

Application number:	22/00410/LBC		
Decision due by	28th April 2022		
Extension of time			
Proposal	Alterations to grade II listed boundary wall fronting onto Woodstock Road and to curtilage listed walls to former walled garden associated with the construction of new buildings adjacent to and abutting these structures		
Site address	Green Templeton College, Woodstock Road, Oxford, Oxfordshire – see Appendix 1 for site plan		
Ward	Walton Manor Ward		
Case officer	Gill Butter		
Agent:	Mr Michael Crofton-Briggs	Applicant:	The Principal and Fellows of Green Templeton College.
Reason at Committee	Accompanying a concurrent major planning application 22/00409/FUL for associated development.		

1. RECOMMENDATION

1.1. is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 11 of this report and grant listed building consent

1.1.2. **agree to delegate authority** to the Head of Planning and Regulatory 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 and Regulatory Services considers reasonably necessary

2. EXECUTIVE SUMMARY

2.1. This report considers the impact of proposed alterations and interventions to section of a grade II listed stone wall that runs along the western side of Woodstock Road and contiguous sections of stone boundary walls that are contemporaneous with the identified wall, lie to its north and west and are

considered to be curtilage listed structures by virtue of their physical relationship, ownership both past and present and function both past and present. The wall is described as being the boundary wall to the Radcliffe Infirmary site and it now encloses the campus of Green Templeton College, the site of the Radcliffe Observatory, grade I listed building with its surviving gardens and to the south the now, Oxford University owned and occupied former Infirmary buildings and modern departmental additions where there are a number of historical gates, railing screens and entrances that punctuate and break through the wall.

2.2. The proposed alterations comprise a number of gated entrances to be made through both the listed and curtilage listed walls facilitating access and connection into buildings and garden spaces across the Observatory site.

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 site lies at the north-east corner of the original Radcliffe Infirmary site and wraps around the surviving, C18 Radcliffe Observatory building, grade I listed and its surviving pleasure gardens, enclosed by high stone and brick walls that historically bounded the entirety of the Infirmary site.

5.2. The site is bounded by three conservation areas. The south western edge of the North Oxford Victorian Suburb Conservation Area touches the north eastern edge of the site. Walton Manor Conservation Area lies immediately to the north of the site and the boundary of the Central Conservation Area runs along the western edge of Woodstock Road immediately to the east of the site.

5.3. The walls that are the subject of this application principally enclose a former garden primarily occupied by open, hard tennis courts and small building tucked into the south-western corner that houses a squash court. The southern boundary of the former garden is flanked by a series of two storey, C20, traditional domestic vernacular buildings that house the College's entrance, porters' lodge and administrative offices. Whilst outside the walls, adjacent to the squash court building, in the south western corner lies a lean-to traditionally designed green house.

6. PROPOSAL

6.1. The application seeks listed building consent for a number of new, gated openings to be made through the walls, together with alterations associated with the weathering and abutment, above and below ground of a number of new, college buildings that are proposed to be built adjacent to the walls. Details of

which are set out in a concurrent planning application, 23/00409/FUL also to be considered by this planning committee.

- 6.2. A single opening with gate is proposed to be made through the listed wall that fronts onto Woodstock Road at a point some 20 metres to the north of the present, principal college entrance.
- 6.3. Additional openings, again to be gated are proposed to be made through the curtilage listed wall that bounds the western edge of the present tennis court garden. These are intended to provide connections from the enclosed “garden” courtyard to the more open gardens that contribute to the setting of the Observatory building and across those gardens to college spaces beyond.
- 6.4. An additional opening is proposed to be made through the curtilage listed stone wall in the south western corner of the current tennis court garden alongside a present opening to facilitate both user and service access for the café building that is proposed to sit on the southern side of that wall, in a similar location to the present greenhouse.
- 6.5. There are a number of locations where proposed new buildings will sit alongside the existing boundary and enclosing walls and abutments are proposed to provide satisfactory weathering of these connections above ground as well as possible adaptations to existing arrangements of the walls below ground. The design of these points of interaction/intersection will be subject to additional interrogation of existing situations and a recommended condition covers the approval of these details to ensure that the important features of the existing walls will not be harmed.

7. RELEVANT PLANNING HISTORY

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

00/01291/L - L/B consent for pedestrian gate in stone boundary wall to link No 9 Observatory Street to College.. PER 3rd November 2000.

