

## WEST AREA PLANNING COMMITTEE

8<sup>th</sup> December 2020

**Application number:** 19/02601/FUL

**Decision due by** 7<sup>th</sup> January 2020

**Extension of time** 18<sup>th</sup> December 2020

**Proposal** Demolition of existing music practice rooms, stone wall and garden store; refurbishment of Grade II\* Listed Building and associated works and landscaping; and the erection of building with basement, landscape and associated works, to provide additional bedspaces and social/study spaces for a C2 residential institution.

**Site address** Frewin Quad, New Inn Hall Street, Oxford, Oxfordshire – see **Appendix 1** for site plan

**Ward** Carfax Ward

**Case officer** Michael Kemp

**Agent:** Chris Pattison      **Applicant:** The Kings Hall And College Of Brasenose

**Reason at Committee** The application is a major development

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **Approve the application** for the reasons given in the report and subject to the prior completion of an agreement made pursuant to section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations which are referred to this report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.

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

- Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary;
- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and

informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and

- Complete the section 106 legal agreement referred to above and issue the planning permission.

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers the erection of a new building ranging between three and four storeys (including basement space), which would contain 30 student flats, as well as social spaces and would be sited in an area of garden space associated with the Grade II\* listed Frewin Hall. The proposals also include external works to Frewin Hall itself and linked works within the curtilage of Frewin Hall. A series of internal alterations to Frewin Hall are proposed within a linked listed building consent application (19/02602/LBC).
- 2.2. The site would represent, in principle an acceptable location for student accommodation in line with Policy H2 of the Oxford Local Plan as the site is located within the City Centre and the new accommodation would be sited within a site with a pre-existing established use for student accommodation. In terms of justifying the requirement for the accommodation, the applicants have provided an assessment of need study. This identifies a shortfall in postgraduate accommodation, which the proposed development of 30 additional rooms would make a significant contribution towards addressing.
- 2.3. The proposals involve relatively large scale development in the immediate setting of the Grade II\* listed Frewin Hall, as well as alterations to the listed building itself. Additionally the development would fall within the setting of 22-24 New Inn Hall Street (John Wesley Cottages) and 32 New Inn Hall Street which are Grade II listed buildings. The site lies within Oxford's central conservation area.
- 2.4. The garden space where the proposed student accommodation building would be sited contributes positively to the setting of the Grade II\* listed Frewin Hall and the central conservation area. The proposed building would result in the loss of the garden space and the existing tree cover on the site. The building would be of a high design standard, though it would also be of substantial scale and volume, which would compete visually with Frewin Hall and the siting of the building would have an undeniably transformative impact on the setting of Frewin Hall which would constitute less than substantial harm to the setting of the listed building. To a lesser extent the siting of the building would also result in less than substantial harm to the setting of the adjacent John Wesley Cottages and similarly there would be a low level of less than substantial harm arising from proposed curtilage works including the removal and replacement of curtilage listed walls and the archway to New Inn Hall Street.
- 2.5. The internal and external works to Frewin Hall proposed within this planning application and the linked listed building consent application (19/02602/LBC) are considered to be beneficial and would enhance the significance of the listed building. A legal agreement will be necessary to secure these works within a reasonable timeframe. A draft of heads of terms has been agreed in principle to secure this programme of works.

- 2.6. The public benefits of the scheme include securing a series of works which will enhance the significance of Frewin Hall as proposed within this planning application and the linked listed building consent application. Furthermore there would be benefits arising from the provision of an additional 30 student rooms, which would, in accordance with the government's housing delivery test, release up to 12 units back into the local housing market. This is a small, but nonetheless valued contribution towards local housing need. Great weight has been given to the conservation of the designated heritage assets which are affected in accordance with Paragraph 193 of the NPPF. However, when weighing the less than substantial harm caused to the setting of Frewin Hall, the central conservation area and the Grade II listed John Wesley Cottages against the public benefits of the proposed development in accordance with Paragraph 196 of the NPPF, officers consider that the harm would be demonstrably outweighed.
- 2.7. Future occupiers of the student accommodation building would benefit from acceptable standards of internal amenity space in line with the requirements of Policy H8 of the Oxford Local Plan. The building has been designed to limit the impact on the amenity of the residential uses of No.18 Shoe Lane, which is adjacent to the proposed accommodation building. This building is currently used for student flats at first floor level, whilst there is a residential (non-student) flat at second floor. There would be a need to relocate a first floor window serving a bedroom within the adjacent student flat, however as the building is under the ownership of Brasenose College this can be realistically achieved and would be controlled by way of planning condition. Overall it is considered that the development would not have a significant impact on the amenity of the adjacent residential uses and the development would comply with Policies RE7 and H14 of the Oxford Local Plan.
- 2.8. The proposed development is located in the City Centre and would be car free which is in line with the requirements of Policy M3 of the Oxford Local Plan. The proposals would include the provision of additional cycle parking on site, the details of which would be required by condition to ensure compliance with Policy M5 of the Oxford Local Plan.
- 2.9. For the reasons outlined in the report, officers consider that the development is acceptable and recommend approval subject to a legal agreement to secure that the public benefits associated with the enhancement works to Frewin Hall are realised.

### **3. LEGAL AGREEMENT**

- 3.1. This application would be the subject of a legal agreement. The legal agreement is needed in order to ensure that the programme of improvement works to the Grade II\* listed Frewin Hall are carried out within an acceptable timeframe. This is to ensure that the principal public benefits of the scheme are fully realised. Whilst a range of works to Frewin Hall are detailed under linked listed building application 19/02602/LBC, a number of improvement works would require agreement under subsequent listed building consent applications. The improvement works to Frewin Hall would consist of the following measures:

- Restoration of the principal ground floor reception rooms within Frewin Hall back to a communal/interactive purpose
- Sympathetic restoration of the building's exterior including the re-opening of its southern entrance;
- The reversal of other unsympathetic internal and external changes during the 20<sup>th</sup> Century
- The sensitive refurbishment of the Norman Undercroft, improving its use and appreciation within Frewin Hall;
- The delivery of new landscape to improve the setting and accessibility of Frewin Hall.

3.2. The applicant's draft heads of terms outlines a timeframe for the commencement of works to Frewin Hall and the completion of the agreed works. Commencement of the works to Frewin Hall shall begin no later than four years after implementation of this planning permission. Completion of the agreed works to Frewin Hall shall be no later than two years after the commencement of the works to the listed building.

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

4.1. The proposal is liable for a CIL contribution of £136,836.31.

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

5.1. The site is located within Oxford City Centre and lies to the rear of a range of existing buildings, which face St Michaels Street to the North, Shoe Lane to the South and New Inn Hall Street to the West. The site falls within the Central Oxford Conservation Area

5.2. The site consists of Frewin Hall, a Grade II\* listed building, which was historically used as a private residence, but is under the ownership of Brasenose College and is used as student accommodation. Frewin Hall is a large three storey building consisting of three distinct elements; the west wing, south wing; and additions to the east. The original element of the west wing was constructed in around 1582. The south elevation of the building was refaced in the early 18<sup>th</sup> Century. The upper storey of the building was replaced in the 19<sup>th</sup> Century.

5.3. Alongside Frewin Hall, the site consists of two garden court areas used as amenity space associated with the student accommodation on the site. The court areas contain a number of trees. In addition to the student rooms in Frewin Hall itself, there is further student accommodation to the west of Frewin Hall, which faces the north east garden space. The Grade II\* listed Oxford Union Debating Chamber is located to the north east of the application site.

5.4. The new student accommodation blocks are proposed within the south east garden space of Frewin Hall. This consists of a landscaped space enclosed on three sides by existing boundary walls and the rear elevation of Nos. 18 to 18D Shoe Lane, which is a three storey 1980's building constructed from dark brick materials, currently used for a mix of office and student accommodation, whilst there is a 1 bedroom flat on the second floor of this building. There is a single storey music room located on the site, which is a 1990's extension to the rear of

No 32 New Inn Hall Street, a Grade II listed building that also falls under the ownership of Brasenose College. Nos. 22 to 24 New Inn Hall Street is also a Grade II listed building that lies to the west of the site and is separated from the site by a stone boundary wall. There are a number of trees on the site, this includes a large mature Horse Chestnut tree located along western boundary to the rear of No.32 New Inn Hall Street.

5.5. There is a stone boundary wall along the eastern perimeter of the site, beyond this there is a brick wall, which forms the edge of a gated service yard associated with the Clarendon Centre. Beyond the service yard is the rear, mainly blank façade of the Clarendon Centre, which is a large indoor shopping centre.

5.6. The main point of pedestrian access to the site is from the north adjacent to the Oxford Union Debating chamber, which is a private gated access. The only vehicular access to the site is from New Inn Hall Street, which is a gated access via a Grade II listed stone archway. This access is usually closed for students and general visitor access. Parking on the site is limited to a rear surfaced courtyard located behind the 20<sup>th</sup> century extension to Frewin Hall and is available only for staff and service vehicles. There is pedestrian access to Frewin Hall from Cornmarket Street to the East, via Frewin Court, a narrow alley between sets of buildings. This access is not typically in use as there are safety concerns regarding the use of this access.

