

## Oxford City Planning Committee

<b>Application number:</b>	21/01368/FUL		
<b>Decision due by</b>	13th August 2021		
<b>Extension of time</b>	TBA		
<b>Proposal</b>	Alterations to footpath, including alterations to boundary wall and railings, new surface treatments and landscaping. (amended plans)		
<b>Site address</b>	Headington Hill Campus Oxford Brookes University, Headington Hill, Oxford, Oxfordshire		
<b>Ward</b>	Headington Hill And Northway Ward		
<b>Case officer</b>	Clare Gray		
<b>Agent:</b>	Mr Jon Alsop	<b>Applicant:</b>	c/o Agent

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## 1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

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

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

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

## 2. EXECUTIVE SUMMARY

2.1. This report considers the current pedestrian footpath route which connects Headington Hill Campus at the north of the site through to Cuckoo Lane and beyond. The report considers the position of the site on a sloping hillside, comprising the Eastern Hills to Oxford, characterised by semi-natural woodland which dominates the site and the hillside surrounding. The site lies within the Headington Hill Conservation Area and is close to Headington Hill Hall which is a Grade II\* listed building.

2.2. The application considers the current topography of the site and the ascending nature of the site north to south, with the present footpath arrangement

comprising steep steps through the site alongside a wooded area of trees as well as a parks depot compound.

- 2.3. The proposal comprises the modification of this pedestrian route, to reposition the current opening onto Cuckoo Lane and to the west so that the route of the footpath aligns its access/egress onto Cuckoo Lane with the proposed redevelopment of the Clive Booth Student Village, under application 21/01185/FUL. That application has a resolution to approve subject to a legal agreement to secure public realm improvements by way of modifications to the current pedestrian footpaths. This application seeks to provide these public realm improvements and proposes two footpaths – one stepped footway and one a level walkway enabling greater accessibility through the site than currently allowed.
- 2.4. The report considers policy SP17 of the Local Plan which allocates development at Clive Booth Student Village and Headington Hill Hall which requires pedestrian and cycle access to be enhanced through the site, and considers that the principle of modifications to the pedestrian walkway at this junction at Cuckoo Lane and through Headington Hill Campus will improve the quality of connections through the wider site and deliver the policy objective for enhanced routes, in accordance with policy SP17.
- 2.5. The report carefully considers the impact of modifying the existing route and the repositioning of the current access/egress onto Cuckoo Lane, through the creation of a modified opening through the listed boundary wall and the impact of this alteration on the designated heritage asset. The report also carefully considers the impact of the modified opening and new footways on the character and appearance of the Headington Hill Conservation Area and the setting of Headington Hill Hall as a Grade II\* listed building. The report recognises the contribution the wall makes to the setting of Headington Hill Hall and the Conservation Area but considers that the proposed alteration, the infilling of the existing opening and its replacement with a new, wider opening in a different location would have a very small impact on this contribution, resulting in a very low level of less than substantial harm to the significance of the Hall and the Conservation Area, but recognises that this harm would be mitigated by new planting and the proposed improved design of footpaths and steps. Further regard has been had to the NPPF and paragraph 202 in respect of public benefits. The report considers that the proposal provides public benefits by way of improved accessibility and safety which are important considerations and that these should be considered in the assessment of the application such that the public benefits proposed will outweigh the very low level of less than substantial harm to designated heritage assets.
- 2.6. The report also considers the impact on the woodland and proposed tree planting to compensate tree loss as well as impact on biodiversity.
- 2.7. Having considered all of these matters, officers consider that the application would accord with these development plan policies and therefore should be approved. In conclusion the application is considered to comply with policies SP17, S1, H1, DH1, DH3, G2 and G7 of the Oxford Local Plan 2036 and policies

CIP1, CIP2, CIP3, CIP4, GSP4 of the Headington Neighbourhood Plan and guidance contained in the NPPF.

### **3. LEGAL AGREEMENT**

3.1. Whilst this application is not subject to a legal agreement itself, this application is essential for securing and delivering the public realm improvement works required in connection with the redevelopment application for student accommodation at Clive Booth Student Village, which will be secured through a S106. That scheme has a resolution to approve following consideration by the Planning Review Committee (PRC) on 12<sup>th</sup> November 2021, under application 21/01185/FUL.

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

4.1. The proposal is not liable for CIL

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

5.1. The application site forms part of the wider Headington Hill Hall Campus that lies to the south of Cuckoo Lane. The site is occupied by Oxford Brookes University which leases the site from Oxford City Council.