00/01292/NFH - Planning permission for pedestrian gate in stone boundary wall to link No 9 Observatory Street to college, together with pergola and ramped access.. PER 3rd November 2000..

03/02419/FUL - Erection of 36 student study rooms (including 6 for disabled use), library, seminar room, IT room and ancillary accommodation in 2 wings each on 3 floors; together with construction of underground lecture theatre and single storey building housing fitness room, laundry, workshops etc. on site of existing tennis courts
. PER 14th October 2004.

03/02420/LBD - Listed Building consent for demolition of squash courts and workshops, alterations to Woodstock Road boundary wall and north garden walls to provide new pedestrian accesses and erection of 3 storey student

accommodation incorporating library, lecture theatre (below ground) and IT facilities. Alterations to North garden gate to provide new entrance.. PER 16th July 2004.

03/02421/CAC - Conservation Area consent for demolition of pavilion, squash courts and technology workshops.. PER 14th October 2004.

49/00790/A_H - Conversion of stables. PER 2nd November 1949.

51/01928/A_H - Tennis pavilion. PER 25th September 1951.

52/02685/A_H - Alteration to form changing room. PDV 13th December 1952.

66/17864/A_H - Erection of single storey court and replacement of garden shed. PER 16th August 1966.

67/18977/A_H - Alterations and extension to existing changing rooms. PER 11th July 1967.

75/00536/A_H - Renewal of temporary consent for erection of timber building to provide office accommodation. TEM 11th July 1975.

77/00479/AH_H - Erection of entrance block to medical graduate society as first stage of college development. The uses include offices , entrance lodge , teaching rooms , changing rooms and some residential accommodation. PER 2nd August 1977.

77/01095/AH_H - Conversion of existing lodge building to form 2 flats. Connection with Green College development (reserved matters of App. No. H/A480/77. PER 4th January 1978.

86/00619/L_H - Listed Building consent for demolition of The Lodge (unlisted building in Conservation Area). ALW 3rd September 1986.

88/00237/L - Listed Building consent for blocking of pedestrian gateway. PER 11th April 1988.

90/00641/L - Listed Building consent for new gates and railings to south boundary. PER 15th October 1990.

90/00642/NFH - New gates and railings to south boundary. PER 15th October 1990.

91/00773/L - Listed Building consent for the erection of new security fence re-using existing wrought iron gates.. PER 25th October 1991.

91/00774/NFH - Erection of new security fence, re-using existing wrought iron gates. PER 25th October 1991.

99/00013/NFH - Change of use from part of changing rooms and toilets to offices

ancillary to college use including external alterations (windows at side & 2 doors at rear).. PER 26th February 1999.

07/02840/LBC - Listed building Consent for reorganisation of social, dining and catering facilities and refurbishment of interior, involving stripping out existing equipment and inserted partitions, provision of new kitchen in west wing, relocation of dining area to ground floor, provision of common room on first floor, upgrading wc facilities and provision of disabled toilet facilities. External alterations involving removal of doorway on north elevation and reinstatement of window; plant and machinery on roof of west wing, connection through south door to temporary kitchen.. PER 4th April 2008.

08/00813/CND - Discharge of condition 4 of planning permission 07/02841/FUL - extraction equipment for restaurant.. PER 13th June 2008.

79/01164/NRH - Demolition of animal houses, workshops and offices in western corner of site and erection of new residential building in connection with Green College development (Reserved Matters of Application no. H/A480/77). PER 20th February 1980.

12/01927/FUL - Extensions at basement level of Walton Building to create new light shafts, store room and plant room. Insertion of new door to south elevation. Erection of new railings and gate.. PER 25th September 2012.

12/02661/PDC - PERMITTED DEVELOPMENT CHECK - Erection of railings with hand rail.. PNR 23rd October 2012.

13/01613/VAR - Variation of conditions 1-8 of planning permission 12/01927/FUL (Extensions at basement level of Walton Building, Insertion of new door to south elevation. Erection of new railings and gate) to allow submission of information for the discharge of conditions to be submitted post commencement.. PER 22nd August 2013.

Oxford Victorian Suburb Conservation Area. RNO 15th June 2015.

15/01833/FUL - Erection of archway between two existing buildings.. PER 11th August 2015.

15/01833/CND - Details submitted in compliance with condition 3 (Samples in Conservation Area) of planning permission 15/01833/FUL.. PER 20th October 2015.

