building and the impact on a local heritage asset.

Royal Society for the Protection of Birds (RSPB)

9.6. The RSPB did not object to the proposals but requested a condition to secure a minimum of 6 swift bricks be installed as part of the new development.

Public representations

9.7. 2 comments [2 objections] were received from addresses in Castle Mews. Comments were also received from Green Templeton College as the owner of King Charles House.

9.8. Officers note that some of the comments received in response to this application also relate to proposals which were considered under, the now withdrawn, application 19/03378/FUL. Where this is the case they have been highlighted with an asterisk (\*).

9.9. The following summarises the comments which were received:

*Heritage*

- Objections were made to the demolition of the existing building which contributes positively to the heritage of the area. Reference was made to the extension of the Central Conservation Area as a reason for resisting the demolition as well as the recent refurbishment of the existing building.
- The construction of a plain tall wall adjoining the car park of King Charles House would not be conducive to the visual amenity of the conservation area.

*Impact on Neighbours*

- The developer has not consulted with neighbouring occupiers.
- The proposal would result in overshadowing and loss of light to Castle Mews, specifically 1-9 Castle Mews, where views of the sky would be lost.
- The proposed terraces would result in noise for neighbouring occupiers (\*).

- The proposal would result in an adverse impact on the level of daylight within King Charles House.
- The proposal would result in a deleterious effect upon the views to and from King Charles House and the associated car park.
- Concerns that the existing tenants within Castle Mews would leave due to negative construction impacts. Specific reference was made to dust and noise.

#### *Trees/ Landscape*

- The proposal would remove the existing garden space to the rear of the plot including the wildlife within.
- The proposal would destroy several large established trees within Castle Mews due to the overshadowing created.

#### *Highways*

- If the proposal requires any road, or partial road, closures then this would be disruptive for the community.
- If approved, it was requested that construction working hours and construction noise conditions be applied to minimise disruption to the occupiers of King Charles House.

#### *Misc.*

- The existing building serves the community well as an office space.
- The proposed development would not benefit the community (\*).
- The proposal does not include a noise report or a daylight and sunlight report.
- The swift report submitted as part of the application is misleading as Hollybush Row would be too noisy for swifts to nest (\*).

## **10. PLANNING MATERIAL CONSIDERATIONS**

### 10.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Impact on heritage assets;
- iii. Design;
- iv. Affordable Housing;
- v. Housing Mix;
- vi. Impact on neighbouring amenity;

- vii. Trees;
- viii. Flooding;
- ix. Sustainability;
- x. Highways and Transport;
- xi. Other Matters.

#### **i. Principle of development**

- 10.2. This application is a resubmission of the scheme approved under planning consent 16/03189/FUL. It differs from the approved application only in that it seeks to remove the obligation for affordable housing contributions which were previously required in accordance with Sites and Housing Plan Policy HP4.
- 10.3. The principle of development has been established by the previous planning permission. All pre-commencement conditions relating to planning consent 16/03189/FUL have been complied with and the applicant has submitted a building control inspection report confirming that excavations for footings for the approved development commenced on 13<sup>th</sup> May 2020. As such, planning consent 16/03189/FUL is extant and is therefore a material consideration in the determination of this application. The permission established the acceptability of the demolition of the building, the loss of the public house and the creation of residential units on this site.
- 10.4. Notwithstanding this, since the previous consent there have been two material changes, the first being the expansion of the Central Conservation Area which now includes the application site, and the second being the status the adopted Oxford Local Plan 2036.
- 10.5. The National Planning Policy Framework (NPPF) encourages the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value. Likewise, Local Plan Policy RE2 advocates the efficient use of land.
- 10.6. The principle of the development is therefore considered to be acceptable. Notwithstanding this, the proposed demolition and impact on heritage assets is discussed in section b. of this report.

#### **ii. Impact on Heritage Assets**

- 10.7. The NPPF requires proposals to be based upon an informed analysis of the significance of all affected heritage assets and expects applicants to understand the impact of any proposal upon those assets with the objective being to sustain their significance (paragraph 189). In making any such assessment great weight should be given to the asset's conservation (paragraph 193). When assessing the impact of a proposal on a non-designated heritage asset the NPPF requires the Local Planning Authority to undertake a balancing judgement having regard to the scale of any harm or loss and the significance of the heritage asset (paragraph 197).

10.8. The NPPF requires that local authorities seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It suggests that opportunities should be taken through the design of new development to improve the character and quality of an area and the way it functions. Policies DH1, DH2 and DH5 of the Oxford Local Plan 2036 require that development proposals incorporate high standards of design and respect local character.

#### *Demolition*

10.9. The application site is located within a Conservation Area, therefore, the test under section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 is relevant and must be given consideration.

10.10. Section 72 states:-

“(1)In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

10.11. There are listed buildings within close proximity to the application site (The Jam Factory, Hollybush Lodge). Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

10.12. The application site is located within the Central Conservation Area and in the St Thomas' area historically an extra-mural medieval suburb now characterised by small domestic brick terraces, 19th Century model housing, former brewery buildings and public houses that had an important communal function contributing activity and vibrancy to the area.

10.13. During the 19th Century larger commercial buildings developed along Park End Street with some aspects surviving that demonstrate Oxford's industrial heritage through use of ironwork including Cantay Depositories, a furniture warehouse with cast-iron columns made by the Eagle Foundry in Jericho, and surviving railings to The Lodge boundary on the corner of St Thomas Street and Hollybush Row).

10.14. There are also many smaller, domestic residential buildings and 19th Century terrace survivals on Hollybush Row and St Thomas Street. As well as some surviving elements from the numerous breweries that once characterised this area e.g. the brewery chimney on Osney Lane.

10.15. The existing building provides visible evidence of its original function as a public house with some particularly characteristic and thus significant details, namely glazed tiling to lower part of street façade and fascia. The existing building derives importance from the fact that it is one of two surviving public houses in an area where brewing, one of the principal economic activities that was carried out in the area, was at one time numerous. This was highlighted

within the West Oxford Character Assessment (p. 23, 27 and map) one of two documents produced in order specifically to identify local heritage assets. The draft Conservation Area Appraisal when referring to the Western Fringe (Character Zone 6) notes that positive contributors to the area include surviving nineteenth and twentieth century buildings that reflect the historic character of the zone. While the application building is not specifically identified within the Conservation Area Appraisal officers note that its significance and contribution is not reduced as a result of this omission.

- 10.16. In support of the application the applicant has submitted a heritage report and a heritage report addendum. The additional information provided in support of the application concludes that the absence of reference to the building to be demolished from a number of reports and character assessments of the area implies that the building has no architectural or historic value and that, therefore, its demolition would not be harmful to the character or appearance of the Central Conservation Area in which it now sits. The reference in those documents to public houses (plural) and the identification that in this particular part of the conservation area breweries and public houses associated with those breweries were a significant economic activity from the C16, would on the contrary, suggest that the building, by virtue of the fact that its architecture is particularly symbolic of the public house, has a historic value as part of the most consistent and characteristic activity in this part of the conservation area.
- 10.17. The public house is an entity that makes an important contribution to the character of the place. Over time many public houses have been lost from their original, designed function which has a negative impact on the character of the area. However, in many cases the buildings survive and their surviving architectural features are symbolic, pointing clearly to the fact that they were originally built to function as public houses is identified as being important to the character and appearance of the area, and therefore by conclusion it must be considered that they have some value and make some significant contribution to the character and appearance of the area and thus the significance of the heritage asset i.e. the Central (City and University) Conservation Area in which the former Albion public house, the subject of this demolition and subsequent site redevelopment, now sits.
- 10.18. Officers therefore consider that there would be a degree of harm to the character and appearance of the Central Conservation Area, and in particular to the part of the conservation area that has been identified in the City's West End Character Assessment as St Thomas', from the loss of the former Albion public house. It is considered, in line with paragraph 193 of the NPPF that some harm has already been caused by the loss of the building's designed/intended function, however, the surviving architecture is of value and makes a contribution to the area's character and appearance and therefore the harm would be of a "less than substantial" category and that it would be a moderate level of less than substantial harm.
- 10.19. Paragraph 194 of the NPPF states that any harm or loss of the significance of a designated heritage asset, in this case the Central Conservation Area, should require clear and convincing justification. It is not considered that the loss of the building has been adequately justified. It presently has an

“alternative” use (i.e. it currently operates as B1(a) offices which were approved under application 18/01523/FUL) and this could reasonably continue, or indeed the building having been adapted once without complete loss of its distinctive/significant architecture could be adapted again, for example for domestic or another commercial use. The application has not been supported by convincing evidence that this is not appropriate. As such the proposal fails to meet the requirements of paragraph 194 of the NPPF.

