

West Area Planning Committee

11th August 2020

Application number: 20/00166/FUL

Decision due by 6th May 2020

Extension of time 31st August 2020

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

Site address Rhodes House, South Parks Road,

Ward Holywell Ward

Case officer Felicity Byrne

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

Reason at Committee Major development

1. RECOMMENDATION

1.1. is recommended to:

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

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

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

2. EXECUTIVE SUMMARY

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

3. LEGAL AGREEMENT

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

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

5. SITE AND SURROUNDINGS

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

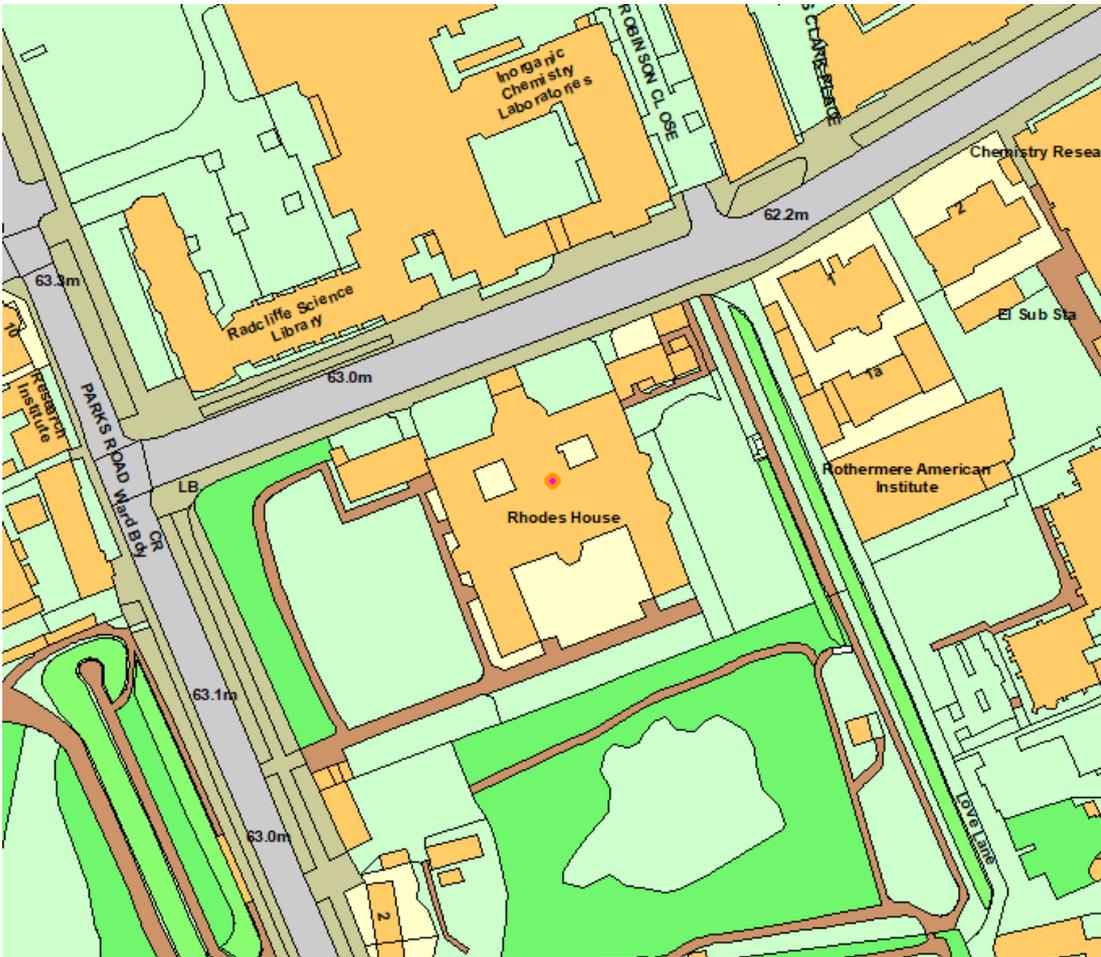
5.2. Rhodes House was built in 1929 and designed by Herbert Baker. It was built on land formerly owned by Merton College in the medieval period and later by Wadham College (1835 - 1925), during which it formed part of the Warden's Garden and later the Fellows' Private Garden. The Rhodes Trust acquired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