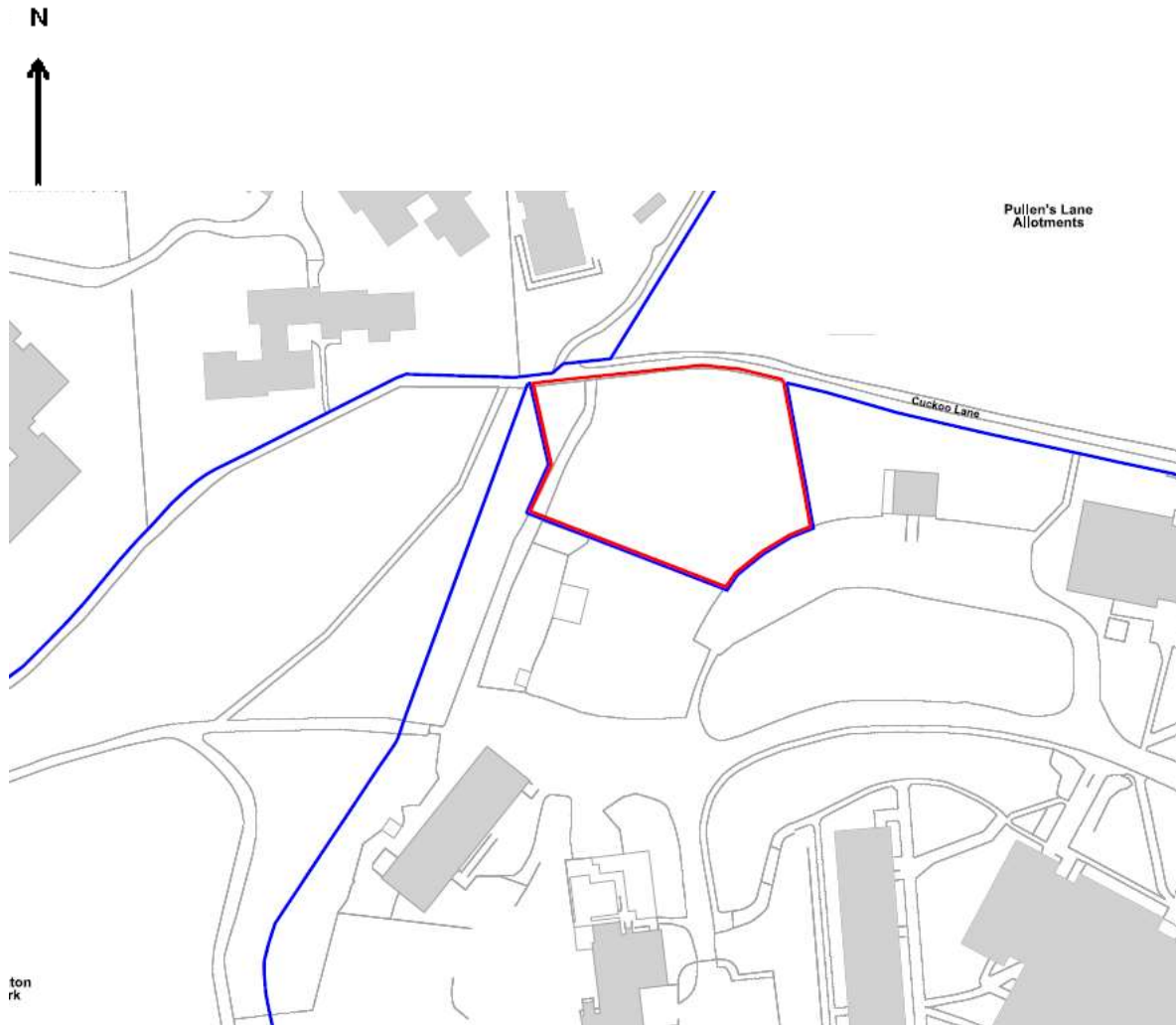
5.2. The extent of the application site relates to an area of woodland to the north of the Headington Hill Hall campus, and west of Headington Hill Park, within which is the main pedestrian thoroughfare connecting Cuckoo Lane, and Clive Booth Student Village beyond, to Headington Hill Hall.

5.3. The site has a sloping topography with the site ascending north to south from Cuckoo Lane up towards Headington Hill Hall Campus. The existing footpath that forms the main thoroughfare is paved and comprises a series of steps as it rises up the hill. The thoroughfare connects to a carpark area and compound to the Campus further south.

5.4. The site is contained on its northern boundary with Cuckoo Lane by a stone wall. Beyond the site to the north is Clive Booth Student Village.

5.5. The site is located within the Headington Hill Conservation Area. Beyond the site to the south is Headington Hill Hall, which is a Grade II\* listed building.

5.6. See block plan below:



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Ordnance Survey 100019348

## 6. PROPOSAL

- 6.1. The application proposes to create an improved and legible route providing access for students and the public from Headington Hill Hall Campus down to Cuckoo Lane, and beyond to Clive Booth Student Village. The existing footpath is positioned adjacent to a fenced compound at the end of a car park to the north of the Headington Hill Campus and features a series of steep steps. Due to its position, steeped nature and layout, the current route is considered to impact on the attractiveness of this route for pedestrians connecting with the public footpath on Cuckoo Lane, going beyond to Marston Road and the Clive Booth Student Village Site.
- 6.2. The scheme therefore seeks to reroute this footpath from its current axis and create 2 new routes across the site from Cuckoo Lane to Headington Hill Hall.
- 6.3. The proposal will require a new access/egress point and new opening in the current boundary wall on Cuckoo Lane to the west of the current access point, within which will be an arrival area and the 2 new routes. One route will be suitable for able bodied pedestrians and the other will be a level access. A

further revised node is created south of the site area into the car park to the south.