15/03104/FUL - Installation of 8No. LED lights to tennis court.. PER 22nd March 2016.

15/03608/CAT - Fell 2No. Birch Trees to replace with specimens of Betula Pendula Tristis in North Oxford Victorian Suburb Conservation Area.. RNO 26th January 2016.

13/03041/CND - Details submitted in compliance with condition 3 (Details of

appearance and materials) of planning permission 13/03041/FUL.. PER 27th May 2016.

16/02723/CAT - Fell 2no. Birch trees in North Oxford Victorian Suburb Conservation Area.. RNO 8th November 2016.

17/00315/CAT - Various works to trees as identified in appendix 1 in North Oxford Victorian Suburb Conversation Area.. RNO 7th March 2017.

18/00123/FUL - Application for the retention of the sports pavilion and change of use from residential gardens to college sports pavilion approved under 12/02883/FUL for a temporary period of 5 years. (Additional plans). PER 21st March 2018.

19/01338/CAT - Works to 1no.Mulberry Tree 1no Red Horse Chestnut Tree, 1no. Prune and 1no. Apple Tree as specified by Fiona Bradshaw as identified by North Oxford Victorian Suburb Conservation Area.. RNO 21st June 2019.

23/01549/FUL - Insertion of 1no. gate to boundary wall. Provision of pedestrian access ramp and associated alterations to landscaping. (Amended plans). PER 22nd November 2023.

23/01935/LBC - Installation of a new gate and access ramp to create access from no. 3-7 Observatory Street college campus.. PER 21st November 2023.

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		

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 9th March 2022 and an advertisement was published in The Oxford Times newspaper on 10th March 2022.

Statutory and non-statutory consultees

Public representations

- 9.2. One local person commented indirectly on this application from an address in Observatory Street. The comment simply referred to a comment made on the planning application and the perceived absence of a listed building consent application for works to the listed walls. There were no observations or comments made on the person's opinion of the proposed alterations to the walls.
- 9.3. The Oxford Architectural and Historical Society questioned the justification for new openings through the listed wall fronting Woodstock Road and suggested that there should be investigation and recording of fabric.

Officer response

- 9.4 Clearly a listed building consent application had been submitted seeking consent for alterations to and interventions in the listed wall and the adjoining and contiguous walls that were considered to be curtilage listed structures to the listed wall.
- 9.5 Whilst a new gate and opening for a window through the wall would result in loss of historic fabric as well as a changed appearance of a small part of what had historically been a long, rarely broken, contiguous length of late C18 and early C19 enclosing stone wall to the Observatory and the adjacent Radcliffe Infirmary site, officers consider that the changes would be relatively modest, particularly in comparison to earlier, more substantial alterations that have been made immediately to the south of the college's site and that in part, the significance of the wall is as an enclosing structure to buildings and gardens. Therefore, the proposed openings, by virtue of their modest simplicity, the design of the window and gate, a solid gate within a very simple, understated opening in the stonework of the wall and a very simple, framed window opening would preserve the important sense of enclosure and privacy thus mitigating the level of harm that would be caused to the significance of the listed wall to the lowest level of less than substantial harm.

10. LISTED BUILDING CONSENT MATERIAL CONSIDERATIONS

- 10.1 Officers consider the determining issues to be:
- a. Significance of the listed, including curtilage listed boundary walls.
 - b. Potential impact of the proposed alterations to the listed walls on the significance of those listed structures. Whether the proposals would preserve or enhance the significance of the heritage assets or result in harm to their significance.
 - c. If harm would be caused to the significance of the heritage assets whether that harm has been clearly and convincingly justified.
 - d. If harm would be caused to the significance of the listed buildings what would be the weight of that harm.
 - e. If harm would be substantial then has the applicant provided a robust case for exceptionality.

- f. If harm would be less than substantial are there sufficient public benefits that would arise from the proposed alterations that would outweigh the weight of harm.

a Significance of the listed and curtilage listed walls.

