

<b>Application number:</b>	21/01369/LBC	
<b>Decision due by</b>	13th August 2021	
<b>Extension of time</b>	TBA	
<b>Proposal</b>	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)	
<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>	Gill Butter	
<b>Agent:</b>	Mr Jon Alsop	<b>Applicant:</b> Oxford Brookes University

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## 1. RECOMMENDATION

1.1. Oxford Planning Committee is recommended to:

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

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 listed building consent.

## 2. EXECUTIVE SUMMARY

2.1. This report considers the impact of proposed alterations to part of the northern section of the coursed rubble stone wall that forms the boundary to the gardens and grounds of Headington Hill Hall, a grade II\* listed building. It also considers whether those alterations would cause harm to the significance of the wall which is considered, by virtue of its historic and present ownership and relationship to the principal listed building, Headington Hill Hall, to fall within the curtilage of that

building and therefore within the definition of a 'listed building' as set out in Part 1 section 1(5) (b) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (P(LBCA) Act 1990). It is therefore considered that the section of boundary wall that is proposed to be altered falls under the statutory provisions of the P(LBCA) Act 1990 in as far as they pertain to listed buildings.

- 2.2 Having identified the heritage assets that would be impacted by the proposed works, the report considers the significance of those heritage assets.
- 2.3 The report then considers the impact of the proposed works on the significance of the heritage assets and assesses whether there would be any harm caused to that significance and, if so, what level of harm would be caused.
- 2.4 The report considers the justification that is offered for the proposed works and considers whether this is both clear and convincing.
- 2.5 The report considers how the design of the proposed alterations, including any conditions that are recommended by officers to be imposed on any grant of listed building consent and how this might mitigate or reduce the overall level of any harm that might be caused to the significance of affected heritage assets.
- 2.6 Having assessed the level of harm that may be caused by the proposed alterations to the boundary wall, the report then sets out whether public benefits that would arise as a direct result of the proposed works and associated landscape works and considers whether those public benefits would outweigh the level of harm that would be caused to the significance of the heritage assets.
- 2.7 Finally the report considers whether the proposed works would meet the objectives of both national and local planning policies and sets out a recommendation to the Planning Committee.

### **3. LEGAL AGREEMENT**

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

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

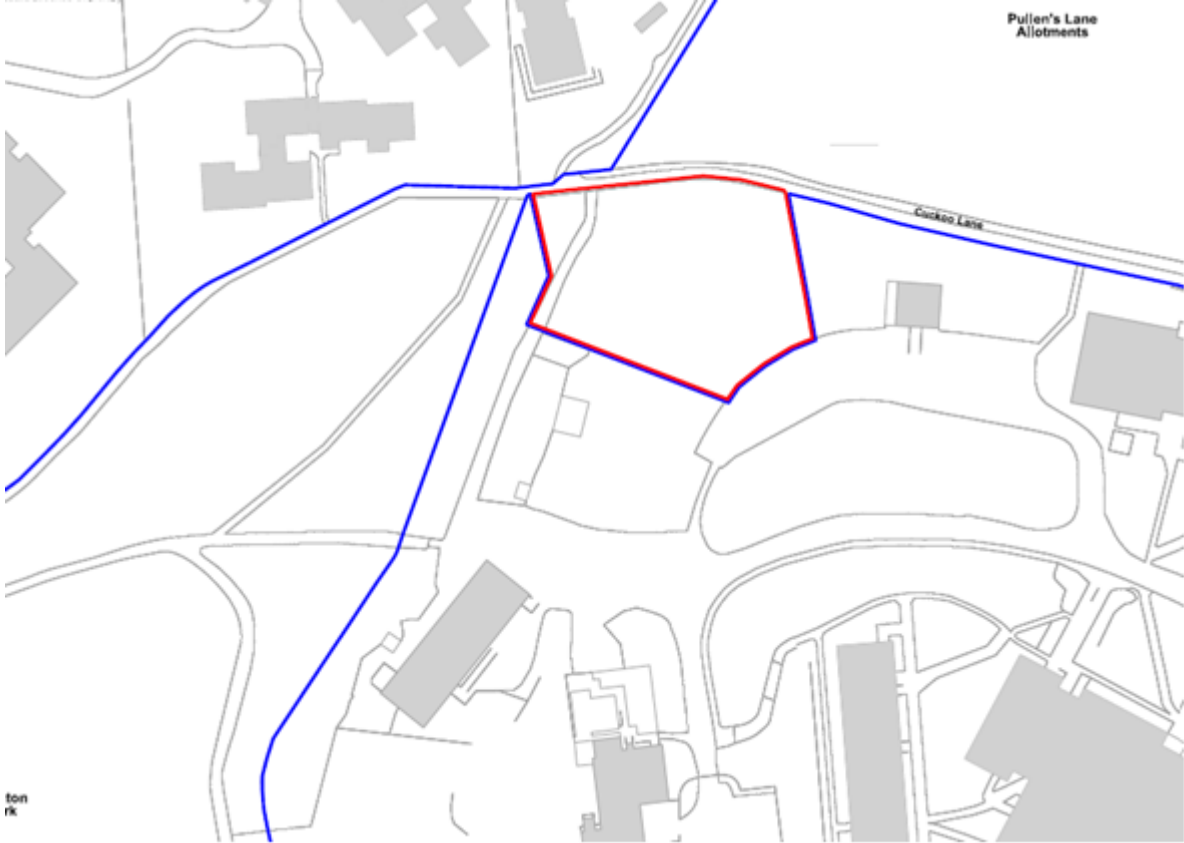
- 4.1. The proposal is not liable for CIL

