

# Agenda Item 7

**West Area Planning Committee**

15 February 2012

**Application Number:** 11/03043/EXT

**Decision Due by:** 27 February 2012

**Proposal:** Application to extend time limit on planning application 07/02818/FUL (Two and three storey extension with basement to Middle Eastern Centre to provide new library facilities, common area, lecture room, storage areas and including external landscaping)

**Site Address:** 66 And 68 Woodstock Road St Antony's College (Middle Eastern Centre) Site Plan, **Appendix 1**

**Ward:** North Ward

**Agent:** Mr Nik Lyzba

**Applicant:** The Warden And Fellows  
Of St Antony's College

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**Recommendation:** West Area Planning Committee is recommended to approve the application, subject to and including the conditions set out below.

Reasons:

- 1 Having regard to Government guidance on applications to replace extant planning permission, in order to extend the time limit for implementation there are no new issues in terms of development plan policies, national policies or any material change in site circumstances therefore the application to extend this permission for a further 3 years is considered acceptable.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below and with the special character and appearance of the conservation area. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Specifically in accordance with approved revised plans
- 4 Samples in Conservation Area North Oxford Victorian Suburb,
- 5 Students full time, one yr course
- 6 Archaeology - mitigation 2
- 7 Tree Protection Plan

- 8 Hard surfaces -trees
- 9 No top lopping etc
- 10 Landscape plan
- 11 Landscape carry out after completion
- 12 Details mechanical ventilation
- 13 Revised details of NE elevation etc
- 14 Specifically exclude removal of trees
- 15 NRA

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016**

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Developmt to Relate to its Context
- CP9 - Creating Successful New Places
- CP10 - Siting Developmnt to Meet Functionl Needs
- CP11 - Landscape Design
- CP13 - Accessibility
- CP20 - Lighting
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- NE15 - Loss of Trees and Hedgerows
- HE2 - Archaeology
- HE7 - Conservation Areas

**Core Strategy**

- CS1\_ - Hierarchy of centres
- CS9\_ - Energy and natural resources
- CS13\_ - Supporting access to new development
- CS17\_ - Infrastructure and developer contributns
- CS18\_ - Urb design, town character, historic env
- CS19\_ - Community safety
- CS25\_ - Student accommodation
- CS29\_ - The universities

**Sites and Housing Development Plan Document Submission  
Consultation January 2012:**

None

**Other Material Considerations:**

This application is in or affecting the North Oxford Victorian Suburb Conservation Area.

**Relevant Site History:**

07/02818/FUL: Two and three storey extension with basement to Middle Eastern Centre to provide new library facilities, common area, lecture room, storage areas

and including external landscaping. (Amended plans). Approved 31.03.2009

07/02572/LBC: Listed Building Consent for internal alterations to re-order main library and basement storage areas involving removal of existing ceilings, basement chimney breast and wall, provision of new floor slab, service ducts and services, new basement rolling stack, mezzanine and library shelving in main library and new doors. Internal alterations involving replacement of existing modern metal windows. Approved 10.03.2008.

08/01551/FUL: Erection of two detached 4-storey buildings to provide new porter's lodge, student accommodation (54 rooms), offices and meeting rooms. Approved 15.10.2008

11/01528/VAR: Variation of condition 2 of planning permission 08/01551/FUL (for the erection of two detached 4-storey buildings to provide new porter's lodge, student accommodation (54 rooms), offices and meeting rooms) involving variations to the design and external appearance. Approved 10.08.2011

#### **Representations Received:**

One objection from neighbour:

Approval of this controversial proposal was given by a casting vote over three years ago. Since then several new factors have weighed against it.

68 Woodstock Road is now listed. Removal of the diseased chestnut trees has revealed the distinction of the southern aspect of this building which would be entirely obscured by this proposed development and is, in itself, sufficient reason for complete review of the acceptability of the project.

For almost three years 'sample' materials have been on show in the garden. None is satisfactory and the sample colours on view (silver, ochre and black) are entirely out of keeping with the Victorian Conservation Area. Further, a serious problem has clearly arisen due to bird droppings on the 'shiny' surface, despite apparent attempts to discourage birds with spikes. This appears to present the college with an ongoing cost and is unsightly at all times.

The college grounds now appear to have a further building in progress, which was mentioned but not fully considered at the planning meeting in September 2008.

The general effect of the mixing of so many incompatible architectural styles in what should be a Victorian conservation area lacks aesthetic integrity, is an unhappy pick and mix of varying styles and materials and there is a serious risk of over-development and lack of garden space.

I understand that there are plentiful lecture areas within St Antony's, and, contrary to a statement made at the planning meeting mentioned, development of the college is not confined within the block of Woodstock Road/Bevington Road/Winchester Road and Church Walk. Both the Centres for Latin American and African Studies are outside this particular block.

Having spoken to a variety of members of the college, including college porters, students and fellows, the vast majority appear to dislike the proposal and say 'this is not the place' for this particular building whatever its merits might be in another context.

**Statutory and Internal Consultees:**

No comments received.

**Issues:**

Officers consider the main issues in determining this application are:

- Extension of time
- Development plan policies

**Officers Assessment:**

**Site Description**

1. Nos.66 and 68 Woodstock Road lie within St Antony's College ownership. The existing buildings and their gardens have been in ownerships associated with academic use for some time. The buildings are set back from the road frontage, delineated by low retaining brick walls with existing vehicle access and parking to the front. Mature trees and shrub planting both front and side/rear of No.68 form a screening and glimpsed views of the building, particularly during summer months. Similarly semi-mature trees and shrubs screen the front of No. 66.
2. The site lies within the North Oxford Conservation Area, which is characterised in part by Victorian villas and academic buildings separated by gardens, with mature trees and planting.

