

Agenda

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Planning Review Committee

Date: **Tuesday 26 June 2012**

Time: **6.00 pm**

Place: **The Old Library, Town Hall**

For any further information please contact:

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If you would like help to understand this document please call Lois Stock, Democratic Services Officer on or email lstock@oxford.gov.uk in advance of the meeting.

Planning Review Committee

Membership

Chair

Vice-Chair

Councillor Alan Armitage	North;
Councillor Antonia Bance	Rose Hill and Iffley;
Councillor Laurence Baxter	Quarry and Risinghurst;
Councillor Jean Fooks	Summertown;
Councillor Mark Lygo	Churchill;
Councillor Joe McManners	Churchill;
Councillor Mike Rowley	Barton and Sandhills;
Councillor Ed Turner	Rose Hill and Iffley;
Councillor Dick Wolff	St. Mary's;

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AGENDA

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Proposal: (1) Extension to existing library to provide book storage, reading rooms, staff accommodation, seminar rooms, landscaping to quadrangle and provision of level access and bicycle storage facilities.

(2) External and internal alterations and extension to library involving removal of inserted floor and staircase, insertion of new staircase, lift to provide book storage, reading rooms, staff accommodation and seminar space

This item was called into the Planning Review Committee from the West Area Planning Committee held on 30th May 2012 by Councillors Cook, Tanner, Fry, Sanders, Turner, Seamons, Pressel, Rowley, McManners, Coulter, Price, Kennedy, Khan and Clarkson, because the reasons for refusal were not considered strong ones, with a risk of losing on appeal.

Report of the Head of City Development attached.

6	MINUTES	23 - 28
7	DATES OF MEETINGS	

The following dates are scheduled for meetings of this Committee:-

Wednesday 25th July
Wednesday 29th August
Tuesday 25th September (*please note change of day*)
Wednesday 31st October
Wednesday 28th November
Wednesday 19th December
Wednesday 30th January 2013
Wednesday 27th February
Wednesday 27th March
Wednesday 24th April

Wednesday 29th May

The Committee is asked to confirm its starting time. Last year meetings started at 6pm.

DECLARING INTERESTS

What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close personal association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interests, which you must register.

What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

What is a prejudicial interest?

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest you must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

CODE OF PRACTICE FOR DEALING WITH PLANNING APPLICATIONS AT AREA PLANNING COMMITTEES AND PLANNING REVIEW COMMITTEE

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner.

The following minimum standards of practice will be followed. A full Planning Code of Practice is contained in the Council's Constitution.

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful
2. At the meeting the Chair will draw attention to this code of practice. The Chair will also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:-
 - (a) the Planning Officer will introduce it with a short presentation;
 - (b) any objectors may speak for up to 5 minutes in total;
 - (c) any supporters may speak for up to 5 minutes in total;

(Speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;

 - (d) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant Officer/s and/or other speaker/s); and
 - (e) voting members will debate and determine the application.
4. Members of the public wishing to speak must send an e-mail to planningcommittee@oxford.gov.uk before 10.00 am on the day of the meeting giving details of your name, the application/agenda item you wish to speak on and whether you are objecting to or supporting the application (or complete a 'Planning Speakers' form obtainable at the meeting and hand it to the Democratic Services Officer or the Chair at the beginning of the meeting)
5. All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting,
6. Members should not:-
 - (a) rely on considerations which are not material planning considerations in law;
 - (b) question the personal integrity or professionalism of officers in public;
 - (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; and
 - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

PLANNING REVIEW COMMITTEE

26th June 2012

Application Number: 1. 12/00459/FUL
2. 12/00460/LBC

Decision Due by: 19th April 2012

Proposal:

1. Extension to existing library to provide book storage, reading rooms, staff accommodation, seminar rooms, landscaping to quadrangle and provision of level access and bicycle storage facilities.
2. External and internal alterations and extension to library involving removal of inserted floor and staircase, insertion of new staircase, lift to provide book storage, reading rooms, staff accommodation and seminar space

Site Address: Magdalen College, [Appendix 1]

Ward: Holywell Ward

Agent: Wright And Wright Architects **Applicant:**

SUPPLEMENTARY REPORT

1. At its meeting on 30th May 2012 the West Area Planning Committee resolved to refuse the application for planning permission for the following reasons.

(a) The proposal would form an inappropriate visual relationship with the existing Grade II* listed New Library building and the surrounding development that lies within the Central City and University Conservation Area. The proposals are therefore considered to be contrary to policies HE3, HE7 of the Oxford Local Plan 2001-2016, and policy CS18 of the Oxford Core Strategy 2026.

(b) The construction of the plinth/terrace would cause unacceptable harm by its visual impact on the setting and special architectural and historical interest of the Grade II* listed New Library building that is not outweighed by the public benefit of development. The proposals are therefore considered to be contrary to policies HE3, HE7 of the Oxford Local Plan 2001-2016, and policy CS18 of the Oxford Core Strategy 2026.

and listed building consent application for the following reasons

(a) The proposal would form an inappropriate visual relationship with the existing Grade II* listed New Library building and the surrounding development that lies within the Central City and University Conservation Area. The proposals for listed building consent are therefore contrary to

the advice in the National Planning Policy Framework 2012.