5.7. See block plan below:



## 6. PROPOSAL

6.1. The principal element of this application would involve the erection of a new building ranging between three and four storeys, which would contain 30 student rooms and associated social spaces. The building would be located in an area of

garden space associated with the Grade II\* listed Frewin Hall. To facilitate the development, the single storey music room, which attaches to the rear of No.28 New Inn Hall Street would be removed.

- 6.2. The site of the new building would be partially excavated with space provided at basement level which would consist of four en-suite student rooms, shared social/kitchen space, music rooms and toilet facilities. The student rooms would be within a 'sub-basement space', this involves partial excavation of the central space between the flats to enable the creation of lightwells to provide sunlight to the basement bedrooms. The basement kitchen/social space would be served by large lightwells to provide natural light into this space. The upper floors would consist of en-suite student rooms, access corridors and small shared kitchenettes at first and second floor level. A new courtyard area would be formed within the centre of the new building which would include the planting of a new tree. A new stone wall would be constructed separating the new building from the main Frewin Hall entrance quad.
- 6.3. The proposals also include external works to the Grade II\* listed Frewin Hall to include a reconfiguration of the entrance spaces, including a reinstatement of the original entrance facing the central courtyard and a reconfiguration of the 1970's entrance. The external changes to the listed building alongside a series of internal alterations to renovate Frewin Hall are covered within the associated listed building application (19/02602/LBC).
- 6.4. The proposals also include a series of landscaping works to the front of Frewin Hall, which includes additional soft landscaping and tree planting to the front of Frewin Hall in place of the existing hard surfaced vehicle turning area. A new landscaping scheme is also proposed for the 'New Long Quad' an area of amenity space between Frewin Hall and the student accommodation to the rear of New Inn Hall Street as well as new landscaping within the Back Terrace Garden.
- 6.5. The principal pedestrian access to the site via St Michaels Street would be retained, whilst the secondary access, which is restricted would also be retained though this would remain restricted only to service vehicles. A new pedestrian access would be provided to serve the student rooms from New Inn Hall Street, this would utilise an existing gated passage between Nos.24, 28, 30 and 32 New Inn Hall Street and would involve the demolition of a section of the existing stone boundary wall and a storage shed. The development would be car free and no dedicated parking would be provided on site.

## **7. RELEVANT PLANNING HISTORY**

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

|  |
|--|
| 19/02601/FUL - Demolition of existing music practice rooms, stone wall and garden store; refurbishment of Grade II* Listed Building and associated works and landscaping; and the erection of building with basement, landscape and associated works, to provide additional 26 additional bed spaces and |
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social/study spaces for a C2 residential institution. (Amended Plans). Pending Consideration.

96/01165/L - Listed Building consent for blocking up existing openings on south elevation, ground floor. 1 new door at ground floor, east elevation (amendment to 92/01070/L). Approved 25th October 1996.

96/00639/NFH - Erection of 3/4 storey building to provide 22 study bedrooms, 7 parking spaces and cycle stands (amendment to 92/1071/NFH). Approved 3rd September 1996

96/00560/NFH - External alterations comprising entrance porch and new window in existing opening located in single storey east wing. Approved 7th June 1996.

96/00527/NFH - Construction of a dwarf wall, railings and gates with single storey gate house (Option Two - with extended site area) for Frewin Hall, accessed from St. Michael's Street). Approved 4th July 1996.

96/00525/NFH - Construction of a dwarf wall, railings and gates with single storey gate house (Option One) for Frewin Hall, accessed from St. Michael's Street. Approved 4th July 1996.

92/01074/NFH - Erection of three storey infill building containing 6 study bedrooms with shared facilities on each floor. Pedestrian access from Frewin Hall garden and realignment of existing garden boundary wall to Oxford Union - Site E (Amended Plans). Refused 7th December 1993.

92/01072/NFH - Building on 4 levels incl. basement & roof space (adjoining Oxford Union Debating Hall) to provide 18 beds with shared facilities. Landscaping incl. removal of steps & replacement with ramp, paving, planting & HH 44 cycle stands. (Site D). Refused 14th April 1993.

92/01071/NFH - Extension to Frewin Hall to provide 3 part 4 storey building comprising 22 study bedrooms with shared facilities and 7 car parking spaces under building, using existing access from New Inn Hall Street via archway - site B (Amended Plans). Approved 7th June 1994.

92/01070/L - Listed Building consent for alterations and extensions to Frewin Hall to provide part three and part four storey building comprising 22 study bedrooms - site B (Amended Plans). Approved 7th June 1994.

90/00142/NFH - Single storey building to form 2 No. music rooms. Approved 5th April 1990.

83/00804/L - Listed Building consent for part demolition of Listed boundary wall and its extension at right angles to provide a new boundary wall to Frewin Hall garden. Refused 2nd December 1983.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

| Topic                     | National Planning Policy Framework | Oxford Local Plan                      |
|---------------------------|------------------------------------|--|
| Design                    | 117-123, 124-132                   | DH1, DH2                               |
| Conservation/<br>Heritage | 184-202                            | DH3, DH4                               |
| Housing                   | 59-76                              | H8, H9, H14, H15, H16                  |
| Natural environment       | 91-101                             | G2, G7                                 |
| Transport                 | 117-123                            | M1, M2, M3, M5                         |
| Environmental             | 117-121, 148-165, 170-183          | RE1, RE2, RE3, RE4, RE6, RE7, RE8, RE9 |

## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 15<sup>th</sup> November 2019 and an advertisement was published in the Oxford Times newspaper on 23<sup>rd</sup> January 2020.
- 9.2. Following amendments to the red line area of the site, the application was re-advertised by site notice on the 10<sup>th</sup> May 2020 and in the Oxford Times newspaper on the 19<sup>th</sup> March 2020.

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

#### Oxfordshire County Council (Highways)

- 9.3. Overall no objections are raised subject to conditions.
- 9.4. The application seeks to demolish and refurbish existing buildings and erect further building which will provide study rooms for Brasenose College and an additional 26 bedrooms. There are currently 170 student rooms within the site, the additional 26 rooms will bring the total to 196. The college is well placed to make use of the wide range of public transport available in the vicinity with the train station approximately 10 minutes' walk and several bus services available which travel to different areas of the city and county. It is expected that students will be mostly using public transport to travel along with walking and cycling.



- 9.5. There is little opportunity in the area for students to bring cars to the city and park, there are parking restrictions in the form of double yellow lines in the city centre and Controlled Parking Zones in the surrounding areas and it is therefore not considered that the development will worsen the existing situation. There will be an increase of traffic at year start/end, however, in comparison to the existing 170 rooms, the addition of 26 rooms is not considered significant. However, a student traffic management plan has been produced for all 196 rooms, this is welcomed and sets out the form of management which will occur during these times. The 3 existing on-site parking spaces will be retained.
- 9.6. The city centre is sensitive at peak times and therefore a construction traffic management plan (CTMP) is required in order to manage construction traffic on the network, this has been conditioned. Any construction works taking part on the highway network will require a S278 Agreement prior to commencement.

#### Cycle Parking

- 9.7. The applicant has stated that there are currently 112 cycle spaces on site and 23 more will be provided for the new units bring the total to 135 spaces. A condition has been included to ensure that the required level of cycle parking is provided to a high standard.

#### Travel Plan

- 9.8. The transport statement identifies that this development will mean an extra 26 student rooms for Brasenose College under a C2 category.
- 9.9. This development will therefore only require a Travel Information Pack to be produced. This should be produced prior to first occupation and then distributed to all students at the point of occupation.
- 9.10. In addition to the required criteria contained within the OCC guidance document the pack should also contain information specifically relevant for students at Brasenose College. Information such as college procedures for drop off and collections at the beginning and end of term and links to any existing Brasenose College travel plan documentation or co-ordinator.

#### Oxfordshire County Council – Drainage

- 9.11. No Objection – subject to conditions

#### Historic England

- 9.12. The grade II\* listed Frewin Hall is a highly significant building principally because it is one of the few remaining fragments of a 12<sup>th</sup> century townhouse to survive in this country. The site as a whole is fascinating archaeologically, as is the story of the lost St Mary's College, while 17<sup>th</sup> century interiors on the ground floor are of great interest. Finally T. G. Jackson's work in transforming the exterior into a handsome house is also important.

9.13. The proposals for the house itself are wholly positive. They allow the 17<sup>th</sup> century spaces to be experienced by more people, reinstate a lost central chimney stack and avoid damage to historic fabric of significance.

9.14. The proposed new quad would change the character of this space dramatically but in our view this could be a positive development. While the Frewin Hall was a private house with a large garden in the 19<sup>th</sup> century it's currently context is now a College campus. Unsympathetic and high modern development has compromised the appearance of garden and in our view it now makes a very limited contribution to the significance of the grade II\* listed building as all it does is perpetuate a memory of a relatively short phase in the history of the building which is of limited interest rather than contributing to an appreciation of its architectural qualities. We therefore assess the harm entailed by the development of this site as very low. A new development which can relate positively to the Frewin Hall would be in our view justified as preferable to the status quo and we consider the current proposals to be of the high quality necessary to occupy this space. We therefore consider that the requirements of paragraphs 192 and 194 of the NPPF would be met if the council resolved to grant listed building consent and planning permission.