10.20. The NPPF sets out that in cases where there is less than substantial harm, states:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraph 196).”

10.21. In terms of public benefits the following have been identified:

- The contribution of 7 residential units towards meeting Oxford’s housing need.
- The development of the site to a higher density and capacity in a part of the City that has comparatively less constraints than more other sensitive locations, making most efficient use of the land.
- Improved sustainability credentials arising from the reconstruction of the building with modern, high quality materials.
- The employment benefits during construction of the dwellings.

10.22. Officers consider that the proposed development would provide some public benefits, however, these would be relatively limited in their scope. In carrying out this balancing exercise officers are mindful of the importance and therefore the weight to be attached to any level of harm to a heritage asset (Barnwell Manor Wind Energy Ltd v East Northants District Council, English Heritage, National Trust & SSCLG [2014]) when considering the weight of valid and justified public benefits that would occur as a result of the demolition of the former PH building and consequent ability to redevelop its site.

10.23. In accordance with paragraph 193 of the NPPF, Officers have given great weight to the conservation of the designated heritage asset and consider that the public benefits arising from the development would not outweigh the moderate level of less than substantial harm arising from the demolition of the existing building, which makes a positive contribution to the character and appearance of this part of the Central Conservation Area and thereby contributes to the significance of the conservation area as a whole. As such the proposal is found to be contrary to paragraphs 196-197 of the NPPF and Local Plan Policy DH3.

- 10.24. Notwithstanding the above, the ‘fallback position’ attributed by previous planning permissions is a material planning consideration and must also be considered in this instance.
- 10.25. As set out in the planning history section there are a number of historic and extant permissions on this site. Two of these extant consents (16/03189/FUL and 18/02103/OUT) include the demolition of the existing building and therefore have established the acceptability of the demolition of the building which is a material planning consideration in the determination of this application. The NPPG states that:
- “The planning history of a site may be a relevant consideration in the determination of an application... Relevant factors to take into consideration might include evidence as to the reasons why an earlier permission was not implemented, the time that has elapsed since the previous permission expired and the number of similar applications made for the same site.” (Paragraph: 010 Reference ID: 21b-010-20190315)
- 10.26. Case law dictates that a previous planning permission, even if it has expired prior to implementation, is a material planning consideration (South Oxfordshire DC v Secretary of State for the Environment [1981] 1 WLR 1092 and Spackman v Secretary of State for the Environment (1977) 33 P&CR 430). Likewise, the prospect of the fallback position occurring must be real rather than merely theoretical, and a possibility of it occurring will suffice: Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Communities and Local Government [2009] JPL.
- 10.27. All pre-commencement conditions relating to planning consent 16/03189/FUL have been complied with and the applicant has submitted a building control inspection report confirming that excavations for footings for the approved development commenced on 13<sup>th</sup> May 2020. As such, planning consent 16/03189/FUL is extant.
- 10.28. With regard to the extant permission 18/02103/OUT, this application was made in outline and therefore would require the submission and subsequent approval of a reserved matters application before the development could commence. However, there is suitable time remaining for the applicant to submit a reserved matters application so officers conclude that this consent also has the potential to be implemented.
- 10.29. In light of the above, officers attribute significant weight to the fallback position and as such, despite the identified harm to the designated heritage asset, do not consider it reasonable to refuse the application on these grounds.

### **iii. Design**

- 10.30. The NPPF makes it clear that the purpose of planning is to help achieve sustainable development (Section 2), and that design (Section 12) and effects on the natural environment (Section 15) are important components of this.

- 10.31. Section 11 of the NPPF notes in paragraph 122 that in respect of development density the considerations should include whether a place is well designed and “the desirability of maintaining an areas prevailing character and setting...or of promoting regeneration and change”.
- 10.32. Paragraph 127 of the NPPF states that decisions should ensure that developments will a) function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic in local character and history, including the surrounding built environment and landscape setting; d) establish or maintain a strong sense of place to create attractive, welcoming and distinctive places and e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public open space).
- 10.33. Local Plan Policy DH1 requires developments to demonstrate high quality design and placemaking.
- 10.34. The application proposes a four storey residential building with a central stair core and 2 residential units facing east and west on each floor above ground. At ground floor level an east facing 1 bedroom unit is proposed with external storage at the rear of the plot for bin and bicycle storage.
- 10.35. The proposed residential units would all have internal space standards that comply of the minimums set out in the Nationally Described Space Standard. All units have access to private external amenity space. The space provided is acceptable for the size of units in a city centre location. The proposed units therefore comply with Local Plan Policies H15 and H16.
- 10.36. The proposed development would be located within a mixed commercial and residential area and there is an ‘A’ road to the front of the site with a pedestrian footway between. There is the potential for noise to affect future occupants and a noise assessment has not been submitted in support of the application. However as officers give significant weight to the fallback position, which would allow the proposals to be constructed as submitted, officers do not consider it reasonable to refuse the application on these grounds.
- 10.37. The proposed elevations show a predominantly brick building with a recessed top floor in zinc cladding. Steel guards are proposed around the terraces and a glass guard is proposed along the terrace of the four floor property.
- 10.38. One of the key features of the character of Hollybush Row is the transition from large, landmark buildings which bound Frideswide Square (King Charles House/ The Jam Factory) to the two storey residential scale on St. Thomas’. The application site represents a transition between these two, different characters and as such any new building here needs to respond sensitively and intelligently to this situation in order to be successful and make a positive contribution to the character and appearance of the conservation area. It is also important to recognise that to the north west of the site, on the opposite

side of Hollybush Row, is Coopers Jam Factory which is grade II Listed. The Lodge, located to the south west of the site is also grade II listed.

10.39. The proposal would result in a change from an overtly domestic scale building, in keeping with the historic character of St Ebbes, to a much larger building with a single, large mass and deep footprint, however large, residential buildings of this scale are also present within the St Ebbes/ St, Thomas area, including some that are of historic significance. Therefore, officers consider that the proposed massing would be acceptable and would be appropriate within the street scene. The recessed top floor with a contrasting material treatment would reduce the perceived mass of the building when viewed from Hollybush Row and the setting in of this upper floor would help to create a transitional step between the larger King Charles House to the north and the smaller residential properties to the south. The use of recessed brickwork panelling on the northern, eastern and western sides of the building would also help to provide visual interest and articulation in breaking up larger areas of brickwork.

10.40. As set out above there would be a moderate level of less than substantial harm to the significance of the conservation area as a result of the loss of the existing building that evidences the public house use. In terms of the proposed replacement building officers consider that while the architecture is relatively conventional, overall the proposal would make a neutral contribution to the significance of the conservation area and, as such, would not be harmful to the character or appearance of the conservation area and the surrounding listed buildings.

10.41. Bin storage is located towards the rear of the site within secure storage areas for each residential unit. Officers consider this arrangement to be acceptable.

10.42. Therefore, for the reasons set out above, the proposed replacement building is considered to comply with Local Plan Policies DH1 and DH3.

#### **iv. Affordable Housing**

10.43. The application proposes 7 additional new dwellings. When the previous consent 16/03189/FUL was granted a financial contribution towards affordable housing was required under Sites and Housing Plan Policy HP4 (Affordable Homes from Small Housing Sites).

10.44. Since the adoption of Oxford's Local Plan 2036 the requirement for financial contributions towards small scale residential developments (i.e. those not classed as 'major developments' comprising 10 or more residential units) has fallen away. As such, the proposed development of 7 dwellings falls below the threshold whereby a contribution towards affordable housing can be sought in accordance with Paragraph 63 of the NPPF, officers would no longer require the applicants to enter into a Section 106 agreement to provide a financial contribution towards off-site affordable housing.

#### **v. Housing Mix**

10.45. The mix of the proposed residential units remains the same as in the existing permission. There is no specific requirement for a mix of units in small developments within the City Centre. The proposed mix therefore is considered to comply with Local Plan Policy H4 (Mix of Dwelling Sizes).

**vi. Impact on Neighbouring Amenity**

10.46. The Oxford Local Plan Policy seeks to safeguard the amenities of the occupiers of properties surrounding any proposed development. Local Plan Policy H14 (Privacy, Daylight and Sunlight) and Policy RE7 (Managing the Impact of Development) require new residential developments to provide reasonable privacy and daylight for the occupants of both existing and new homes.

10.47. The application site is bounded to the immediate north of the site by King Charles House which provides commercial office accommodation. To the south, with a separation distance of approximately 9 metres, is no.44 St. Thomas Street which has been converted into residential dwellings. Bounding the site to the east and south east is the residential development known as Castle Mews, with a separation distance of approximately 16.4 – 18.7 metres to nos. 1-9 and 18 metres to nos. 20-28. To the north west of the site, on the opposite side of Hollybush Row, is Coopers Jam Factory. The Hollybush Lodge located to the west provides student accommodation.