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

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

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

5.6. See block plan below:



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Ordnance Survey 100019348

6. PROPOSAL

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

6.2. Within Rhodes House the following works are proposed:

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

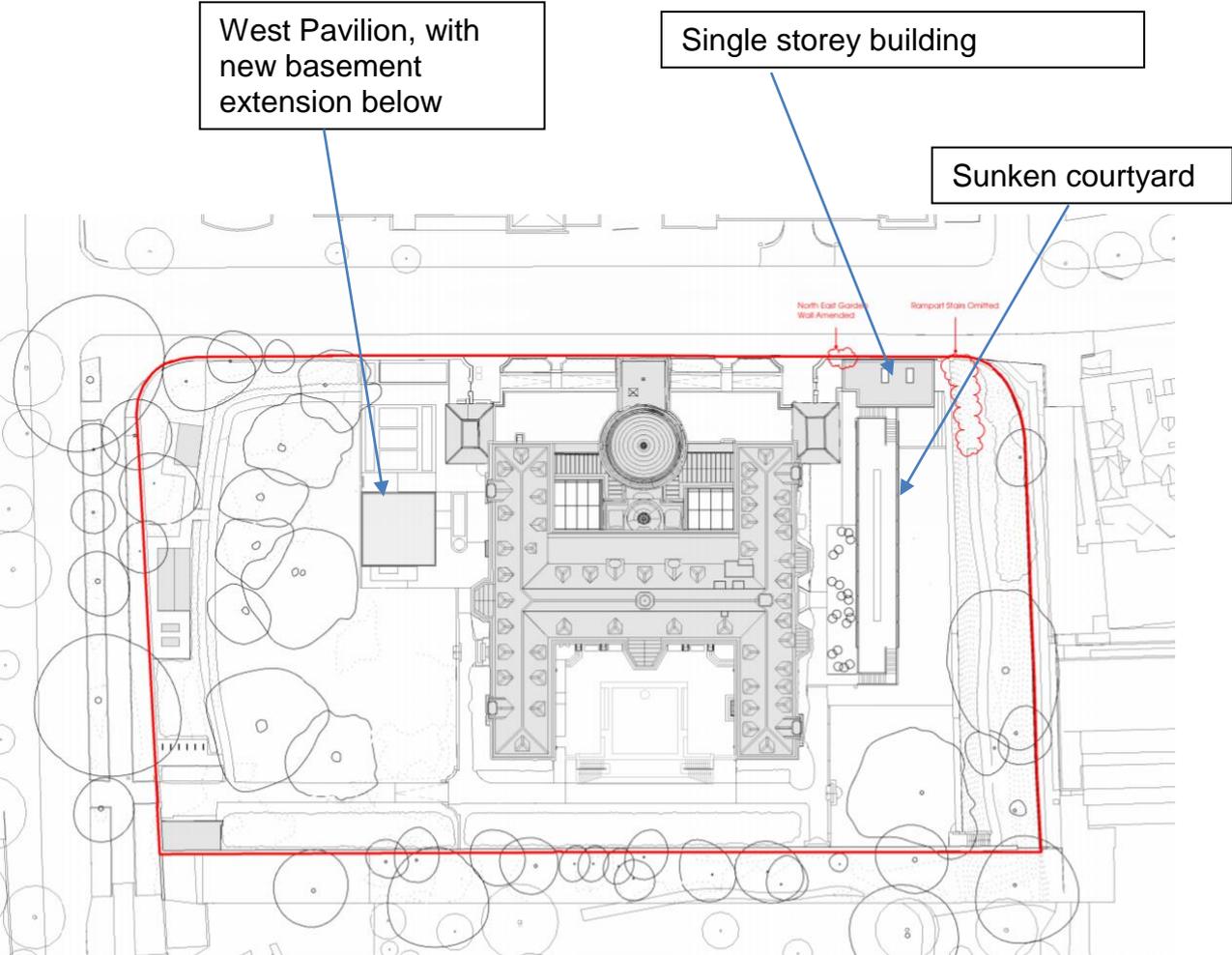
6.3. Within the garden grounds it is proposed to erect new buildings and create additional below ground accommodation including:

