

## WEST AREA PLANNING COMMITTEE

**Application number:** 19/01456/FUL

**Decision due by** 26th July 2019

**Extension of time** To be confirmed

**Proposal** Demolition of part ground floor and first floor rear extensions. Change of use of ground floor and first floor of 50 St Giles from Cafe (Use Class A3) to Hotel reception and accommodation (Use Class C1). Conversion of upper floors at 49-51 St Giles for use as hotel accommodation (Use Class C1). Erection of single storey rear extension, formation of new entrance off Wellington Place through boundary wall, alterations to north and south boundary walls, installation of ventilation equipment to rear and alterations to fenestration. (amended plans and information)

**Site address** The Eagle And Child, 49-51 St Giles', Oxford, Oxfordshire – see **Appendix 1** for block plan

**Ward** Carfax Ward

**Case officer** Tobias Fett

**Agent:** Mrs Marion Brereton      **Applicant:** Rob Linnell

**Reason at Committee** The application has been called in by Cllrs Hollingsworth, Tanner, Fry, Turner and Rowley because of concerns about the impact on the historic buildings and streetscape in St Giles, and the potential impact on trees in the adjoining street at Wellington Place.

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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 subject to:

- the satisfactory completion of a legal agreement 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 this report; 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
- finalise the recommended legal agreement 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 this 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 referred to above and issue the planning permission.

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers the demolition of part of the rear ranges of a set of interconnected listed buildings, the change of use of a substantial part of the site to a Hotel (C1) and the erection of a single storey rear extension, with new side entrances new and altered boundary walls as well as ventilation equipment and alterations to fenestration.
- 2.2. The existing building on the site is Grade II Listed and within the Central (University and City) Conservation Area. The contemporary design approach has sensitively considered the constraints of the site that can be mitigated by a number of conditions to ensure the development would not give rise to harm to designated heritage assets.

## **3. LEGAL AGREEMENT**

- 3.1. This application is subject to a legal agreement. Oxfordshire County Council requested a legal agreement to secure additional off-site bicycle parking to be installed on St Giles as this is not possible within the constrained site.

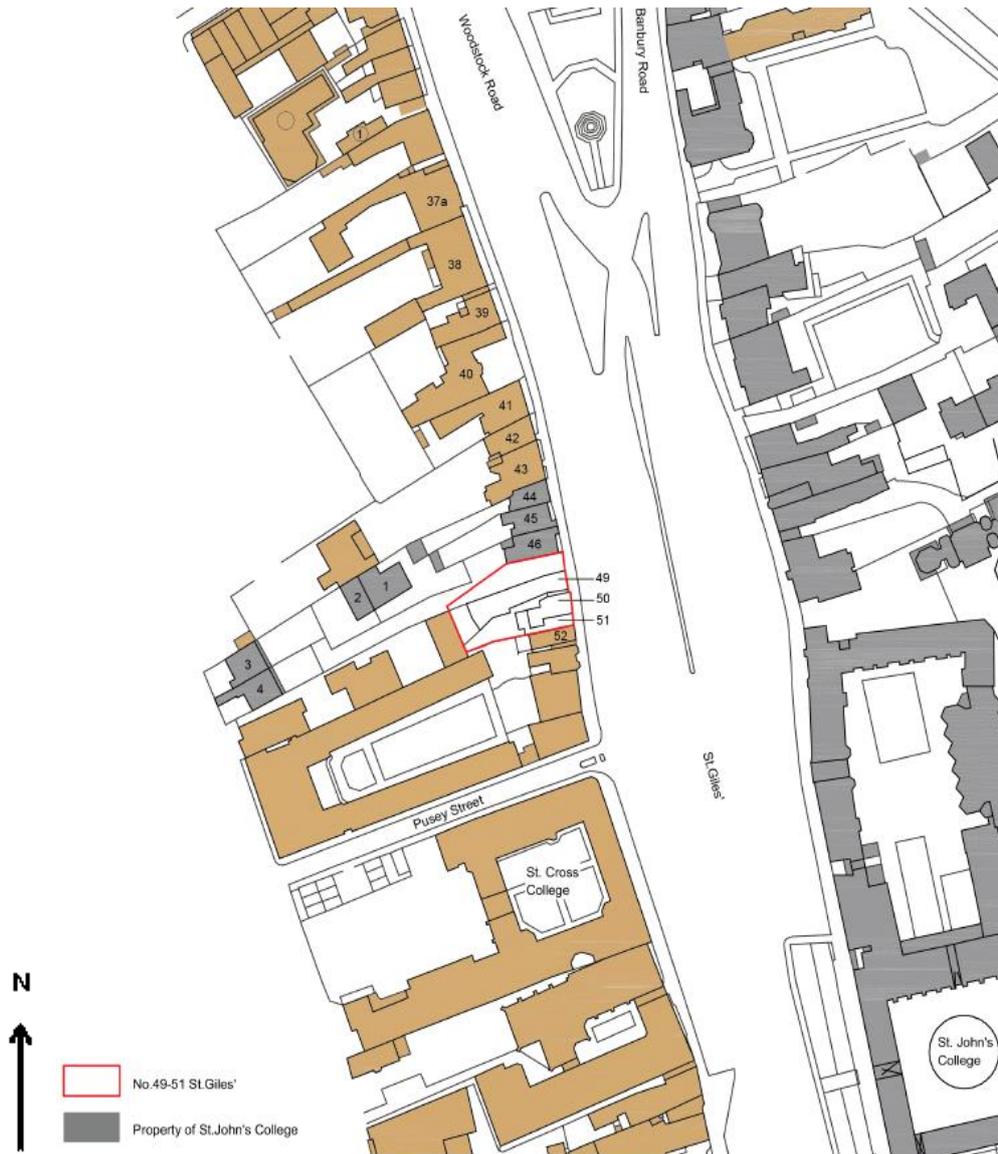
## **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 4.1. The proposal is liable for a CIL contribution of £6,521.35.