*Castle Mews*

10.48. Castle Mews is a residential development comprising 3 blocks, nos. 1-9, 10-12 and 14-19, and 20-28. Blocks 1-9 and 20-28 front St. Thomas Street whereas block 10-12 and 14-19 is set back from the road immediately to the east of the application site. The blocks are separated by a car parking area and hard landscaping.

10.49. Block 10-12 and 14-19 faces towards the south and has no windows on the flank elevation fronting the application site. As such, officers consider there would be no harmful overlooking, overbearing impacts or loss of light to occupiers of this building.

10.50. Block 20-28 is sited approximately 18 metres from the application site towards the south east. Due to the significant separation distance and siting of the two buildings, officers consider that there would not be harmful overlooking, overbearing impacts or loss of light to occupiers of this building.

10.51. Block 1-9 is sited between 16.4 – 18.7 metres from the application site but is immediately opposite the proposed building. The application proposes south facing windows to serve bedrooms and studies on each floor as well as a small terrace area on the top floor (although the majority of the terraced space would face east and west). These windows and the two terraces would afford some overlooking of the outdoor area to the rear of Block 1-9 however, considering the separation distance between the buildings it is considered that this arrangement would not be unduly harmful, especially considering the city centre context of the site. Likewise, the residential use of the proposed

building would be acceptable within the context of the surrounding uses and would not be likely to give rise to an unacceptable level of noise disturbance from the proposed terraces.

- 10.52. Due to the siting of the proposed building in relation to the Castle Mews development, i.e. to the north, and the sun path, the proposal is unlikely to significantly impact on the amount of sunlight available for the Castle Mews blocks or external space.

*44 St. Thomas Street*

- 10.53. 44 St. Thomas Street comprises six 1 bedroom residential units. The northern most unit has a north facing window which serves a bedroom and fronts the application site. As set out in Appendix 3.7 of the Local Plan, where a main window to a habitable room in the side elevation of a dwelling is affected, development will not normally be allowed to intrude over a line drawn at an angle of 45° in the vertical plane from the sill. In this instance, due to the separation distance, and the set back of the top floor of the proposed building, the 45° line would not be broken. As such, the impact on this unit in terms of loss of light is considered to be acceptable.

- 10.54. None of the proposed windows would result in harmful overlooking of the residential properties at no. 44. St. Thomas Street.

- 10.55. Officers acknowledge that the proposal would result in a larger and taller building being located adjacent to the residential dwelling to the north of 44 St. Thomas Street which would result in a change compared to the existing outlook. While there is potential for this to be overbearing officers consider that due to the fallback position, which would allow the proposals to be constructed as submitted, it would not be reasonable to refuse the application on these grounds

*King Charles House*

- 10.56. King Charles House is a commercial office building located to the north of the site with a car parking area located towards the north east. Officers note the comments provided by the owners of the property regarding the impact of the proposed elevation fronting the car park area and conclude that while this elevation would be relatively featureless it would not be visible from the public realm and would not be unduly harmful to the outlook from the existing office building.

- 10.57. Likewise, considering the commercial nature of King Charles House, the resultant impact on the east facing windows immediately adjacent to the application site would not warrant the refusal of the application.

*Hollybush Lodge/ The Jam Factory*

- 10.58. Hollybush Lodge is located approximately 13.6 metres to the west of the application site, across Hollybush Row. Likewise, The Jam Factory is approximately 14 metres to the west. Officers consider that the west facing

windows and terraces would not result in significant impacts in terms of overlooking, overbearing or loss of light to the occupiers of these buildings.

### *Conclusion*

10.59. Officers, in considering the impact of the proposed development, as well as the scope of the previously consented schemes, conclude that the proposals would not result in unacceptable impacts on neighbouring amenity so as to warrant the refusal of the application.

### **vii. Trees**

10.60. There is a large mature sycamore tree on land adjacent to the site to the south, however the presence of the existing building foundations- in terms of as a barrier to the tree rooting zone, and the distance of the tree from the proposed building form, both indicate that there should be no harm resulting to this significant off-site tree. In any case the tree is also afforded legal protection by virtue of its position within the conservation area.

10.61. As such officers consider the proposal to be acceptable and compliant with Local Plan Policy G7 (Other Green and Open Spaces).

### **viii. Flooding**

10.62. Local Plan Policies RE3 (Flood Risk Management) and RE4 (Sustainable and Foul Drainage, Surface and Groundwater Flow) state that development must not result in increased flood risk and must manage surface water drainage through Sustainable Drainage Systems (SuDS).

10.63. The site falls partially within Flood Zone 2, and therefore the proposal is acceptable in principle. In support of the application a Flood Risk Assessment (FRA) and drainage details have been supplied.

10.64. The submitted FRA confirms that the ground floor level would be raised above the modelled flood level, to 57.34m AOD which is acceptable. Officers acknowledge that given the negligible increase in area (and subsequently volume) of the proposal compared to the existing building, there is unlikely to be an adverse effect on flood risk off site.

10.65. The other flood mitigation (resilience/resistance) measures as set out within the FRA are acceptable and would accord with the requirements of Local Plan Policy RE3. As such a condition requiring that the development be undertaken in accordance with the submitted FRA has been included.

### **ix. Sustainability**

10.66. Local Plan Policy RE1 (Sustainable Design and Construction) states that all developments must minimise their carbon emissions and should demonstrate sustainable design and construction methods and energy efficiency through design, layout, orientation, landscaping and materials. Developments should also include an element of on-site renewable or low carbon technologies,

10.67. The applicant has confirmed that the proposals have considered solar gain and overheating although limited details have been provided in relation to the inclusion of low carbon technology and whether the proposals would be compliant with the required carbon reduction levels.

10.68. Therefore, in the absence of suitably detailed information officers conclude that the submitted details fail to demonstrate that the proposal would utilise sustainable design and construction methods or include an element of on-site renewable or low carbon technologies. As such the proposal would fail to accord with Local Plan 2036 Policy RE1. Notwithstanding this, officers attribute significant weight to the fallback position, which would allow the proposals to be constructed as submitted, and as such do not consider it reasonable to refuse the application on these grounds.

#### **x. Highways and Transport**

10.69. Local Plan Policy M1 states that permission will only be granted for development that minimises the need to travel and promotes walking, cycling and public transport. Policy M3 (Motor Vehicle Parking) sets out where car-free developments will be expected and Appendix 7.4 outlines the maximum car parking standards.

10.70. The proposal does not include any car parking facilities to serve the development. The site is located within the Central Controlled Parking Zone. The site is located within walking distance of good public transport facilities, including Oxford Rail and Bus Stations. The proposal is therefore considered acceptable in terms of car parking provision and highway safety.

10.71. Local Plan Policy M5 (Bicycle Parking) and Appendix 7.4 set out the bicycle parking requirements for new developments. The proposal includes 2 covered and secured bicycle parking spaces per dwelling which would be acceptable and compliant with Policy M5.

10.72. A construction traffic management plan will be required by condition as the development is located near key corridors within the city centre and it is necessary to ensure that the construction process minimises disruption to nearby traffic flows wherever possible.

#### **xi. Other Matters.**

10.73. Officers consider that it is necessary to include a condition requiring a watching brief for the identification of unexpected contamination to be undertaken throughout the course of development.

10.74. As the application proposes the demolition of the existing building a condition relating to the control of construction dust has been included.

10.75. The application site is of archaeological interest because it is located on the medieval and post-medieval route of Hollybush Row where medieval and post-medieval settlement may be anticipated alongside the road. Officers consider that the proposed development would be acceptable subject to

conditions requiring a written scheme of investigation and post demolition trial trenching would be required.

## **11. CONCLUSION**

- 11.1. Having regard to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. In the context of all proposals paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development, this means approving development that accords with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 11.3. Therefore, in conclusion, it is necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 11.4. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.
- 11.5. The proposal would fail to comply with the development plan as a whole. The principle of development is acceptable however the demolition of the existing building is considered to result in moderate less than substantial harm to heritage assets which would not be outweighed by public benefits and which therefore would be contrary to paragraphs 196-197 of the NPPF and Local Plan Policy DH3.
- 11.6. The absence of suitably detailed information means that the proposal would fail to demonstrate that it would utilise sustainable design and construction methods or include an element of on-site renewable or low carbon technologies. As such the proposal would fail to accord Local Plan 2036 Policy RE1.
- 11.7. Notwithstanding this, officers have given significant weight to the fallback position which would allow the proposals to be constructed as submitted, and as such do not consider it reasonable to refuse the application on these grounds.