Thames Water Utilities Limited

9.15. No objection subject to conditions

Environment Agency

9.16. Do not wish to comment

Thames Valley Police

9.17. Overall no objections but recommend that consideration be given to lighting, installation of CCTV to cover all access points and the installation of secure access doors.

**Public representations**

9.18. No general public comments have been received in relation to on this application.

Oxfordshire Architectural and Historic Society (OAHS)

9.19. A detailed response has been received from OAHS, the key points within the response are summarised below:

9.20. We support the aim of the college to reinstate Frewin Hall as befits its grade II\* listing. This is a very important building in terms of its long history and some remarkable survivals from the 12<sup>th</sup> and 16<sup>th</sup> centuries. However, we are concerned about the paucity of in-depth information on, and analysis of, the building.

- 9.21. We are disappointed in the quality of the supporting information. There is no statement of need to justify some of the proposed interventions into the historic fabric, nor is that fabric fully understood in parts of the application.
- 9.22. We are disappointed that the written scheme of investigation is silent on the effects of the proposals on the sub-vault. Indeed, the D&A is quite short on detail for these proposals.
- 9.23. In relation to the new-build proposals, we note that the rubble stone eastern boundary wall of the southern garden is to be dismantled. This is a historic boundary line, present in all historic maps submitted in the application. We do not think that this wall should be dismantled unless absolutely unavoidable. Important evidence can be lost in such a process. Recording is not a justification for harm to or loss of significance (NPPF 199) but, at the very least, there should be an archaeological condition placed on this part of the works, and reinstatement should place stones back in their previous situation, so as not to lose historical evidence. More elements may come to light as the college strips back, and there may be tricky questions surrounding the impact of those 20th-century interventions on the historic fabric, for instance the structural support changes that must have been made when the stack was removed. So, it would be advisable for the college to be braced for that possibility, both in terms of awareness and contingency funds.
- 9.24. We suggest that Brasenose retain a contingency fund for dealing with the unexpected, before committing to expenditure on works that may be 'nice to have' rather than essential. In the non-essential category one might include the alterations to the carriageway to the south of Frewin Hall, exploratory works in the undercroft, and reinstating the ground floor part of the central chimneystack in the main range. They might need a contingency for sub-surface archaeology when they come to dig the foundations for the new building, and for works within the historic structures resulting from interventions such as opening up the ground floor fireplaces.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development
- Design and Heritage Impacts
- Archaeology
- Neighbouring amenity
- Transport
- Trees
- Flooding
- Ecology
- Land Contamination

**Principle of development**

- 10.2. Policy H8 of the Oxford Local Plan is permissive of the provision of student accommodation on or adjacent to existing University campuses or academic sites, in the city centre or district centre, or on sites allocated for the purposes of providing student accommodation. The site is located within the City Centre and would therefore be an acceptable location for the provision of student accommodation, in line with Policy H8 of the Oxford Local Plan.
- 10.3. Policy H8 of the Oxford Local Plan requires that student accommodation will be restricted in occupation to students in full-time education on courses of an academic year or more. This restriction does not apply outside the semester of term-time, provided that during term-time the development is occupied only by university students. This ensures opportunity for efficient use of the buildings for short-stay visitors, such as conference delegates or summer language school students, whilst providing permanent university student accommodation when needed.
- 10.4. In order to comply with the provisions of Policy H8 of the Oxford Local Plan and to ensure that the accommodation is used for its stated purpose, to meet the college’s existing shortfall in student accommodation, officers consider it necessary to ensure that a planning condition is applied to restrict the use of the accommodation during term time to full time students.
- 10.5. In November 2018, the Government introduced the Housing Delivery Test which looks at housing data based on Local Authority housing returns from 2015/16 onwards and calculates what the provision of student accommodation does to releasing C3 housing back onto the open market. In this instance, this indicates that for every 2.5 student beds provided, 1 C3 dwelling is released. The new accommodation at Frewin Hall would provide 30 rooms, which would release approximately 12 dwellings back into the open market.
- 10.6. In support of the application, a statement of need has been provided which assesses Brasenose College’s existing and future need for student accommodation. The statement of need summarises that there is an existing shortfall of 108 rooms. Currently accommodation for Brasenose College is split across four sites at Radcliffe Square, Frewin Hall, St Cross and Hollybush Row. The table below taken from the applicant’s planning statement and statement of need provides a summary of existing undergraduate and postgraduate student numbers and the distribution of the college’s students across the four sites.

| Student rooms in 2019             | Undergraduate            | Postgraduate     |
|-----------------------------------|--------------------------|------------------|
| Main College at Radcliffe Square  | 163                      | 1 (Junior dean)  |
| The Frewin Site <sup>1</sup>      | 170                      | 2 (Junior Deans) |
| St Cross                          | 0                        | 49               |
| Hollybush Row                     | 10                       | 32               |
| TOTAL Bedspaces                   | 343                      | 84               |
| TOTAL number of students          | 356                      | 288              |
| % housed in College accommodation | 96% (but 100% of demand) | 29%              |

10.7. The above table indicates a significant shortfall in postgraduate accommodation. The vast majority of undergraduate students (96%) are already housed within purpose built student accommodation. The table below, taken from the applicant's Planning Statement provides a summary of the total needs of the University in terms of the requirement for undergraduate and postgraduate rooms as well as 'supporting spaces', these being facilities such as music practice rooms, gyms or common rooms for the social well-being of students.

| Type of Bedspaces | No. of Bedspaces |
|-------------------|------------------|
| Undergraduates    | +4               |
| Postgraduates     | +88              |
| Supporting spaces | +16              |
| Total Need        | +108             |

10.8. The table above outlines a total requirement for 108 rooms, most notably 88 postgraduate rooms are required. The applicant's statement of need also provides an assessment of existing sites under the ownership of Brasenose College which could theoretically address the college's accommodation needs. It should be noted though that none of the sites mentioned as part of this assessment as having the potential to deliver additional student accommodation currently benefit from planning permission. The assessment does however identify that even in the event that all of the sites which could theoretically provide student accommodation were to be developed to provide student accommodation, then there would still be a shortfall of 41 rooms.

10.9. Officers are satisfied that there is an identified need on behalf of the college for further student accommodation and the development of 30 additional rooms on this site, which is an established student housing site in close proximity to Brasenose College, would be acceptable in principle. The development would make a significant contribution to the college's need to accommodate its students, particularly addressing the shortfall in postgraduate accommodation.

### **Affordable Housing**

10.10. Policy H2 of the Oxford Local Plan states that for new student accommodation of 25 or more student units (or 10 or more 4 self-contained student units), a financial contribution should be secured towards delivering affordable housing elsewhere in Oxford. Contributions towards affordable housing provision from new student accommodation will not however be sought where:

- i) The proposal is within an existing or proposed student campus site, as defined in the glossary; or
- ii) The proposal is for redevelopment of an existing purpose-built student accommodation site which at the date of adoption of the Plan is owned by a university and which will continue to be owned by a university to meet the accommodation needs of its students.

- 10.11. Accounting for the above criteria, it is considered that the proposed development would be exempt from a requirement to make a financial contribution towards affordable housing, in line with Policy H2 of the Oxford Local Plan. The proposals would represent an intensification of student accommodation on a site where there is already student accommodation used by Brasenose College within Frewin Hall itself and in several of the buildings to the rear of New Inn Hall Street.
- 10.12. Taking these factors into account, officers consider that the applicant would not be required to make an off-site financial contribution towards affordable housing in line with the exemptions listed under Policy H2 of the Oxford Local Plan.

## **Design and Heritage Impacts**

### New Student Accommodation and Curtilage Works

- 10.13. The NPPF requires that local authorities seek high quality design. It suggests that opportunities should be taken through the design of new developments to improve the character and quality of an area and the way it functions. Policy DH1 of the Oxford Local Plan specifies that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness.
- 10.14. The site lies within the Central Conservation Area. This part of the conservation area (part of the medieval town character zone as shown in the draft Central Conservation Area Appraisal) largely retains its historically residential and commercial character, with the survival of buildings, built features, plot layouts and alleyways. A key characteristic of this part of the conservation area is the enclosed green spaces set behind stone walls which are evidence of the historic origins of the city and contribute to its special interest. The Frewin Hall site with its boundary walls, entrance ways, and a large proportion of its garden area retained, makes a significant positive contribution to the character of the conservation area, the setting of the surrounding listed buildings and the public realm.
- 10.15. Frewin Hall is a grade II\* listed building and lies at the centre of the site. Historically used as a private residence, the building currently houses a number of student bedrooms. Frewin Hall is a large three storey building consisting of a 12<sup>th</sup> century vaulted basement, a 17<sup>th</sup> century house (ground floor western range), a 17<sup>th</sup> century southern range which was remodelled in the early 18<sup>th</sup> century, and late 19<sup>th</sup> century upper floor extensions and remodelling works by T.G. Jackson. A three storey late 20<sup>th</sup> century extension adjoins the southern range. The stone boundary walls which surround the site are curtilage listed including the entrance archway on New Inn Hall Street (likely to date to c.1600), and the remnants of the stone wall along Shoe Lane, the former boundary wall to Frewin Hall, are listed independently as a grade II listed structure.
- 10.16. Frewin Hall has high architectural, artistic and historic significance derived from the several phases of its development; principally the remaining part of

the 12<sup>th</sup> century townhouse that once existed on the site which evidences the influence of Norman urban development, followed by the subsequent medieval collegiate development, which is now largely lost above ground and of archaeological importance, and the post-medieval domestic use.

