

WEST AREA PLANNING COMMITTEE

Application number:	20/03109/LBC		
Decision due by	15th February 2021		
Extension of time	17 th April 2021		
Proposal	Replacement of existing weir with new concrete weir including new fish pass and stairs.		
Site address	Godstow Weir B Godstow Road Oxford Oxfordshire – see Appendix 1 for site plan		
Ward	Wolvercote Ward		
Case officer	Katharine Owen		
Agent:	Mr Jonathan Mullis	Applicant:	Mr Nick Leishman
Reason at Committee	Called in by Councillors Wade, Garden, Goddard, Gant, Roz Smith and Landell Mills due to concerns about potential harm to archaeological remains at the Trout Island and at Godstow Abbey, the latter being a scheduled ancient monument		

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **Approve the application** for the reasons given in the report and subject to the required listed building conditions set out in section 12 of this report and grant listed building consent; and

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

- Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary;

2. EXECUTIVE SUMMARY

2.1. This report considers the impacts of a proposed removal of Godstow Weir B which abuts the Godstow Bridge, a grade II listed structure in the Godstow with Wolvercote conservation area; the impacts on the setting of listed buildings and on heritage assets and the replacement of the weir with a new one, with an attached fish pass. Also considered are the impacts of the construction works

and any impacts on the archaeology of Trout Island where an access route is proposed.

- 2.2. It is important to state that the red line around the application site only covers the Godstow Bridge and Trout Island; the Godstow Abbey area is outside the red line area. The Abbey area is proposed to be the location of the site compound for the work. Godstow Abbey is a scheduled ancient monument and separate scheduled ancient monument consent has already been obtained for the works compound proposed there. Any works affecting the abbey are outside the scope of this listed building consent application. This application concerns the existing concrete 1930s weir.
- 2.3. There is no planning application associated with these works as they fall under permitted development.
- 2.4. The Environment Agency (EA) has responsibility for maintaining the weir (which they own) which needs to be replaced and removed downstream. The EA proposes also to construct a new fish pass abutting the new weir to allow them to pass.
- 2.5. The weir dates to 1937 with later additions and has no heritage significance in itself. It abuts the bridge and is not fixed to it. The replacement weir would be on a like for like basis but with improved mechanism.
- 2.6. The report considers the policy framework of the NPPF and that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.
- 2.7. Officers consider that the archaeology at the affected heritage assets (standing and below-ground assets) would be protected and recorded to an agreed standard.
- 2.8. No harm would be caused to the listed bridge which would be protected during the works; in the event of any damage being caused, this would be made good.
- 2.9. There would be public benefits arising from the replacement weir which is an important element of water management; the weir requires repair and there would be biodiversity benefits due to the construction of a fish pass. Also, separating the weir from the bridge would mean easier access to clean out debris between the two structures.
- 2.10. Another benefit would be the separation of the weir from the bridge, thus allowing increased visibility of the bridge.
- 2.11. The setting of listed buildings would alter due to the new location of the new weir downstream and the new fish pass, however no harm would be caused to the setting of listed building and the character of the conservation area would be preserved or enhanced.

3. LEGAL AGREEMENT

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

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

5.1. See block plan below:



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6. PROPOSAL

6.1. The proposal is for the replacement of Godstow Weir B which abuts Little Godstow Bridge on Godstow Road and for the installation of a fish pass with stairs. The new weir would have the same appearance as the existing degraded weir but will be modernised and a fish pass added in order to protect the river's fish and eel stocks.

6.2. The proposal does not include any works to Godstow Abbey. It includes an access track to Trout Island.

6.3. There will be a small increase in the size of the area covered by the weir structure from an increase in the concrete apron by approximately 3.5m in a downstream direction. The addition of the new fish pass will also increase the overall footprint of the weir structure.

6.4 The proposed works are as follows:

- Replacement of the existing sluice gates with gates of a similar size;
- The six manual sluice gates would be replaced with new motorised sluice gates;

- The sluice gates would be moved downstream from Little Godstow Bridge by 2.36m;
- The apron would be extended downstream by 3.67m;
- A new steel framed walkway structure across the top of the weir, would have glass reinforced plastic/metal flooring and timber handrails, and would connect the weir to Trout Island;
- New steps to the fish pass would constructed and be limestone clad;
- The fish pass would have the appearance of a chute with upstand walls;
- Cladding of the fish pass elevations which would be limestone clad; and
- The Trout Island external face and the internal faces of the fish pass would be smooth concrete as a smooth surface is required for the fish.