- 11.8. The proposal will not have an unacceptable impact on neighbouring amenity, trees, flooding, archaeology, land quality and highways/ transport. Conditions have been included to ensure this remains the case in the future.
- 11.9. Therefore, it is recommended that the Committee resolve to grant planning permission for the proposed development subject to the conditions set out in section 12 of this report.

## **12. CONDITIONS**

### **1. Development Time Limit**

The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

### **2. Development in Accordance with Approved Plans**

The development hereby 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 DH1 of the Oxford Local Plan 2036.

### **3. Materials**

The materials to be used in the development hereby approved shall be:

- Brickwork - Orange/red multi brick with string detail (at ground floor); first and second floor
- Walls buff brick. Mortar joints to be 10mm wide and raked. Colour of mortar to match more closely the yellow brick colour (i.e. less definition of the mortar to enhance the bricks)
- Roof material- the matt Vieo finish with the standing seam top roll to be 20mm
- Window schedule WD/SCH-01b. Colour to be matt 7016RAL
- Balustrade colour to match matt 7016RAL
- Roof plan showing flues to be carried out in accordance with drawing wd/P/03 and drawings 16-016 PL E-01 and 1328/16/M/105.

as previously approved under reference 15/02694/CND. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure a satisfactory appearance and in the interests of the special character of the area and/or building in accordance with policies DH1 and DH3 of the Oxford Local Plan 2036.

#### **4. Brick Salvage**

The development hereby approved shall be carried out in accordance with the details contained within the "Glazed Brick Salvage Schedule" as previously approved under reference 15/02694/CND2).

Reason: To ensure the preservation and protection of original materials and features of historic interest and their reinstatement in accordance with policies DH1 and DH3 of the Oxford Local Plan 2036.

#### **5. Screening**

Screening in the form of a 1.8m high wall shall be erected along the north and east boundaries serving the flats at the rear of the first, second and third floors of the development together with a 1.8m high screening along the southern boundary serving the ground floor flat as labelled on the approved plans. The buildings the subject of this permission shall not be occupied until the screening has been erected and shall be so maintained.

Reason: In the interests of visual amenity and to enhance the appearance of the area, in accordance with policies DH1 and H14 of the Oxford Local Plan 2036.

#### **6. Construction Traffic Management Plan (CTMP)**

Prior to commencement of works a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP should follow Oxfordshire County Council's template if possible. This should identify;

- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- Details of wheel cleaning / wash facilities to prevent mud, etc. from migrating on to the adjacent highway,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,

The development shall be completed in accordance with the approved CTMP unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times. In accordance with policy M2 of the Oxford Local Plan 2036.

#### **7. Construction Dust**

The commencement of the development shall not take place until a programme for the suppression of dust during the construction of the development has been

submitted to and approved in writing by the Local Planning Authority. The specific dust mitigation measures to follow should be aligned with the recommendations IAQM Guidance on the assessment of dust from demolition and construction for medium risk sites. No building works shall commence until such approval in writing has been given by the Local Planning Authority. The approved measures shall be employed throughout the entire period of the construction of the development.

Reason: To ensure that the development will not have a harmful impact on the environment and in accordance with policies RE6, RE7 and RE8 of the Oxford Local Plan 2036.

## **8. Unexpected Contamination**

A watching brief shall be undertaken throughout the course of the development to identify any unexpected contamination. Any unexpected contamination that is found during the course of construction of the approved development shall be reported immediately to the Local Planning Authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason: To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2036.

## **9. Archaeology**

No development shall take place (including demolition) until the applicant, or their agents, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including medieval and postmedieval remains in accordance with Oxford Local Plan 2036 Policy DH4.

## **10. Bicycle Storage**

Before the development permitted is brought into use, the cycle storage areas shall be constructed and laid out in accordance with the approved plans and thereafter such areas shall be retained solely for such purposes unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to promote sustainable modes of travel, in accordance with policies M5 of the Oxford Local Plan 2036.

#### **11. Bin Storage**

Before the development permitted is brought into use, the bin storage areas shall be constructed and laid out in accordance with the approved plans and thereafter such areas shall be retained solely for such purposes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory refuse storage is provided at the site.

#### **12. Swift Bricks**

A minimum of 6 Swift Bricks shall be incorporated into the construction of the approved building unless otherwise agreed in writing by the Local Planning Authority. The type of Swift Bricks used shall be in accordance with the document "Facts About Swift Bricks" (Royal Society for the Preservation of Birds, dated August 2013).

Reason: In accordance with paragraph 170(d) of the NPPF

#### **13. Parking Permits**

The development/proposed unit(s) shall be excluded from eligibility for parking permits prior to occupation.

Reason: To ensure that the development or change of use does not generate an increase in parking demand, restrict existing residents' access to on-street parking and to ensure that the low car nature of the development is met.

#### **14. Flood Risk Assessment**

The development shall be carried out in accordance with the submitted Flood Risk Assessment (Monson Flood Risk Assessment Issue F (27th July 2020)) including the resilience and resistance measures it details and a finished floor level of no lower than 57.34m AOD.

These mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To prevent an increase in the risk of flooding elsewhere. To reduce the risk of flooding to the proposed development and future occupants and in accordance with adopted Policy RE3 of the Oxford Local Plan 2036.

#### **15. Drainage Maintenance Strategy**

The development shall be carried out in accordance with the drainage strategy set out in the Frith: Blake Consulting Ltd. Surface Water Drainage Statement V1. The measures detailed within the approved drainage strategy shall be retained and

maintained thereafter throughout the lifetime of the development to ensure the drainage system remains functional and effective.

Reason: In accordance with adopted Policy RE4 of the Oxford Local Plan 2036.

#### **INFORMATIVES :-**

- 1 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL)
- 2 A cost of £2200 to amend the Traffic Regulation Order shall be met by the applicant through a Unilateral Undertaking.

#### **13. APPENDICES**

- **Appendix 1 – Site location plan**

#### **14. HUMAN RIGHTS ACT 1998**

14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

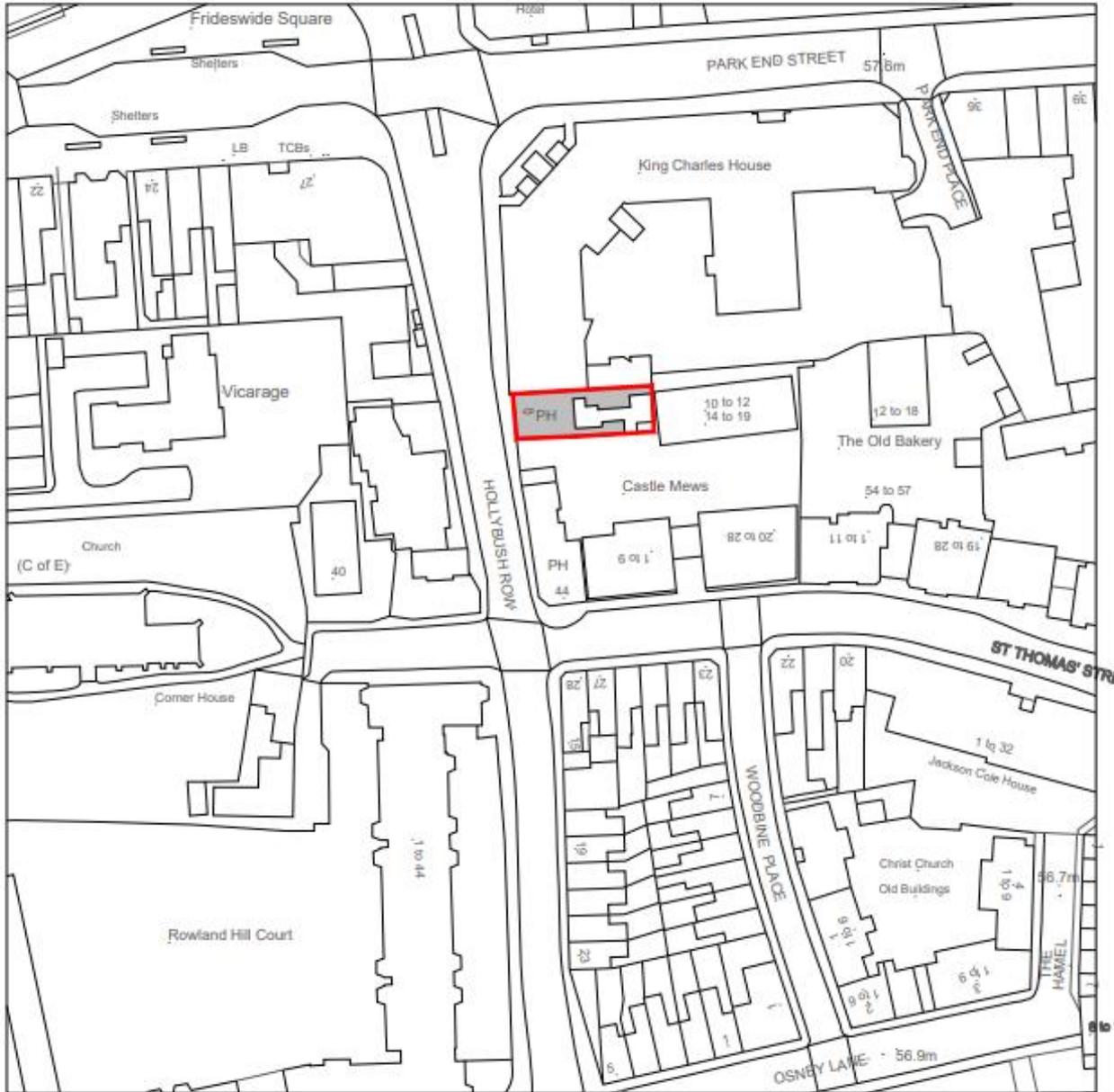
#### **15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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

