

WEST AREA PLANNING COMMITTEE

11 JUNE 2013

Application Number: 06/01796/CND3

Decision Due by: 14th June 2013

Proposal: Details submitted in accordance with condition 10 (landscaping) of planning permission 06/01796/FUL for student study rooms and educational accommodation. Proposal to remove two lime trees and replace with four fastigiate beech trees.

Site Address: Lady Margaret Hall, Norham Gardens **Appendix 1.**

Ward: North

Agent: John Simpson Architects

Applicant: The Principal And Fellows
Of Lady Margaret Hall

The details to be determined by condition 10 of the 2006 planning permission have been called into committee by Councillors to consider fully the merits of the proposal to replace the existing trees.

Recommendation: REFUSE

Reason for Refusal

The Council as local planning authority considers that the details submitted in compliance with condition number 10 would not accord with the policies of the Oxford Core Strategy, as it would result in the loss of two specimen lime trees that are an essential component of the north Oxford landscape vernacular within the North Oxford Victorian Suburb Conservation Area; would be replaced by inappropriate species; would not preserve the special character and appearance of the conservation area; and would harm the setting of an adjacent listed building. It would also result in the loss of the views of the lime trees which was a material consideration in the original decision.

Main Planning Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP11- Landscape Design

HE3 - Listed Buildings and their Settings

HE7 - Conservation Areas

NE15 - Loss of Trees and Hedgerows

NE16 – Protected Trees

Oxford Core Strategy 2026.

CS18 - Urban Design, Town Character, Historic Environment

Other Material Considerations:

- National Planning Policy Framework.
- This development to which this report relates lies within the North Oxford Victorian Suburb Conservation Area and affect the setting of a Grade II Listed Building.

Relevant Site History:

06/01796/FUL and 06/01797/CAC. Approved at North Area Committee on 2 November 2006, for-

06/01796/FUL: Erection of new buildings, structures and associated works:

- i) Undergraduate building consisting of 64 student study rooms, lecture theatre, dining room, teaching room and ancillary facilities.
- ii) Graduate Centre consisting of 30 student study rooms, teaching room, music room and ancillary facilities.
- iii) Porter's lodge, 11 student study rooms, gated pavilions and gates etc at entrance to College.
- iv) New arcade in Deneke Quad.
- v) Loggia adjacent to pond and College Chapel.
- vi) Provision of level access routes for the disabled.
- vii) Car parking and cycle storage.
- viii) Landscaping.

Refurbishment, extension and change of use of Mews Building to form gymnasium, kitchen stores, wine store and sub-station.

06/01797/CAC: Conservation area consent for demolition of squash court, bike sheds and Mews Court Building (demolition of parts of Brewers Garage building does not require consent).

Representations Received:

None.

Determining issues:

- Retention of trees; amenity value;
- impact on setting of listed building; and
- impact on character and appearance of conservation area.

Officer Assessment:

1. The location of the two lime trees is to the frontage of the listed 21 Norham Gardens, Appendix 1. The trees are common limes (*Tilia x europaea*) approximately 30m in height.
2. Lady Margaret Hall (LMH) occupies a large site located at the eastern end of Norham Gardens, bounding Fyfield Road and Benson Place to the west and north respectively, University Parks to the south and the River Cherwell to the east.

Norham Gardens serves as its main pedestrian access from Benson Place and Fyfield Road.

History and Character of Site:

3. The site lies within the North Oxford Victorian Suburb Conservation Area. It was designated in 1976 and evolved from the redevelopment of land acquired by St John's College. The area surrounding LMH is characterised by large Victorian detached and semi-detached villas and terraced properties set back from the road frontage and with large gardens. The buildings are mostly three or four storeys in height and the roads grand in scale and design with mature trees contributing to the spacious green setting. Materials include plain and multicoloured bricks, stone window dressings, and high tiled roofs characteristic of the High Victorian manner.
4. LMH was the first women's college in Oxford, founded in 1878 and occupied a building at the east end of Norham Gardens (number 21) that was designed following the gothic traditions of the estate.
5. LMH has evolved since being established in 1878 with strong classical architecture, designed by three prominent architects, Blomfield, Scott and Erith, creating its own distinct character. The buildings are arranged along strong formal lines and are concentrated on the western half of the college site. The classical emphasis culminated in the erection of Raymond Erith's Wolfson Building of the 1960s, to complete the Wolfson quad and provided a new front to the college with central pedimented entrance archway and porter's lodge which is seen from Norham Gardens and currently provides the main entrance to LMH. Erith had intended to erect gate houses to act as a transition to the Victorian suburb and provide an outer open quadrangle. These were never built. The result is that where Norham Gardens ends and LMH begins was unclear. Anomalous to the main architectural emphasis, LMH erected two five-storey contemporary tower blocks by Grillet in the 1970s.
6. The college's location in north Oxford has significance. It is argued that higher education for women emerged from the social conditions of the Victorian middle classes with the concentration of wives and daughters of dons and clergymen in north Oxford was an important factor in the development of late C19th and early C20th development of university education for women. It is no coincidence that all but one of the original women's colleges are located in north Oxford.
7. The character of North Oxford Conservation Area derives from its gothic style villas sitting in substantial plots with generous landscaping. Significantly, it is generally very consistent in character and has survived remarkably well. LMH is partly screened from the public face of Norham Manor and it is Erith's range that addresses Norham Gardens.
8. 21 Norham Gardens is a grade II listed building built in the Gothic style in 1879. 21 Norham Gardens (AKA Old Old Hall [sic]) was the last house to be built in the street, being part of the Norham Manor Estate designed by William Wilkinson.