- 10.2 The boundary wall fronting Woodstock Road is part of the original boundary wall that enclosed the Radcliffe Infirmary Site and subsequently the grounds and pleasure gardens of the Radcliffe Observatory.
- 10.3 The walls that bound the north side of the site, running along the back of properties on Observatory Street and enclosing the tennis court garden were probably constructed slightly later than the Woodstock Road wall but are nevertheless of significance and due to their physical relationship to the listed structure, their function and purpose which is similar to that of the Woodstock Road wall both at their construction, at the time of listing of the principal listed structure, June 1972 and their ownership which has remained the same from date of building, through date of listing to present day they are considered by officers to be curtilage listed structures.
- 10.4 The principal listed structure, a mix of ashlar stone with considerably weathered and delaminated faces and coursed rubble stone with distinctive, round, ashlar detailing to gateways at college entrance with a flat capping stone was built in the C18, probably at a similar time to the Observatory. The wall has a moderate significance derived in the main from its, materiality and its function as a boundary wall, initially to the Infirmary site but later to the Observatory and its pleasure gardens.
- 10.5 The slightly later constructed curtilage listed walls are of a lower significance than the principal listed structure but nevertheless they do have significance. This significance, importance or value is derived from their function, their materials and construction and the fact that they formed part of the contiguous enclosing boundary to the Radcliffe Infirmary and Radcliffe Observatory site, some of which has been removed during the second part of the C20 and early C21, thus making the preservation of the surviving sections of wall more important to the understanding of the historical values of the site. These walls are substantially devoid of the more decorative or ostentatious architectural details such as railings (to the courtyard of the earliest Infirmary buildings) and entrance gateways and piers that front the Woodstock Road facing part of the Infirmary site. Officers consider the significance of these walls to be low to moderate.

b. impact of proposed alterations.

- 10.6 This application seeks consent for a number of gated openings to be made through the stone walls as well as a small opening for a window adjacent to the new Porters Lodge.

- 10.7 These openings would result in some loss of the masonry fabric of the wall in each case together with the introduction of some new fabric, stone or brick to frame and finish the opening.
- 10.8 It is proposed that each of the “gate” or access openings should have either a gate, where it connects outdoor spaces or a door where there will be an interior space. The design of the proposed gate or door is to be simple and solid thus preserving the important sense of boundary and the contiguity of the present boundary structures whether this is a boundary to “the outside world” i.e. the public realm or between internal, college spaces, primarily gardens or new buildings that are being proposed under the concurrent planning application 22/00409/FUL. Where there is proposed to be a modest window opening, as part of the new Porters’ Lodge the design of the frame and window is proposed to be simple so as not to detract from the primacy of the wall itself.
- 10.9 In addition, the siting of a number of new buildings and structures directly adjacent to the walls will require small interventions to effect weathering of the abutments and the efficient dispersal of rainwater.
- 10.9 By virtue of the proposed design of these openings and their gates, doors and window, their modest size and plain but elegant detail, as well, as the carefully designed and the architect’s intelligent, “light touch” approach to the abutment of new building and wall, officers consider that the impact on the significance of the listed structures, primarily their sense of enclosure, but also their appearance would be preserved and any harm to their significance would occur through the loss of a small amount of masonry fabric, and the small change in appearance which officers consider would be extremely modest. A recommended condition seeks the recording of the structures in their present state and an additional recommended condition seeks the repair of the walls themselves where this is considered to be necessary, to be informed by a thorough condition survey.

c. justification of any harm that would be caused to significance of the heritage assets.

- 10.10 The extremely small harm to significance of the listed walls, including curtilage listed walls would, officers consider be justified, , in order to achieve a high quality designed development with the highest architectural sustainability, thus meeting the policy objective set out in the National Planning Policy Framework (NPPF) (Dec 2023) at paragraph 206 and policy DH3 of Oxford’s Adopted Local Plan 2036.
- 10.11 The opening in the principal listed wall that fronts Woodstock Road and is considered to be contemporaneous with the construction of the infirmary and the Observatory is considered to provide, discrete, level access to the new residential quad in particular for those with bicycles thus encouraging by making the process easy the use of bicycles. In addition this entrance, together with gates in other sections of wall will create a highly legible,

physically connected route into and across the site for college residents, making stronger connections between the newly ordered and historically significant spaces on this site in manner that responds intelligently to the surrounding context and opens up new views of the important buildings, including the Observatory enabling users of the routes to seek and gain a stronger understanding of the architectural and historical significance of these extremely important heritage assets.

