



# Appeal Decision

Inquiry held on

1-4, 8-11 and 31 July 2008

Site visits made on 5 and 12 July 2008

by **Dannie Onn** RIBA IHBC

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

Decision date:  
9 September 2008

**Appeal Ref: APP/G3110/A/08/2063341**

**Land at SERS, Osney One and Axis Point, Osney Mead Industrial Estate, Oxford, OX1 0EW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Oxford University Estates Directorate against the decision of Oxford City Council.
- The application Ref 07/00392/FUL, dated 20 February 2007, was refused by notice dated 26 November 2007.
- The development proposed is demolition of the existing SERS building, erection of a new library depository building, remodelling of the existing access and parking arrangements and associated works.

## Decision

1. I dismiss the appeal.

## Main issues

2. The main issues in this case are: the effect of the proposed development on the landscape setting of historic Oxford; its effect in relation to natural resources; and its impact on flooding.

## Reasons

### *The setting of Oxford*

3. The proposed development is part of a strategy devised by the Oxford University Library Service (OULS) to provide for the long term future of the University libraries. Central to this strategy is the proposal to upgrade and develop the 1930's bookstack (the New Bodleian), allowing greater public access. The Bodleian library is acknowledged to have the best collections of any university library in the world. It has legal deposit status and is an Approved Repository under license from The National Archives. It is a national and international resource. Its effective stewardship is in the national interest.
4. The proposed depository would allow for the removal of all the material stored at the New Bodleian during its refurbishment as well as material currently stored at remote locations in the county and beyond. A large building is required. On completion of the works to the New Bodleian, some material

- would be returned and the remaining space in the depository building would allow for around 16 years' growth.
5. The site selected for this vital contribution to the development of the university and the archive status of its internationally renowned library is part of a post-war industrial estate in the floodplain to the west of the city. It is a site owned by the University and is in easy reach of the Bodleian, allowing an average response time to book-requests of about three hours.
  6. The Oxford Local Plan seeks to protect the unique and vulnerable views of the City of dreaming spires. The City skyline is a fragile and compact composition of pinnacles, spires and domes at a relatively small scale. It contains numerous listed buildings within designated conservation area. I note that the historic city centre is one of the University's greatest assets.
  7. The site is clearly visible within the Raleigh Park View Cone identified in the Local Plan. Policy HE.10 seeks to protect significant views of Oxford and includes that planning permission will not be granted for buildings that are of a height which would detract from the views of Oxford (the view cones).
  8. In views from the hills to the west, most notably from Raleigh Park, the historic core of the city can clearly be appreciated between the backdrop of the woods on Headington Hill and an apron of trees along the River Thames and its water meadows. Furthermore, the footpaths and open space to the west of Oxford allow frequently changing views of this important aspect of the city. The views are impressive and their significance increases with the knowledge that they encapsulate many of the historic buildings of one of the world's great universities at the heart of an historic city. Indeed, the symbolism of these views has been recognised in the poetry of Matthew Arnold and the art of J M W Turner. The framing of much of the historic core by greenery is vital to the preservation of the significance of these views.
  9. These views are compromised by the recent Newsquest building at Osney Mead, but I find that the pylons and cables through the valley are less of a distraction.
  10. Much useful evidence was given to the inquiry to help define the impact of the proposed depository. The roof of the building would be softened by the curved profile and, at certain times of the year, by its colour. Even so, the building would appear as a massive block rising above the existing industrial buildings around it. It would add to the erosion of the treed foreground which frames the historic core of Oxford. The combined effect of the proposed depository and the existing Newsquest building would be to practically obscure the line of greenery in some views. Due to its height and scale, the proposed building would detract from significant views of Oxford in conflict with Policy HE.10 of the Local Plan.
  11. The appeal site also lies within 1200m of Carfax at the heart of the city where Policy HE9 of the Local Plan dictates that all buildings shall be below 18.2m in height or 79.3m above ordnance datum, whichever is the lower. In this case the lower is 18.2m in height.
  12. I heard that the initial approach for the site was a building with a flat roof up to the maximum height permitted under Policy HE.9. The design allowed for an

automated storage and retrieval system at an optimum height. The design of the building was criticised, not least by English Heritage and was amended to that now at appeal. Although higher than 18.2m in places, the amended design was preferred by English Heritage.