- 6.4. The two routes will comprise two raised boardwalk paths of galvanised steel perforated sheets through the woodland fixed to the ground with screw piles to minimise impact on existing trees in the woodland. A metal structure with a timber handrail is proposed along the length of the footpaths. Lighting is proposed to be recessed into the handrail as well as underneath the walkway that will be motion activated. This is proposed to deal with circulation and movement during the evening.
- 6.5. The existing woodland is dense, overgrown and the scheme will comprise landscape management including removal of existing areas of laurel and holly to open up the space and improve visibility.
- 6.6. The existing gateway onto Cuckoo Lane will be closed up. To the south of the site, to emphasise the arrival node from the Headington Hill Hall site, a gateway feature is proposed.
- 6.7. To facilitate the development, it will be necessary to undertake some tree work. This will involve the removal of one category C tree and two category U trees to achieve the proposed layout. Work will also be required to remove a small section of one category C area of trees and part of the woodland understorey. Additionally two trees require minor surgery to permit construction. Two category U trees have been identified for removal irrespective of any development proposals. Overall 5 trees are proposed to be felled. 8 trees are proposed to be planted to compensate for the trees lost.
- 6.8. An amended plan has been submitted with the application to address impact on category B trees to the north of the site, as well as an amended Arboricultural Impact Assessment (AIA) and Design and Access Statement (DAS).

## **7. RELEVANT PLANNING HISTORY**

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

21/01185/FUL – Démolition of twelve buildings including main accommodation blocks C F G H J K L and M and erection of twelve buildings to provide student accommodation, with ancillary communal and social facilities and associated administrative building (Class C2). Erection of children’s nursery (Class E). Altérations to car parking, installation of cycle parking structures and associated landscaping works, including reorganisation of existing footpaths and cycleways, drainage features and ancillary development. Installation of a waste compactor unit and alterations to an existing road to enable access. Resolution to approve subject to S106 12th November 2021.

21/01369/LBC - Alterations including the blocking of a gateway and the formation of a new gateway to the northern boundary wall to Headington Hill Hall which bounds Cuckoo Lane. (amended plans). Pending Consideration.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	117-123, 124-132	DH1		CIP1, CIP2, CIP3, GSP4
Conservation/Heritage	184-202	DH3		GSP4, CIP4
Housing	59-76	SP17		
Commercial	170-183			
Natural environment	91-101	G2, G7, G8		GSP3
Social and community	102-111	RE5		
Transport	117-123	M1, M2,	Parking Standards SPD	TRP1, TRP2, TRP3, TRP5
Environmental	117-121, 148-165, 170-183	RE1	Energy Statement TAN	
Miscellaneous	7-12		External Wall Insulation TAN,	

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 15<sup>th</sup> July and 19<sup>th</sup> August 2021 and an advertisement was published in The Oxford Times newspaper on 26<sup>th</sup> August 2021.

### Statutory and non-statutory consultees

9.2. Oxfordshire County Council (Highways) – No objections

9.3. Natural England – No comments to make

- 9.4. Historic England – On the basis of the information available to date, do not wish to offer any comments. Suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant
- 9.5. Oxfordshire Countryside Protection of Rural England (CPRE) – Objection. This is for reason of impact on public rights of way due to the effect it would have on Oxford FP32, the section of Cuckoo Lane between Marston Road and Pullens Lane, which has a unique Victorian character which is a valuable part of the city's heritage. Shall therefore be opposing plans to widen Oxford FP32 and make it part of a cycle track and are opposed to this application due to the fact that it involves removing a section of iron railings which contribute considerably towards its character.
- 9.6. Friends of Old Headington – Comment. While FOH support the aim to provide wheelchair accessible access between the neighbouring student village and the Headington hill campus, feel solutions should be sought that do not involve the removal of historic walls and railings that contribute so much to the character of this part of Headington. The loss of the rural feel of the entrance area is detrimental to the site. The development proposals do not adequately safeguard the existing green space. The development goes against local policies. The Headington Hill Character Appraisal is an integral part of the Character Appraisal in the Neighbourhood Plan

### **Public representations**

9.7. Local people commented on this application from addresses in

- Bartlemas Road: 37, 52, 62
- Bath Street: 5
- Beech Road: 7
- Beechey Avenue: 7
- Bullingdon Road: 50A
- Cave Street: 7
- Cherwell Street: 12
- Cricket Road: 164
- Dee Cottage
- Divinity Road: 111, 113, 128
- Feilden Grove: 12, 18, 30, 34
- Ferry Road: 78
- Franklin Road: 42
- Gipsy Lane
- Headington Road: 190
- Hill Top Road: 61

- Hugh Allen Crescent: 27
- Iffley Turn
- Kennett Road: 55
- London Place: 10, 12, 17
- London Road: 218
- Maidcroft Road: 50
- Marston Road: 401
- Morrell Avenue: 44, 132, 189
- Oakthorpe Road
- Observatory Street: 54
- Old Road: 60, 63, 80
- Oxford Road: 12
- Pullens Field: 14
- Rectory Road: 38
- Slaymaker Close: 22
- Southfield Road: 18, 97
- St. Anne's Road: 50
- Stone Street: 5
- Trinity Road: 22
- Warwick Street: 69
- Wharton Road: 44
- Wilkins Road: 45
- William Street: 36
- Windmill Road: 83

9.8. In summary, 67 responses outlined objection to the proposal (many were made from the same address reflecting comments on the original and amended scheme). The comments are summarised as follows:

- Damage to the Headington Hill Conservation Area, damaging a heritage asset by removing stone walls. Will have a significant negative impact on the intimate semi-rural character of Cuckoo Lane. The works are totally out of keeping with the present leafy character. Impacts severely on significant view lines, as per the Headington Hill Conservation Area Appraisal. The proposal will damage an attractive part of the Headington Hill Park and its entrance ways
- Should not be tampered with
- No public benefit to the changes as park users have been successfully



accessing the park and site for years.