(b) The construction of the plinth/terrace would cause unacceptable harm by its visual impact on the setting and special architectural and historical interest of the Grade II* listed New Library building that is not outweighed by the public benefit of development. The proposals for listed building consent are therefore contrary to the advice in the National Planning Policy Framework 2012.

2. This decision has been called in to Planning Review Committee by Cllrs Cook, Tanner, Fry, Sanders, Turner, Seamons, Pressel, Rowley, McManners, Coulter, Price, Kennedy, Khan and Clarkson, because the reasons for refusal are not considered strong ones with a risk of losing on appeal.

3. Since the WAPC meeting the college has prepared an information pack rehearsing the college's need, design principles and proposed benefits of the scheme. This has been circulated to all committee members and English Heritage.

During discussion members of WAPC raised concerns about

- the design of the lanterns on the Longwall range
- the impact of the basement extension on the relationship of the existing library entrance with the quad and
- the design approach to this basement extension.

4. Resolving this impact, by removing the basement extension and adding it to the new Longwall range is not a desirable alternative having a greater impact on the setting of the library within the quad and greater impact in the wider setting when viewed from the High Street and Longwall Street (see Appendix A to this report). In the additional information the College also explains that the landscaping involved to provide an inclusive access at basement level would raise structural issues (exposing part of the foundation and basement walls).

5. In response to the committee's concerns the College is exploring changes to the landscaping to provide a visual connection between the existing door to the library and the new quad form – this is likely to be some stepped arrangement. If the Committee is minded to support these proposals it is recommended that a condition be attached to any permission to reserve the details of this element.

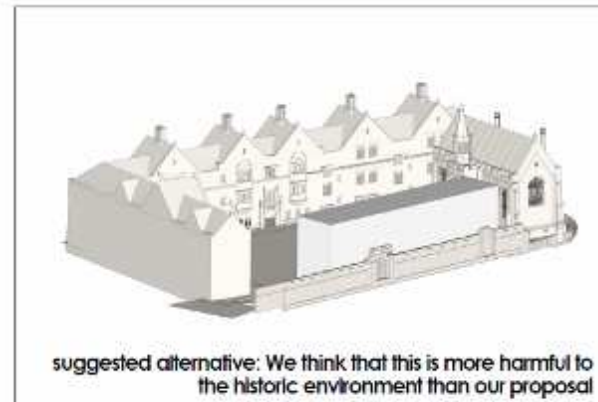
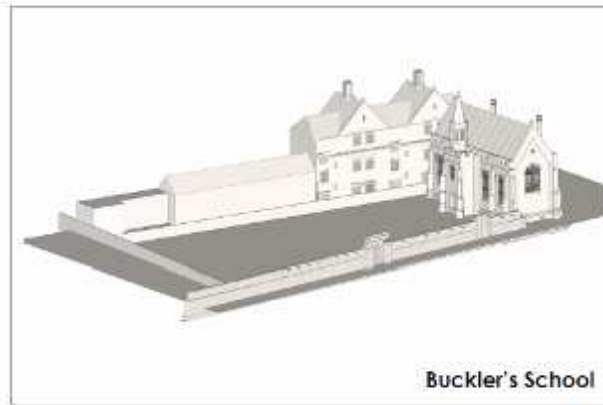
6. The additional information supplied seeks to articulate more clearly how these proposals meet the college's identified needs and in particular the requirement for the seminar spaces designed to support new collaborative learning amongst students.

7. English Heritage has commented on this additional information and concludes that there is harm that has been identified and that the local planning authority needs to satisfy itself that the benefits of the proposal outweigh this harm.

8. The benefits (see Appendix B) include reinstatement of the railings to the High Street frontage, improving the internal spatial qualities of the library, providing access for all, improving the building's energy efficiency.

Officers' conclusions remain as in the report to WAPC, that on balance the harm this proposal may involve is minimised and compensated by the public and heritage benefits.

5.0 THE BALANCE OF PROS AND CONS
COMPARATIVE SPATIAL RELATIONSHIPS



4

6.0 BENEFITS

If you see the changes proposed as harmful, you should consider whether this would be outweighed by the benefits to:

THE CITY - The appearance from the High Street will be enhanced.

THE DISABLED - Will have access to all areas of Magdalen College.

THE STUDENTS - Will have a far better environment, much greater reader capacity, the ability to use wifi outside.

THE UNIVERSITY - Better facilities will be available to all members who wish to visit Magdalen Library.

THE LOCAL COMMUNITY - The social and communal values identified by English Heritage will be retained and enhanced by keeping the library at the heart of the college.