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

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

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

6.6. The proposed block plan can be seen below:



7. RELEVANT PLANNING HISTORY

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

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

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

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

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

54/03615/A_H - Alteration to wardens lodgings.. PER 11th May 1954.

63/13373/A_H - Extension to caretakers quarters.. PER 23rd April 1963.

64/15039/A_H - Alteration to lavatory.. PDV 9th June 1964.

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

66/17817/A_H - Garage for a van.. PER 26th July 1966.

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

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

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

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

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

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

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

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

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

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

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

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

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

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

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

9. CONSULTATION RESPONSES

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

Statutory and non-statutory consultees

Oxfordshire County Council (Highways Authority)

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

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

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

Oxfordshire County Council (Lead Flood Authority (LFA))

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

Historic England

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

Summary

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

The Significance of Rhodes House

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

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

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

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

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

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

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

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

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

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

Thames Water Utilities Limited

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

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

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

Environments Agency

9.22. No comment.

Thames Valley Police

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

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

Public representations

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

Support

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

- The garden pavilion will be a welcome addition.

Object

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

appearance when viewed from the street.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

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

a. Principle of development

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

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

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

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

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

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

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

b. Design & Heritage: Listed building and Conservation Area

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Heritage significance

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

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

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

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

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

Impact on significance

Existing Basement and Giant's Graveyard:

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

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

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

Internal alterations to Rhodes House:

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

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

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

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

Lodges:

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

West Garden Pavilion & extended basement:

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

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

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

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

East Garden single storey building:

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

East Sunken Residential Accommodation:

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

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

Outbuildings:

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

Summary

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

Public Benefits

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

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

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

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

Optimum Viable Use:

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

Inclusivity:

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

Archaeology:

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

Public Access and Art Strategy:

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

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

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

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

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

c. Archaeology:

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

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

Significance of the rampart

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

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

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

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

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

Results of the archaeological evaluation

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

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

Assessment of harm to the rampart

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

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

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

d. Landscape and trees

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

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

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

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

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

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

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

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

e. Neighbouring amenity

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

f. Transport

Transport sustainability

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

Cycle parking

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

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

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

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

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

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

Servicing and deliveries

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

Construction traffic

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

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

g. Air Quality

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

10.92. An Air Quality Assessment (AQA) was submitted with the application which states that current baseline air pollutant concentrations in the area of the proposed development are well within the relevant health-based air quality objectives. On that basis, it is considered that current and future occupants of the proposed development would be exposed to acceptable air quality and the site is deemed suitable for its proposed future use in this respect. The development would result in a negligible increase in traffic movements as a result and it is therefore considered that the impacts on air quality from operational phase traffic generation would not be significant. The NO_x emissions from the proposed gas-fired boilers and the CHP would have a low NO_x specification and meet the criteria set out in Oxford City Council's Air Quality Guidance.

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

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

h. Biodiversity

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

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

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

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

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

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

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

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

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

i. Flood Risk & Drainage

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

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

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

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

j. Energy Efficiency

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

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

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

k. Land Quality

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

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

I. Other matters

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

11. CONCLUSION

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

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

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

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

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

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

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

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

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

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

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

12. CONDITIONS

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

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

2. Subject to conditions requiring updated or revised documents submitted with the application, the development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy SR1 of the Oxford Local Plan 2016-2036.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13. HUMAN RIGHTS ACT 1998

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

14. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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