- 10.12 Any harm caused to the significance of the listed , including curtilage listed walls by the introduction of new fabric to weather abutments and by the interruption in the contiguity of walls in views from within the site resulting from the siting of new buildings would be justified through the need to protect, for the purposes of preservation the fabric of the walls and through the creation of focussed and framed views that will allow the value and the significance of the walls to be an integral part of the place rather than simply, as at present what might be seen as a constant backdrop. Highlighting the walls will raise their visible presence within the spaces of the new, proposed development reinforcing rather than diminishing their value and significance.

d. weight of harm that would be caused to significance

- 10.13 Officers consider that where harm would be caused to the significance of the heritage assets it would be less than substantial harm and that it would be extremely small, at the very lowest level of less than substantial harm. The fundamental significance of the walls as historic boundary structures to important places, including listed buildings and their settings would be preserved through considered design of the interventions and in part the visual significance of the listed and curtilage listed structures would be heightened through the creation of focussed views that would give the walls a more important role or visual presence that would emphasise their values.

e. If harm would be substantial

- 10.14 Officers do not consider that any harm caused to the significance of the listed, including curtilage listed walls would be substantial and that therefore there is no case to be made for exceptionality or apply the tests set out in paragraph 207 of the National Planning Policy Framework (NPPF) (Dec 2023).

f. Where harm would be less than substantial.

- 10.15 Officers consider that any harm that would be caused to the significance of the listed, including curtilage listed walls would be less than substantial and that this would be at the very lowest end of this category of harm.
- 10.16 In accordance with paragraph 208 of the NPPF (Dec 2023) where harm to significance of heritage assets is considered to be less than substantial it should be weighed against public benefits that would arise directly from the proposed works.
- 10.17 The public benefits that would be considered to arise directly from the proposed works are through recording and appropriate repair a greater understanding and appreciation of the conservation values, the architectural and historical significance of the boundary walls to the Radcliffe Infirmary site and more particularly to the part of the site that was occupied by the Radcliffe Observatory would be gained and documented with full public access. Furthermore, the proposed interventions will enable a greater appreciation of the importance of the boundary walls and their role in the evolution of the Radcliffe Infirmary and Observatory sites.
- 10.18 Given the extremely low weight of less than substantial harm it is considered that the public benefits arising would be sufficient to outweigh that level of harm.

11. CONCLUSION

- 11.1 In conclusion officers consider that the proposed alterations to the listed and curtilage listed walls, through intelligent and contextually sensitive design would fundamentally preserve the significance of the heritage assets, the listed and curtilage listed walls thereby meeting the objectives of national planning policies as set out in the NPPF, including section 16 of that document. In addition, by preserving the listed and curtilage listed structures including their settings and any features of special architectural or historic interest that they possess the proposed alterations and interventions would meet the objectives of policies DH3 and DH4 of Oxford's Adopted Local Plan.
- 11.2 It is recommended that the Committee resolve to grant listed building consent for the development proposed subject to the recommended conditions set out in the following section of this report.

12. CONDITIONS

1. Commencement of listed building works
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. Listed building consent approved plans

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. Archaeology – building recording

No development shall take place until the applicant, or their agents or successors in title, have secured the implementation of a programme of historic building recording of the principal and curtilage listed boundary walls that will be subject to a number of alterations and interventions as a result of the proposed development together with the present group of buildings that form the entrance to the site and that are proposed to be demolished in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the 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; in accordance with policies DH3 and DH4 of the Adopted Oxford Local Plan 2036.

4. Details

Full details of all alterations and interventions to listed and curtilage listed boundary and garden walls, including details of materials, methods and workmanship, structural details of proposed interventions including details of any underpinning of existing walls, drawn details of junctions between new structures and or buildings and the existing walls are to be submitted to the local planning authority and agreed in writing before any such works of alteration and or intervention are carried out. All works to be carried out in accordance with approved details unless subsequently approved otherwise and confirmed in writing by the local planning authority.

Reason: These works have not been described, either in text or drawn in sufficient detail requiring further interrogation of existing details and consequent development of proposed alterations and interventions and the local planning authority wishes to ensure the preservation of the significance of the heritage assets in accordance with the objectives of policies DH3 and DH4 of Oxford's Adopted Local Plan 2036

5. Programme of repair of listed walls

A full programme of necessary repairs, including details of materials, methods and workmanship to be carried out on the listed and curtilage listed walls shall be submitted to and approved in writing by the local planning authority and the approved works completed before any development is commenced adjacent to these walls. All works shall be carried out in accordance with the approved scheme of repairs unless subsequently otherwise approved and agreed in writing by the local planning authority.

Reason: The local planning authority wishes to ensure the long term preservation of the listed structures in accordance with policy DH3 of Oxford's 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.

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