## **5. SITE AND SURROUNDINGS**

- 5.1. The site is located on the west side of St Giles towards the street's northern end.
- 5.2. The site covers three, two storey plus attic buildings that front the street, whose wall enclosed curtilages extend back westward, include rear building ranges of both single and two storeys and whose rear boundary is formed by a four storey, 20<sup>th</sup> Century building range belonging to Regent's Park College that curtails the original, much longer burgage plots that defined the early 16<sup>th</sup> Century urban grain.

- 5.3. The northern boundary of the site is formed by the north façade of No.49, a three storey brick gable extended west with a random coursed rubble stone wall against which has been constructed a single-storey 20<sup>th</sup> Century extension to No 49. These walls bound Wellington Place, formerly a “public” route through to St John Street, now a closed gated courtyard giving access to four dwellings and associated parking and amenity access.
- 5.4. All three buildings, 49, 50 and 51 St Giles are included in the statutory list of buildings of architectural and historic interest at grade II.
- 5.5. No. 49 which houses the Eagle and Child Public House at ground floor and in later, 20<sup>th</sup> Century ranges/additions to the rear of the principal, front building range with associated domestic accommodation on its upper floors has evidence of at least 17<sup>th</sup> Century origins. The significance of the building derives primarily from its architecture, its original, timber frame and rubble wall structure and internal fabric which offer some evidence of its age, which has been subject to not inconsiderable alteration since its original building and of which there is no external, physical or visible evidence.
- 5.6. Nos 50 and 51 comprises a single building divided into two dwellings that has been altered at ground floor street side to create two retail units, one being used as Greens café and one as the St Giles Barber. The building is a C18 fronting of an earlier, probably 17<sup>th</sup> Century possibly earlier core. The street façade is dressed ashlar in a double-gabled form with a mix of 19<sup>th</sup> Century sash and casement windows. The earlier, back range of the building appears to have been rebuilt in brickwork at ground floor but retains its earlier, coursed rubble stone external skin at first floor with a gabled, slate roof over. There is a poor quality, late C20, single-storey, lean-to extension on the rear of this early building range. The significance of the building derives primarily from its architecture which defines its evolution and offers evidence of its age.
- 5.7. The pub also has a high cultural significance as an early meeting place of the Inklings literati around JRR Tolkien and CS Lewis and therefore is a popular tourist destination.
- 5.8. The site three ground floor commercial premises with mixed uses above. The pub is one end of this row of buildings to the north and a further commercial ground floor with mixed use above is located to the south of the application site.
- 5.9. The western end or rear of the site is flanked by large modernist buildings associated with Regents Park College, which is mainly access through Pusey Lane and Pusey Street.
- 5.10. See Location plan below:



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 Ordnance Survey 100019348

## 6. PROPOSAL

- 6.1. The application proposes the removal of late 20<sup>th</sup> Century extensions to the rear of Nos 49 and 51 St Giles, the construction of a new, principally single storey extension to No.49 enclosing the open courtyard to the rear of Nos 50 and 51 with a shallow pitched, metal seamed roof and associated services enclosed on the roof of the extension which would be screened by an additional brick wall from Wellington Place.
- 6.2. The distance between the pub and no. 46 S Giles is just over 4 metres, and no changes are proposed to affect this.
- 6.3. The nearest neighbour to the rear extension would be 1 Wellington Place, approximately 12 metres away, across its communal entrance lane and front garden.

- 6.4. The new extension would provide an increase and improvement of the existing catering and food provision on site by providing a new covered open plan seating area for serving food, a new modern kitchen as well better level access routes and sanitary facilities.
- 6.5. In addition the application proposes alterations to the interiors of Nos 49, 50 and 51 to create a suite of six hotel rooms together with alterations to the roof of the rear wing to No.51. The current Barber shop unit would remain but the café shop unit would create the hotel entrance and lobby. The intricate internal configuration means the upper floors don't necessarily relate to the exterior building separation.
- 6.6. The upper floors have been three residential flats that are currently in use partially as seating area for Greens café and an office for the cafe, as well as a flat ancillary to the pub. And vacant spaces that do not meet current building standards and are therefore not lettable and below standard. All upper floors would be converted to six en-suite bedrooms accessible off two stair cases within no's49 and 50.
- 6.7. The frontage would remain largely unaltered. Changes to the advertising would be dealt with under future advertisement consent. The Iron Gate to the passage way would remain, but paving would be re-laid to accommodate improved disabled access through the former middle passage access path. This area would provide level access to the rear of the pub/restaurant, which would provide better accessibility than currently. Additionally an accessible platform lift would be installed internally to further make the pub more accessible.
- 6.8. The side passage alongside the north of the site in Wellington Place would be re-landscaped to retain the yew tree and plant one new tree, new landscaping and drainage to suit the walled location.

## **7. RELEVANT PLANNING HISTORY**

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

86/00692/NFH - Extension at rear. Permission granted 19th November 1986.