7. RELEVANT PLANNING HISTORY

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

20/03109/LBC - Replacement of existing weir with new concrete weir including new fish pass and stairs. PDE.

21/00436/CPU - Application to certify that the proposed replacement of failing sluice gates at Godstow Weir B, new foundation and gate structure to be installed, fish pass, kiosk area and pedestrian access assess bridge and riverbed protection works is lawful development. PCO.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents
Conservation/Heritage	184-202	DH1, DH3 and DH4	NPPG Historic England guidance notes

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 7 January 2021 and an advertisement was published in The Oxford Times newspaper on 2 January 2020.

Statutory and non-statutory consultees

9.2. Cllr Liz Wade and other Councillors: have called in to committee and have concerns that the creation of the main work compound which will be formed within a grass area adjacent to Godstow Abbey should require a full

archaeological survey to be done both on the area that the Environmental Agency plan to use next to the Abbey, and on Trout Island. The creation of the work compound is subject to a separate consent application by the EA 'outside the scope of the heritage statement' – however, this is the most vital area to need protection during this major reconstruction of the weir and needs protection. The clearance of vegetation on Trout Island needs to be performed with great care - the garden is overgrown at the moment but it is quite possible that there could be important archaeological evidence here. A construction method statement should be produced by EA and needs to inform the application.

- 9.3. Wolvercote Neighbourhood Forum: concerns about impacts on the archaeology.
- 9.4. Wolvercote Commoners' Committee: no objection to the weir replacement, however has concerns about harm to archaeology at Trout Island and to Godstow Abbey.
- 9.5. Wolvercote Residents: has concerns about impacts on the archaeology.
- 9.6. Natural England: originally requested a Construction Environmental Management Plan (CEMP) and consider that without appropriate mitigation the application would: have an adverse effect on the integrity of Oxford Meadows Special Area of Conservation; and damage or destroy the interest features for which Port Meadow with Wolvercote Common & Green and the Site of Special Scientific Interest; in order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured: a Construction Environmental Management Plan (CEMP).
- 9.7. Natural England subsequently advised that the stage one assessment along with the Environmental Action Plan and Construction methodology remove any concerns they had about the possible impacts of the Godstow Weir Replacement project on the nearby designated sites.
- 9.8. Joint Statutory Amenity Societies, Oxford Civic Society, Oxford Preservation Trust, Oxford Urban Wildlife Group, Berks, Bucks and Oxon Wildlife Trust (BBOWT): Highways Authority, The Garden Trust: no comment.

10. PLANNING MATERIAL CONSIDERATIONS

- 10.1. Officers consider the determining issues to be whether any harm would be caused to the special architectural or historic interest of the listed structure, the setting of any listed buildings and whether the character or appearance of the Conservation Area would be preserved or enhanced. Also considered is whether any harm would be caused to the above and below ground archaeology at Trout Island; although that is not an issue for the listed building consent, the island is a non-designated heritage asset and in the conservation area and archaeology conditions may be attached to a listed building consent.

Policy context

- 10.2. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities, when considering whether to grant listed

building consent, to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

- 10.3. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving the character or appearance of any conservation area. In the Court of Appeal, *Barnwell Manor Wind Energy Ltd v East Northants District Council, English Heritage and National Trust*, 18th February 2014, Sullivan LJ made clear that to discharge this responsibility means that decision makers must give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise (of weighing harm against other planning considerations).
- 10.4. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development, through meeting the three overarching objectives categorised as economic, social and environmental objectives. These objectives should be delivered in decision making and collectively form the heart of the NPPF as the presumption in favour of sustainable development.
- 10.5. This presumption in favour of sustainable development is reflected in policy S1 of the Local Plan, which states “When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.” The policy goes on to state that “It will work proactively with applicants to find a solution jointly which means that the applications for sustainable development can be approved where possible, and to secure development that improves the economic, social and environmental conditions in the area.”
- 10.6. The NPPF recognises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (paragraph 184).
- 10.7. In determining applications, paragraph 192 of the NPPF requires local planning authorities to take account of:
 - a) “the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.”
- 10.8. When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 193 of the NPPF requires great weight to be given to the asset’s conservation (and the more important the asset, the greater the weight should be), irrespective of the level of harm to its significance.