- Is not owned by Brookes.
- Will create a bicycle track through Headington Park. This is a proposed cycle path.
- Will have an adverse impact on the setting of Headington Hill Hall.
- The works are unnecessary where there is an adequate route already, and lighting is adequate. The whole of Clive Booth estate is poorly maintained.
- Impact on loss of mature trees. Putting in saplings is no use and will take at least 100 years to reach maturity.
- Removes large amounts of green space to accommodate the “Arrival Glade”.
- Will result in an overdevelopment of Oxford and destroy this part of Oxford.
- Removes the charming Victorian and compatible railings.
- Will destroy the earth footpath running between trees between Cuckoo Lane (damaging root systems or requiring tree removal);
- Application was poorly advertised.
- Proposal will force pedestrians to a 0.5m strip of a public footpath, this is in effect prioritising cyclists (the minority of users);
- No consultation has taken place with Cyclox.
- Risk to the delightful narrow footpath between Pullens Lane and Marston Lane, this is not shown on the ODS draft plan. The future plan for Cuckoo Lane is not clear, which is a designated footpath route.
- Would be an artificial and unnatural connection.
- Proposed development will have a negative impact on the character of a significant corner of the park.
- Destroying mature trees and shrubs which currently help to screen the student village and form a valuable area of wildlife habitat.
- Concerns that the Grade 2 listed wall is being demolished to make improvements to the footpath.
- Destroying the natural habitat of the flora and fauna in and around the park, which is part of the wildlife corridor from St. Clements to Headington and beyond. The proposal will over-develop and downgrade the valuable biodiverse woodland area and peaceful wildlife corridor. The ecology report appraises the woodland area as moderate to high value for foraging bats, birds and connecting bat roosts between areas.
- The current footpath through the Grade 2 listed wall is a perfectly good gateway and is well used by students and local people.
- No obvious advantages to the proposal or evidence that it is badly-lit and concerns for public safety.
- The proposed metal paths on pile-supports and extremely close to 3

badger setts.

- Poor design regarding noise, safety and accessibility and cause light and noise pollution.
- The proposed step-free disabled accessible route is a poor design and the proposed route is not adequate.
- Removal of the railings is unnecessary, as is the resurfacing of the Glade area.
- The character and biodiversity of Headington Hill Park should be maintained.
- This is a public park, not part of Brookes Headington Hill campus.
- Artificial lighting would disturb the bats, birds and wildlife in the park.
- The proposal opens views and makes the area part of a 1960's polytechnic style development.
- Plans do not make clear the existing or proposed boundary between Headington Hill campus and the park.
- Park should be fully protected.

9.9.2 representations received in support of the scheme are:

- Important to improve internal campus routes
- At the moment the access between Cuckoo Lane and Headington Hill Hall Campus is not good. The proposal will provide a more accessible, and safer route. The design is also sensitive to the environment

### **Officer response**

9.10. The plans relate to development proposals south of Cuckoo Lane. Whilst the application originally included and comprised works to modify the entrance to Headington Hill Park, the red edge has been modified to exclude this area. The proposal does not include works to Cuckoo Lane. Plans indicate works to the Cuckoo Lane comprising a change of surface. This sits outside of the application site, but is shown on a masterplan. Any works shown to Cuckoo Lane fall outside of this application. Any works to the footpath would need to be subject to a S278 agreement with the County Council as Cuckoo Lane is a Public Right of Way and Highway land.

9.11. Oxfordshire CPRE's objection relates to the separate matter of discussions regarding potential changes to Cuckoo Lane, which is not subject to this application. This application deals with works to the south of Cuckoo Lane. Further the reference to the changes to the railings is not part of this application. The application initially included changes to the entrance to Headington Hill Park entrance to the west of the site but this was subsequently removed from the application and the red edge.

9.12. In respect of advertising the application, site notices were erected on submission of the application as well as when the outline of the red edge was amended. Site notices were displayed at the junction of Cuckoo Lane with Pullens Lane, and Cuckoo Lane with Marston Road, as well as at the junction of Cuckoo Lane with Clive Booth Student Village as well as by the parks depot within Headington Hall Campus.

9.13. In terms of addressing the need for the works, this is assessed in the evaluation section of the report where regard is had to the issues concerning the current arrangements compared with the proposal.

9.14. In respect of noise and light pollution, issues with lighting are addressed in the report. In respect of noise, this is not considered to be a salient issue as the application proposal is for a replacement footpath, and will not result in an increase of noise generating activities.

9.15. All other issues, are addressed further below.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development
- Design and impact on the landscape and Designated Heritage Assets
- Trees
- Biodiversity

### **Principle of development**

10.2. Policy SP17 of the Oxford Local Plan allocates development at the Clive Booth Student Village and at Headington Hill Hall. The policy states that planning permission will be granted for additional academic and teaching facilities, and associated sport, social and leisure facilities, student accommodation and residential development. At the end of the policy it states pedestrian and cycle access should be enhanced across the whole site, following desire lines from the Gypsy Lane campus and between different parts of the site.

10.3. The scheme follows the recent resolution by the Planning Review Committee (PRC) on the 12<sup>th</sup> November to resolve to grant planning permission for student accommodation at Clive Booth Student Village subject to a S106 agreement to secure a number of measures including a public realm improvement scheme for off site works at Headington Hill Hall under application 21/01185/FUL. The objective of the public realm improvement works are to provide a clearer, more direct, safer and accessible route from Cuckoo Lane through to Headington Hill Campus and beyond to enable students and the public to move through the sites, in a manner which is more legible and direct than the current route, which is considered to be unattractive to users. This is for reason that the current route doesn't allow for clear sight of the route, is enclosed and doesn't allow for a safe

experience for users. Moreover, the current route is steep ascending/descending a hill and comprises a series of steps which impacts upon accessibility.