91/00464/NFH - Demolition of chimney, external wall to store and internal wall and staircase. Incorporation of independent 2 storey store building into public house to extend kitchen, knocking through into adjacent store to enlarge existing trade kitchen.. Permission granted 26th June 1991.

93/00302/NFH - Erection of conservatory type structure to rear of P.H. and structure to cover existing gap between bottle store and flat roofed toilets. PER 19th May 1993.

12/03105/FUL - Demolition of part ground and first floor extensions. Erection of part single storey, part three storey, rear extensions to provide additional pub floorspace on ground floor and new academic teaching space/offices (use class D1) on first and second floors. Formation of new entrance through boundary

wall to provide access off Wellington Place and provision of new courtyard..  
Permission granted 6th February 2013.

17/00455/FUL - Change of use of ground floor and first floor of No. 50 St Giles from Cafe (Use Class A3) to Hotel reception and accommodation (Use Class C1) . Demolition of part ground and first floor rear extensions. Erection of single storey rear extension to provide additional pub floorspace at ground floor level. Conversion of upper floors at No.49 - 51 St Giles to form 7No. ensuite bedrooms for use as hotel accommodation (Use Class C1). Formation of new entrance through boundary wall to provide access off Wellington Place and rebuilding of existing south boundary wall. Installation of air conditioning units and extraction ducting to rear roof. Replacement of windows.. Withdrawn 5th July 2017.

17/02164/FUL - Change of use of ground floor and first floor of No. 50 St Giles from Cafe (Use Class A3) to Hotel reception and accommodation (Use Class C1) . Demolition of part ground and first floor rear extensions. Erection of single storey rear extension to provide additional pub floorspace at ground floor level. Conversion of upper floors at No.49 - 51 St Giles to form 7No. ensuite bedrooms for use as hotel accommodation (Use Class C1). Formation of new entrance through boundary wall to provide access off Wellington Place and rebuilding of existing south boundary wall. Installation of air conditioning units and extraction ducting to rear roof. Replacement of windows. (Amended Plans). Refused 19th April 2018.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents
Design	117-123 124-132	CP6 Efficient Use of Land & Density CP8 Designing Development to Relate to its Context CP10 Siting Development to Meet Functional Needs CP11 Landscape Design	CS18 Urban design, townscape, character, historic environment,	HP9 Design, Character and Context	
Conservation/ Heritage	Para's 193-202	HE2 Archaeology HE3 Listed			

		Buildings and their setting HE7 Conservation Areas			
Housing	59-76			HP1 Change of Use from existing homes HP14 Privacy and Daylight	
Commercial	Sections 6&7	TA4 Tourist Accommodation RC9 Individual Shops RC13 Shop Fronts RC18 Public Houses	CS1 Hierarchy of centres CS27 Sustainable economy CS31 Retail CS32 Sustainable tourism		
Natural environment	Para's 133-142, 148-165, 170-183	NE15 Loss of Trees and Hedgerows NE16 Protected trees	CS12 Biodiversity		
Social and community	Para's 91-101		CS19 Community safety CS20 Cultural and community development		
Transport	Para's 102-111	TR4 Pedestrian & Cycle Facilities			Parking Standards SPD
Environmental	117-121 148-165 170-183		CS9 Energy and natural resources CS10 Waste & Recycling CS11 Flooding		Energy Statement TAN
Miscellaneous	7-12	CP.13 CP.24 CP.25		MP1	Telecommunications SPD, External Wall

					Insulation TAN,
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## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 4<sup>th</sup> June and 6<sup>th</sup> September and an advertisement was published in The Oxford Times newspaper on 13<sup>th</sup> June 2019 and 12<sup>th</sup> September 2019.

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

#### Oxfordshire County Council (Highways)

- 9.2. The Highways Authority has provided the following comments:
- 9.3. “The proposal seeks the demolition of part ground floor and first floor rear extensions. Change of use of ground floor and first floor of 50 St Giles from Cafe (Use Class A3) to Hotel reception and accommodation (Use Class C1). Conversion of upper floors at 49-51 St Giles for use as hotel accommodation (Use Class C1). Erection of single storey rear extension. The proposal is located in a highly sustainable area with good access to public transport and local amenities. The proposal is located within the Transport Central Area (TCA) and within the Central Area (A) Controlled Parking Zone (CPZ).
- 9.4. The proposal does not include any alterations to the current car parking arrangement. This is considered acceptable as there are strict car parking controls in place, the development is located within a highly sustainable location and is also in a CPZ.
- 9.5. The proposal does not include any additional provision of cycle parking. Given that the proposal intends to increase the area of the site by an additional 100sqm of hotel and restaurant/pub (C3) use, it is considered that there is a shortfall in cycle parking provision. It is the opinion of the officer that the property offers no convenient and appropriate ways to include cycle parking within its curtilage given its listed status and multiple level changes. There is an amount of public cycle parking in St Giles, however it is noted this is for public use and not to fulfill the shortfall in provision on the site. Based on the above reasons, an off-site requirement for an additional 2 Sheffield Bike stands on St Giles will be requested via condition. These will be installed by Oxford City Council at the expense of the applicant.”
- 9.6. The above comment by the county council should refer to Hotel as use class (C1) and restaurant/pub as use class (A3) in paragraph 9.5.

#### Historic England

- 9.7. Standard commentary has been provided to refer to council led conservation advice.

### **Public representations**

9.8. 4 local people commented on this application from addresses in Wellington Place. This also includes St John Street Residents Association and OXON Architectural and Historical Society.