Approved Development

9. The development approved in 2006 was to provide approximately 105 study bedrooms and ancillary facilities including lecture theatre, teaching and common rooms, dining and kitchen facilities. The architects are John Simpson Architects. More immediately relevant to the trees in question, consent was given also for three new buildings, a graduate centre, porter's lodge and undergraduate building. The graduate centre would face Norham Gardens, adjacent to Old Hall [sic] to the east and bounded by University Parks and the public footpath to the south and west. Also approved was an entrance gate pavilion to the front of one storey, opposite the gate pavilion to the front of the porter's lodge. Together with the new gates these would form the new entrance into the college.
10. The design of the approved 2006 development involves a new building range and opposing gate houses to the front of Lady Margaret Hall (LMH); thus creating an impressive formal entrance quad, enclosing the eastern end of Norham Gardens.
11. As stated in the 2006 report to committee, the removal of a large number of trees was included in the proposals. The group to the south of 1 Fyfield Road, bounding Norham Gardens, was a significant area of trees but it was considered that the collective value of the group was relatively slight due to their low individual merit in terms of form and condition of the constituent trees and the aesthetic incompatibility of the various species present, which collectively failed to create a cohesive visual feature. The loss of this group was therefore considered acceptable and new mitigating planting within the new front quad area to complement the existing mature specimen trees in this area would be provided. The adjacent pine and yew trees were considered to be excellent specimens and have a significant contribution to the character of the conservation area and public views in this location and were retained.
12. The group to the rear of the Fyfield Road properties adjacent to the undergraduate building was a large group of ornamental and self-seeded trees of domestic apple, sycamore, holly, plum and birch and were not considered to contribute significantly to the conservation area and their loss was not considered harmful.
13. The tree group replaced for the graduate centre was mainly self-seeded vegetation and smaller trees. A bird cherry of good form and attractive contributed significantly to views from Norham Gardens and whilst its loss was considered regrettable, it was meant to be mitigated by releasing the two mature lime trees (the subject of this report) to public views.

Current Proposal:

14. The two trees that the college wish to remove now are common limes (*Tilia x europaea*) (measured at approximately 30m in height). The proposals are to replant with four fastigiate beeches (*Fagus sylvatica* 'Dawyck').
15. The matter under consideration now is a detail of the proposed landscape scheme that must be approved under conditions, and which has been called into committee by Members for determination. The landscape proposals involve the removal of two mature lime trees, in order to make way for a formal design

employing four new fastigate trees. Officers accept that the landscape design has a coherent rationale. However, the proposal fails to recognise the value of two existing mature lime trees, to the setting of the listed building they frame, to the Victorian garden suburb conservation area, or to visual amenity in the street scene.

16. The two lime trees are intended to be replaced by four fastigate (ie: tall and narrow, being columnar) beeches (*Fagus sylvatica* 'Dawyck'), creating a formal quadrilateral planting design within grass squares bounded by box hedging; stone sets would surround the planting beds. It is recognised that this design is intended to impose a sense of symmetry to augment that of the built architectural design. The college also sets out additional reasons, ancillary to those of a design nature, in support of replacing the limes. These are included a summary of technical arguments and responses, at the end of the report.
17. The current age of the trees is estimated at around 140 years, as they are believed to have been planted contemporaneously with the completion of the building they frame. Lime is a potentially long-lived species, and in semi-natural conditions such as parkland, may live well in excess of 300 years, although in urban environments life spans could be expected to be considerably shorter. The vitality, current age and height of these trees indicates that conditions are generally favourable so that a conservative estimate of 50 further years is not unreasonable for the limes' future life expectancy. This view is shared by the college's landscape advisor.
18. The original planting in the estate follows the picturesque ('gardenesque') landscape style popular in the Victorian era; the limes would have been deliberately planted in order to frame the house frontage. The house was bought the year it was built in order provide accommodation for the nascent LMH college, but it was originally designed to be a residential home. The setting of a listed building (including its trees; especially if planted contemporaneously as part of an intentional design) can add to a building's character and appearance, and of its significance in the landscape. The architectural style of No. 21, which is quite distinct from adjacent purpose-built college buildings, with its flanking limes, help to provide understanding of the origins of the site as a part of a Victorian garden suburb
19. Officers consider, in isolation, the choice of fastigate beech for the re-modelled entrance quad would be appropriate. However, the cultivar is rigidly formal. This militates against the informal or 'natural' and picturesque qualities of the conservation area, and the Norham Manor Estate particularly, which is punctuated by large mature trees in informal arrangements. Although it includes a wide range of ornamental and 'forest' type trees, native and exotic, both broadleaf and coniferous, there are no examples of fastigate beech anywhere in the conservation area. In contrast, lime is an essential component of the north Oxford landscape vernacular. The limes at No. 21 are a prominent feature in the local vicinity, and they contribute to the vital quality of landscape maturity, which underlies the picturesque character of the conservation area. They also act as an attractive visual foil to the massing and angularity of adjacent buildings and draw the eye to the canopy line of the nearby University Park, contributing significantly