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, with substantial harm or loss of a grade II listed building being exceptional (paragraph 194).

- 10.9. Policy DH3 of the Oxford Local Plan 2036 requires great weight to be given to the conservation of heritage assets; policy DH1 requires good quality of design and policy DH4 requires that archaeology is protected and recorded as part of development.

Assessment

Impact on the special architectural and historic special interest of the grade II listed building

Significance of the listed buildings and their setting

- 10.10. The heritage assets in the setting of the weir are the grade II listed Little Godstow Bridge, the grade II listed Trout Inn, the grade II footbridge to the island, the unlisted Trout Island and the conservation area of Wolvercote with Godstow. Also in the setting is the scheduled ancient monument of Godstow Abbey.
- 10.11. The weir is neither a designated nor a non-designated heritage asset. The weir, which had existed from at least early 19th century as a timber structure, was re-built in 1937 as a concrete weir with metal walkway, fittings, and gates and overall has a utilitarian appearance as befits its function. It abuts the bridge itself.
- 10.12. Both Little Godstow Bridge (subject of this application) and Godstow Bridge were built during the medieval period, probably in relation to the abbey. The Benedictine nunnery of Godstow Abbey was founded by Ediva, or Edith Launcelene, in c.1133 and expanded in the latter part of the 12th century. The nunnery survives as a group of ruinous structures on the west bank of the River Thames following its dissolution with standing and buried remains and associated water and drainage channels, earthworks and Godstow bridge. The abbey is a scheduled ancient monument.
- 10.13. Little Godstow Bridge was partly rebuilt in 1892, as indicated by the dated road side boundary marker on the parapet of the bridge. The Bridge has two arches, both spans having ashlar voussoirs over them, and is built primarily of coursed limestone rubble with some twentieth century repairs, replacement of capping stones and repointing. The larger Godstow Bridge is modern and unaffected by this application.
- 10.14. The significance of Little Godstow Bridge is very high due to its evidential and historic values being an important river crossing and being linked closely with Godstow Abbey. The bridge is also very aesthetically attractive, built of Bath limestone using traditional building techniques and it also has high communal values due to its function and location over the Thames.
- 10.15. The Trout Inn on the north bank of the River Thames was first recorded as being occupied as a house for fishermen and was probably first occupied as an

inn by 1625 and was altered in 1737 and in subsequent centuries. It was constructed of limestone very similar to the stone used to construct the bridge and was extended in linear manner parallel to the river; the pub terrace gives good views of the bridge and other heritage assets.

10.16. In 1780 a new river channel or 'cut' was made through the site of Godstow Abbey to the west of the old navigation stream (where there were burials) and a pound lock was built at its lower end in 1790. The 'cut' was further widened and deepened in 1884 and 1857.

10.17. The Trout Inn Footbridge is listed grade II and dates to the late 19th or early 20th centuries and spans that part of the river from the Trout Island to the Trout Inn embankment; it is an attractive timber structure, rebuilt at various stages and in a poor state of repair (it is owned by the Trout Inn's freeholders).

10.18. The Trout Island garden is a non-designated heritage asset (under the National Planning Policy Framework) and has significance from various structures and its history. The island was associated with twentieth century literary figures, CS Lewis and JRR Tolkien; the gardens are believed to date to the 1920s as the first photographs of the gardens date to 1927, however its significance has not benefitted from detailed research to date. The northern part of the island was subject to quite extensive garden landscaping work including terracing, rockeries and steps with ornamentation although this has not been maintained. The central features of the lower terrace are a dry pond and is retained by a low rubble wall with a sundial with two brass or copper plaques; an upper terrace has a curved stone seat which is formed of stone rubble with stone steps; the lion statute may be related to the lion which also features in the 'Rubaiyat', or it is based on the works of CS Lewis, who was a regular visitor to the Trout Inn, together with JRR Tolkien, or that it inspired Lewis' lion, Aslan, in his book *The Lion, The Witch and The Wardrobe*. The remainder of the island consists of an infilled channel, a WWII brick pillar-box and the ruins of a former boathouse, probably associated with the rowing club on the adjacent bank.