9.9. In summary, the main points of objection (4 parties) were:

- Brick wall design too abstract and Tolkien centric
- Effect on adjoining properties
- Effect on character of area and listed buildings
- Information missing from plans
- Impact on Tree (Yew tree in particular)
- Scale of hotel and restaurant operation
- Impact of mechanic equipment
- Drainage and landscaping impacts
- Access and escape
- Amount of development on site
- Effect on privacy
- Flooding risk
- General dislike or support for proposal
- Height of proposal
- Noise and disturbance

#### **Officer response**

9.10. As far as the above raised concerns are considered material to this application they will be considered in section 10 of this report. The county councils highway concern in relation to bicycle storage would be dealt with by a legal agreement and concerns raised in relation to the trees and landscaping have been considered and adequate conditions are proposed.

9.11. The concerns related to impact on neighbours have been addressed in multiple design revisions in particular to the the proposed wall and equipment screen, and adjusting the location of the emergency exit.

### **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Principle of Development
- ii. Uses
- iii. Design/Heritage
- iv. Neighbouring amenity

- v. Transport
- vi. Trees
- vii. Drainage
- viii. Noise/Odour

**i. Principle of Development**

- 10.2. The National Planning Policy Framework (NPPF) states that sustainable development should be granted planning permission without delay, unless other material considerations dictate otherwise. The NPPF and Oxford Core Strategy (CS) Policy CS2 encourage the reuse of previously developed land, while Policy CP6 of the Oxford Local Plan 2001-2016 (OLP) requires development proposals to make an efficient use of land in a manner where the built form suits the site's capacity.
- 10.3. The proposed development is acceptable in principle as a lower quality development would be replaced with a higher quality extension. The facilities would be upgraded and this city centre sustainable location would be put to a more efficient use, in accordance with the above policies. The locational and site specific aspects of the developments are assessed in policy terms in the following section of this report.

**ii. Uses**

*Retail*

- 10.4. The proposal would lead to the loss of one retail unit. The lawful use would appear as A1. The current occupier is Greens Café.
- 10.5. The property is not on a protected street frontage where A-class uses are protected under policy and therefore the loss of the café is not prohibited from a policy perspective. Notwithstanding this, the provision currently made by the café will be re-provided albeit in an alternative form as part of the enlarged and enhanced public house provision. The proposal would lead to the loss of the retail unit on the ground and upper floors. The loss of this unit is acceptable, and cannot be refused on policy grounds. The proposal would be in accordance with CP1, CP6, and CP8 of the Oxford Local Plan 2001-2036.

*Residential*

- 10.6. Housing policy HP1 of the Sites and Housing Plan requires developments should not lead to a loss of residential units.
- 10.7. There are currently 2 former residential units and one flat within the site which are to varying degrees ancillary to the pub and existing business facilities.
- 10.8. There is a flat above the public house that comprises three bedrooms and can only be accessed through the ground floor of the public house. It has only ever been occupied in conjunction with the public house and is currently occupied

by the pub manager. It therefore cannot be considered an independent dwelling in the proper sense. Furthermore the flat does not meet the indoor or outdoor space requirements for flats of more than two bedrooms as set out in Policy HP12 and HP13 of the Sites and Housing Plan (2013). There is no way of providing adequate separate access while respecting the listed building and other competing uses.

- 10.9. There is a one bedroom dwelling on the second floor of No. 51 formerly used as a flat and now used as an office for the café. This flat would have inadequate facilities to be considered a self-contained dwelling. Although there is a W.C there is no bathroom or cooking facilities. It therefore fails to meet the internal and external space standards set out in Policy HP12 and HP13 of the Sites and Housing Plan (2013) for residential dwellings. The flat can only be accessed via a staircase on the first floor of the existing café business.
- 10.10. Lastly, there is a flat to the rear of and above 50 and 51 (number 51a). It can only be accessed through the passageway between 49 and 50 and through refuse areas for Greens Café and the Eagle and Child. Access arrangements are currently unsatisfactory and therefore the flat has been unoccupied for a number of years. The proposed development would remove this direct access by virtue of the extensions to the public house which are in line with those previously approved. It also does not meet the indoor or outdoor space requirements for one bedroom flats as set out in Policy HP12 and HP13 of the Sites and Housing Plan (2013). This results in the accommodation not being appropriate for the general market.
- 10.11. The three existing residential units are of a low quality. Fire escape issues have been identified which would not only provide a bad quality living environment but also potentially an unsafe environment for residential occupation.
- 10.12. The units have not been used as residential accommodation available to the open market and only the pub manager's flat has been occupied over the last few years. The proposal would change the business model and the manager's flat would not be required.
- 10.13. The proposal would therefore be contrary policy HP1 of the Sites and Housing Plan, but the above reasons are considered acceptable that this would be acceptable given the poor standard of the units and the constrained nature of the listed buildings, which prohibits adequate access and would not allow other technical requirements being met.

#### *Restaurant & Hotel*

- 10.14. The existing buildings and facilities are very dated and do not adhere to modern standards for a busy pub business, specifically one that relies upon the quality of its food offering.