13. The proposal before me would rise above 18.2m for around 40% of the area of the main roof. Policy HE.9 makes an exception for minor elements of no great bulk, but I would take that to mean aerials, vent pipes and the like and perhaps chimneys, spires or pinnacles. On any sensible assessment, the roof is a major element and not a minor one; its bulk is substantial. To allow the roof to be higher than 18.2m would mock the intention of the Policy which is to ensure that it is not. It is clear to me that the proposed building contravenes Policy HE.9 of the Local Plan. Even if one were to take a lenient approach to the Policy restrictions, in this case the conflict with Policy HE.10 would remain.
14. The imposing height and scale of the building would also be apparent in closer views. Whilst an industrial building might be expected on an industrial estate, the increased height and scale of the proposed building would have a dramatic effect from footpaths across the water meadows and the tow-path to the river. Although there would be no impact on the historic core of the city at these points or any significant effect on the setting of the surrounding Green Belt, I consider that this adds some weight to the harm caused.

#### *Natural Resources*

15. The Council's reasons for refusal include that the building would not meet the minimum score for the renewable energy category set out in the adopted Supplementary Planning Document: *Natural Resource Impact Analysis* (SPD). Whilst there is some doubt as to whether oil from crops is a sustainable fuel, it is recognised as such in the SPD. The proposals as described in the appellant's Natural Resource Impact Analysis would achieve the score required by the SPD and thus meet the requirements of Policy CP.18 of the Local Plan.

#### *Flooding*

16. The proposed development lies within an area prone to flooding. However, it is previously developed land within an existing industrial estate and would replace an existing building. The appellant proposes a flood water storage facility and protective barriers. Following amendments to the scheme the Environment Agency withdrew its initial objection. The proposed development would not increase the risk of flooding or significantly alter the likelihood of flooding elsewhere. I find no conflict with the advice of Planning Policy Statement 25: *Development and Flood Risk*.

#### *Other matters*

17. The needs of the Bodleian are pressing. The existing storage is too crowded for proper care and efficient retrieval. Some collections have been put into temporary commercial storage as far away as Cheshire. There is no space for growth. The New Bodleian is poorly serviced, leading to an unacceptable rate of deterioration of material and the risk of damage due to fire. Staff conditions are poor and security is compromised. The response time for the delivery of books to the reading rooms and the conditions at the Bodleian are below the standards expected by The National Archives. The existing license has been

extended only temporarily pending the progress of the overall library project. That project, with the depository as the first phase, would put right these chronic deficiencies. This is a material consideration of considerable weight.

18. I note that the depository project has evolved during the planning process. The original design was based upon the optimum dimensions for the automated storage and retrieval system. The efficiency of that system was compromised by the changes to the roof profile in response to concerns about the impact of the building. The University's Business Case Review of June 2008 recommends a change from automated storage to a manual system, although no final decision is made. With a manual system, working height would be limited for practical reasons. In that event, mezzanine storage would be introduced. If that were the case, a lower building or buildings could meet the brief and the justification for such a high building would be lost.
19. The appellant has completed an undertaking under S106 of the Town and Country Planning Act 1990 to provide a permissive footpath across the appeal site and a contribution to a pedestrian and cycle crossing over the Thames. Whilst these would be of some benefit, they would not overcome the harm I have found.

#### *Conclusions*

20. There is no doubt in my mind that the University should be supported in its overall strategy for the library service and the Central Bodleian complex. However, the need for a functional depository should not undermine the character of the city which is a fundamental asset to the University. The University should continue to develop within the historic constraints of Oxford in accordance with an adopted and up to date development plan. Crucially in this case, there is sufficient doubt that the proposed depository needs to be so high and harmful. On balance I conclude that the arguments in favour of the proposals are not sufficient to overcome the development plan presumption against the height and scale of the building proposed at Osney Mead.