10.19. All the heritage assets combine to make a very picturesque and attractive setting by the Thames, having been enjoyed by many visitors and having high heritage significance and group value.

Assessment of impacts on heritage assets, archaeology and conservation area

10.20. The current concrete weir partly obscures the two arches of the bridge along its eastern elevation. The weir has six vertical-lift gates with a span of approximately 9 metres and includes exposed steelwork, operating gear with a walkway along the top with timber handrails. To the southern end of the weir is an exposed mass concrete abutment to the weir and there is also a large service pipe in a metal sleeve which runs along the bridge's spandrel walls behind the weir. The replacement weir would be on a like for like basis. The existing weir and associated features are not of any architectural, historic or archaeological interest.

10.21. The application red line is around Little Godstow Bridge and part of Trout Island; the red line does not include Godstow Abbey scheduled monument,

therefore the comments regarding safeguarding the Abbey remains are not relevant to this application. An explanatory note by the Environment Agency (EH) has been submitted regarding the various consents which are outside the scope of this listed building consent and outside the red line.

- 10.22. The EA's construction compound located within the area of Godstow Abbey Scheduled Monument was given Scheduled Monument Consent from the Secretary of State for the compound works under Ref: S00240537 on 8th December 2020. It is a condition of that consent that no topsoil stripping or ground breaking works will take place as part of the compound works adjacent to Godstow Abbey. Reference to the Godstow Abbey Scheduled Monument was included in the application documents for completeness of the assessment.
- 10.23. The submitted Landscape Reinstatement drawing (No. 2 of 3, ENVIMSE100195-CH2-ZZ-OO-DR-L-0005) showing topsoil removal in the Scheduled area has been superseded by the final works design submitted (22.10.20) as part of the separate Scheduled Monument Consent application, for which consent has been received; the aforementioned drawing has been withdrawn since the application was submitted.
- 10.24. The addition of a fish pass is required as part of the EA's sustainable planning, in order to maintain a healthy fish population in the river and allow the passage of fish upstream around modern river obstructions which hinder their movement. The replacement weir is proposed to be situated away from the bridge which would allow debris to be cleared from it; debris builds up as the weir currently abuts the bridge which is detrimentally affected by that process. The proposals would help to retain the historic structure in its current use.
- 10.25. The setting of the Trout Inn, Godstow Bridge, the timber footbridge to the island and the Trout Island would be altered by the new location of the weir and with the installation of the fish pass; it is considered that no harm to the settings would arise. This pass would be on the other side of the weir from the bridge and would be seen its setting particularly looking over the bridge parapet, from the Trout Inn and from the Island. The size of the fish pass is the minimum necessary to achieve the required engineering standards. The proposed natural limestone cladding of the fish pass walls would mitigate visual impact of the new character of the fish pass; however it would be a noticeable new structure in its historic setting. The new appearance of the fish pass would mellow with time as the natural limestone cladding ages as can be seen on mellowed limestone around the city. Therefore the proposals would comply with the requirement to preserve or enhance the character or appearance of the conservation area (s 72, Planning (Listed Buildings and Conservation Areas) Act 1990 as amended and would not alter or extend in any manner which would affect its character as a building of special architectural or historic interest (s 7 of the above Act).
- 10.26. The new fish pass would provide easier upstream access for spawning fish and eels in order to support and increase their dwindling aquatic populations in the River Thames and this is a mitigation for the impact of the fish pass as the existing weir lacked that element.

10.27. Between the proposed new fish pass and Trout Island at the existing concrete abutment, new steps are proposed down to the fish pass, for access and maintenance reasons and these steps will also be faced in appropriate matching limestone cladding so as to mitigate any impact.