10.17. The site also lies within the setting of a number other listed buildings. The grade II\* listed buildings of the Oxford Union lie to the north east of the site. The building also lies within the setting of the Grade II listed 22 and 24 New Inn Hall Street; 20 New Inn Hall Street and 32 and 34 New Inn Hall Street, all of which back on to the Frewin Hall Site.

10.18. Policy DH3 of the Oxford Local Plan specifies that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance, character and distinctiveness of the heritage asset and locality. For all planning decisions for planning permission affecting the significance of designated heritage assets (including Listed Buildings and Conservation Areas), 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).

10.19. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

10.20. For development within or affecting the setting of Conservation Areas, the NPPF requires special attention to be paid towards the preservation or enhancement of the Conservation Area's architectural or historic significance. Paragraph 193 of the NPPF requires that: "When 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".

10.21. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10.22. The principal element of the proposed development involves the erection of the proposed student accommodation building, which is a two to three storey building. The siting of the building would result in the development of the loss of the southern garden, with two three-storey (from ground level) blocks sited alongside the eastern and southern boundaries, and a two-storey block sited alongside the western boundary. The remaining garden area would be transformed into a courtyard, incorporating a mixture of planted areas, areas of

hardstanding, and floor-mounted glazing and lightwells to serve the lower ground floor rooms.

- 10.23. In association with the proposed new student accommodation block, it is proposed to dismantle and reconstruct the boundary stone wall on the eastern perimeter of the site and the entrance archway fronting onto New Inn Hall Street. The existing stone wall to the rear of No.32-34 New Inn Hall Street would be reconstructed on a slightly different alignment, the brick wall forming the rear boundary of No's 22-30 New Inn Hall Street would be demolished, and the music room building, timber shed and small lean-to would also be demolished.
- 10.24. The existing garden site makes a significant contribution to the setting of Frewin Hall, and conveys an understanding of the former domestic origins of the site. The introduction of built form of the scale and massing proposed would erase the character of a domestic building set within its garden setting, of which the size of the garden setting is commensurate to the building's status. Although the existing site does not have a prominent presence in the street scene, the way the site is experienced from the public realm, through the glimpsed views and views of tree canopy cover within the site (a key characteristic of the conservation area), is important and would be altered and eroded through the loss of tree canopies and addition of built form of a significant scale and massing.
- 10.25. Although not yet adopted the Draft Central Conservation Area Appraisal, which has undergone public consultation, is a material consideration with some weight. The document states that the principal aspects of the medieval character zone that harm character and appearance include 'large floorplate twentieth century commercial buildings with frontages of alien scale and modulation and inappropriate materials, which has resulted in the loss of historic plot boundaries, gardens and yards.'
- 10.26. The proposed building which varies between two and three storeys would be a large addition in terms of scale and massing when viewed in the setting of Frewin Hall and the surrounding garden space. The proposals would result in the loss of a section of garden space, which as referenced above, provides an important contribution to the setting of Frewin Hall. Whilst the new sunken courtyard space is referenced as a garden within the supporting documents, including the design and access statement, this would not generally be perceived as a garden from either within the site or externally in views from the conservation area, given both the sunken nature of the space and the introduction of the built form, which would occupy much of the former garden space.
- 10.27. The building would be contemporary in appearance, which contrasts with the vernacular aesthetics of Frewin Hall and the surrounding traditional buildings fronting New Inn Hall Street, including the adjacent Grade II listed John Wesley cottages. A contemporary approach is not in itself harmful given that a more traditional design approach replicating the vernacular would potentially blur the distinction between the older and new elements, particularly as the building has already been subject of a later less sympathetic 20<sup>th</sup> century rendered extension.



- 10.28. The overall design of the accommodation building is considered to be of a high standard, however the addition of a building of the scale and proportions proposed would have an undeniably transformative impact on the setting of the Frewin Hall. The addition of the sunken courtyard to conceal lower sections of the building when viewed from the garden to the front of Frewin Hall and limiting the height of the building to ensure that the higher elements sit below the main roof ridge of Frewin Hall does, to some extent reduce the perception of the scale of the new building. Nevertheless this cannot be fully achieved and the building would still have an obvious visual presence and the scale and proportions would visually compete with Frewin Hall, negatively affecting the setting of the listed building and how this is perceived and appreciated which would amount to less than substantial harm.
- 10.29. The proposed materials palette which predominantly consists of natural stone, timber cladding and steel of various types / finishes would be high quality materials that would introduce texture and depth to the buildings appearance, helping to knit it into the site (stone elements) and reduce some of the harm caused.
- 10.30. In addition to the less than substantial harm caused to the setting of Frewin Hall there would be a low level of less than substantial harm to the setting of the Grade II listed John Wesley Cottages, resulting from the siting of the two storey element of the proposed building and the spatial relationship between this and the rear sections of John Wesley Cottages. Whilst the rear elevations of John Wesley Cottages are of a lesser significance compared to the frontage of the buildings, the siting of the two storey element would obstruct views of the cottages from Frewin Hall affecting the setting of the listed building. The two storey element of the building would attach to a section of the rear of the cottages. Currently the music room also attaches to the rear of the cottages, however the student accommodation building would be a much larger addition which to an extent turns its back on the cottages and does not achieve a wholly positive relationship.
- 10.31. The existing music room building, timber shed and small lean-to which adjoin the eastern face of the John Wesley Cottages rear boundary walls date to the late-20<sup>th</sup> and early-21<sup>st</sup> century, and although the music room is a building of some quality, the structures comprise no heritage significance and therefore their demolition would not result in harm to the settings and significance of the associated listed buildings.
- 10.32. Whilst much of the site is not visible in public views in the Conservation Area, there are glimpsed views between Nos. 24 and 32 New Inn Hall Street and Shoe Lane. There are also views from Carfax Tower. The rear sections of the three storey elements of the building would be visible from Shoe Lane, above the existing boundary wall in a position adjacent to the Clarendon Centre service yard, though the presence of the building in itself is unlikely to be harmful within this context, given that the rear sections of the building would be sited alongside the more modern elements associated with the Clarendon Centre.
- 10.33. The greatest impact of the new accommodation building in terms of these key external public views would be the loss of the existing green canopy cover visible

from Shoe Lane and New Inn Hall Street owing to the removal of the existing trees on the garden site. The submitted plans include the planting of a substantial tree within the courtyard area of the accommodation building, which would potentially be visible in broader public views, in addition to planting elsewhere on the site. Whilst replacement planting would be subject to a condition to maintain a level of canopy cover and tree planting across the site, the external perception of the site as a hidden garden space when viewed particularly from Shoe Lane and to a lesser extent from New Inn Hall Street would be lost, which in officers view would amount to less than substantial harm to the setting of the Central Conservation Area and Frewin Hall itself.

10.34. Overall the introduction of the new building would result in less than substantial harm to the setting of the Grade II\* listed Frewin Hall given the loss of the existing garden area and tree canopy cover and the introduction of a building of a sizeable scale and volume into this presently, largely undeveloped space.

10.35. The development of a landscape masterplan for the entire site, although at a late stage in the design development process, has helped inform and improve the development of the proposed scheme. The reinstatement of a boundary wall in between the Frewin Hall forecourt and the development site is considered beneficial providing an element of separation and helping to define the two character areas.

10.36. The proposed landscaping of the development site should be informed by the existing garden/former orchard character of the space and as currently proposed there are concerns that due to the amount of hardstanding, the proposed scheme would not successfully achieve and convey a strong garden area character, therefore not adequately mitigate some of the harm caused to the settings of the listed buildings and conservation area. Notwithstanding this, the landscaping proposals across the wider site (phases 2 & 3) would improve the character of the wider site, settings of the surrounding buildings, and introduce additional improved tree planting which would help mitigate some of the tree canopy cover lost as a result of the proposed student block.

10.37. Careful consideration needs to be given to the siting of cycle parking and design of any structures to ensure it does not detract from the setting of the listed buildings on the site. The proposal to site cycle parking in front of the western elevation of the grade II\* listed Oxford Union Debating Chamber will cause harm to its setting and other alternative locations should be considered. Details in respect of the location and design of the cycle parking will be sought by condition.

10.38. The arched gateway and walls fronting New Inn Hall Street and forming the western boundary of the site are remains of the former St Mary's College (15<sup>th</sup>-16<sup>th</sup> century), with the top of the gateway likely contemporary with the erection of Frewin Hall c.1600. As is evidenced by the photographs and specifications included in the Heritage Statement of Significance, substantial work including the reconstruction of a significant extent of the gateway was carried out in the 1970s. Subject to a condition requiring the structure to be fully recorded prior to dismantling and further details of the reconstruction works provided in the form of

a construction method statement and on-site samples, the works would cause limited harm to the significance of this structure.