*Dannie Onn*

INSPECTOR

## APPEARANCES

### FOR THE OXFORD CITY COUNCIL:

|   |  |
|---|--|
| Mr Robert McCracken QC and<br>Mr Thomas Cross           | Francis Taylor Building, Inner Temple, London,<br>EC4Y 7BY |
| He called<br>Cllr Colin Cook and<br>Cllr Elise Benjamin | Oxford City Council  |

### FOR THE OXFORD UNIVERSITY ESTATES DEPARTMENT:

|  |   |
|--|---|
| Mr Keith Lindblom QC and<br>Mr Alexander Booth | Francis Taylor Building, Inner Temple, London,<br>EC4Y 7BY                          |
| He called<br>Mr Paul Roberts                   | Turnberry Consulting, Maddox Street,<br>London, W1S 2PD                             |
| Mr Steve Capel-Davies                          | Peter Brett Associates, Caversham Bridge<br>House, Waterman Place, Reading, RG1 8DN |
| Mr Patrick Bellew                              | Atelier Ten, 19 Perseverance Works,<br>38 Kingsland Road, London, E2 8DD            |
| Mr Julian Cooper                               | Cooper Partnership, 127 Hampton Road,<br>Redland, Bristol, BS6 6JE                  |

### FOR THE OXFORD PRESERVATION TRUST:

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|--------------------------------|--|
| Mr Steven Sensecall            |  |
| He called<br>Mrs Deborah Dance | Oxford Preservation Trust,<br>10 Turn Again Lane, Oxford, OX1 1QL            |
| Mr Chris Wilmshurst            | Kemp and Kemp, Elms Court,<br>Botley, Oxford, OX2 9LP                        |
| Mr Huw Mellor                  | Kemp and Kemp, Elms Court,<br>Botley, Oxford, OX2 9LP                        |
| Mr Julian Munby                | Oxford Archaeology, Janus House,<br>Osney Mead, Oxford, OX2 0ES              |
| Mr Jeremy Smith                | c/o SLR Consulting Ltd, Aspect House,<br>Bennerley Road, Nottingham, NG6 8WR |

### INTERESTED PERSONS:

|                     |   |
|---------------------|---|
| Mr Kit Villiers     | CPRE, 1A Lucerne Road, Oxford, OX2 7AB                                      |
| Professor G R Evans | 13 Beaumont Buildings, Oxford, OX1 2LL                                      |
| Dr Brian Wilson     | The Moat, Northampton Road, Weston on the<br>Green, Oxford, OX25 3QL        |
| Mr Douglas Bond     | Friends of North Hinksey,<br>22 North Hinksey Village, Oxford, OX2 0NA      |
| Dr Ian Scargill     | Oxford Green Belt Network, 25 Portland Road,<br>Summertown, Oxford, OX2 7EZ |
| Mr Tony Joyce       | Oxford Civic Society, 68 Blenheim Drive,<br>Oxford, OX2 8DQ                 |

## **DOCUMENTS SUBMITTED AT THE INQUIRY**

- 1 Notification of the time and place of the final day of the Inquiry
- 2 Core Documents list (Core Documents separately boxed)
- 3 E-mails relating to the supply of bio-diesel: submitted by the appellant
- 4 Analysis of alternative locations for the depository carried out for the University and submitted by the Oxford Preservation Trust
- 5 Roof height and area calculations by the Oxford Preservation Trust
- 6 A4 print of J M W Turner's view of Oxford from the Conduit House
- 7 Exchange of correspondence between the Council and English Heritage in May and June 2008
- 8 Extracts from the South East Plan and Panel report
- 9 Comparative storage capacities of narrow aisle and automated storage
- 10 Planning permission and plans for redevelopment of an industrial site at Sandy Lane, Oxford
- 11 Sight lines from a viewpoint at North Hinksey: submitted by the appellant
- 12 Diagram of flood levels and flood protection measures
- 13 1832 map of Oxford appended to the evidence of Mr Cooper
- 14 Wireframe photomontage appended to the evidence of Mr Cooper
- 15 Suggested routes and itinerary for Inspector site visits
- 16 Letter of 22 July from The National Archives
- 17 OULS Book Depository: Business Case Review 6 June 2008 and associated correspondence
- 18 Suggested planning conditions
- 19 Deed of undertaking under Section 106 of the Town and Country Planning Act 1990
- 20 Court Judgements referred to by the parties

## **EVIDENCE FROM INTERESTED PERSONS**

- 21 Objection by the Friends of North Hinksey
- 22 Statement on behalf of the Oxford Civic Society
- 23 Statement on behalf of the Campaign to Protect Rural England
- 24 Statement of the Oxford Green Belt Network
- 25 Flooding Evidence of Dr Wilson
- 26 Statement and supplementary submissions of Professor Evans

## **PLANS**

Application plans – see Core Document 1.5