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

- 5.1. The proposal affects a coursed rubble stone wall with ashlar dressings that bounds the north western edge of the present grounds of Headington Hill Hall. The grounds of the Hall originally extended out into agricultural land to the north however the more formal gardens and semi-formal parkland that surrounded the original C18 house and were designed and planted at the time of its substantial alteration in the C19 were enclosed by substantial stone walls, varying in construction according to their aspect, the more formal comprising ashlar blocks, being to the more publicly viewed aspects of London Road to the south of the Hall and Pullens Lane to the east.

5.2. The Hall and its grounds sit along the scarp slope that is Headington Hill, above and overlooking the Cherwell valley to the east of Oxford. Immediately to the north of the site, an historic lane, Cuckoo Lane runs in an east-west direction, dropping down the scarp slope to meet with Marston Road at the bottom of the hill. This lane runs along the northern edge of the site.

5.3. See block plan below:



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↑  
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Ordnance Survey 100019348

**6. PROPOSAL**

6.1. The application proposes the closing up of an existing opening in the stone boundary wall and the creation of a new opening immediately to the west, downhill of the present opening. The new opening is to be associated with landscape works within the grounds of Headington Hill Hall to provide an accessible and safe footpath into and out of the grounds from the surrounding area.

**7. RELEVANT PLANNING HISTORY**

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

01/01356/LH - Conservation Area consent for phased demolition of existing boundary wall between Headington Hill Park and Cuckoo Lane.. Approved 18th September 2001.

03/00328/LBC - HEADINGTON HILL HALL: Listed Building consent for alterations to existing stone wall comprising gate piers and metal gates to form new pedestrian/cycle access from Cuckoo Lane. Approved 27th June 2003.

03/00329/FUL - HEADINGTON HILL HALL/MORRELL HALL; Alterations to wall to form new pedestrian and cycle access. Construction of ramps for disabled and cycle access including lighting, handrails and retaining walls.. Approved 29th May 2003.

66/17931/A\_H - Alterations to main gates entrance with provision of a rising arm barrier. Approved 16th August 1966.

83/00855/NFH - New entrance gates. Approved 14th December 1984.

93/01096/NFH - Alteration to modern wall to incorporate new pedestrian entrance gates and ramp to footpath adjacent to Headington Hill footbridge. Approved 10th December 1993.

95/01104/LH - Conservation Area consent for demolition of 1.5 metres of boundary wall to Cuckoo Lane.. Approved 20th September 1995.

95/01105/NFH - Erection of pedestrian gate and construction of new footpath.. Approved 20th September 1995.

Provision of new footpath and lighting.. Approved 14th January 1997.

99/01486/CAT - Fell trees (marked in yellow on Cuckoo Lane boundary) in the Headington Hill Conservation Area.. Raise No Objection 17th October 1999.

05/02110/LBD - Listed Building consent for alteration involving dismantling of some 28 metres length of 2.2 metre high stone boundary wall fronting Pullen's Lane. Rebuild wall to previous dimensions and details using salvaged and additional stone, where required. Approved 23rd January 2006.

05/02111/FUL - Planning permission for rebuilding some 28 metres length of 2.2 metre high stone boundary wall fronting Pullen's Lane, using salvaged and additional stone, where required. Approved 5th January 2006.