- 10.15. The restaurant use has been established as part of the existing public house, and the proposal would further expand and enhance the space to create a more viable and attractive business. This is considered acceptable.
- 10.16. The proposal will provide short stay accommodation with six bedrooms which will contribute to encouraging longer stays and greater spend in Oxford in line with Policies CS32 and TA.4. The application site is within the City Centre and the St Giles arterial route and very easily accessible to tourists and visitors.
- 10.17. The property is serviced via St Giles and no new access arrangements are proposed. No car parking will be provided as there is abundant public car parking available on St Giles. There would be some additional bicycle parking provided on St Giles, which would be secured through a legal agreement.
- 10.18. It is not considered that the proposal will generate an increase in vehicular movements that would significantly impact traffic flows or that would be detrimental to highway safety. The proposal is therefore acceptable in terms of access, parking, and highways in accordance with Policy TA.4 of the Oxford Local Plan 2001-2016.
- 10.19. Policy TA4 also requires that consideration is given to residential amenities of the proposal. The scale of the hotel operation is very small at 6 bedrooms. The effective loss of the café would reduce visitors and diners at this part of the site, which would therefore mean the pub expansion, would not be unacceptable on balance due to the shift of uses within the sites buildings.
- 10.20. There would be some impact on neighbours visually due to the new extension and built form as well as through the intensification and use of the site. These factors have been considered and mitigated through inclusion of revised wall and extraction screen for the visual aspects, and revised design to ensure no openable windows and conditions relation to noise and odour for environmental health control. This part of policy TA4 of the Local Plan 2001-2016 is therefore adequately mitigated and therefore acceptable.
- 10.21. The NPPF supports the use of public houses as essential for sustainable healthy and safe communities for the services and spaces they provide. As this proposal would help provide a better viable future and strengthen the services provided the proposal would be in accordance with paragraph 92 of the NPPF

### **iii. Design/Heritage**

#### *Burgage Plots*

- 10.22. The proposal has been sensitively designed to preserve and enhance the distinction of the historic burgage plots. The burgage plots are an important characteristic of this part of the Conservation Area and contribute to the significance of the listed building as well. There would be a stone wall reflecting the boundary between plots within the site that would be visible and could be experienced inside the new extension to the building, as well as seen

as an element of the roof design reinforced by sections of glazing marking the historic plots.

- 10.23. The proposal is considered to make an efficient use of the available space in what is a very tight, urban site while acknowledging and respecting the site's important heritage. The development would provide a high quality scheme incorporating the historic plot boundaries and would enable many people to experience this in the spaces that are being created.

#### *Roof*

- 10.24. The proposed roof would consist of two large glazed sections representing the historic burgage plots and allowing day light into the new extension at the rear of the plot. The glazing would be complemented by zinc cladding. The main rear extension behind no49 would utilise zinc cladding preserving the distinction of the existing slate roof over retained rear wings. The small sections of flat roofs together with their traditional roof lanterns that sit immediately adjacent to the front building range would be repaired to ensure their future longevity as well as permitting important access to and egress from the upper storeys of No 49.
- 10.25. The western end of the proposed extension would accommodate the essential mechanical equipment for extraction and ventilation which would be partially sited in a ground floor plant room as well as on top of the roof of this plant room/kitchen. It is proposed to enclose the rooftop equipment with a 1.4m tall, perforated brick wall to mitigate both visual and acoustic the visual impact of the essential equipment.
- 10.26. The proposed roof design, its materials and shape have been developed to sit sensitively in this significant place, to take careful account of views from within and into the site as well as to sensitively accommodate essential equipment. The proposal is well designed and would meet requirements of policies CP1, CP8, HE3 and HE7 of the Oxford Local Plan and CS18 of the Core Strategy and NPPF 127 and 189-196.

#### *Brick wall*

- 10.27. The proposed extension would preserve the existing stone, boundary wall, and add a decorative brick extension to it in order to reinforce the important sense of enclosure, reducing the impact of multiple extensions as well as providing a well-crafted intervention that would enhance the cultural significance of the building.
- 10.28. The pattern for the new brick wall is proposed to be an abstract representation of the arch of the Door of Durin and the Star of Fëanor and its glow. These are literary references to Tolkein who composed some of his works inside the pub. The inspiration for the star comes from the Book of Ishness which is seen as a unifying Tolkien symbol featured in The Silmarillion, the Lord of the Rings and The Hobbit. It was drawn by the author himself and relates to one of the most prolific elves in Tolkien's universe. The star is also used in an illustration of the Doors of Durin at the gates of Moria, symbolising the friendship of the House

of Fëanor, and the dwarves of the underground realm of Moria. Integrating these cultural references into the built fabric of the proposals contributes positively to the overall experience of the building and would make a playful but sensitive addition to the Listed Building.

- 10.29. Furthermore The Star of Fëanor on the Doors of Durin is associated with the message “Speak, friend, and enter”. This is referenced at the entrance of the Story Museum in Oxford which is also within the Central Conservation Area.
- 10.30. The majority of the public would get a glimpse of the new wall through the gated entrance to Wellington Place when passing the pub. A very small amount of people would access Wellington Place itself. In both cases the extended wall would add interest to whilst retaining the importance of the stone walled boundary and would clearly relate to the urban environment of St Giles and the application site and thus not impact on the surviving rural character that can be detected receding west into Wellington Place.
- 10.31. The principle and design of the brick wall addition to the stone wall is considered to be acceptable, and its high quality design and materials would comply with policies CP1, CP8, HE3 and HE7 of the Oxford Local Plan and CS18 of the Core Strategy and the NPPF 127 and 189-196.