- 10.4. Whilst the footpath application will result in a new entrance into the stone wall that bounds the Headington Hill Campus site with Cuckoo Lane, which is assessed in the section below, this application will provide 2 new footpaths through this part of the site which will enable a graded level access over the change in levels.
- 10.5. This public realm enhancement, along with the improvements proposed to create an arrival glade north of Cuckoo Lane within the Clive Booth Student Village site will together create a more comprehensive improvement for connections through the sites and through to Cuckoo Lane and is put forward by the applicant as a public benefit to delivering the Student Village development. It was on the basis of that public benefit, amongst others, that was a factor in the recommendation to Members of PRC to grant permission in respect of application 21/01185/FUL.
- 10.6. In light of policy SP17, the proposed footpaths are considered to provide a considerably improved quality of connection though the Headington Hill Campus connecting with Cuckoo Lane to Clive Booth Student, Pullens Lane, Marston Road and Headington Hill Park in accordance with the policy objective for enhanced routes. The proposal will thus deliver a scheme which will secure the public benefit sought by application 21/01185/FUL and required as part of the resolution to grant planning permission for that application by the PRC. The application is considered to comply with policy SP17 of the Oxford Local Plan.

### **Design and Impact on Designated Heritage Assets**

- 10.7. Oxford Local Plan policy DH1 states planning permission will only be granted for development of a high quality design that creates or enhances local distinctiveness. All developments will be expected to be supported by a constraints and opportunities plan and supporting text and/or visuals to explain their design rationale.
- 10.8. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the same Act requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Both of which it is accepted are higher duties.
- 10.9. Policy DH3 of the Oxford Local Plan states planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment, responding to the significance character and distinctiveness of the heritage asset and locality. For all planning decisions great weight will be given to the conservation of that asset. An application for planning permission which would or may affect the significance of any designated heritage asset, should be accompanied by a heritage assessment that includes a description of

the asset and its significance and assessment of the impact of the development proposed on the asset's significance. It goes on to state that where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal. Clear and extensive justification for this harm should be set out in full in the heritage assessment.

10.10. Policy CIP4 of the Headington Neighbourhood Plan states that where the significance of a heritage asset would be affected by a development proposal, that development proposal will only be permitted where it addresses the conservation and enhancement of the significance, character and any special architectural or historic features of significance the asset may possess.

10.11. The site forms part of the setting to Headington Hill Hall, which is a Grade II\* listed building as well as located in Headington Hill Conservation Area. To support the application, a Heritage Impact Assessment has been submitted which describes the designated heritage assets and considers the impact of the proposal on the significance of the heritage assets, including the boundary wall which is curtilage listed.

10.12. A large number of concerns have been submitted in respect of the visual impact of the alterations on Cuckoo Lane, which is a highly attractive and historic route up the hillside. These alterations will comprise a new opening from Cuckoo Lane through the creation of a new entrance way to align with the proposed arrival glade on the north side of Cuckoo Lane within Clive Booth Student Village creating a direct visible route. The proposed alterations seek to block up the existing opening with stone to make good the wall, and to create a new opening with capped piers either side of the entrance as the current entrance appears. The entrance will be wider than the existing opening. A separate Listed Building application has been submitted for alterations to this wall to address impact on historic fabric.

10.13. The proposal further comprises 2 walkways through the site to connect to Headington Hill Campus. One being a stepped access and the other being a sloped level access which will be positioned to take account of the steep nature of the site. The pathways will be constructed of perforated metal on a slatted base sitting above ground level, secured into the ground using mini piles, to ensure that retained trees and the root protection areas of the wooded site are protected and impact minimised. There will be a need for balustrades in addition. Lighting will be incorporated into the balustrades in a manner that will balance the need to minimise light spillage to safeguard visual amenity but to create a safe environment. At the southern end of the site, is proposed an entrance gateway feature.

10.14. Through the Historic Impact Assessment that has been submitted, the designated heritage assets have been described and assessed. Officers have had regard to the significance of Headington Hill Hall, as a substantial building, both architecturally and through its setting, including its gardens, terraced areas immediately around the house and the wider, tree planted or wooded landscape and more open parkland to the west (downhill and now forming Headington Hill Park) also make an important contribution to that significance.