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# Appendix 1 – Location Plan

19/03013/FUL – 8 Hollybush Row



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## West Area Planning Committee

11<sup>th</sup> August 2020

<b>Application number:</b>	20/01587/FUL		
<b>Decision due by</b>	26th August 2020		
<b>Extension of time</b>	N/a		
<b>Proposal</b>	Demolition of existing buildings and erection of two storey building to provide office space (Use Class B1a). Provision of amenity space, car parking and bin and cycle stores with associated landscaping.		
<b>Site address</b>	Car Park To The Rear Of Littlemead Business Park, Ferry Hinksey Road, Oxford, Oxfordshire – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Jericho And Osney Ward		
<b>Case officer</b>	James Paterson		
<b>Agent:</b>	Mr Alex Cresswell	<b>Applicant:</b>	Neil Warner - JPPC Chartered Planners
<b>Reason at Committee</b>	The application is before the committee because the size of the floorspace proposed means that this has to be determined by an Area Committee.		

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission; and

1.1.2. **agree to delegate authority** to the Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

## 2. EXECUTIVE SUMMARY

2.1. This report considers an application for the redevelopment of an underutilised plot on the Osney Mead industrial estate. The proposals would involve the demolition of a single storey building and the erection of a two storey office

building, 8 car parking spaces (which is a reduction compared to the existing parking provision) and the provision of 70 bicycle spaces.

2.2. Officers consider that the proposal would accord with the policies of the development plan when considered as a whole and the range of material considerations support the grant of planning permission.

2.3. The scheme would also accord with the aims and objectives of the National Planning Policy Framework. The proposal would constitute sustainable development and given conformity with the development plan as a whole, paragraph 11 advises that the development proposal should be approved without delay. Furthermore there are not any material considerations that would outweigh the compliance with these national and local plan policies

### **3. LEGAL AGREEMENT**

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

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

4.1. The proposal is liable for CIL.

### **5. SITE AND SURROUNDINGS**

5.1. The site is located within the wider Osney Mead industrial estate area. It is located off Ferry Hinksey Road that is known as Littlemead Business Park. The site is located at the end of a block of low scale businesses, where the main visible street fronted business is Europcar vehicle rentals.

5.2. The application site comprises the rear section of a single storey commercial building. The surrounding hard standing and car parking is currently used as part of the car rental business to the front of the application site.

5.3. The site is bounded by the electricity substation and associated infrastructure to the north; the electricity related infrastructure dominates the context of the site to the north. Oxbridge House (which is a commercial premises) lies to the east, and Europcar to the south and west.

5.4. The wider industrial estate has a variety of building forms and styles and a mixed pallet of materials and colours. The immediately adjacent buildings are constructed from a mix of brick and metal cladding and would not be considered to be buildings of a high architectural quality.

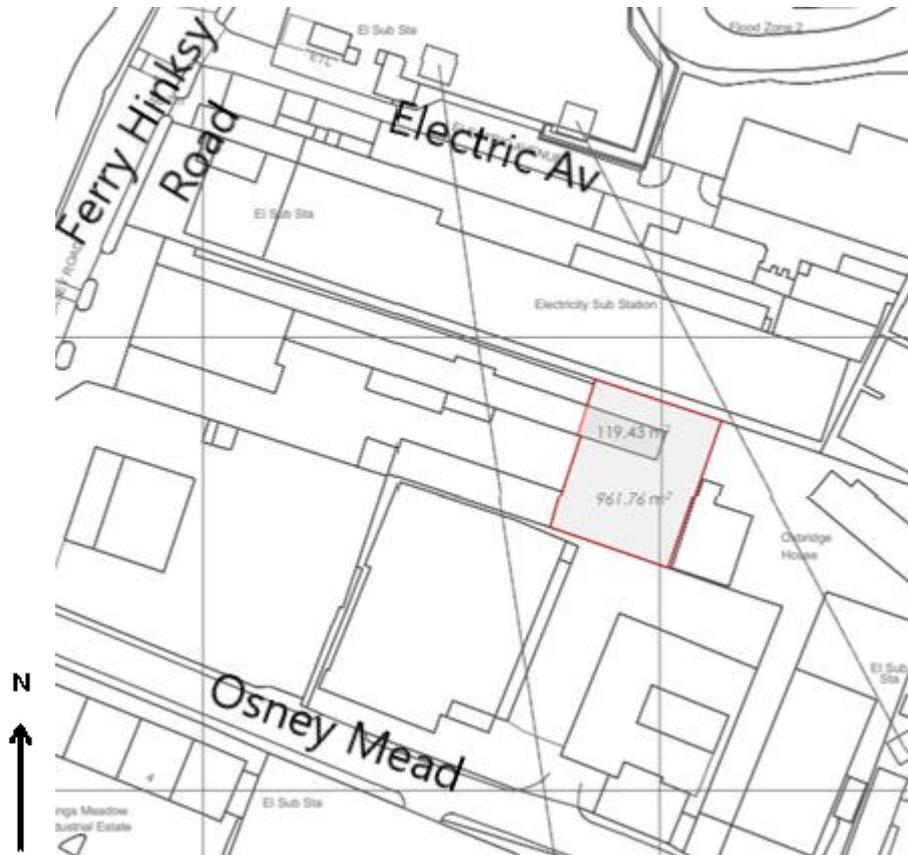
5.5. There is very little vegetation on the application site and the site is unlikely to be a habitat for protected species.

5.6. The site is a designated as a protected employment site and parts of the site are within a high risk flood area (floodzone 2 and 3a).

5.7. The application lies near to the Osney Town Conservation Area though it is unlikely (as a result of the surrounding development around the application site) that the proposals would impact on the setting of the Conservation Area.

The proposals would not impact on the setting of listed buildings. Despite this, the site is within the Raleigh Park View Cone, but is outside the defined high buildings area as set out in Policy DH2 of the Oxford Local Plan 2036.

5.8. See location plan below:



## 6. PROPOSAL

- 6.1. The application proposes the demolition of the single storey building on site and the erection of a two storey contemporary office building, with landscaping, 8 car parking spaces and space for storing 70 bicycles.
- 6.2. The proposal is for a two storey office (Use Class B1a) building located to the east of the site. The overall height would be 9.5 metres, which includes built in roof equipment and solar panels.
- 6.3. The building would occupy an L-shaped footprint. The two long protrusions would measure 23 metres and 21 metres while it would have a maximum depth of 11 metres. The upper level would be partly cantilevered, with that area covering the entrance as well as part of the cycle storage and car parking. The upper level would be approximately be 350m<sup>2</sup> and the ground level would be 250m<sup>2</sup>.
- 6.4. The proposal is very similar to a previously approved scheme on this site, 19/01774/FUL; the previous application was decided at the West Area Planning Committee on 10th September 2019. The main differences are the location and shape of the building; although there has been an increase of 37m<sup>2</sup> (6%) to the

floor space of the building, an increase of 10 cycle parking spaces and an increase of 30m<sup>2</sup> in the footprint of the building. These changes were necessitated by conditions on site which were unknown at the time of the submission of that application.