10.28. The current concrete weir has been damaged and needs to be replaced. It partly obscures the two arches of the bridge along its eastern elevation. The sluice-gates of the new weir will be situated 2.36m downstream of the existing weir sluice gates, meaning that part of the new weir will be removed from the historic fabric of the bridge, partially opening views of the elevation of Little Godstow Bridge.

10.29. There are benefits from the replacement of the weir, which is required because of its condition and by moving it away from the listed bridge.

10.30. This site has general potential for multi-period archaeological remains including:

- Features relating to the extensive late-Neolithic-early Bronze Age ritual and funerary landscape that extends across Port Meadow and the Northmoor Terrace to an unknown extent;

- The potential for pre-alluvial (i.e. pre Late Bronze Age or more likely Iron Age) settlement on the islets of the braided Thames channels;

- The potential for dispersed seasonal Iron Age settlement linked to stock management as evidenced by several sites in Port Meadow; and

- Water management features along the Thames.

10.31. The site has specific potential for archaeological remains relating to:

- Medieval fabric that may survive within the 19th century Godstow Bridge;

- Post-medieval occupation activity related to the 17th century Trout Inn;

- The precinct of the Godstow Abbey, a Benedictine House of national significance. Human remains and coffin fragments recovered from the banks of the 18th century New Cut suggest that a burial ground associated with the abbey may extend onto the island, the extent of this and any other related structures are unknown. The creation of the New Cut may have led to the dumping of material onto the island, thus there is some potential for redeposited human remains and coffin fragments to be present at relatively shallow depth;

- The garden on the island that has speculative links with contemporary literary figures;

- The existing weir; and

- The WWII Pill Box on Trout Island.

- 10.32. Clearance works to Trout Island will be undertaken carefully. The original preferred option of fish pass design was a fish by-pass channel across Trout Island, was changed to a fish by-pass weir, in order to preserve the archaeology of the island, the existing 20th century garden and the remaining trees.
- 10.33. The only significant ground works to Trout Island are the construction of an access track which would necessitate the removal of the central garden seating and flanking steps arrangement of the 20th century garden. These will be stored and replaced afterwards.
- 10.34. Archaeology conditions have been imposed requiring the submission of a written scheme of investigation including recording to stated Historic England standards and works of protection with a method statement for the access track on the Trout Island.

Other considerations

- 10.35. Some trees on Trout Island have been removed to allow for the works and would be replaced with native species as agreed with the Council's tree officer. This is outside the scope of the listed building legislation.
- 10.36. It should be noted that planning permission is not required for the works as they fall under permitted development and therefore the considerations under this listed building consent application are heritage considerations under the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.

11. CONCLUSION

- 11.1. Great weight and importance has been given to the desirability of preserving the listed building as a designated heritage asset. The proposals, by reason of their materials and design, would not cause harm to the character, appearance or significance of the listed building or the setting of listed buildings and would preserve or enhance the character or appearance of the conservation area.
- 11.2. Subject to satisfactory discharge of conditions, the application would comply with sections 16(2) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 193 of the NPPF, Oxford City Council Local Plan 2036 policy DH1 – High Quality Design and Placemaking and policy DH3 – Designated Heritage Assets and DH4 - Archaeology.
- 11.3. Subject to satisfactory discharge of conditions, the proposals are reversible, justified and proportionate. No harm to the significance of heritage assets would be caused as a result of the applicant's requirements.
- 11.4. The special architectural and historic interest of the listed building would be preserved and not harmed. No harm would be caused to that part of the Conservation Area and its character and appearance would be preserved. Therefore, the proposals are considered to comply with national and local policies.

11.5. It is recommended that the Committee resolve to grant listed building consent for the development proposed.

REASONS FOR APPROVAL:

11.6. The Council considers that the proposal, subject to the conditions imposed, would accord with the special character, setting and, features of special architectural or historic interest of the listed building. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.

12. CONDITIONS

- 1 The works permitted shall be begun not later than the expiration of three years from the date of this consent.

Reason: In accordance with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

- 2 Unless specifically excluded by subsequent conditions the works permitted shall be carried out strictly in accordance with the terms of, and subject to, the conditions attached to this consent and in compliance with the details specified in the application and the submitted/amended plans listed in this decision notice.