- 10.15. A skeletal framework of the original design survives including both immediate structures (terraces, retaining and courtyard walls) as well as the wider, enclosing walls that formed the boundary to the less formal gardens, including the stone boundary wall that runs along the southern edge of Cuckoo Lane and stone boundary walls to London Road and Pullens Lane. Curtilage listed structures, that fall within the historic curtilage of the Hall and were built before 1948 have both aesthetic and historic values having a moderate importance to the setting of the listed building and thereby contributing to its significance. The stone wall enclosing the northern boundary of the site, being south of Cuckoo Lane is curtilage listed. The historic park and garden which forms the setting of the Hall makes a positive contribution to the character and appearance of the Headington Hill Conservation Area (HHCA) south of Cuckoo Lane.
- 10.16. Cuckoo Lane forms the boundary between different character areas that are identified in the conservation area character appraisal. It is described as a being a survival of the pre-enclosure landscape and characteristically a curving narrow path that follows the historic boundary between St Clement's and Headington parishes. The lane also provided an important route into Oxford from the east evident in records from the C16 and probably important before that time as well as forming part of a network of connected lanes that were renowned as walking routes for academics.
- 10.17. Land to the south of Cuckoo Lane, in which the application site predominantly lies is characterised by tall, stone walls forming boundaries between properties whereas in land to the north of Cuckoo Lane the boundaries tend to be formed with hedgerow plantings. The significance of the stone boundary walls enclosing properties is clearly identified in the conservation area character appraisal and these make an important contribution, having a moderate level of both aesthetic and historical value.
- 10.18. The proposed development recognises the importance of the sense of enclosure that the stone boundary wall gives to both the curtilage of Headington Hill Hall (HHH) and to Cuckoo Lane as well as the intrinsic aesthetic and historical values of the wall itself by proposing that the existing opening in the wall be closed with new, infill stone to match the existing in all respects, including rebuilding stone piers and maintaining a single, albeit wider opening in a new location along the boundary. This design balances the requirement for a safer, less enclosed and more direct space, increasing visibility for users and better access and connectivity between different parts of the Brookes campus, with the importance of preserving the identified significance of heritage assets (the curtilage wall, the setting and thus significance of HHH and the special character or appearance of the HHCA).
- 10.19. The paths have been designed to be less formal where they pass through the woodland planting so as to minimise their visual impact effectively hovering over the ground floor. Further, the proposed planting and landscape design and changes associated with this application are considered appropriate and sympathetic in design terms. In terms of the impact of this on the curtilage of HHH, the proposed design has been to ensure that the predominant sense and appearance of the outer, less formal garden landscape to HHH is preserved and reinforced with additional planting based upon the original surviving plant species

and appropriate introductions of new woodland plant species, following the ethos of historic C19 planting scheme, whilst ensuring the good functionality of the paths, both ramped and stepped.

- 10.20. In terms of assessing harm, the boundary wall that is proposed to be altered makes a moderate contribution to the setting and thereby the significance of Headington Hill Hall. It is considered that the proposed alteration, the infilling of an existing opening and its replacement with a new, wider opening in a different location would have a very small impact on this contribution. The wider opening and therefore the slight reduction in the sense of enclosure that the wall gives to the immediate setting of the Hall would result in a very low level of less than substantial harm to the significance of the Hall. However this harm would be mitigated by new planting and the carefully considered design of footpaths and steps to an extremely low level of less than substantial harm.
- 10.21. The boundary wall is characteristic of this part of the HHCA and makes some contribution to its character and appearance and thus significance. The changes that are proposed to be made to the wall would reduce the sense of enclosure and by increasing the size of the opening in the wall would have some adverse impact on its overall contribution to the significance of the conservation area. However this harm would be extremely small and would be mitigated by the changes proposed to be made to planting and landscape to the south of the wall, within the setting of HHH which would restore the important character and appearance of the C19 garden and the contribution that this makes to the particular character and appearance of the HHCA south of Cuckoo Lane Character Area. It is considered that on balance there would be an extremely low level of less than substantial harm to the significance of the designated heritage asset that is HHCA.
- 10.22. Para 202 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including where appropriate securing its optimum viable use.
- 10.23. The applicant has had regard to this paragraph in the NPPF and the policy requirement in DH3 and states that the scheme will deliver the following public benefits, which should be weighed in the balance of harm identified.
- 10.24. The rationale for the proposed alterations and landscape design is fundamentally to provide an accessible and safe connection for pedestrians across the Brookes campus and in particular between the main campus and Clive Booth site which is one of the principal accommodation sites for students at Brookes University. Presently the current experience doesn't allow for clear sight of the route, which is enclosed and doesn't allow for a safe experience for users. Moreover, the current route is steep ascending/descending a hill and comprises a series of steps which impacts upon accessibility. Overall, the route is not attractive to navigate particularly when it is dark in the morning, as well as in the evening and at night time.
- 10.25. Both accessibility and safety are important planning considerations and these justifications have been clearly set out in the planning statement that

accompanies the application and illustrated in the supporting Design and Access Statement. In view of this, in consideration of the application, great weight has been given to the conservation of the various designated heritage assets pursuant to paragraph 199 of the NPPF. However, having regard to all of the above, officers consider that the benefits of providing a more direct, visible, accessible and legible safe route for the public, outweighs the lower end of less than substantial harm to the designated heritage assets in accordance with paragraph 202 of the NPPF

10.26. The proposal also includes an entrance gateway to the south of the site to the footpaths. The design of this is not yet established as it is indicated that this will be the subject of an art project. There is no objection to the principle of such a gateway feature however, it is considered the details of this will need to be submitted in advance of its erection. This can be controlled via a condition.

10.27. The concerns regarding lighting are noted, but it is considered that the approach to lighting is acceptable having regard to the visual amenity of the area. This is for the reason that lighting will be incorporated into the balustrades, which is considered a sympathetic approach providing ambience and visual interest, but balanced to also ensure that this will create a safe environment for users and will only be motion activated upon use which will further limit any impacts upon visual amenity.

10.28. Special attention has been paid to the statutory test of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses and the statutory test of preserving or enhancing the character and appearance of the conservation area under sections 66 and 72 respectively of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted are higher duties. It has been concluded that the development would preserve the listed building and the character and appearance of the Conservation Area, and so the proposal accords with sections 66 and 72 of the Act.