- 10.39. Evidence suggests that the eastern boundary wall was reconstructed during the 20<sup>th</sup> century, likely as part of the 1970s development which occupies the southern end of the plot fronting Shoe Lane. The proposal to dismantle and reconstruct this section of wall would therefore cause limited harm to its significance subject to its recording prior to dismantling and appropriate reconstruction, which will be secured by condition.
- 10.40. The proposal to rebuild the northern section of stone wall which forms the rear east boundary of the John Wesley Cottages, further to the east would reinstate the stone wall on a former boundary line and therefore not cause harm to the significance of this wall or lessen its contribution to the setting of the listed building.
- 10.41. The need for the dismantling and reconstruction of these walls to facilitate the construction of the new student accommodation is considered clear and convincing justification for the works. The harm caused to the heritage significance of these structures and their contribution to the significance of Frewin Hall would be limited and outweighed by the public benefits associated with the new student accommodation building and the improvement works to Frewin Hall.
- 10.42. The brick walls forming the rear eastern boundaries of the John Wesley cottages are likely to date to the late-19<sup>th</sup> century. The loss of these walls would cause a low level of less than substantial harm to the significance and setting of these listed buildings. This need for the removal of these walls is considered justified by the need for the student accommodation, mitigated by the retention of the boundary line albeit with new construction, and outweighed by the benefits associated with the new development.

#### External Works to Frewin Hall

- 10.43. A series of alterations are proposed within this application to Frewin Hall itself. The external alterations to the building form part of this planning application, whilst a number of internal changes are proposed under the linked listed building consent application.
- 10.44. The proposed restoration and reinstatement of the entrance doorway in the west elevation of the southern range of the building would enhance the architectural significance of the listed building and be a heritage benefit. The proposed changes to the façade openings of the 1996 Frewin extension are also considered positive and beneficial by removing the visual emphasis away from the vehicular entrance.
- 10.45. The new glazed lobby extension to the north elevation would cause a low level of less than substantial harm by reason of its flat roof form which extends beyond the 19<sup>th</sup> century lean-to extension. The harm is considered to be justified and mitigated by the improvements that would be made to this entrance and the functioning of the building. The use of structural glass, and natural stone for the

new side wall and floor, which together with the existing external walls remaining exposed within the space, is considered an appropriately sympathetic treatment which would result in a more visually lightweight lobby.

10.46. Overall the proposed works to Frewin Hall would better reveal and enhance the heritage significance of the building, whilst ensuring it can function as student accommodation and meet the modern day needs of the college.

#### Assessment of Harm and Public Benefits

10.47. The NPPF states that 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). Paragraph 193 requires great weight to be given to the conservation of designated heritage assets. For development that would lead to less than substantial harm, this harm should be weighed against any public benefits the proposed development may offer, including securing its optimum viable use (para 196).

10.48. As identified above, it is considered that the siting of the new accommodation building would result in less than substantial harm to the setting and significance of the Grade II\* listed Frewin Hall, the Central Conservation Area and surrounding heritage assets. This is accounting for the loss of the garden space and existing canopy cover in addition to the transformative impact of the building accounting for its overall scale and massing.

10.49. The development would also deliver notable public benefits. The provision of student accommodation may primarily benefit the college, however in addressing an identified deficit in available accommodation this would constitute a public benefit by releasing additional housing back into the local housing market. Under the government's Housing Delivery Test, the provision of 30 student rooms would equate to the release of 12 Class C3 residential dwellings back into the local housing market.

10.50. The majority of the works to Frewin Hall proposed within this application and particularly the linked listed building consent application would constitute a significant public benefit. In order, however, for the public benefits to be fully realised it is essential that these works are carried out in full, within a reasonable timeframe. It is essential that a mechanism exists to ensure that planning permission is not partially implemented, thereby excluding the works which would be beneficial from a heritage perspective. Without such a guarantee that the works to Frewin Hall would be completed, this could not be afforded weight as a public benefit. The applicants have therefore agreed to enter into a Section 106 agreement to ensure that the following works to Frewin Hall are carried out:

- Restoration of the principal ground floor reception rooms within Frewin Hall back to a communal/interactive purpose
- Sympathetic restoration of the building's exterior including the re-opening of its southern entrance;
- The reversal of other unsympathetic internal and external changes during the 20<sup>th</sup> Century

- The sensitive refurbishment of the Norman undercroft, improving its use and appreciation within Frewin Hall;
- The delivery of new landscape to improve the setting and accessibility of Frewin Hall.

10.51. A draft heads of terms (HOTs) document prepared by the applicant outlines a timeframe which would see the completion of all of the enhancement works to Frewin Hall concluded within a period of 6 years following implementation of the planning permission, this would consist of a 4 year period to commence works and a 2 year period to complete works. Officers consider that this is a reasonable timeframe in which the public benefits in respect of the works to Frewin Hall can be secured and fully realised.

10.52. The overall package of improvement works to Frewin Hall proposed within this application, the linked listed building consent application and the draft HOTs would constitute a significant public benefit, which would enhance the significance of the Grade II\* listed Frewin Hall and should be afforded great weight in the overall planning balance.

10.53. To summarise officers consider that the development would result in less than substantial harm to the significance of Frewin Hall and the Central Conservation Area. The public benefits of the scheme include securing a series of beneficial works which will enhance the significance of Frewin Hall as proposed within this planning application and the linked listed building consent application. Furthermore there would be benefits arising from the provision of an additional 30 student rooms, which would in accordance with the government's housing delivery test release up to 12 units back into the local housing market. This is a small, but nonetheless valued contribution towards local housing need. In accordance with Paragraph 196 of the NPPF, when weighing up the less than substantial harm against the public benefits of the proposed development, officers consider that the harm would be outweighed.

### **Archaeology**

10.54. Policy DH4 of the Oxford Local Plan states that applications should include sufficient information to define the character, significance and extent of such deposits so far as reasonably practical. The Policy states that proposals that will lead to harm to the significance of non-designed 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.

10.55. The site is of interest because of the potential for late Saxon, Norman, late medieval and post-medieval remains related to over 1000 years of occupation activity within the historic core of the town. The listed Frewin Hall itself preserves the remains of a 12th century vaulted cellar and various phases of above ground structures of likely medieval and later date.

10.56. The site is located between Cornmarket and New Inn Hall Street, within the rectilinear street grid that is believed to have been laid out when a defended burh was established at Oxford in the late 9th or early 10th century. The foundation

date of the burh and its central rectilinear street system remains to be established, however the burh is referenced in the early 10th century in the Burghal Hidage and a coin of Edward the Elder was found pressed into the primary street metaling of New Inn Hall Street.

- 10.57. The plot occupied by Frewin Hall can be traced back to an unusually large urban *curia* recorded from 1160 and this may be related to a large plot or *haga* associated with a late Saxon elite residence taking the form of a urban estate, defined by Shoe Lane, Cornmarket, New Inn Hall Street and Ship Street (or some smaller variation of this). The archaeology of such plots (*hagan*) is of considerable interest in the study of proto-urban and urban development in England, potentially reflecting urban copies of rural manorial complexes that gradually make use of retained or leased sub-divided plots along the principal street frontages to gain access to the developing urban markets.
- 10.58. By the late Norman period these plots had been decisively divided into the narrower densely packed urban plots however the Frewin Hall site may be an exception to this process and may have survived as an extensive urban manorial holding that was subsequent gifted to the Augustinians to be used for the foundation of a monastic college in the 15th century (St Mary's College). The late medieval college was poorly managed and only decisively completed in the early 16th century under the auspices of Cardinal Woolsey and with the input of leading royal craftsman. Post Dissolution the college was briefly a secular college and school and then demolished for its stone. The floor plan of the former college is not known but has been hypothesised by Prof. John Blair (1978). The wider Frewin Hall plot was subsequently used for cannon casting (another reference suggests that it was the location of the main Royalist field hospital) during the Civil War The area of the proposed development is shown as garden or orchard on the available 16th and later maps of the town.
- 10.59. The 2018 field evaluation has demonstrated that features interpreted by the earlier radar survey (rectilinear structure and possible graves) were not in-fact significant but instead spreads of later material. However a large east-west stone foundation was identified that corresponds with the line of the former college cloister (as suggested by John Blair in 1978). This lies outside the proposed basement footprint and is to be preserved in-situ. The remainder of the trenches demonstrated the presence of thick garden soil deposits sealing a dense array of late medieval and post-medieval rubbish and quarry pits as one would expect for such a location. One likely late Saxon pit was found along with a deeper late medieval pit (not bottomed) containing organic deposits, along with a number of exposures of brick earth/loam and natural gravel. These rubbish pits and quarry pits are of interest because 1) they form part of a wider urban assemblage of discarded waste (bone, pottery, organic waste etc.) that can provide information about the life ways and economy of the town and 2) because of the likely association of this waste with the Norman manorial site, St Mary's College and later use of Frewin Hall by Brasenose College.
- 10.60. The Saxon and medieval pits identified in the evaluation trenching, whilst themselves not individually exceptional, form part of a larger and diminishing asset formed by the defined plots and tenements of the Saxon and later medieval town. This wider asset can be identified as of great interest in the field

of Late Saxon and medieval studies and the cumulative impact of basement construction on these assets should be noted. In this instance the level of harm to this asset base can be assessed as less than substantial harm to a non-designated heritage asset (the tenement archaeology of the historic plot associated with Frewin Hall) or a low level of less than substantial harm to the wider asset type (back of tenement waste pits and ditches) which can be assessed as nationally significant at a city wide scale (although not scheduled).