21/01368/FUL - Alterations to footpath, including alterations to boundary wall and railings, new surface treatments and landscaping. (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:
Conservation/ Heritage	189-208	DH3 - Designated heritage assets DH4 - Archaeological remains		Headington Neighbourhood Plan

## 9. CONSULTATION RESPONSES

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

### Statutory and non-statutory consultees

9.2. 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.”

### Public representations

9.3. Seventeen people commented on this application from addresses in Headington, Cowley, St Clements and Lye Valley.

9.4. In summary, the main points of objection were:

- Amount of development on site
- Effect on character of area
- Effect on existing community facilities
- General dislike (or support) for proposal
- Noise and disturbance
- Open space provision
- For the same reasons as objection to concurrent planning application 21/01368/FUL

## **Officer response**

None of the points of objection raise material planning considerations relevant to the determination of this listed building consent application. Material considerations and determining issues that officers consider to be relevant are clearly set out in the following section, section 10 of this report. Furthermore material planning considerations that fall outside the scope of this listed building application, are considered under the corresponding planning application 21/01368/FUL.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Significance of heritage assets
- Harm that would be caused to significance of heritage assets by the proposed alterations.
- Justification for the proposed alterations to the heritage assets.
- Mitigation of any resultant harm to the significance of heritage assets through design.
- Balance of harm against any public benefits that would arise directly as a result of the proposed alterations and associated landscape work for which the alterations are necessary.

### **a. Significance of heritage assets**

10.2 Officers consider that the boundary wall is of a moderate architectural and historic significance having been built contemporaneously to Headington Hill Hall for the purpose of enclosing the gardens and parkland that originally surrounded the late C18 house, some of which still survive and of separating them from Cuckoo Lane, 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.

10.3 The wall is also important to the setting of Headington Hill Hall, a grade II\* listed building. The northern section of the boundary wall survives as part of the fragments of the original landscape of gardens and wider parkland that were designed, laid out and planted at the time of the mid C19 remodelling of the earlier C18 house and its grounds for its then owner James Morrell by William Wilkinson. The house itself has a high value of architectural significance, the boundary walls make a moderate contribution to that significance.

10.4 A number of alterations have been made to the northern section of the

boundary wall principally throughout the second half of the C20, including the formation of the narrow, gated opening that is proposed to be closed off as part of this application. Officers therefore consider that the opening itself is of no particular historic or architectural significance.

**b. Harm that would be caused to significance of heritage assets**

- 10.4 The existing opening in the boundary wall for which consent is being sought to close off is not of any architectural or historic significance. Officers' therefore consider that there would be no harm caused either to the significance of the boundary wall or to the setting and thereby the architectural or historical significance of Headington Hill Hall
- 10.5 The boundary walls to Headington Hill Hall have clearly been subject to a number of alterations. These are evidenced both in earlier applications for alterations to the wall (see section 7 of this report, relevant planning history) as well as in the fabric of the walls themselves. A number of openings have been created historically in the northern boundary wall to provide access to and from the grounds of the Hall onto Cuckoo Lane and then onward to the surrounding area for the benefit of students and academics at Oxford Brookes but also for the benefit of local residents and visitors to the area. Therefore officers consider that the degree of harm that would be caused by the creation of a new opening would be a low level of less than substantial harm to the architectural and historical significance of the wall itself and that in consequence there would be an extremely low level of less than substantial harm caused to the architectural and historical significance of Headington Hill Hall by virtue of harm caused to the setting of the principal listed building.

**c. Justification for the proposed alterations to the heritage assets.**

- 10.6 The NPPF at paragraph 200 requires that "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification".
- 10.7 The applicant has set out a number of reasons why they are seeking consent to create a new opening in the northern boundary wall which include the provision of a safer, more accessible route, primarily for pedestrians from and across the grounds of Headington Hill Hall to parts of the University estate, student halls of residence and via Cuckoo Lane and the Clive Booth site to the wider, surrounding communities beyond. The present routes into and out of the northern part of the grounds of Headington Hill Hall onto Cuckoo Lane are narrow with poor sight lines creating a number of potential hazards for those using them, not least of which is conflict with cyclists who habitually travel at high speed downhill on Cuckoo Lane. The wider opening, sited to the west (downhill) of the present gated opening will enable the provision of a gentle ramped footpath as well as a more generous, wider flight of steps both connecting directly to much used routes through the grounds of the Hall, to the Gypsy Lane campus of the university as well as across the London Road footbridge to other halls of residence and the university sports grounds to the south. The alignment of the ramped footpath has been amended to avoid

impact on adjacent tree root protection zones and consequent impact on trees.