10.29. The application is considered to comply with policies DH1 and DH3 of the Oxford Local Plan 2021.

## **Trees**

10.30. Policy G7 of the Local Plan seeks the protection of existing Green Infrastructure features and states planning permission will not be granted for development that results in the loss of green infrastructure features such as hedgerows, trees or woodland where this would have a significant public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated.

10.31. The policy goes on to state that planning permission will not be granted for development resulting in the loss of other trees, except in the following circumstances, that it can be demonstrated that the retention of the trees is not feasible; and where tree retention is not feasible, any loss of tree canopy cover should be mitigated by the planting of new trees or introduction of additional canopy cover, and where loss of trees cannot be mitigated by tree planting on



site then it should be demonstrated that alternative proposals for new green infrastructure will mitigate the loss of trees, such as green roofs or walls.

- 10.32. The site is dominated by an area of semi natural woodland comprising a mix of mature and semi mature trees with a dense understorey. The majority of the tree canopy comprises large sycamore with a younger juvenile woodland below. Parts of the woodland have a large accumulation of garden waste and litter. This woodland comprises B, C and U category trees and landscape features. Overall 45 trees were individually surveyed, one area of trees and one woodland were inspected.
- 10.33. During the course of the application, minor changes were made to the alignment of the walkways, with concern that the original route would impact on the key category B trees located along the northern boundary and which are very important to visual amenity. As a result of objections raised by officers on this, the route of the level footway was resited to avoid this and to retain trees T26 and T45.
- 10.34. The arboricultural implications of facilitating the proposal within the site require the felling of one category C tree and two category U individual trees to achieve the proposed layout. It is also proposed to remove a small section of one category C area of trees and part of the woodland understorey. Additionally two trees require minor surgery to permit construction.
- 10.35. Two trees have been identified for removal irrespective of any development proposals. The Arboricultural Impact Assessment (AIA) states that the removal of one of these trees coincides with the requirements of the proposed layout.
- 10.36. Therefore a total of 5 individual trees will be lost as a result of the proposal, which are both C and U trees. Trees that are either U or C category trees are low quality trees, have limited longevity, and little contribution to canopy cover.
- 10.37. In addition, it is advised in the AIA that the alignment of the retaining wall encircling the link end platform nominally intrudes within the Root Protection Area (RPA) of a tree to be retained, which will have a minor influence on the tree's RPA and as such it is considered appropriate to use linear root pruning, obviating the need for specialist construction techniques.
- 10.38. The AIA states that the alignment of the proposed footpath encroaches within the RPA of seven trees that are to be retained, but it is proposed that a no dig construction technique will be utilised which should minimise impact. The footways comprise perforated metal panels supported with mini screw piles. This will minimise impact on the RPAs of retained trees as well as avoid the possibility of compaction within retained trees' RPAs and existing soil hydrology processes.
- 10.39. Overall, Officers are satisfied that the AIA correctly captures the impacts of the scheme with correct documentation and crucially that the trees identified to be lost are of a poor or limited quality, and there is adequate justification for their removal. To compensate for the loss of trees, 8 trees are proposed to be

planted. These trees will comprise 2 Silver Birch, 3 English Oak and 3 Small Leaved Lime. These trees will be planted in and around the proposed walkways.

10.40. In terms of the canopy cover assessment as required by policy G7, Officers are satisfied that the proposed trees will infill over time for the tree losses such that the existing canopy cover will undergo no net loss after 25 years.

10.41. In view of the submitted AIA and succession planting proposed, Officers consider that the tree impacts have been appropriately assessed and are satisfied that the proposed trees will compensate for the loss of trees as identified, in accordance with the objectives of Policy G7, subject to conditions.

## **Biodiversity**

10.42. Policy G2 of the Local Plan states development that results in a net loss of sites and species of ecological value will not be permitted. Policy GSP3 of Headington Neighbourhood Plan states that development proposals that seek to conserve and enhance land which has a significant wildlife or ecological value will be welcomed.

10.43. An Ecology Report was submitted with the application.

10.44. The Ecology Report considered that there are no waterbodies on site and that the nearest waterbodies are unlikely to support amphibians, including Great Crested Newts.

10.45. In respect of slow worms and grass snakes, whilst evidence was found within 2km of the search area, none centred on or adjacent to the site. The clearing within the woodland has some suitability for common species of reptile, however, the potential of this area to support reptile populations is considered to be very low given its small size as well as lack of connectivity to further areas of suitable habitat.

10.46. In respect of bats, none of the trees surveyed within the site are suitable for roosts, however the woodland is considered to give moderate to high suitability for foraging bats as well as provide connectivity between known roosts within the adjacent campus and further areas of woodland off site to the south and west.

10.47. In respect of badgers, there is badger activity in the area and a licence may be required from Natural England. To assess this further information is required via a condition.

10.48. Overall, the Council's Ecology Officer has assessed the reports and is satisfied that the potential presence of protected species and habitats has been given due regard.

10.49. The application is considered to comply with policy G2 of the Local Plan subject to conditions to require an updated badger survey prior to the start of works and a landscape and ecological management plan.