**Proposal:**

3. It is proposed to create a link extension, referred to as a 'Softbridge' extension, above ground between No.68 Woodstock Road and to and around to the rear of No.66, extending further below ground into the rear quad of the college. This latest application is to extend the time within which construction can begin for this proposed extension, approved in March 2009.

**Assessment**

4. In October 2009, the Government introduced measures to enable greater flexibility for planning permissions, in direct response to the current economic downturn. These measures included the ability for applicants to apply to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development.
5. The Department for Communities and Local Government (DCLG) Guidance to these measures makes clear that in determining such applications, Local Planning Authorities should take a positive and constructive approach towards the applications. The development proposed in an application for an extension will by definition have been judged to be acceptable in principle at an earlier date. While these applications should off course, be determined in

accordance with S.38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities should focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission. In other words if the circumstances have not changed to a significant extent then there is a presumption towards granting the application for the extension of the period for implementation of the original planning permission.

6. Under the Planning and Compulsory Purchase Act 2004 Local Plans are being replaced by Local Development Frameworks. The City Council is currently reviewing the development plan system to meet the requirements of the Planning and Compulsory Purchase Act 2004. In this respect the Oxford Core Strategy was adopted on 14<sup>th</sup> March 2011 and the Sites and Housing Development Plan Document (SHDPD) Proposed Submission was endorsed by Council on 19<sup>th</sup> December 2011 following Pre-Options Consultation and consultation on the Preferred Options Document. The SHDPD Proposed Submission will now go out to Public Consultation in the next stage of the adoption process and the policies are therefore emerging.
7. As a result of the Core Strategy adoption a number of saved policies within the Adopted Oxford Local Plan 2001-2016 were cancelled. There are 32 new policies in the Core Strategy and 42 Local Plan policies that have been replaced by the Core Strategy.
8. The current proposal is identical to the original application, but in accordance with DCLG advice, officers will consider the application against the relevant development plan policies and also any other material considerations that would be relevant to the proposal.
9. As a 'saved' document, the Oxford Local Plan 2001-2016 (OLP) contains all the relevant development plan policies and remains the principle policy document against which this application has to be considered. The OLP was adopted in November 2005. Therefore the previous application was also considered under the same development plan policies. However several policies within the OLP (CP2, CP3, CP7, CP12, CP15, CP16, ED7 and ED8), which are relevant to this proposal, have been replaced by CS1, CS9, CS13, CS17, CS18, CS19, CS25 and CS29 respectively of the Core Strategy. Policies CP7 and CS18 relate to urban design and policies CP3, CS13 and CS18 relate to limiting the need to travel, the hierarchy of shopping centres and access to new development. CP12 and CP19 relate to designing out crime and community safety and CP15, CP16 and CS9 relate to Energy and natural resources. CP2 and CS17 relate to planning obligations and developer contributions. Finally, ED7, ED8, CS25 and CS29 relate to education, student accommodation and the Universities.
10. Whilst there has been a significant change in the development plan the majority of saved policies within the OLP are still extant and the replaced policies within the Core Strategy do not significantly alter the thrust of the replaced policies. In respect of the SHDPD Proposed Submission Consultation January 2012 there are no relevant policies as this development

is for academic accommodation not residential. Therefore the application is still considered acceptable.

11. DCLG Guidance also states that if appropriate different conditions could be imposed or some conditions could be removed for example in order to make the scheme acceptable in the light of new policies or if some pre-commencement conditions have already been discharged. In this case one condition of the original permission, Condition 3, has been complied with. This condition excluded certain plans and required revised plans to be submitted and approved. This was done. Condition 3 listed above therefore now lists those revised approved plans. The only other proposed change to a condition is the wording of Condition 5 that formerly restricted occupation to that of the University of Oxford and Oxford Brookes University, which was applied as a matter of course. However, since then policy CS25 now means that it is not possible to restrict the use to the universities only but to full time students on a course of one academic year or more. The wording of the condition should therefore be altered accordingly. No other conditions are affected and there is no need to add or take off any other conditions.
12. Comments received from a neighbouring resident have been taken into consideration. The deceased chestnut trees that have been removed were considered and agreed at the time of the original planning application and therefore their removal and the impact on the existing buildings considered. This is therefore not a significant material change in circumstances that would warrant reconsideration of the proposal at this time or refusal. Similarly objections to the architectural aesthetics in this location in the Conservation area, lack of garden space and overdevelopment were all considered in determining the original application and there has been no significant material change in circumstances since then that would warrant refusal now. Whilst the college is building student accommodation elsewhere on campus, their intentions were known at the time of the previous application. The accommodation is to house existing students and this is not considered significant material change in circumstances that would impact on the proposed extension and provision of academic floor space for the Middle Eastern Centre.

**Conclusion:**

13. Having regard to Government guidance on applications to replace extant planning permission, in order to extend the time limit for implementation there are no new issues in terms of development plan policies, national policies or any significant material change in site circumstances. Therefore Officers consider the application to extend this permission for a further 3 years is acceptable and recommend approval by Committee.

**Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers

have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

### **Section 17 of the Crime and Disorder Act 1998**

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 approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

### **Background Papers:**

**Contact Officer:** Felicity Byrne

**Extension:** 2159

**Date:** 4 January 2012

# APPENDIX 1