10.61. Frewin Hall is 16<sup>th</sup> century and later structure (with 19<sup>th</sup> century re-building) with some fabric suggestive of a possible 13<sup>th</sup> century component (or re-use from this date). It is built over a Norman vault that has been identified as “as one of the oldest domestic buildings remaining in England” (Blair 1978). The eastern perimeter wall of the southern garden is also of interest as it forms part of the post-medieval precinct boundary and the extent of previous rebuilds and repairs remains unclear. The works to dismantle and rebuild the previously reconstructed gateway on the New Inn Hall frontage would also warrant targeted observation to monitor works adjacent to known medieval fabric.

10.62. To avoid harm to avoid potential harm to archaeological deposits, officers recommend the inclusion of conditions requiring the archaeological excavation of the new basement footprint and related impacts in accordance with the submitted Written Scheme of Investigation, in addition to historic building recording. The historic building recording would relate to a) Frewin Hall b) the eastern garden precinct wall and c) the rebuilding of the St Mary’s College gateway on New Inn Hall Street 3) further archaeological recording in the phase 2 area.

## **Amenity**

### Future Occupiers

10.63. Policy H8 of the Oxford Local Plan requires the provision of internal communal amenity spaces within new developments of student accommodation

10.64. The new accommodation would be served by a kitchen/café/social space at lower ground floor level. This would be the only substantial area of social space within the new accommodation. Some concerns were expressed at pre-application stage, including by the design review panel in relation to the quality of this space, in particular the amount of natural light serving this space. In order to address these concerns the plans include a large lightwell which would provide natural light into this basement area. It should be noted that all occupiers of the existing and future accommodation would also have access to the new areas of social space which would be created within the remodelled ground floor of Frewin Hall. Across the site it is considered that future and existing occupiers of the student accommodation on the site would be served by adequate standards of social space.

10.65. It should be noted that in terms of room sizes the Nationally Applied Minimum Space Standards applied to regular residential dwellings are not applied to student living spaces, nevertheless it would still be expected that future occupiers benefit from adequate privacy and daylight standards, as outlined in

Policy H14 of the Oxford Local Plan. The proposed rooms would not be significantly overlooked by any existing accommodation or adjacent uses, therefore occupiers would benefit from an acceptable standard of privacy. In terms of natural light, the applicants have provided a daylight assessment in order to demonstrate the building's performance in accordance with BREEAM standards.

10.66. The assessment indicates acceptable levels for each of the proposed rooms within the new accommodation. Light levels to the lower ground floor rooms have been enhanced through the addition of a cut away sunken sub-basement space adjacent to the rooms. The daylight assessment also demonstrates that the majority of the social spaces at ground floor level would benefit from acceptable standards of daylight. In summary, officers consider that the living accommodation for the new student residences would be acceptable in amenity terms.

10.67. The site is served by existing communal external amenity space in the form of landscaped garden spaces between the existing student accommodation fronting New Inn Hall Street and Frewin Hall to the north of the location of the proposed new accommodation building. The amenity space associated with the existing student accommodation also includes the southernmost garden area, some of which would partially developed to provide the new student accommodation proposed within this application.

10.68. To partially compensate for the loss of this area of space, a new central courtyard space with external seating would be provided within the new development of student flats. The wider landscape strategy for the site aims to improve the quality of the existing external areas including the area to the rear of the existing accommodation fronting New Inn Hall Street. The proposals also involve the re-landscaping of the 'back terrace' rose garden which at present exists as a planted area rather than a functional outdoor space. The re-landscaping of this area would create a new area of outdoor amenity space for students on the site. The re-landscaping of the front quad to the south of Frewin Hall would also create a new area of external space, which at present is not useable as this comprises an area of hardstanding, used principally for parking and vehicles to turn.

10.69. Overall officers consider that the wider amenity and landscaping improvements across the site compensate for the loss of the south garden quad as an area of outdoor amenity space and across the site there is a sufficient standard of external amenity space for existing students as well as the additional 30 students, which would be living on site.

#### Existing Occupiers/adjacent land uses

10.70. The area to the north of the site consists of a service yard for the adjacent Clarendon Shopping Centre. On the side of the service yard are a range of windows serving upper floor office space which would not be affected by the proposed development given the relative separation distance between the east facing rear of the student accommodation and these upper floor windows (Over



14 metres). A blank side wall which forms part of the Clarendon Centre extends up to the edge of the site.

- 10.71. The majority of the surrounding buildings are owned by Brasenose College and have upper floors in use as student accommodation. This includes the John Wesley buildings (Nos. 28 and 26 New Inn Hall Street) to the east of the site. The east elevation of the two storey element of the new building would attach to the side of these buildings. It should be noted that there are no side facing windows on the east facing elevation of John Wesley Buildings which would be obstructed by the proposed development.
- 10.72. The proposed building would attach to the rear of 18 Shoe Lane at first and second floor level. No.18 Shoe Lane is a three storey building which has student accommodation at first floor level, which is occupied by Students of Brasenose College. There is also a residential dwelling (non-student) at second floor level. There are existing windows in the north facing elevation of No.18 Shoe Lane facing the garden area of Frewin Hall and the site of the proposed building. This includes three smaller windows at first floor level as well as a larger window, as well as five windows set into the mansard roof of the building.
- 10.73. A void would be retained between the four storey element of the accommodation building and No.18 Shoe Lane. The ridge height of the first floor of the building would sit below two of the high level first floor windows serving living spaces in the adjacent student flats. This would ensure that the windows can be retained. There are several windows serving the living room area in the first floor student accommodation at Shoe Lane and the existing windows are north facing, overall the amenity of this living space would not be adversely affected. A stairwell serving the proposed flats would be sited adjacent to a first floor high level window serving a bedroom in the student accommodation. This room does not currently benefit from a high level of natural light and outlook given that it is served by a single high level, north facing window. Nevertheless there would be a need to re-site this window. No.18 Shoe Lane is owned by Brasenose College and the site plan and red line plan covering this site has been amended to include No.18. The applicants are proposing to move the first floor window to align with an adjacent lightwell, which would ensure that a window can be provided to serve this bedroom, which would be required by condition to ensure that the amenity of this room is preserved.
- 10.74. The ridge of the proposed building would sit below the mansard roof of No.18 Shoe Lane. Consequently the development would not result in a loss of light to the windows at second floor level serving the adjacent residential flat at No.18 Shoe Lane. Notwithstanding the close relationship with the proposed accommodation building, owing to the angle of the second floor windows and height differential between the existing and proposed building, officers consider that the scale of the building would not have an oppressive or overbearing impact upon the amenity of the occupiers of the upper floor flats.
- 10.75. Taking the above matters into consideration officers conclude that the proposed development would not impact detrimentally on the residential amenity of existing occupiers and the development would comply with the requirements of Policy H14 of the Oxford Local Plan.

10.76. The applicant has submitted a noise assessment report, which concludes that the noise risk associated with the site is between negligible and low risk. The installation of plant equipment may be required in order for the development to comply with the requirements outlined in the supporting Energy Statement. No detailed design or specifications have been provided for plant or service installations. A condition will be needed requiring the submission of designs and a specification for any plant equipment in order to ensure compliance with Policy RE8 of the Oxford Local Plan and to ensure an acceptable standard of amenity for future occupiers.

## **Transport**

10.77. The site is located in the City Centre and is in a highly sustainable location in terms of proximity to existing services and facilities, as well as public transport links. The accommodation would also be within 500 metres distance of Brasenose College.

10.78. With the exception of disabled and operational parking, it would be expected that student developments are otherwise car free in accordance with Policies M3 and H8 of the Oxford Local Plan. The proposed development would be car free and therefore complies with the aforementioned policies. There are currently three parking spaces on the site which are used for servicing which would be retained, though the total number of parking spaces would be roughly reduced from nine spaces as the informal parking area to the front of Frewin Hall would be landscaped. A reduction in parking would be in line with Policy M3 of the Oxford Local Plan.

10.79. A Student Traffic Management Plan has been submitted which outlines arrangements for drop off and collection procedures at the end of term so as to mitigate the impact of the development of the surrounding road network. The County Council Highways Team have reviewed this and have considered the Management Plan to be acceptable.

10.80. The applicant has stated that there are currently 112 cycle spaces on site. 23 cycle parking spaces are proposed for the new accommodation, this would bring the total number of spaces to 135 which would be in line with the required standards. The details of cycle parking, including the location and specification of the cycle parking would be secured by condition.

10.81. Enhancements are proposed to the pedestrian access to the site, through the creation of a new access point to New Inn Hall Street to serve the new student rooms. This would be beneficial as existing pedestrian access is limited to a single access gate from St Michaels Street.

10.82. In summary it is considered that the proposed development would be acceptable in terms of access arrangements and the development would not have an adverse impact on the surrounding highways network. The development would comply with the Policies M1, M2 and M3 of the Oxford Local Plan and Paragraphs 108 and 110 of the NPPF.