*Impact on Listed Building & Conservation Area*

- 10.32. Numbers 49 - 51 are all Grade II Listed and are located within the Central Conservation Area. There are a number of other designated heritage assets in the area immediately surrounding the application site. In accordance with Section 12 of the NPPF and local plan policies relating to heritage, sufficient documentation has been submitted with this application to describe the significance of any designated heritage assets affected, including any contribution made by their setting.
- 10.33. The proposal would lead to some minor loss of historic fabric and a low level of less than substantial harm to the significance of the listed buildings and their setting. The new additions to the buildings including the altered boundary wall and new landscape along the easternmost southern boundary of Wellington Place would have some impact on the present appearance of the area however it is considered that those elements that make a positive contribution to the important character and appearance of the Conservation Area, including the section of stone boundary wall and the sense of historic rural lane that survives in views into Wellington Place from St Giles would be preserved and that consequently there would be no harm to the important character or appearance of the Central Conservation Area as a whole. The benefits put forward by the applicant, including the reinforced definition of the historic burgage plots are considered sufficient to outweigh the small level of less than substantial harm to the significance of the designated heritage assets that would occur. The benefits put forward by the applicant include reducing the risk to the assets as well as securing and improving their long-term uses and bringing vacant spaces back into use as well as a vast improvement of energy efficient and modern building standards where possible.

- 10.34. Paragraph 193 of the NPPF requires great weight to be given to the conservation of designated heritage assets. 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. The proposal is considered to cause a low level of less than substantial harm to the setting of the listed buildings, and this has been given great weight as required by 193 NPPF. However, in carrying out the balancing exercise required by paragraph 196, it is considered that there are adequate and sufficient public benefits which would outweigh this identified harm. The proposal is not considered to cause harm to the Conservation Area.
- 10.35. Special attention has also been paid to the statutory test of preserving the listed buildings or their setting or any features of special architectural or historic interest which they possess and the statutory test of preserving or enhancing the character and appearance of the conservation area under sections 66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990, which it is accepted are higher duties. Considerable importance and weight has been given to the statutory duties when carrying out the balancing exercise and It has been concluded that the proposal would cause a low level of less than substantial harm to the listed buildings, but this harm would be out-weighed by the benefits of the proposal and the character and appearance of the Central Conservation Area would not be harmed, and so the proposal accords with sections 66 and 72 of the Act and paragraphs 193 and 196 of the NPPF.
- 10.36. The replacement building elements have been designed to read as a clear, subservient extension to the existing buildings while reflecting and providing a legible design of the site's historic context.
- 10.37. The design is sympathetic and provides high quality contemporary interventions within this essentially urban landscape.
- 10.38. The proposal would accord with policies CP1, CP6, CP8, CP10, HE3 and HE7 of the Oxford Local Plan and CS18 of the Core Strategy and NPPF 127 and 189-196.
- 10.39. The proposed extension would incorporate the existing stone wall, and built upon with a rose brick extension, and create a patterned band of brick alongside the stone wall.
- 10.40. The majority of the public would get a glimpse through the gated opening going past the pub. A very small amount of people would access Wellington Place itself. In both cases the additional wall would add another layer to the built form and create an innovate feature in material, colour and texture in an urban landscape, reflecting on this historic wall adjacent a historic lane.
- 10.41. The principle and design of the brick wall addition to the stone wall is acceptable, and its high quality design and materials would comply with policies CP1, CP8, HE3 and HE7 of the Oxford Local Plan and CS18 of the Core Strategy.

#### **iv. Impact on neighbouring amenity**

##### *Privacy*

10.42. The proposal would not lead to an increase or unacceptable loss of privacy for neighbouring residents.

##### *Overbearing*

10.43. The proposal would be replacing an existing single storey extension. The proposal would be single storey with one taller element towards the western end of the site for the plant enclosure, which would appear as a beautiful brick patterned wall. This would not appear overbearing on Wellington Place. The existing stone wall of 2 metres would be topped up with a patterned rose brick wall of 3.4 metres in height at a length of 7 metres. The design would not lead to a blank façade, and due to the pattern as well as the mix of materials and the available space and greenery existing and proposed would be an acceptable impact. The height is to mitigate the unattractive mechanical equipment.

##### *Noise/Odour*

10.44. There would be some impact from the proposed noise and odour schemes. Officers have considered the proposal and are confident that two proposed conditions would mitigate those impacts to ensure the noise levels stays below 10dB and an extensive odour scheme would be agreed with the council prior to use commencing and therefore the proposal would be acceptable in principle in terms of noise and odour impacts on neighbouring uses.

10.45. The proposed scheme would not lead to loss of privacy or create an overbearing appearance; however the intensification of the site increases the requirement for ventilation and mechanical equipment. All efforts have been undertaken to minimise the impact, and to ensure the location provides a visually acceptable and efficient appearance. The harm arising from the development would be acceptable and can be mitigated by the proposed conditions. The scheme is therefore acceptable as it complies with CP1, CP8 and CP10 of the Oxford Local Plan and HP14 of the Sites and Housing Plan.

#### **v. Transport**

##### *Transport sustainability*

10.46. Oxfordshire County Council has provided the following comment:

10.47. "The proposal seeks the demolition of part ground floor and first floor rear extensions. Change of use of ground floor and first floor of 50 St Giles from Cafe (Use Class A3) to Hotel reception and accommodation (Use Class C1). Conversion of upper floors at 49-51 St Giles for use as hotel accommodation (Use Class C1). Erection of single storey rear extension. The proposal is located in a highly sustainable area with good access to public transport and local amenities. The proposal is located within the Transport Central Area (TCA) and within the Central Area (A) Controlled Parking Zone (CPZ).

