

**West Area Planning Committee**

8th March 2016

**Application Number:** 15/03275/VAR

**Decision Due by:** 9th February 2016

**Proposal:** Variation of condition 24 of permission 09/02466/FUL and the list of approved plans and condition 25 of permission 13/01658/VAR to allow the construction of an enlarged basement under the proposed central quad (to be used for additional research space) and for revisions to the external appearance of the proposed wing fronting Banbury Road.

**Site Address:** Keble College Land At The Former Acland Hospital And 46 Woodstock Road 25 Banbury Road, Site Plan **Appendix 1**

**Ward:** North Ward

**Agent:** Mr Nik Lyzba

**Applicant:** Keble College

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## **Recommendation:**

West Area Planning Committee is recommended to agree the variation of the wording of condition 24 of permission 09/02466/FUL and the list of approved plans and condition 25 of permission 13/01658/VAR to allow the construction of an enlarged basement under the proposed central quad (to be used for additional research space) and for revisions to the external appearance of the proposed wing fronting Banbury Road, for the reasons set out below.

## **Reasons for Approval:**

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

## **Conditions:**

- 1 Commencement of development
- 2 Occupancy restriction
- 3 Details of educational establishment
- 4 Housing Management Service Specification
- 5 Samples in Conservation Area
- 6 Details of windows
- 7 Photographic record
- 8 Boundary treatment
- 9 landscaping plan
- 10 Landscape carry out after completion
- 11 Archaeology - evaluation
- 12 Travel Plan
- 13 Construction Travel Management Plan
- 14 Details-bin stores/cycle stands
- 15 In accordance with NRIA
- 16 Contaminated land
- 17 Tree protection plan
- 18 Arboricultural method statement
- 19 No lopping or felling
- 20 Underground services
- 21 plant and material storage
- 22 Arboricultural watching brief
- 23 Removal of permitted development
- 24 Car parking as per submitted plans
- 25 Details of design as per approved plans
- 26 Public work of art
- 28 Further works - fabric of LB - fire regs
- 29 Further details construction details,
- 30 Dem and construction methodology
- 31 Internal features
- 32 Internal finishes LB
- 33 Repair of damage after works
- 34 Written notice of completion
- 35 7 days notice of stage 2 works

## **Legal Agreement:**

The S106 to the previous permission(s) should be carried forward accordingly where necessary (e.g. secure permissive route through the site).

## **Principal Planning Policies:**

### Oxford Local Plan 2001-2016

**CP1** - Development Proposals

**CP6** - Efficient Use of Land & Density

**CP8** - Design Development to Relate to its Context

**CP9** - Creating Successful New Places

**CP10** - Siting Development to Meet Functional Needs

**CP11** - Landscape Design  
**CP13** - Accessibility  
**CP14** - Public Art  
**CP17** - Recycled Materials  
**CP18** - Natural Resource Impact Analysis  
**DS2** - Acland Hospital Site  
**HE2** - Archaeology  
**HE3** - Listed Buildings and Their Setting  
**HE7** - Conservation Areas  
**HE9** - High Building Areas  
**NE14** - Water and Sewerage Infrastructure  
**NE15** - Loss of Trees and Hedgerows  
**NE16** - Protected Trees  
**TR1** - Transport Assessment  
**TR2** - Travel Plans  
**TR3** - Car Parking Standards  
**TR4** - Pedestrian & Cycle Facilities  
**TR12** - Private Non-Residential Parking

#### Core Strategy

**CS17\_** - Infrastructure and developer contributions  
**CS18\_** - Urban design, town character, historic environment  
**CS25\_** - Student accommodation  
**CS28\_** - Employment sites  
**CS29\_** - The universities  
**CS2\_** - Previously developed and greenfield land  
**CS9\_** - Energy and natural resources  
**CS10\_** - Waste and recycling

#### Sites and Housing Plan

**HP13\_** - Outdoor Space  
**HP9\_** - Design, Character and Context  
**HP14\_** - Privacy and Daylight  
**MP1** - Model Policy

#### **Planning history:**

09/00321/LBD - Listed Building Demolition for the demolition of the Acland Hospital and its later additions at 25 Banbury Road. Withdrawn 12th November 2009.

09/00322/FUL - Erection of 3 and 4 storey 'quad' building part fronting Banbury Road and 3 storey building fronting Woodstock Road to provide 248 student study bedrooms, 4 Fellows/ visitor flats, with associated teaching, office and research space and other ancillary facilities. Alteration to existing vehicular accesses to Banbury Road and Woodstock Road. 33 car and 210 cycle parking spaces. Recycling and waste bin storage. Substation. Withdrawn 12th November 2009.

09/00323/CAC - Conservation Area Consent for demolition of 46 Woodstock Road. Withdrawn 12th November 2009.