## **Trees**

- 10.83. Policy G7 of the Oxford Local Plan specifies that planning permission will not be granted for development proposals which include the removal of trees, hedgerows and other valuable landscape features that form part of a development site, where this would have a significant adverse impact upon public amenity or ecological interest.
- 10.84. The proposals would involve the removal of 7 existing trees of various species from within the site; most significantly a mature horse chestnut tree (T1) from near to the western boundary of the gardens, which is partially visible to the public between and above buildings from a short section of New Inn Hall Street and from the Shoe Lane entrance to the Clarendon centre. The trees scheduled for removal are low quality and value trees and the impact on public amenity in the area can be adequately mitigated by the intended new tree planting as shown on the Landscape Masterplan.
- 10.85. Tree T2 is a prominent category B Horse Chestnut Tree, this would be retained. Minor pruning work would be required with selected reduction of upper lateral branches. Officers are satisfied that the works to construct the new building, housing student accommodation would not damage the future integrity of tree T2.
- 10.86. 18 new trees of various species are to be planted as part of a phased upgrading of the various garden spaces, which should improve quality and enjoyment of the gardens, enhance the setting of the various buildings, and ensure that Tree Canopy Cover is maintained within the site over time.
- 10.87. The development would be subject to the implementation of an acceptable landscaping scheme, which would be secured by condition. Officers consider that the development would therefore comply with Policy G7 of the Oxford Local Plan.

### **Sustainability**

- 10.88. Policy RE1 of the Oxford Local Plan requires that an Energy Statement shall be prepared for all new residential developments, including for student accommodation. Policy RE1 of the Oxford Local Plan requires 40% reduction in carbon emissions from a 2013 building regulations compliant base case. This reduction should be secured through on-site renewable energy and other low carbon technologies.
- 10.89. An energy statement has been provided, which outlines that the development would include the following sustainability measures to achieve a reduction in carbon emissions:
- Solar water heating.
  - Advanced solid wall insulation.
  - Centralised ground source heat pump system.
  - Efficient lighting design.
- 10.90. The submitted Energy Statement was prepared prior to the adoption of the new local plan and suggests that the overall carbon emission reductions

calculated on the basis of the Energy Statement would be equivalent to 32.9%, which would be short of the 40% requirement outlined under Policy RE1 of the Oxford Local Plan. The applicant's energy consultants have stated that the strategy outlined within the submitted Energy Statement is capable of comfortably achieving the 40% requirement carbon reduction outlined under Policy RE1. In order to demonstrate this objectively, officers recommend a condition requiring the submission of an updated Energy Statement.

### **Drainage and Flood Risk**

10.91. The development would be located within Flood Zone 1 and is therefore identified as being at low risk of flooding. A Flood Risk and Drainage Strategy has been prepared for the site, the scope of which has been extended to provide drainage information for the building and the surrounding landscape (i.e. the whole site) identifying all parcels of the site and providing explanation and calculations for the surface water disposal of each. The work has also been extended to provide an outline design for the surface water disposal. The County Council have reviewed the Flood Risk and Drainage Strategy and have raised no objection to the development. The development is therefore considered to comply with the requirements of Policies RE3 and RE4 of the Oxford Local Plan.

### **Ecology**

10.92. Policy G2 of the Oxford Local Plan states that development will not be permitted where this results in a net loss of sites and species of ecological value. Where there is opportunity, development will be expected to enhance Oxford's biodiversity.

10.93. The application is accompanied by an ecology report which observes that the development would not have any direct or indirect adverse impact on protected species. The ecological potential of the site is limited by virtue of its urban nature.

10.94. It is indicated that bats may use features associated with the roof of Frewin Hall as roosting sites, though the overall potential for use is indicated as low and the alterations to create the proposed new entrance canopy at ground floor level is considered highly unlikely to have impacts on any bats using these features to roost.

10.95. The Council's Ecology Officer has indicated that they are satisfied that the accompanying ecology report gives due regard to the presence of protected species. The development would be subject to a condition requiring the addition of measures to enhance biodiversity on site.

### **Health Impacts**

10.96. Under the provisions of Policy RE5 of the Oxford Local Plan major development proposals, the Council will require a Health Impact Assessment to be submitted. The applicants have prepared a rapid HIA. Whilst the development would be classed as a major development, this is a smaller scale development which would be unlikely to have significant implications in terms of health

outcomes. The conclusion that can be drawn from the submitted HIA is that the development would not have any notably adverse impacts in terms of health outcomes and overall impact on public health would be neutral to positive. The opportunity is taken to incorporate measures which promote positive health outcomes for public health including the promotion of active travel, the building would also incorporate high standards of sustainability in the design of the building and would provide a positive contribution towards meeting local housing need. Any negative impacts, which in terms of health outcomes would be short term and mainly limited to short term construction impacts which may be appropriately addressed.

## **11. CONCLUSION**

- 11.1. On the basis of 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 it clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. In the context of all proposals paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development. This means approving development that accords with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 11.3. The proposed development would provide an additional 30 student rooms for Brasenose College, which would go some way to addressing an identified shortfall in the college's need for purpose built postgraduate student accommodation. The accommodation would be located in the City Centre on a site with an established long term use for student accommodation, which would represent an acceptable location in line with the Policy H8 of the Oxford Local Plan. The accommodation would be in a sustainable location in terms of access to public transport and existing services and facilities and would be car free, in line with the requirements of Policies H8 and M3 of the Oxford Local Plan.
- 11.4. The proposals involve relatively large scale development in the immediate setting of the Grade II\* listed Frewin Hall, as well as alterations to the listed building itself. Additionally the development would fall within the setting of 22-24 New Inn Hall Street (John Wesley Cottages) and 32 New Inn Hall Street which are Grade II listed buildings. The site lies within Oxford's central conservation area.
- 11.5. The garden space where the proposed student accommodation building would be sited contributes positively to the setting of the Grade II\* listed Frewin Hall and the central conservation area. The proposed building would result in the loss of the garden space and the existing tree cover on the site. The building

would be of a high design standard, though it would also be of substantial scale and volume, which would compete visually with Frewin Hall and the siting of the building would have an undeniably transformative impact on the setting of Frewin Hall which would constitute less than substantial harm to the setting of Frewin Hall. To a lesser extent the siting of the building would also result in less than substantial harm to the setting of the adjacent John Wesley Cottages and similarly there would be a low level of less than substantial harm arising from proposed curtilage works including the removal and replacement of curtilage listed walls and the archway to New Inn Hall Street.

11.6. The internal and external works to Frewin Hall proposed within this planning application and the linked listed building consent application (19/02602/LBC) are considered to be beneficial and would enhance the significance of the listed building. A legal agreement will be necessary to secure these works within a reasonable timeframe. A draft of heads of terms has been agreed to secure this programme of works.

11.7. The public benefits of the scheme include securing a series of beneficial works which will enhance the significance of Frewin Hall as proposed within this planning application and the linked listed building consent application. Furthermore there would be benefits arising from the provision of an additional 30 student rooms, which would in accordance with the government's housing delivery test release up to 12 units back into the local housing market. This is a small, but nonetheless valued contribution towards local housing need. In accordance with Paragraph 196 of the NPPF, when weighing up the less than substantial harm against the public benefits of the proposed development, officers consider that the harm would be outweighed.

11.8. The building would provide acceptable standards of amenity for future occupiers and the scale and siting of the development has been designed to limit the overall impact on existing occupiers. This includes the existing first floor student flats at No.18 Shoe Lane and the second floor residential dwelling also within this building which is under the ownership of Brasenose College. As this adjacent building falls under the ownership of the college it will be feasible to relocate the first floor window serving the north facing bedroom in the student accommodation at No.18 Shoe Lane. Overall it is considered that the development retains an acceptable standard of amenity for existing and future occupiers in line with Policies H8 and H14 of the Oxford Local Plan.

11.9. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to a legal agreement to secure comprehensive works are carried out to the Grade II\* listed Frewin Hall and to the conditions in section 12 of this report.

## **12. CONDITIONS**

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

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

2. The development referred to shall be constructed strictly in complete accordance with the specifications in the application and the submitted plans subject to conditions 3, 4, 5, 21, 28 and 29.

Reason: To avoid doubt as no objection is raised only in respect of the deemed consent application as submitted and to ensure an acceptable development as indicated on the submitted drawings.

3. Samples of all exterior materials proposed to be used, including but not limited to, structural framing, timber panelling, other framing elements, window and door frames, glass blocks, stone and hard surfacing, shall be made available for inspection on site and approved in writing by the Local Planning Authority prior to the commencement of above ground works and only the approved materials shall be used.

Reason: In the interests of visual amenity in accordance with policy DH1 of the Oxford Local Plan.

4. Sample panels of stonework demonstrating the colour, texture, face bond, mortar and pointing for the new walls shall be erected on site and approved in writing by the Local Planning Authority before relevant parts of the work are commenced. The approved sample panels shall be constructed with a lime mortar mix, shall represent the minimum standard and any pointing shall at least match the standard of the sample, to the satisfaction of the Local Planning Authority. The development shall be completed in accordance with the approved sample panel which shall remain on site for the duration of the development works. The existing stone from the John Wesley Cottages boundary wall shall be carefully cleaned off, stored safely and re-used in the reconstruction of the wall.

Reason: In the interests of visual amenity in accordance with policy DH1 of the Oxford Local Plan.