Reason: As Listed Building Consent has been granted only in respect of the application as approved, to ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

- 3 This Listed Building consent relates only to the works specifically shown and described on the approved drawings. Any other works, the need for which becomes apparent as alterations and repairs proceed, are not covered by this consent and details of any other works shall be submitted to the in writing to the Local Planning Authority and approved before work continues.

Reason: For the avoidance of doubt and to protect the special interest of the historic building in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2036.

- 4 After the permitted works are completed, any damage caused by such works including damage to the listed bridge, shall be made good to a standard agreed in writing by the Local Planning Authority, with detailed plans and a specification of works before the contract of works hereby approved is completed.

Reason: To preserve the character of the building in accordance with policies DH1, DH3 and DH4 of the Adopted Oxford Local Plan 2036.

- 5 Notwithstanding the details on the plans hereby approved, both of the abutment walls of the proposed fish pass shall be clad with natural limestone, to the sides and to the top.

Large scale details of the proposed fish and eel pass showing the proposed natural limestone cladding to both sides and to the top of the abutments shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the relevant part of the development and the works shall be carried out in accordance with the approved details.

Reason: To provide a satisfactory appearance to the setting of heritage assets including listed buildings and structures and to preserve the character or appearance of the conservation area; for the avoidance of doubt and so that the Local Planning Authority can agree these details in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2036.

- 6 Samples of the materials proposed to be used shall be made available for inspection on site and approved in writing by the Local Planning Authority before the start of relevant work on the site and only the approved materials shall be used.

Reason: To enable the Local Planning Authority to give further consideration to the external appearance of the approved works/building, in the interest of visual amenity, in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2036.

- 7 A method statement setting out details of how the heritage assets would to be protected from damage at all stages of the development shall be submitted and approved in writing by the Local Planning Authority before the start of relevant work on the site and only the approved methods shall be used, including:

Method of protection of the listed Godstow Bridge itself;
Method of dismantling the weir;
Method of protecting the heritage asset of the garden structures at Trout Island and the metal gates and piers leading to the garden.

Reason: To ensure the preservation of valuable features of historic interest, which might otherwise be lost or damaged during the works, to enable the Local Planning Authority to give further consideration to the external appearance of the approved works/building, to prevent harm to the special architectural or historic interest of the listed bridge, to preserve or enhance the character or appearance of the conservation area and in the interest of visual amenity, in accordance with policies DH1, DH3 and DH4 the Adopted Oxford Local Plan 2036.

- 8 Any as yet unknown features of historic interest discovered during the progress of the works shall be retained in situ and preserved to the satisfaction in writing of the Local Planning Authority.

Reason: To ensure the preservation of valuable features of historic interest, which might otherwise be lost during the proposed works in accordance with policies DH1, DH3 and DH4 of the Adopted Oxford Local Plan 2036.

- 9 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work (including historic building and landscape recording) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the 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.

The archaeological investigation shall consist of a record of the existing weir and Godstow Bridge (including the stonework after the weir structure has been removed) to Level II standard and the Trout Island garden to Level III standard and a watching brief during any significant ground works that can be meaningfully observed (i.e. excluding sheet piling works).

The impacted parts of the garden (and immediate context) shall be adequately recorded prior to the works (by means of measured plans, drawings, and descriptions in a formatted and annotated report.

The archaeological investigation 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 prehistoric, medieval, post-medieval and nineteenth and twentieth century remains and in accordance with policy DH4 of the Adopted Oxford Local Plan 2036.

- 10 No development shall take place until the applicant, or their agents or successors in title, has submitted to the Local Planning Authority a method statement for the construction of the access track across the Trout Island and until that method statement has been 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.

The method statement shall clarify the formation process for the access track and a targeted watching brief shall be undertaken during any ground reduction works needed in the island/garden area.

Reason: Because whilst surface works may not reach the likely depth of any burials here the presence or absence of previously disturbed disarticulated human bone in this area would be worth recording as would evidence for garden features related to or predating the current overgrown garden design. and because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including prehistoric, medieval, post-medieval nineteenth and twentieth century remains and in accordance with policy DH4 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 listed building consent, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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