- 10.48. The proposal does not include any alterations to the current car parking arrangement. This is considered acceptable as there are strict car parking controls in place, the development is located within a highly sustainable location and is also in a CPZ.
- 10.49. The proposal does not include any additional provision of cycle parking. Given that the proposal intends to increase the area of the site by an additional 100sqm of hotel and restaurant/pub (C3) use, it is considered that there is a shortfall in cycle parking provision. It is the opinion of the officer that the property offers no convenient and appropriate ways to include cycle parking within its curtilage given its listed status and multiple level changes. There is an amount of public cycle parking in St Giles, however it is noted this is for public use and not to fulfil the shortfall in provision on the site. Based on the above reasons, an off-site requirement for an additional 2 Sheffield Bike stands on St Giles will be requested via condition. These will be installed by Oxford City Council at the expense of the applicant.”
- 10.50. The above comment by the County Council should refer to the hotel aspect as use class C1 and the restaurant use as A3.
- 10.51. The application site is located very centrally and can be easily reached by walking within the city centre and public transport. The proposal would accord with local and national planning policies and can be mitigated and would be therefore acceptable. The public bike stands would be located outside the red line of the application site, and therefore a legal agreement would be required to secure the payment as this cannot be required by condition.

**vi. Trees**

- 10.52. It is proposed to remove existing trees, with one retained and new soft landscaping to be provided as detailed in the submitted Arboricultural Report which due to their growth potential and proximity to the listed building are not suitable for their location.
- 10.53. The impact that removal will have on amenity in the area can be mitigated by new soft landscaping.
- 10.54. The future of the yew tree, T5, will be dependent on investigations into the extent of any root system within the footprint of the proposed new building, which will only become apparent when the existing building is demolished. The yew tree should not be removed until these investigations have taken place, and unless there is evidence that is not possible to retain the tree without incurring root damage that would make its retention unviable. If the yew tree is retained it must be carefully protected during demolition and construction phases. Any new hard surfaces, utility services and drainage within its Root Protection Area should be appropriately designed and constructed to minimise root damage. Details would be required by condition if planning permission is granted.

10.55. The proposal can be mitigated through the proposed conditions and would therefore meet requirements of Oxford Local Plan 2001-2016 policies CP1, NE15 and NE16 and would therefore be acceptable.

#### **vii. Drainage**

10.56. The site is in Flood Zone 1, and is not shown to be at risk of surface water flooding. CS11 of the CS states that development is expected to provide sustainable drainage (SuDS) unless it can be demonstrated that it isn't feasible. Policy NE14 of the OLP seeks to ensure that there is either adequate capacity for on or off-site infrastructure currently or future capacity could be provided. Emerging Policy RE4 (Sustainable drainage, surface and groundwater flow) of the OLP 2036, noting its limited weight, requires that surface water is managed through SuDS or other techniques to limit run-off on previously developed sites. Surface water runoff should be managed as close to its source as possible.

10.57. A Drainage Statement has been submitted which considers this requirement. The proposal includes a hydro brake and an attenuation tank along the north boundary within Wellington Place. As the impermeable area would be increased, the option proposed proves that there is scope and opportunity to mitigate surface water drainage. Further detailing would be required through conditioning, that would ensure the landscape, tree and drainage issues would be resolved in one strategy while not harming neighbouring uses.

10.58. Thames Water (TW) has not raised any objection to the development.

Having regard to the site constraints and location it is considered that the proposal is acceptable in this case, adequate infrastructure capacity could be provided and subject to conditions, the development accords with Policies CS11 of the CS.

#### **viii. Noise/Odour**

10.59. The proposal includes new mechanical equipment which would be located in a purpose built brick enclosure above the proposed new kitchen in the new extension at the western end of the site.

10.60. The proposal has been sensitively designed to provide space and accommodate the necessary equipment in an acceptable manner. Officers are content that this amount, scale and impact of any equipment has been given due consideration and has been located accordingly.

10.61. The proposal can be mitigated to require a condition to ensure noise impact is not above 10dB and an extraction/odour scheme is agreed in writing with the Local Planning Authority prior to the use of the new facilities. These measures ensure the proposal is in accordance with CP1, CP9, CP10, CP19 and CP21 of the Oxford Local Plan 2001-2016.

#### **viii. Planning obligations**

10.62. It is considered that the payment of a financial contribution should be secured through a section 106 legal agreement to provide additional public bicycle storage on St Giles, as requested by Oxfordshire County Council

**ix. Other matters**

10.63. Oxford City Council has proposed a new Local Plan 2036 which is due to be publicly examined in December. The new plan is therefore a material consideration but has limited weight. There are no policies individually or cumulatively which would alter the officer's considerations and conclusions, and this proposal would comply with relevant policies of the proposed new Local Plan 2036.

**11. CONCLUSION**

11.1. The proposed demolition of modern low quality extensions and the erection of a single storey restaurant extension and alterations to change the use of the café premises and the upper levels of the site to hotel accommodation are considered acceptable, in ensuring longevity of the designated heritage assets and long term viability for the business use.

11.2. The low level of less than substantial harm caused to the listed buildings has been considered and would be outweighed by the benefits provided. Council policy supports new and enhanced tourist accommodation and a thriving economy in such a sustainable city centre location.

11.3. The proposal has been considerate of the sites heritage, neighbours and other site constraints and has provided a scheme that can accommodate and mitigate where necessary any harm, and therefore the scheme is considered acceptable on balance with reference to section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 11 of the NPPF.