5. The following details of the new student accommodation building, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development / before the relevant parts are installed and the works shall be carried out in accordance with the approved details only:
  - a) Large scale drawn details, including vertical and horizontal sections, of typical 'bays' showing structural frame, framing, timber panels and windows
  - b) Large scale drawn details of roofs, eaves and fascias
  - c) Large scale drawn details and samples of the filigree panels
  - d) Large scale drawn details of external spiral staircase
  - e) Large scale drawn details of solar panels including elevations showing them in situ on the building

Reason: In the interests of visual amenity in accordance with policy DH1 of the Oxford Local Plan.

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

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

7. No development shall take place until a Construction Environmental Management Plan (CEMP), containing the site specific dust mitigation measures identified for this development, has first been submitted to and approved in writing by the Local Planning Authority. The specific dust mitigation measures that need to be included and adopted in the referred plan can be found in chapter 3.4 - pages 24-25 of the reviewed Air Quality Assessment that was submitted with this application. The development shall be carried out in accordance with the approved measures.

Reason: to ensure that the overall dust impacts during the construction phase of the proposed development will remain as “not significant”, in accordance with the results of the dust assessment, and with Policy RE7 of the Oxford Local Plan.

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

Phase 1 (incorporating a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model and preliminary risk assessment) has been completed and approved.

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

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



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

9. The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority.

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

10. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority.

Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

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

11. A Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. The approved CTMP shall be adhered to during the construction phase of development. The CTMP shall follow Oxfordshire County Council's template if possible. This shall identify;

- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
- Contact details for the Site Supervisor responsible for on-site works,
- Travel initiatives for site related worker vehicles,
- Parking provision for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Engagement with local residents.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

12. Prior to commencement of development, a landscape phasing plan shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, detailed landscape plans shall be submitted to, and approved in writing by, the Local Planning Authority prior to the relevant phase of development. The plans shall show in detail all proposed tree and shrub planting, treatment of paved areas, and areas to be grassed or finished in a similar manner.

Reason: In the interests of visual amenity in accordance with Policy G7 of the Oxford Local Plan.

13. The landscaping proposals as approved by the Local Planning Authority shall be carried out upon substantial completion of the relevant phase of development and be completed not later than the first planting season after substantial completion.

Reason: In the interests of visual amenity in accordance with Policy G7 of the Oxford Local Plan.

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

Reason: To avoid damage to the roots of retained trees in accordance with policy G7 of the Oxford Local Plan.

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

Reason: To protect retained trees during construction in accordance with Policy G7 of the Oxford Local Plan.

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

Reason: To protect retained trees during construction in accordance with Policy G7 of the Oxford Local Plan.

17. Prior to first occupation a Student Residential Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority. The Travel Information Pack shall be distributed to all new occupiers upon first occupation of the development.

Reason: To promote sustainable modes of transport in line with policy M1 of the Oxford Local Plan.

18. Before the development permitted is first occupied details of the cycle parking areas for 23 cycles, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

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

19. The student accommodation hereby permitted shall only be occupied during term time by students in full time education on courses of an academic year or more. Outside term time the permitted use may be extended to include accommodation for cultural and academic visitors and for conference and summer school delegates. The buildings shall be used for no other purpose without the prior written approval of the Local Planning Authority.

Reason: In order to maintain the availability of appropriate student accommodation in accordance with policy H8 of the Oxford Local Plan.

20. The student study bedrooms comprised in the development shall not be occupied until the wording of a clause in the tenancy agreement under which the study bedrooms are to be occupied restricting students resident at the premises (other than those registered disabled) from bringing or keeping a motor vehicle in the city has been submitted to and approved in writing by the local planning authority; and the study bedrooms shall only be let on tenancies

which include that clause or any alternative approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies H8 and M3 of the Oxford Local Plan.

21. Prior to the commencement of development an updated Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The updated Energy Statement shall confirm that the development achieves at least a 40% reduction in the carbon emissions from a code 2013 Building Regulations (or future equivalent legislation) compliant base case. This reduction is to be secured through on-site renewable energy and other low carbon technologies. The approved measures shall be implemented before first occupation of the development and shall be retained thereafter.

Reason: To ensure the incorporation of sustainable design and construction with the approved scheme and to ensure carbon reduction in line with Policy RE1 of the Oxford Local Plan.

22. A Noise Assessment shall be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of works. The assessment shall follow the methodology set out in BS 4142: 2014 to predict the likely noise impact at all noise sensitive receptors. The assessment shall demonstrate that the proposed development would not cause any significant adverse noise impacts and all reasonable steps have been taken in its design and operation to achieve a rating level  $L_{Ar,Tr}$  at least 10 dB below the existing background sound level  $L_{A90,T}$  at any dwelling. The development shall be carried out in accordance with the approved measures.

Reason: In the interests of the amenities of neighbouring occupiers, in accordance with policy RE8 of the Oxford Local Plan.

23. The development hereby permitted shall not commence until full Detailed Design details of the proposal, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

- a) Information about the design storm period and intensity (1 in 30 & 1 in 100 (+40% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- c) Flood water exceedance routes, both on and off site;

- d) A timetable for implementation;
- e) Site investigation and test results to confirm infiltrations rates; and
- f) A management and maintenance plan, in perpetuity, for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The approved drainage scheme shall be implemented before first occupation of the development and shall be retained thereafter.

Reason: To ensure that the proposed development can be adequately drained. To ensure that there is no flood risk on or off the site resulting from the proposed development.

24. For land that is included within the submitted Archaeological Written Scheme of Investigation (WSI) by Oxford Archaeology (dated March 2020) no development shall take place other than in accordance with the agreed WSI, this includes:

- A programme and methodology of site investigation, recording, public outreach and the nomination of a competent person(s) or organisation to undertake the agreed works.
- A 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.

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 Late Saxon, medieval and post-medieval remains, in accordance with Policies DH3 and DH4 of the Oxford Local Plan.

25. Before the relevant works are undertaken on the eastern perimeter garden stone wall, western perimeter garden stone wall, and western New Inn Hall Street gateway, the applicant or their agents or successors in title shall secure the implementation of a programme of archaeological work including Historic Building Recording 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.

Scope of recording: The archaeological investigation should consist of an intermittent watching brief and Level 2 photographic recording of the eastern and western perimeter walls and western gateway during dismantling works (in accordance with the Historic England guidance 2016 Understanding Historic Buildings). The recording work should be undertaken by a professionally qualified archaeologist working to a brief issued by the Local

Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including medieval and post-medieval remains, in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

26. Before the relevant works are undertaken on Frewin Hall, the applicant or their agents or successors in title shall secure the implementation of a programme of archaeological work including Historic Building Recording 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.

Scope of recording: The archaeological investigation should consist of a detailed watching brief and a Level 4 historic building recording survey of Frewin Hall (in accordance with the Historic England guidance 2016 Understanding Historic Buildings). The recording work should be undertaken by a professionally qualified archaeologist working to a brief issued by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including medieval and post-medieval remains, in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

27. No development in the Phase 2 area (as defined within the submitted Design and Access Statement) shall take place until a written scheme of investigation (WSI) has been submitted to and approved in writing 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 approved WSI, which shall include the statement of significance and research objectives, and:

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

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 Late Saxon, medieval and post-medieval remains, in accordance with Policies DH3 and DH4 of the Oxford Local Plan.

28. The first floor window serving the north facing bedroom within the first floor student flat at No.18 Shoe Lane shall be relocated before the commencement

of above ground building operations. The window shall be positioned in accordance with the details shown on approved drawings. 162/P/006 and 162/SK/020.

Reason: To preserve the amenity of existing occupiers of the adjacent student accommodation in accordance with Policies H14 and RE7 of the Oxford Local Plan.

29. The following details regarding the dismantling and reconstruction of the western boundary archway shall be submitted to and made available for inspection on site where relevant and approved in writing by the Local Planning Authority before the relevant works are commenced and the works shall be carried out in accordance with the approved details only:

- a) Recording of the archway in accordance with the requirements of condition 3 (historic building recording),
- b) Construction method statement and schedule of works for the dismantling of the archway, storage of the stone, and reconstruction of the archway on a like-for-like basis,
- c) Samples of new stone required to make up any shortfall following the dismantling works, and
- d) Sample panel of the new stonework demonstrating the face bond, pointing, and colour, texture and type of mortar.

The stone from the dismantled archway shall be carefully cleaned off and set aside under cover for re-use in the reconstruction of the archway.

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 DH3 of the Adopted Oxford Local Plan 2036.

30. The following details regarding the dismantling and reconstruction of the eastern boundary wall shall be submitted to and made available for inspection on site where relevant and approved in writing by the Local Planning Authority before the relevant works are commenced and the works shall be carried out in accordance with the approved details only:

- a) Recording of the wall in accordance with the requirements of condition 3 (historic building recording),
- b) Construction method statement and schedule of works for the dismantling of the wall, storage of the stone, and reconstruction of the wall on a like-for-like basis,
- c) Drawings showing elevations and sections of the reconstructed wall in the context of the proposed new building,
- d) Samples of new stone required to make up any shortfall following the dismantling works, and
- e) Sample panel of the new stonework demonstrating the face bond, pointing, and colour, texture and type of mortar.

The stone from the dismantled wall shall be carefully cleaned off and set aside under cover for re-use in the reconstruction of the wall.

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 DH3 of the Adopted Oxford Local Plan 2036.

### **13. APPENDICES**

- **Appendix 1** – Site location plan

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

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

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

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