## 7. RELEVANT PLANNING HISTORY

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

04/00717/HAZ - Application for hazardous substance consent for storage of liquified petroleum gas (LPG). PER 25th June 2004.
19/01774/FUL - Demolition of existing buildings and erection of two storey building to provide office space (Use Class B1a). Provision of car parking, cycle stores, bin stores and amenity space with associated landscaping (Amended Plans).. PER 24th January 2020.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	12, 127	S1, DH1,		
Conservation/Heritage	16	DH2, DH3		
Commercial	6	E1		
Natural environment	15	G2		
Transport	9	M3, M5		
Environmental	11, 14	RE1, RE2, RE3, RE4, RE7, RE9		
Miscellaneous		SP2		

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 8th July 2020.

### **Statutory and non-statutory consultees**

#### Oxfordshire County Council (Highways)

9.2. No objection, subject to conditions. They have requested a condition which would seek further details regarding cycle parking, including the dimensions and means of enclosure, prior to the commencement of work. They have also requested a condition which would require a construction traffic management plan.

9.3. Planning officers consider that there is sufficient detail of the cycle parking in the submitted site plan and elevation drawings so as to be able to approve the proposed cycle parking arrangements without the need for a pre-commencement condition. Regard has been paid to the fact that the Highways Authority are statutory consultees on this matter, however, planning officers consider that their view is outweighed by the consideration of Paragraph 55 of the NPPF, as the condition is unnecessary for the development to be acceptable.

9.4. Planning officers understand the need for a construction traffic management plan; this has been required by condition 6.

#### Environment Agency

9.5. No comment has been received by the Environment Agency within the proscribed consultation period. They were consulted on 8<sup>th</sup> July 2020. Any consultation response shall be provided as a verbal update to the committee

### **Public representations**

9.6. 2 local people commented on this application from addresses in the Osney Mead Industrial Park.

9.7. In summary, the main points of objection were:

- Access across the site to service nearby units would need to be maintained
- Access to water meters would need to be retained and unimpeded
- Potential damage during construction

### **9.8. Officer response**

9.9. Officers have considered carefully the objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officer's report, that the reasons for 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.

9.10. Planning officers understand that the applicant is in sole ownership of the land with no other party having right of access over the site. Planning officers consider that access to the water metres on the site would still be possible as the cycle racks could readily be removed and replaced as needed; in any case this is a

building control matter and not a planning matter. Any potential damage caused to property is a civil matter and is not a planning consideration.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Principle of development
- ii. Design & Heritage
- iii. Neighbouring amenity
- iv. Highways
- v. Flooding
- vi. Contamination

### **i. Principle of development**

10.2. The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development (paragraph 11) and encourages the efficient use of previously developed (brownfield) land (paragraph 117), as well as the importance of high quality design (Section 12).

10.3. Policy E1 of the Oxford Local Plan 2036 states that planning permission will not be granted for development that results in the loss of employment floorspace on Category 2 sites, except where the relevant criteria are met. Policy RE1 states that making the best use of previously developed land will be encouraged throughout the lifetime of the Oxford Local Plan 2036.

10.4. Osney Mead is a category 2 protected employment site as defined in Policy E1 of the Oxford Local Plan 2036. The proposals are for a change of use that would result in the loss of light industrial land (Use Class B1(c)); in reality the land was most recently used for office functions and car parking in conjunction with a vehicle hire business and would have had a fairly small number of employees. The proposals would involve a change of use of the land resulting in it becoming used for office space (Use Class B1(a)); as well as an increase in floorspace that is facilitated in part by a larger building and through a reduction of car parking on the site. Officers consider that the proposal would not result in the loss of the protected employment site nor would it detrimentally impact on employment sites in the wider context of Osney Mead. Instead, the proposal would seek to make a more efficient and intensive use of the site and increase opportunities for office based business ventures and startups.

10.5. As such, officers are satisfied that the principle of the proposal is acceptable and is therefore compliant with Policies E1 and RE1 of the Oxford Local Plan 2036.

10.6. The application site lies within the defined 'Osney Mead' area for the purposes of Policy SP2 of the Local Plan 2036. Officers have had regard to the policy which promotes a higher density mixed use of the site (including employment, academic, student accommodation and other residential uses). The proposals would not sit within the main Osney Mead area, but immediately outside of it, and officers consider that the proposals are consistent with the adopted policy and would not prejudice the wider redevelopment of the area. Therefore the proposal would be acceptable in this regard.

## **ii. Design**

10.7. The NPPF requires that local authorities seek high quality design and a good standard of amenity for all existing and future occupiers of land and buildings. It suggests that opportunities should be taken through the design of new development to improve the character and quality of an area and the way it functions. Policy DH1 of the Oxford Local Plan 2036 states that a planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. Proposals must be designed to meet the key design objectives and principles for delivering high quality development, set out in Appendix 6.1.

10.8. Policy DH3 of the Oxford Local Plan 2036 states that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset and locality. For all planning decisions, great weight will be given to the conservation of that asset and to the setting of the asset, where it contributes to that significance or appreciation of that significance. Where a development proposal will lead to less-than-substantial harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal, which should be identified by the applicant.

10.9. The design approach has sought to take inspiration from the site constraints and the unusual site surroundings to provide a building that would provide visual interest and contrast with the rather unremarkable built style of the surrounding utility type buildings found on an industrial estate.

10.10. The area's character is not primarily shaped by a certain style, vernacular or use of material, but by the uses, and those uses shape the style of building. As the area is an industrial estate there is a vast array of utilitarian structures and brick and metal clad warehouses and low scale office and innovation hubs as well as trade and manufacturing premises.

10.11. The proposed materials would include glazing and metal cladding; officers recommend that the details of all external materials should be submitted and approved by the local planning authority.

10.12. The proposed building would be a single block and be laid out in an L-shape but integrating a number of different elements with a view to breaking up the building's elements and providing visual interest. This would include the use of contrasting colour support structures and metal beams. The upper floor level

would be cantilevered over the ground floor to create an undercroft entrance area. The proposals would have the plant integrated into the roof structure. The proposals attempt to integrate aspects of the neighbouring electricity infrastructure into the design with a view to both adding visual interest and responding to the context of the site. Officers commend the imaginative and innovative design approach that has been taken which attempts to provide some visual interest.

- 10.13. The application site is located within a defined view cone as set out in Policy DH2 of the Oxford Local Plan 2036. The site lies outside of the high buildings area in the City Centre (where the greatest impact on the City skyline could result from inappropriate development). In relation to the impact on the view cones, Policy DH2 seeks to protect the City's skyline from a number of defined points both inside and outside of the City Council's administrative area; the skyline being an internationally celebrated aspect of Oxford. The site may be glimpsed from the western views and in particular from Raleigh Park. The proposal is considered to be of an adequate scale, design and size as to fit into the industrial landscape, while not being overbearing or standing out within the long distance or short distance views and would therefore be acceptable as it would comply with Policy DH2 of the Oxford Local Plan 2036.
- 10.14. The proposal includes a modest landscaping scheme. The proposal includes a main tarmac approach at the centre of the site. The parking bays would be covered with grass cretes and permeable paving for the small paths and cycle storage areas. A small seating area would be at the entrance of the site together with some planting. The proposal would provide a good quality surrounding and provide a vast improvement on the existing lack of landscaping and lack of vegetation on the site.
- 10.15. The proposal would not harm the setting of Osney Town Conservation area as the building would not be visually obtrusive and would be obscured from view when looking into and out of the Conservation Area.
- 10.16. Overall, the proposal is considered to be of an appropriate scale, form and design, and would be acceptable in visual terms. On this basis, the proposed building would comply with Policies DH1, DH2 and DH3 of the Oxford Local Plan 2036.
- 10.17. Regard has been paid to paragraph 192 of the NPPF in reaching a decision. When applying the test outlined in paragraph 196, it is considered that the proposal would cause no harm to the significance of the Conservation Area. Therefore, the proposals would be acceptable in terms of their impact on this designated heritage asset.
- 10.18. Special attention has been paid to the statutory test of preserving or enhancing the character and appearance of the conservation area under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the character and appearance of the Conservation Area, and so the proposal accords with Section 72 of the Act.

### **iii. Impact on neighbouring amenity**

- 10.19. Policy RE7 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that ensures that standards of amenity are protected. This includes the amenity of communities, occupiers and neighbours is protected in addition to not having unacceptable unaddressed transport impacts and provides mitigation measures where necessary.
- 10.20. The subject site is not located within close proximity to any residential properties or other sensitive uses. The proposed new building is not considered of a size or scale which would give rise to any significant detrimental amenity impacts or nuisances including noise.
- 10.21. It is always necessary for developments to take into account the amenity of neighbours and impact on the environment. In this case, the proposal complies with the principles of good neighbourliness and the protection of the amenity of surrounding buildings which would be in similar employment use.
- 10.22. As such, the proposal would not lead to any materially harmful impact on residential amenity by way of loss of light, nuisance loss of outlook, loss of privacy or overbearing impact. It would therefore accord with Policy RE7 of the Oxford Local Plan 2036.