11.4. 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 Subject to conditions 4 and 10, 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 Samples of all exterior materials to be used shall be made available for inspection on site, and approved in writing by the Local Planning Authority before the start of work on the site and only the approved materials shall be used. The samples shall include panels showing the bricks, stone, cladding and mortar to be used.

Reason: In the interests of the visual appearance of the Central Conservation Area in which it stands in accordance with policies CP1, CP8 and HE7 of the Adopted Oxford Local Plan 2001-2016.

- 4 Notwithstanding the approved plans the details for signage and illumination at the front elevation is specifically excluded from this permission.

Reason: For clarity and to avoid doubt

- 5 A Construction Traffic Management Plan shall be submitted to and be approved in writing by the Local Planning Authority prior to commencement of works. The CTMP should follow Oxfordshire County Council's template if possible. This should identify;
- Works carried out with the approved plans
  - 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.

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.

- 6 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 will be required to 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 shall be based on on-site infiltration testing in accordance with BRE365 or alternative suitable methodology, details of which shall be submitted to and approved in writing by the LPA prior to relevant works. Consultation and agreement should also be sought with the sewerage undertaker where required and works carried out in accordance with the approved plans prior to first approved use.

Reason: To ensure compliance with Oxford Core Strategy Policy CS11

- 7 A SuDS maintenance plan shall also be submitted to and be approved in writing by the Local Planning Authority. The Sustainable Drainage (SuDS) Maintenance Plan shall be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics and 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. The approved plans and details shall be carried out and maintained for perpetuity once the SuDS and agreed details has been installed

Reason: To ensure compliance with Oxford Core Strategy Policy CS11

- 8 No development shall take place until a written scheme of investigation has been submitted to and approved by the local planning authority in writing. For land that is included within the, no development shall take place other than in accordance with the agreed, 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 agreed works.

- 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 approved Written Scheme of Investigation.

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, medieval and post-medieval remains (Local Plan Policy HE2 and Submission Draft Policy DH4).

- 9 Any 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 shall be 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 CP22 of the Oxford Local Plan 2001-2016.

- 10 A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority before development starts. The plan shall include a survey of existing trees showing sizes and species, and indicate which (if any) it is requested should be removed, and shall show in detail all proposed tree and shrub planting, treatment of paved areas, and areas to be grassed or finished in a similar manner.

Notwithstanding the submitted details, the yew tree, T5, shall not be removed without the prior written consent of the Local Planning Authority

Reason: In the interests of visual amenity in accordance with policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.

- 11 The landscaping proposals as approved by the Local Planning Authority shall be carried out upon substantial completion of the development and be completed no later than the first planting season after substantial completion of the development and any trees or plants that die within 5 years of planting shall be replaced.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Adopted Local Plan 2001-2016.

- 12 Prior to the start of any work on site including site clearance, details of the design of all new hard surfaces and a method statement for their construction shall be submitted to and approved in writing by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the rooting area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which might require hard surfaces to be constructed on top of existing soil levels using treated timber edging and pegs to retain the built up material. The approved details shall be implemented prior to any relevant works are being carried out.

Reason: To avoid damage to the roots of retained trees. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

- 13 Prior to the start of any work on site, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas (RPA) of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction- Recommendations'. Works shall only be carried in accordance with the approved details.

Reason: To avoid damage to the roots of retained trees; in support of Adopted Local Plan Policies CP1,CP11 and NE15.

- 14 Detailed measures for the protection of trees to be retained during the development shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) before any works on site begin. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction- Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

- 15 A detailed statement setting out the methods of working within the Root Protection Areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority (LPA) before any works on site begin. Such details shall take account of the need to avoid damage to tree roots through excavation, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved Arboricultural Method Statement unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1,CP11 and NE16 of the Adopted Local Plan 2001-2016.

- 16 In respect of any proposed air conditioning, mechanical ventilation or associated plant, the applicant shall ensure that the existing background noise level is not increased when measured one metre from the nearest noise sensitive elevation. In order to achieve this, the plant must be designed / selected or the noise attenuated so that it is 10dB below the existing

background level. This will maintain the existing noise climate and prevent 'ambient noise creep'

Reason: In order to maintain the existing noise climate and prevent ambient noise creep in the interests of the residential amenities in accordance with policies CP1, CP10, CP19 and CP21 Oxford Local Plan 2001-2016.

- 17 The development shall not be brought into use unless and until a scheme for treating cooking fumes and odours before their emission to the atmosphere, so as to render them innocuous, has been submitted to and approved in writing by the Local Planning Authority. Any such works that form part of this approved scheme shall be completed before the development is brought into use and should include the use of grease filters and other specialist filtering and deodorising equipment that will be serviced according to the manufacturer's recommendations.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with policies CP1, CP9, CP19 and CP21 Oxford Local Plan 2001-2016.

#### 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 Oxford City Council strongly encourages that when this permission is implemented, all building works and the management of the development site are carried out in accordance with the Code of Considerate Practice promoted by the Considerate Contractors scheme. Details of the scheme are available from

Considerate Contractors Scheme  
PO Box 75  
Ware  
Hertfordshire  
SG12 9UY

01920 485959  
0800 7831423

enquiries@ccscheme.org.uk  
www.considerateconstructorsscheme.org.uk

3 A Construction Traffic Management Plan (CTMP) will need to incorporate the following in detail:

- The CTMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities - to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity - details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot - contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

**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.