- 10.8 Officers consider that the justifications offered by the applicant in support of this and the concurrent planning application are both clear and convincing and that therefore they meet the objectives of the policy set out in paragraph 200 of the NPPF.

**d. mitigation of any resultant harm to the significance of heritage assets through design**

- 10.9 The applicant is proposing to replicate the detail of the stone piers to the existing opening in the northern boundary wall (proposed to be closed off) on either side of the new opening through the reuse of the stone from the existing opening. This would in principle ensure that the detailed design of the opening in the wall would match existing openings in this wall.

- 10.10 Officers have recommended conditions (section 12 of this report) to be applied to any grant of listed building consent that would ensure that the exact detail of the stone piers could be replicated in the new opening and that the infilling of the existing opening using stone removed from the new opening would be contiguous with the detail of the existing wall either side. A recommended condition would ensure that any shortfall in stone through damage, degraded condition or natural loss would be able to be made up with appropriate material similar to the existing in all respects.

- 10.11 Officers consider that the careful and considered design proposed and secured by recommended conditions (see section 12 of this report) would mitigate the low level of less than substantial harm that would be caused to significance of the northern boundary wall to Headington Hill Hall and to the setting and thereby the significance of the Hall itself such that the resultant level of harm that would be caused to the significance of the heritage assets would be an extremely low level of less than substantial harm.

**e. Balance of harm against any public benefits that would arise directly as a result of the proposed alterations and associated landscape works for which those alterations are necessary.**

- 10.12 Where a proposed development, in this case the alteration of the northern boundary wall to the grounds of Headington Hill Hall would lead to less than substantial harm to the significance of a designated heritage asset the NPPF at paragraph 202 states inter alia that “this harm should be weighed against the public benefits of the proposal....”

- 10.13 Officers consider that the level of less than substantial harm that would be caused to the significance of both the boundary wall and thereby to the setting and consequently significance of Headington Hill Hall would be an extremely low level of less than substantial harm and that the public benefits that would arise as a result of the proposed development as set out in the documents that support the application and as described in section 10.7 of this report would be sufficient to outweigh that level of less than substantial harm.



## 11.0 CONCLUSION

- 11.1 In conclusion, officers consider that the proposed alterations to the northern boundary wall of Headington Hill Hall would result in a low level of less than substantial harm to the significance of the wall and thereby to the setting of and consequently significance of the principal heritage asset Headington Hill Hall. Officers consider that the proposed alterations have been clearly and convincingly justified by the applicant as part of a wider scheme to improve both accessibility out of and into the site and to the surrounding area and to improve the safety of those using the footpaths, including Cuckoo Lane. Officers consider that together with recommended conditions to be applied to any grant of listed building consent, the careful and considered design of the proposed alterations would reduce the overall level of harm to the significance of heritage assets to an extremely low level of less than substantial harm and that this level of harm would be outweighed by the public benefits that would arise as a result of the proposed alterations to the wall and the associated landscape works for which the alterations are necessary.
- 11.2 Officers consider that the proposed development would meet the objectives of both national planning policies, identified in this report and set out in the NPPF (2021) including in Section 16 of that document. Officers also consider that the proposals would comply with the objectives of local plan policies, specifically policies DH3 and DH4 of the Oxford Adopted Local Plan 2036. It is therefore recommended that the Committee resolve to grant listed building consent subject to the recommended conditions.

## 12. CONDITIONS

1. Commencement of works LB consent

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. Recording of wall

No dismantling or infilling of the wall shall take place until a drawn and photographic recording of those areas of the boundary wall to Headington Hill Hall that are proposed to be altered, infilled or opened up including the areas immediately adjacent to the areas of intended disturbance has been carried out to a level to be agreed in advance in writing by the Local Planning Authority (LPA). The recording shall be submitted to and approved in writing by the LPA prior to any work taking place.

Reason: To provide a level of recorded information that will ensure that the proposed alterations to the wall will be able to be carried out in a manner that will be in accordance with policies DH3 and DH4 of the Adopted Oxford Local Plan 2036.

3. Methodology, materials and specification  
Prior to any works taking place, a detailed methodology for the dismantling of the section of wall to be opened up and for the infilling of the existing opening in the wall, including details of identification and temporary storage of stones to be removed from the wall, specification and where required samples of new materials to be used, mortar and any new stone required to make up a shortfall of appropriate stone required to infill the existing opening in the wall, shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved methodology, details and specification.

Reason: to ensure that the proposed works will be carried out in a manner and using suitable materials to ensure that they will meet the objectives of policies DH3 and DH4 of the Oxford Adopted 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.