### **iv. Highways**

- 10.23. Policy M3 of the Oxford Local Plan 2036 states that the parking requirements for all non-residential development, whether expansions of floorspace on existing sites, the redevelopment of existing or cleared sites, or new non-residential development on new sites, will be determined in the light of the submitted Transport Assessment or Travel Plan, which must take into account the objectives of this Plan to promote and achieve a shift towards sustainable modes of travel. The presumption will be that vehicle parking will be kept to the minimum necessary to ensure the successful functioning of the development.
- 10.24. Policy M5 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that complies with or exceeds the minimum bicycle parking provision as set out in Appendix 7.47.3. Bicycle parking should be, well designed and well-located, convenient, secure, covered (where possible enclosed) and provide level, unobstructed external access to the street. Bicycle parking should be designed to accommodate an appropriate amount of parking for the needs of disabled people, bicycle trailers and cargo bicycles, as well as facilities for electric charging infrastructure.
- 10.25. The application site is located off Ferry Hinksey Road, a road accessed from Botley Road. The site can be reasonably accessed by any bus service along Botley Road and is within walking distance from Oxford Railway Station. There are walking trails past Osney, the nearby waterways as well as past the Outlands Rec ground. The site is in a sustainable location, and prospective users would be able to choose a number of sustainable transport methods to access the site.

- 10.26. Policy M3 of the Oxford Local Plan 2036 states that planning permission will only be granted for development of non-residential development where there would be no increase in parking provision. Officers consider that the proposals would be acceptable in the context of this policy as there would not be an increase in car parking numbers resulting from the proposals. There would be a decrease overall, especially considering the increased floorspace that would result from the development.
- 10.27. Policy M5 states that Use Class B1 should provide 1 cycle parking space per 90m<sup>2</sup> or 1 space per 5 staff. The submitted plans shows cycle parking 70 spaces which is significantly higher than recommended. It is considered that the submitted details are sufficient for planning officers to be satisfied that there would be adequate cycle parking.
- 10.28. A construction traffic management plan for small scale development can be conditioned. This is to effectively manage any potential traffic disruption the construction process could cause in a key employment site
- 10.29. Having considered the above, subject to conditions, the proposal would have acceptable transport impacts and would accord with Policies M3 and M5 of the Oxford Local Plan 2036.

**v. Flooding**

- 10.30. Policy RE3 of the Oxford Local Plan 2036 states that planning permission will not be granted for development in Flood zone 3b except where it is for water-compatible uses or essential infrastructure; or where it is on previously developed land and it will represent an improvement for the existing situation in terms of flood risk. Development will not be permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding.
- 10.31. The application site is located partially in floodzone 2 and 3a. These are high risk flood zones for the purposes of national and local planning policies. National planning policy, specifically the NPPF (and National Planning Practice Guidance of NPPG) require that development in areas of higher flood risk needs to be considered in terms of the vulnerability of the proposed use and the defined flood zone. Offices are considered to be a less vulnerable use (for the purposes of the NPPG 'Flood risk vulnerability classification'). The development of this use in flood zone 2 and 3a would be acceptable in the context of national planning policy.
- 10.32. The footprint has been designed to mostly sit within floodzone 2, and would be cantilevered above areas of the site within floodzone 3a. This would minimise the impact of the proposed development on the highest flood risk areas within the site.
- 10.33. The Environment Agency (EA) has been re-consulted and officers are awaiting a response to the above solution. Despite this, the overall approach is considered acceptable and officers consider that there are not grounds for refusing the application on the basis of flooding impacts regardless of whether or

not the EA comment on the application. It is anticipated that officers may be able to provide a verbal update of amended comments from the EA in relation to the revised proposals at the committee meeting. However, the committee should not that an similar application with a similar built footprint was recently approved, 19/01774/FUL, and was not objected to by the EA. Condition 9 has been included to require works to be carried out in accordance with the submitted drainage information; this may be subject to re-wording should the EA choose to comment. Any changes would be conveyed via a verbal update to the committee.

10.34. The proposal is considered to be acceptable as the use is not a vulnerable use, and therefore a lower risk use in a high flood risk area. Further to this the impact of the proposals can be mitigated through the above approach, as well as a better and more sustainable surface treatment than the existing site. As a result the proposed development would meet the requirements of Policies RE3 and RE4 of the Local Plan 2036.

#### **vi. Land Contamination**

10.35. Policy RE9 states that planning applications where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment, must be accompanied by a report which fulfils the relevant criteria set out in the policy. Where mitigation measures are needed, these will be required as a condition of any planning permission.

10.36. The site has had a previous commercial use and is in close proximity to a former vehicle depot and electricity substation. The presence of potential ground contamination cannot be ruled out and as such, an appropriate intrusive site investigation is required to quantify potential contamination risks at the site. Officers consider that the proposed development would be acceptable in the context of the previous uses of the site given that the proposals would be for a modern office development subject to conditions to ensure that that suitable ground condition investigations and mitigation are carried out as necessary.

10.37. On this basis the development is considered to comply with the requirements of Policy RE9 of the Oxford Local Plan 2036.

### **11. CONCLUSION**

11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their

consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.

- 11.3. Therefore it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 11.4. In summary, the proposed development would be an acceptable addition to the site. The design of the proposal is suitable in terms of design, heritage, principle, neighbouring amenity, flooding and land quality and complies with the relevant policies of the Oxford Local Plan 2036.
- 11.5. Therefore officers consider that the development accords with the development plan as a whole.
- 11.6. *Material consideration*
- 11.7. The principal material considerations which arise are addressed above, and follow the analysis set out in earlier sections of this report.
- 11.8. National Planning Policy: the NPPF has a presumption in favour of sustainable development.
- 11.9. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.
- 11.10. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be granted without delay.
- 11.11. Officers would advise members that, having considered the application carefully, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Local Plan 2036 when considered as a whole. There are no material considerations that would outweigh these policies.
- 11.12. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 below..

## **12. CONDITIONS**

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2 Subject to conditions 5 and 6, 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 S1 of the Oxford Local Plan 2036.

- 3 The materials to be used in the proposed development shall be as specified in the application hereby approved. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure that the development is visually satisfactory as required by Policies S1 and DH1 of the Oxford Local Plan 2036.

- 4 Prior to the commencement of the development, other than that required to carry out site investigation work, a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR11) (or equivalent British Standards and Model Procedures if replaced). Each phase shall be submitted in writing and approved by the local planning authority.

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model and preliminary risk assessment.

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved in writing by the local planning authority to ensure the site will be suitable for its proposed use.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of Policy RE9 of the Oxford Local Plan 2036.

- 5 The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of Policy RE9 of the Oxford Local Plan 2036.

- 6 A Construction Traffic Management Plan should be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. This should identify;
  - The routing of construction vehicles,

- Access arrangements for construction vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours (to minimise the impact on the surrounding highway network)

The works shall be carried out in accordance with the approved plans and details.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

- 7 The landscaping proposals as approved by the Local Planning Authority shall be carried out upon substantial completion of the development and be completed not later than the first planting season after substantial completion.

Reason: In the interests of visual amenity in accordance with Policy DH1 of the Oxford Local Plan 2036.

- 8 The proposed car parking, bin and bicycle storage areas shall be constructed in accordance with the approved plans prior to the use or occupation of the development and shall be retained for those respective purposes in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To encourage the use of sustainable modes of transport, safe waste disposal and recycling.

- 9 The development shall be carried out in accordance with the submitted flood risk assessment Flood Risk Assessment and Appendices for Site at Ferry Hinksey Road, Oxford, OX2 0BY, Issue C, dated 3rd November 2019, Job No 8925B by Robin Swailes of Monson Engineering Ltd and the following mitigation measures it details:
- The Flood Plain Compensation Scheme detailed in Section 6.00 of the FRA, paragraphs 6.02 to 6.07 inclusive.
  - The Ground Floor Finished Floor Level of 57.05m AOD as the minimum floor level.
  - The Topographical Survey detailed in Drawing 26915, Rev -, dated March 2019.
  - The Proposed Floor plans, GF-Ground Floor, detailed in Drawing FHR, P-04 Rev C, dated 29/08/2019.
  - The External Levels Layout, 5097/02, Issue A, dated 03/11/19.

The proposal shall also be in accordance with the recommendations of the letter from Roads & Sewers for Planning & Design Ltd, dated 2nd July

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons: To reduce the risk of flooding to the proposed development and future occupants. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided as required by Policies RE3 and RE4 of the Oxford Local Plan 2036.