to the (arguably) unique 'gothic jungle' character of Oxford's Victorian conservation area. The limes have very high amenity value.

20. A significant amount of tree cover has already been removed to facilitate the two phases of the development. One of the potential threats to the character and appearance of the North Oxford conservation area is the cumulative effect of gradual losses from the surviving Edwardian and Victorian tree stock. Because many of these trees, which are of similar age and size, will inevitably be lost during the next 40-50 years. Therefore, to maintain the conservation area's characteristic tree cover, it is vitally important to seek to preserve the remaining high quality trees to the full extent of their potential useful life expectancies while new trees develop into maturity.
21. The applicant has produced a photomontage contrasting two different scenarios of the eastern end of the Norham Gardens street scene, as viewed towards LMH, over a 30 year period to demonstrate the effect of doing nothing versus replacement planting as proposed. The images are included in the presentation material accompanying this report and in officers' opinion do not present an accurate scenario as they ignore the powers that the Council as local planning authority has to secure replanting of trees that are removed. Nor do they present an accurate scale for the proposed replacement trees.
22. Officers have concluded that the landscape would not become denuded of trees (as suggested by the applicants), and officers conclude that the proposed replanting would create a highly formal end-point to views along Norham Gardens. This impression would have an influence that is at odds with the relaxed picturesque character of Norham Manor, where informal order, maturity and fecundity are the pre-eminent qualities.
23. The approved planning proposal is already associated with significant numbers of tree removals, which has had a noticeable denuding effect on the street scene. These losses included most of the trees that made up a contiguous tree belt along the boundary of 1 Fyfield Road, and the large mature cherry standing adjacent to the limes.
24. Crucially, the 2006 committee report made specific reference to the retention of the lime trees as a mitigating factor making the tree losses agreed acceptable on balance. Officers are concerned that removal of the limes now would create a stark and austere vista, which the narrow fastigiate beeches could not mitigate.
25. Officers also consider that the fundamental flaw in the college's submission is that the landscaping conditions apply to the development site itself, as identified by the red line in the application details whilst the college's replacement planting proposals along Norham Gardens are outside of the application site, and outside the applicant's (and the local authority's) control to deliver. Implementation of the college's proposals is contingent upon the continuing agreement, over many decades, of different university colleges and the owners of these other properties. This is clearly an unreliable expectation, which the planning authority would have no powers to enforce.

26. Officers consider that the scheme is inward looking, in that it only addresses the design concerns of the college and not the wider public realm issues. The limes are part of the historic setting of the Grade II listed 21 Norham Gardens, articulating its origins as part of the Norham Manor Estate, as a Victorian Gothic house with a picturesque landscape setting.
27. The expansion of LMH is already associated with a significant arboricultural impact in terms of the existing tree losses to facilitate the new buildings. The removal of the two limes represents an additional impact which is both significant and unnecessary. The photomontage presents a false comparison between the 'limes retained' and 'limes removed' scenarios because it suggests that no trees will be replaced in the street unless the college is allowed to remove the limes, whilst in reality the Council has powers to secure replacement planting of trees in the conservation area under tree controls under the planning regime. This is a more certain position than an unenforceable private agreement between different colleges over a period of several decades.
28. A significant number of existing mature trees along Norham Gardens will be lost over the next few decades, a fact that reinforces the importance of retaining trees that can provide an element of landscape maturity into the future, whilst predicted new tree planting replaces canopy that disappears through natural losses. This will set up a more varied age pattern amongst the street's tree population. In contrast, the applicant's proposals would increase the numbers of small, similar aged trees in the street effectively setting up a similar demographic problem as today for future generations to tackle.
29. 21 Norham Gardens, Old Hall, has high historic significance to LMH, being the first building where nine students and the principal moved in when the college was established after many years of opposition to even establish a women's hall or 'Academical House'. The replacement of the historic lime trees associated with the building would harm the setting of the listed building. The trees as heritage assets have high communal, historic and aesthetic value.
30. Appendix 2 sets out in tabular form the applicant's main points to justify the proposals and officers comments.