09/02466/FUL - Demolition of buildings on part of Acland site, retaining the main range of 25 Banbury Road, erection of 5 storey building fronting Banbury Road and 4 storey building fronting Woodstock Road to provide 241 student study bedrooms, 6 fellows flats, 3 visiting fellows flats with associated teaching office and research space and other ancillary facilities. Alteration to existing vehicular accesses to Banbury Road and Woodstock Road, provision of 27 parking spaces (including 4 disabled spaces) and 160 cycle parking spaces, recycling and waste bin storage, substation and including landscaping scheme. (amended description and plan). Approved 25th October 2010.

09/02467/LBD - Listed Building Demolition. Demolition of buildings on part of Acland site, retaining the main range of 25 Banbury Road, (demolishing service range and later additions). Erection of extensions as part of a new college quad to provide 241 student study bedrooms, 6 fellows flats, 3 visiting fellows flats with associated teaching, office and research space and other ancillary facilities. External alterations including the removal of a chimney stack, underpinning and replacement of roof over staircase. Internal alterations to remove modern partitions, form new doorways, install en-suite facilities and reinstate staircase to 3rd floor. (amended description and plan). Approved 25th October 2010.

09/02468/CAC - Conservation Area Consent. Demolition of 46 Woodstock Road. Approved 25th October 2010.

13/01657/CAC - Demolition of existing building at 46 Woodstock Road. Approved 4th October 2013.

13/01658/VAR - Variation of conditions 5, 6, 7, 9, 11, 13, 16, 17, 20, 21, 22, 24, 25 and 26 of planning permission 09/02466/FUL (Demolition of buildings on part of Acland site, retaining the main range of 25 Banbury Road, erection of 5 storey building fronting Banbury Road and 4 storey building fronting Woodstock Road to provide 241 student study bedrooms, 6 fellows flats, 3 visiting fellows flats with associated teaching office and research space and other ancillary facilities. Alteration to existing vehicular accesses and provision of parking) to allow development to be undertaken in two stages. Stage 1 to comprise the removal of the glazed link and the construction of a new wall and foundations to the south of 46 Woodstock Road. Stage 2 to comprise the remainder of the development. (Amended description). Approved 15th October 2013 and Stage 1 implemented; permission therefore extant.

13/01659/LBC - External alterations involving partial dismantling and rebuilding of boundary wall north of Royal Oak public house.. Approved 12th September 2013 and impemented.

15/03285/LBC - Enlargement of basement. pending consideration.

## **Public Consultation**

### Statutory Consultees

- No comments received.

### Third Parties & Individuals

The Victorian Group of The Oxfordshire Architectural and Historical Society: Raised objection on the grounds that the infill staircase would be an unwarranted addition onto an already too bulky and aggressive building onto Banbury Road. Animation provided by staircase considered 'purest twaddle'. Overlarge development should not be permitted.

### **Officers Assessment:**

### **Background and Site Description:**

1. The site is located on land that sits between the Woodstock Road and Banbury Road, formerly the Acland Hospital and more recently converted and used for student accommodation by Keble College. The site lies within the North Oxford Victorian Suburb Conservation Area and is bounded to the north and west by listed buildings. The site comprises several buildings some of which are listed, areas of car parking, with a variety of trees, some of which are mature, gardens and general landscaping throughout. Views into the site to the listed Jackson building are gained from Banbury Road.
2. Permission has previously been granted to demolish all buildings on the site, with the exception of the central element of the Jackson building to erect a 'quad' building, 5 storeys (with accommodation at basement and roof level) that fronts Banbury Road and a 4 storey building fronting Woodstock Road. Separate to the quad buildings the proposals include a 4 storey 'Research Building' (with accommodation at basement and roof level) that fronts Woodstock Road (09/02466/FUL and varied under 13/01658/VAR refers). 13/1658/VAR allowed the development to be done in 2 phases, the first having been implemented and this permission is therefore extant.
3. The principle of development is therefore accepted and this application seeks permission for alterations to the approved scheme, including an increase in the size of the basement and alteration to the front elevation of the building that fronts Banbury Road, which amount to a minor material amendment.
4. The Applicant is seeking to vary the following conditions:
  - No.24 of 09/02466/VAR and approved plans which states that the number of car parking spaces shall be reduced to a maximum of 16 spaces in accordance with details to be submitted to and approved.
  - No.25 of 133/01658/VAR ensures the development shall be undertaken in

accordance with the plans and details submitted under 09/02466/FUL and condition 5 of that permissions (which is the standard condition requiring material samples), further details are required of the new research building on Woodstock Road (to be submitted and approved prior to phase 2 of the development).