## **11. CONCLUSION**

- 11.1. The starting point for the determination of this application is Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application, paragraph 2. The principal objective of the NPPF is to deliver sustainable development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the latest publication of the framework.
- 11.3. Having considered the application, it is considered that the proposed public realm improvements as proposed are acceptable having regard to improving accessibility through the wider site as required by policy SP17 of the Local Plan.
- 11.4. In consideration of the impact of the application, great weight has been given to conserving the designated heritage assets as required by paragraph 199 of the NPPF. In this instance the report considers the impact on the listed boundary wall through the revised opening and the impact of the walkways to the Headington Hill Conservation Area and the setting of Headington Hill Hall. The report considers the proposed works will have a lower level of less than substantial harm to these heritage assets, however it also considers the mitigation proposed by the improved design of the walkways. The report also considers that this harm should be weighed against the public benefits of the proposal, in accordance with para 202 of the NPPF. In this instance the improved visibility, accessibility and safety provided by realigning the walkways and providing two walkways overall, will outweigh the lower level of less than substantial harm identified.
- 11.5. In terms of impact on green infrastructure, the report considers the impact on the semi-natural woodland and considers the loss of C and U trees which are poorer and lower quality trees. The report also has regard to the proposed tree planting to compensate for the loss of the trees identified in accordance with policy requirements. The report also considers the biodiversity impacts.
- 11.6. Having considered the application carefully including all representations made with respect to the application, it is considered that the proposal is acceptable in terms of the aims and objectives of the NPPF, policy SP17 and policies identified in the Local Plan and Headington Neighbourhood Plan.
- 11.7. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions in section 12 of the 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.

Reason: To control the extent of the development and to accord with policies SP17 and S1 of the adopted Local Plan 2036

3. Samples of the exterior materials to be used to repair the stone wall, to create the piers, materials for the walkways, hardstanding and the entrance gateway shall be submitted to and approved in writing by the Local Planning Authority before the start of work above ground levels on the site and only the approved materials shall be used.

Reason: In the interests of the visual appearance of the Headington Hill Conservation Area in which it stands in accordance with policies DH1, DH3 of the Adopted Oxford Local Plan 2036 and policy CIP4 of the Headington Neighbourhood Plan.

4. Prior to the first use of the walkway, details of the gateway feature to be erected shall be first submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as submitted and approved prior to the first use of the walkway.

Reason: In the interests of the visual appearance of the Headington Hill Conservation Area in which it stands in accordance with policies DH1, DH3 of the Adopted Oxford Local Plan 2036 and policy CIP4 of the Headington Neighbourhood Plan.

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

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

6. The landscaping proposals as approved by the Local Planning Authority shall be carried out no later than the first planting season after first use of the development hereby approved unless otherwise agreed in writing beforehand by the Local Planning Authority.

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

7. Any existing retained trees, or new trees or plants planted in accordance with the details of the approved landscape proposals that fail to establish, are removed, die or become seriously damaged or defective within a period of five years after first use of the development hereby approved shall be replaced. They shall be replaced with others of a species, size and number as originally approved during the first available planting season unless otherwise agreed in writing by the Local Planning Authority.

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

8. No development, including demolition or enabling works, shall take place until a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS), produced in accordance with the current BS. 5837: "Trees in Relation to Design, Demolition and Construction – Recommendations", has been submitted to and approved in writing by the Local Planning Authority. The TPP & AMS shall include such details as are appropriate to the circumstances, for the protection during development of retained trees, and any areas of ground identified for new tree planting (the areas to be equal to the calculated Root Protection Area of proposed trees at their eventual state of maturity (i.e. 25 years). The TPP & AMS shall detail any physical protective measures such as barrier fencing and/or ground protection materials, and any access pruning or other tree surgery proposals. Methods of any workings or other forms of ingress into the Root Protection Areas (RPAs) or Construction Exclusion Zones (CEZs) of retained trees shall be set out and described. Such details shall take account of the need to avoid damage to the branches, stems and roots of retained trees, through impacts, excavations, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with the approved TPP & AMS unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To protect retained trees during construction in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

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

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

10. The development hereby permitted shall not be brought into use until a detailed Lighting Strategy with technical specifications and lighting contour plans has been submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall include the following:

- Details of the external lighting of the development
- Details of the impact of the lighting upon views into the site from within the city;
- A lighting design strategy for biodiversity for features and areas to be lit.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy, and these shall be maintained thereafter in accordance with the approved strategy. Under no circumstances shall any other external lighting be installed without prior written consent from the Local Planning Authority.

Reason: In the interests of safety, visual amenity and to comply with the requirements of the NPPF, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) in accordance with policies DH1, DH3, RE7 and G2 of the adopted Oxford Local Plan 2036 and policies CIP1 and CIP2 of the Headington Neighbourhood Plan

11. A landscape and ecological management plan (LEMP) shall be submitted to and be approved in writing by the Local Planning Authority prior to the first use of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed within the scheme;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule;
- g) Details of the body or organization responsible for implementation of the plan; and
- h) Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details prior to the first use of the development.

Reason: In the interests of prevention of harm to species and habitats within and outside the site during construction in accordance with policy G2 of the Oxford Local Plan 2036

12. Prior to commencement of any ground works, an updated badger survey shall be undertaken to assess current Badger activity within the zone of influence of the development. If based on an up-to-date assessment, Badgers or their sets will be disturbed, an updated Badger mitigation strategy shall be produced and submitted to and approved in writing by the Local Planning Authority prior to the commencement of any ground works. The development shall be carried out in accordance with the mitigation measures within the mitigation strategy as approved. If necessary, a licence shall be obtained from Natural England for works to proceed lawfully.

Reason: To comply with the requirements of the Protection of Badgers Act 1992 and to comply with policy G2 of the adopted Local Plan 2036.

### **13. HUMAN RIGHTS ACT 1998**

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

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

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

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