### 13. APPENDICES

- **Appendix 1 – Block plan**

**14. HUMAN RIGHTS ACT 1998**

- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

**15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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

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# Appendix 1 – Location Plan

## 20/01587/FUL - Ferry Hinksey Road Car Park



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## Minutes of a meeting of the West Area Planning Committee on Tuesday 7 July 2020

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### Committee members present:

Councillor Cook (Chair)

Councillor Corais

Councillor Iley-Williamson

Councillor Upton

Councillor Wade (for Councillor Harris)

Councillor Gotch (Vice-Chair)

Councillor Hollingsworth

Councillor Tidball

Councillor Azad (for Councillor Howlett)

### Officers present for all or part of the meeting:

Adrian Arnold, Head of Planning Services

Robert Fowler, Planning Team Leader

Andrew Murdoch, Development Management Service Manager

Gill Butter, Conservation and Urban Design Officer

Sally Fleming, Planning Lawyer

Felicity Byrne, Principal Planner

Catherine Phythian, Committee and Member Services Officer

John Mitchell, Committee and Member Services Officer

### Apologies:

Councillor(s) Harris and Howlett sent apologies.

Substitutes are shown above.

## 11. Declarations of interest

Councillor Cook stated that as a Council appointed trustee for the Oxford Preservation Trust and as a member of the Oxford Civic Society, he had taken no part in those organisations' discussions or decision making regarding the applications before the Committee. He said that he was approaching all of the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Councillor Upton stated that as a Council appointed trustee for the Oxford Preservation Trust and as a member of the Oxford Civic Society, she had taken no part in those organisations' discussions or decision making regarding the applications before the Committee. She said that she was approaching all of the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Councillor Wade stated that as a member of the Oxford Civic Society, she had taken no part in those organisations' discussions or decision making regarding the applications before the Committee and that she was approaching the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

## **12. 20/00116/FUL: Fairfield, 115 Banbury Road, Oxford, OX2 6LA**

The Committee considered an application (20/00116/FUL) for planning permission for the erection of 7 x three storey buildings and internal and external alterations to old Fairfield House (115 Banbury Road) to form new student bedrooms/flats, with ancillary facilities following demolition of the modern western and southern extensions to Fairfield House (115 Banbury Road). Change of use internal and external alterations and single storey extension of Garden House (to rear of 98 Woodstock Road), to form children's nursery. Part demolition of existing boundary walls; demolition of modern extension to Redcliffe-Maud House and cycle sheds. Modification to existing internal access arrangements within the site and associated car and cycle parking, footways and new pedestrian accesses to Banbury Road, and associated landscaping.

The Planning Officer presented the report and summarised the comments which had been received in the period between the publication of the report and the close of the public consultation on 4 July 2020, the majority of which re-iterated previous concerns which had been addressed in the report. Expanding on the details contained in the report and in response to recent public comments the Planning Officer made the following points:

**Biodiversity:** the biodiversity calculations submitted by the applicant followed the accepted DEFRA metrics. The biodiversity spreadsheet submitted by an objector used out of date methodology. Moreover the biodiversity calculator was only one of the tools with which to assess the impact of the development. The City Council ecologist had reviewed the application and was satisfied that the measures proposed would lead to an improvement in the biodiversity of the location and an overall net gain. The application was compliant with Policy G2 of the Local Plan.

**Trees:** 132 out of 323 trees would be removed from the site, many of which are of low quality. Some of these trees have been, or will be, removed under the conservation area consent. The tree planting and landscaping proposals provided for 78 varieties of replacement trees as well as other habitats (shrubs, ponds) which would increase the overall quality and diversity of tree planting of the site, improve the tree canopy cover in the longer term and positive enhancement of the overall landscaping of the site.

**Transport and parking issues relating to the proposed nursery:** the Statutory Consultees were satisfied with the proposals and had raised no objections.

**Environmental Impact Assessment (EIA):** The application falls within Schedule 2 of the EIA regulations, and as such, the planning officers had previously considered, pursuant to a screening opinion, whether it would be likely to have significant effects on the environment and were satisfied that the impact could be considered as part of the overall application and that it did not meet the screening thresholds for a separate EIA.

Stephen Page, Sir David Madden, Marcus Simmons and Evelyn Sanderson spoke against the application.

Andrew Grant, representing the applicant, spoke in favour of the application and Angela Unsworth, Níall McLaughlin and Tilo Guenther answered questions from the Committee.

A motion to defer the application pending the provision of further information regarding flooding in the surrounding area; safety concerns due to traffic from the nursery; overshadowing on the Fairfield Residential Home; the impact on the conservation area of the breaches in the walls; the completion of an Environmental Impact Assessment; and publication of a public report on biodiversity was proposed. The planning officers and legal adviser stated that all of these issues had been fully addressed in the officer report and presentation or would be secured by condition. Furthermore, it was confirmed that the statutory consultees had raised no objections to the proposal in relation to drainage. Consequently there were no reasonable grounds for deferral. The motion was not seconded.

The Committee discussion included, but was not limited to, the following points:

**Nursery (Conditions 38, 39 and 40):** the Committee expressed concern about the potential impact of the nursery drop-off / collection arrangements on the safety of the cycle route and felt that this would need to be clearly addressed in the conditions. They agreed that the Chair of the Committee should be consulted on the final wording of condition 38 that related to an Operation and Management Plan for the nursery.

**Construction Environmental Management Plan (Condition 4):** there were safety concerns about the proposed phase 2 traffic flow and it was agreed that it would be desirable for the applicant and planning officers to consult with ward councillors on the details submitted pursuant to this condition.

**Accessible accommodation:** the development would provide a total of 7 accessible accommodation units and although this was an improvement on the current situation, (no accessible accommodation units), the Committee agreed to add an informative to encourage the applicant to explore opportunities to further increase the provision of accessible accommodation.

In reaching its decision, the Committee considered all the information put before it and acknowledged the concerns raised by the objectors but were satisfied that, on balance, the potential harm would be outweighed by the public benefits provided by the development: contributing towards the provision of housing, providing student accommodation on College land thereby releasing housing to the general market, high quality architecture, a unique multi-generational community, positive enhancements to the conservation area through re-instatement of front gardens, good quality and mixed variety of replacement tree planting and removal of poor quality architecture.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application with the inclusion of an informative on the provision of accessible accommodation and the requirement that the Chair of the committee be consulted upon the final wording of Condition 38.

**The West Area Planning Committee resolved to:**

1. **approve** the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and the inclusion of an informative on the provision of accessible accommodation and grant planning permission subject to:
  - the satisfactory completion of a legal agreement or unilateral undertaking under section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in the report; and
2. **delegate authority** to the Head of Planning Services to:

- finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary subject to consulting the Chair of the Committee on the final wording of Condition 38.
- finalise the recommended legal agreement or unilateral undertaking under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in the report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and
- complete the section 106 legal agreement or unilateral undertaking referred to above and issue the planning permission.

Cllr Corais joined the meeting during the consideration of this item and as such took no part in the discussion or determination of the application.

### **13. 20/00182/VAR: Oxford Railway Station, Park End Street, OX1 1HS**

The Committee considered an application (20/00182/VAR) for planning permission for the removal of condition 7 (Time limit of 6 years from occupation) of planning permission 15/03087/VAR (Variation of condition 7 (Time limit of 3 years) of prior approval 15/00096/PA18 (Application seeking prior approval for development comprising extension to the length of existing north bay platforms, replacement platform canopies, new re-locatable rail staff accommodation building and reconfiguration of short stay and staff car parking under Part 11 Class A Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.)) to allow the approved TOC accommodation building to remain permanently.

The application was before the Committee because the previous decision to grant planning permission for the building was approved at Committee (15/00096/PA11) and this proposal represents a significant amendment to that application.

The Planning Officer presented the report.

Lisa Bullock, representing Network Rail was present for the discussion.

In reaching its decision, the Committee considered all the information put before it.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application.

#### **The West Area Planning Committee resolved to:**

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission; and
2. **delegate authority** to the Head of Planning Services to:
  - finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

## 14. Minutes

The Committee resolved to approve the minutes of the meeting held on 9 June 2020 as a true and accurate record.

## 15. Forthcoming applications

The Committee noted the list of forthcoming applications.

## 16. Dates of future meetings

The Committee noted the dates of future meetings.

**The meeting started at 3.00 pm and ended at 5.30 pm**

Chair .....  
2020

**Date: Tuesday 11 August**

*When decisions take effect:*

*Cabinet: after the call-in and review period has expired*

*Planning Committees: after the call-in and review period has expired and the formal decision notice is issued*

*All other committees: immediately.*

*Details are in the Council's Constitution.*

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