5. The issues therefore to consider related specifically to those aspects of changes, namely:
  - Design, Impact on Heritage Assets and Street Scene.
  - Trees
  - Archaeology
  - Amenities
  - Cycle parking

### **Design, Impact on Heritage Assets and Street Scene:**

6. The proposed alteration to the front elevation of that part of the building to Banbury Road which sits adjacent to No. 23 Banbury Road is as a result of reassessing the internal circulation of the building and lodge. The stairs have been moved to the front creating of a glazed corner stair case element which as approved was a window with balcony above. The glazed staircase aims to also provide activity into the street scene from within the building. The comments of the Victorian Group of The Oxfordshire Architectural and Historical Society have been taken into consideration. However, it is considered that this alteration would not significantly increase the bulk or massing of the approved building and as such would not be harmful to the heritage assets or the street scene in accordance with policies CP1, CP8, CP9, HE3, HE7 of the OLP, HP89 of the SHP and CS18 of the CS.
7. Another staircase is proposed from the ground to basement level near to Felstead House. This would not significantly alter the approved building at this point and would not be harmful to heritages assets or the street scene in accordance with Policies CP1, CP8, CP9, HE3, HE7 of the OLP, HP9 of the SHP and CS18 of the CS.
8. The increase in basement would add approximately 1590sq m of additional floorspace underneath the existing quad for research. The basement is lit by three sunken gardens and skylights. Whilst it is acknowledged that this is a large basement area, it is considered on balance that it is a good and efficient use of the land and would future proof the development. It is therefore considered acceptable as an amendment to the proposal and would not have any harmful impact on heritage assets in accordance the previously listed policies above.
9. Officers consider that the proposed changes are acceptable as amendments to the approved plans under 09/02466/VAR and under condition 25 of 13/01658/VAR.
10. It should be noted that no changes are proposed to the building fronting Woodstock Road and condition 25 of 13/01658/VAR would stand in this

regard requiring further details to be submitted and approved.

**Car Parking:**

11. Condition 24 of permission 09/02466/FUL required a reduction in the overall number of onsite car parking spaces to a maximum of 16 spaces. This has been achieved and therefore the Applicant is requesting the wording of the condition be varied to state that the car parking should be as shown on the submitted plans. Officers raise no objection to this and consider the condition could be varied to that effect.

**Cycle parking:**

12. The 2009 approval provided 160 secure cycle parking spaces located to the north of the building. This provision exceeded the local plan requirements of 126 spaces and as such officers considered acceptable. As a result of the increased floor area additional cycle parking is provided. 218 spaces are now provided in accordance with HP14 of the SHP.

**Trees:**

13. The enlarged basement has been assessed in terms of impact on the key tree with the site, including the beech to close of the Banbury Road frontage. Officers are satisfied that there would be no significant adverse impact as a result. The proposal as submitted showed the removal of two existing trees adjacent to the boundary of the footpath on Banbury Road, previously retained under earlier approvals. Their loss is considered unacceptable as they are established trees and form part of the existing character of the street scene. Their removal and replacement with new trees is considered unsympathetic and unnecessary. The Applicant has confirmed that they will be retained and amended plans have been requested to this effect. The proposal accords with NE15, NE16 and HE7 of the OLP.

**Amenities:**

14. It is considered that the development would not have a harmful impact on neighbouring residential amenities in terms of being overbearing or loss of daylight and sunlight in accordance with CP1 of the OLP and HP9 and HP14 of the SHP.

**Archaeology:**

15. A satisfactory archaeological evaluation report has been submitted for this site by Oxford Archaeology (2009). The evaluation produced evidence for medieval and post medieval activity. Of particular interest was evidence for 10th-12th century activity and the identification of a feature interpreted as a bastion forming part of the Royalist Civil War defences. Furthermore the report proposes that a Civil War bastion in this location could have been influenced by the presence of a linear Neolithic/Bronze Age barrow cemetery which can be projected roughly east-west through the southern edge of the

site.

16. An archaeological impact assessment was previously submitted for the site by Oxford Archaeology (2007). The assessment noted that the site has the potential for prehistoric, Roman and early medieval deposits and notes that 'the survival of any below- ground archaeology on the Acland hospital site should be good away from actual foundations and areas of basement' (3.1.1). Since the impact assessment was completed in 2007 a number of archaeological investigations have taken place in the vicinity of the site producing further evidence for prehistoric activity. These include the discovery of a Neolithic Henge monument 150m to the south and ring ditches at the nearby Radcliffe Infirmary site.
17. Officers consider that given the evaluation received the proposed enlargement of the basement is unlikely to have any significant impact on archaeology and the existing condition requiring a written scheme of investigation and mitigation can be carried forward to this application, should Committee decide to approve the proposal in accordance with HE2 of the OLP.

#### **Conclusion:**

18. West Area Planning Committee is recommended to agree the variation to the wording of condition 24 of permission 09/02466/FUL and the list of approved plans and condition 25 of permission 13/01658/VAR to allow the construction of an enlarged basement under the proposed central quad (to be used for additional research space) and for revisions to the external appearance of the proposed wing fronting Banbury Road.

#### **Human Rights Act 1998**

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

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

#### **Section 17 of the Crime and Disorder Act 1998**

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a



recommendation to approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers:** 15/03275/VAR

**Contact Officer:** Felicity Byrne

**Extension:** 2159

**Date:** 24th February 2016

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