Conclusions:

31. The proposed removal of the lime trees would have a significantly adverse effect on amenity; the replacement trees would be inappropriate; the setting of the listed building at 21 Norham Gardens would be harmed and the proposals would fail to preserve or enhance the character and appearance of that part of the conservation area. The retention of the lime trees were stated in the 2006 report as being a mitigating factor against other tree losses. As such officers cannot support their removal now.

Human Rights Act 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse the details submitted to discharge the condition number 10. 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.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to refuse the details submitted to discharge the condition number 10, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

Report for 06/01796/FUL and 06/01797/CAC.
PPS5 Practice Note.

Contact Officers: Chris Leyland (Tree Officer) & Katharine Owen (Conservation Officer)

Extension: 2149/2148

Date: 31st May 2013

APPENDIX 2

Summary of Technical Arguments	
Applicant's Arguments	Officer's Comments
<p>Norham Gardens (and Norham Manor) characterised by wide avenues lined with trees.</p>	<p>The description of Norham Manor's wide avenue lined with trees should not be interpreted as describing a formal design style such as neo-classical.</p> <p>Norham Manor layout was conceived by Wilkinson to avoid any straight line formality (practical constraints moderated the final design somewhat), and the trees in their great variety punctuate these approaches rather than line them; design features that articulate a relaxed sense of informal order that is the Picturesque landscape style.</p>
<p>Characteristic tree cover of the street may be lost over next 30 years as there is no replacement planting programme.</p> <p>The college propose a replacement planting strategy based around replacing trees over a 30 year period at various separate University and college sites along the eastern end of Norham Gardens.</p>	<p>The locations identified for replacement planting are all outside of the LMH development (red line) and the Council cannot enforce implementation of any of the proposals.</p> <p>The argument that a programme for succession must be contingent upon LMH's receiving consent for its proposals, and the loss of the 2 mature limes, is false. The Council can secure replacement planting through its existing powers under section 213 of the Town and Country Planning Act.</p> <p>A more strategic programme of replacement planting by the University would be welcome; but removal of the limes is not necessary to its implementation and should not be regarded as a <i>quid pro quo</i> for such a plan.</p>
<p>The limes block light to the building and aphid secretions make the area unusable.</p> <p>The college is said to be also concerned about the safety of the trees after a branch was reported to have fallen from the tree a year ago.</p>	<p>The orientation of the building is such that room on the northern side are bound to be dark; the positions of the trees relative to the building and the arc of the sun indicate that if shading is to occur it would be in the summer evenings only. Additional ambient light could be obtained by modest crown lifting of the limes, away from the building, and by removal of a hawthorn tree, oddly planted between the two limes.</p> <p>Aphid/honey dew can often be a nuisance, although paving can be kept clean by periodical jet washing during the late summer if the problem is particularly bad. Conceding to this argument as a legitimate reason to allow the felling of limes would create a dangerous precedent as it is one of the most abundant species in the city and honey dew is a common complaint. The nuisance caused is not denied but as an issue it has to be balanced against the multiplicity of benefits that trees including limes bring to the urban environment</p> <p>This is the first expression of safety concerns that the Tree</p>

	<p>Officer has been made aware of; neither he nor the University Parks surveyor shares this concern and the useful life expectancy for the trees is estimated by both at 50 years. No information as to the nature of the alleged branch failure was available for scrutiny, whether it was alive or dead is unknown; all trees generate occasional dead wood in their natural development; associated risks can be reasonably managed by routine inspection and action to remove any large diameter dead wood identified.</p>
<p>Removal of the limes and replacement with a quadrilateral planting arrangement of fastigiated beech will amount to less than 'substantial harm in the conservation area', whilst fulfilling the design intention of Raymond Erith's plan for a symmetrical setting for the Grade II listed Wolfson Hall.</p>	<p>The North Oxford conservation area appraisal acknowledges the importance generally of mature trees, which are at risk. The lime trees were planted as a deliberate design to frame No.21 Norham Gardens (aka Old Old Hall), which confers additional individual importance to the trees.</p> <p>Any harm to the character and appearance of the conservation area have to be balanced against public benefits gained; in this case the question of the limes, retention or replacement, does not affect the college's development plans, the trees are not a constraint to development; instead it is a question of public visual amenity, the quality of the conservation area's landscape, as well as the setting of a listed building.</p>

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