THE ENVIRONMENT - The carbon footprint of Magdalen's library will be greatly reduced. Improved thermal and acoustic performance and sustainable reuse. Passive ventilation.

HERITAGE - The 'harm' done by Scott will be undone.

THE BUILDING - Will be repaired and conserved.

THE COLLEGE - Will have better facilities to attract students, increased flexibility and reduced running costs.

STAFF - Will have greatly improved working conditions.

WILDLIFE - Will have better feeding and habitat opportunities.

ACKNOWLEDGEMENTS

We have received invaluable support from a number of consultants. William Filmer-Sankey of Alan Baxter prepared the Justification. He is a highly respected architectural historian who was Director of the Victorian Society. His structural engineering colleagues advised on adaptations to the historic structure. Their other projects include works at St. Paul's Cathedral, the Tower of London and Oxford Castle. Max Fordham advised on environmental aspects and have been instrumental in helping to develop a very low carbon solution. Dominic Cole who is Chair of the Garden History advised on landscaping. Beryl Menzies, President of Building Control Officers has advised on fire safety. We have also been fortunate to have been advised by Ben Ford and Julian Munby of Oxford Archaeology. Gardiner & Theobald Oxford have costed the proposals.

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Application Number: 1. 12/00459/FUL
2. 12/00460/LBC

Decision Due by: 19th April 2012

Proposal:

1. Extension to existing library to provide book storage, reading rooms, staff accommodation, seminar rooms, landscaping to quadrangle and provision of level access and bicycle storage facilities.
2. External and internal alterations and extension to library involving removal of inserted floor and staircase, insertion of new staircase, lift to provide book storage, reading rooms, staff accommodation and seminar space

Site Address: Magdalen College, [Appendix 1]

Ward: Holywell Ward

Agent: Wright And Wright Architects **Applicant:**
Applications called in by Councillors, Mills, Benjamin, Wolff, Wilkinson, Price, Jones and Gotch on grounds that they involve substantial changes to a grade II listed building.

Recommendation:

12/00459/FUL

Reasons for Approval.

- 1 The proposal forms an appropriate visual relationship with the existing listed building and the surrounding development which lies within the Central City and University Conservation Area and would appear sympathetic and in keeping with the street scene. The proposal includes the provision of new cycle facilities and the planting of a substantial tree to replace the two birch trees that are to be removed. The proposal complies with adopted policies contained in both the Oxford Core Strategy 2026 and the Oxford Local Plan 2001 - 2016.
- 2 Objections to the proposal have been received from The Victorian Group of the Oxfordshire Architectural and Historical Society and the The Victorian Society and comments have been received from English Heritage. All the views received have been given careful consideration. However the Council take the view that the comments made, either individually or cumulatively, do not constitute sustainable reasons for refusing the application and that the

imposition of appropriate conditions on the planning permission will ensure the delivery of a high quality development that will not detract from the historic interest of the building.

- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. 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 Samples in Conservation Area
- 4 Sample panel on site
- 5 Landscape plan required
- 6 Landscape carry out by completion
- 7 Construction Travel Plan
- 8 Cycle parking details required
- 9 Permeable surface
- 10 Replacement tree
- 11 Archaeology - mitigation
- 12 Archaeology - Design & method statement
- 13 Details of railings

12/00460/LBC

Reasons for Approval

1. The Council considers that the proposal accords with the policies of the Development plan and Government advice on the management of the Historic environment as summarised below. It has taken into consideration all other material matters including matters raised in response to consultation and publicity. Any harm to the heritage assets that the works would otherwise give rise to can be justified and mitigated by detailed design, which the conditions imposed would control.
2. The proposals have evolved through informed analysis of the architectural and historic interest of the buildings and through pre-application discussions with officers and English Heritage and in consultation with local groups. Whilst there will be some impacts on the heritage assets it is considered that these impacts have been minimised by design and mitigated by proposals for recording and salvage. Overall the benefits that will be delivered, ensuring the buildings continual use and regeneration, allowing improved access for staff, students and visitors to the College and encouraging the public's understanding and enjoyment of the heritage assets, justify granting listed building consent.

Conditions

1. LB/CAC consent – approved plans
2. 7 days notice to LPA
3. LB notice of completion
4. Further works – fabric of LB – fire regulations
5. Repair of damage after works
6. Materials – samples
7. Internal features – panelling, staircase, fireplaces, cornices etc
8. Further details – secondary glazing, external balustrading, entrance doors etc
9. Archaeological building recording
10. Extraction/fumes
11. Internal lighting
12. Boundary treatment – railing design and fixing
13. Retain historic doors – entrance doors

Principal Planning Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

TR4 - Pedestrian & Cycle Facilities

HE2 - Archaeology

HE3 - Listed Buildings and Their Setting

HE7 - Conservation Areas

NE15 - Loss of Trees and Hedgerows

NE16 - Protected Trees

HE8 - Important Parks & Gardens

Oxford Core Strategy 2026

CS2_ - Previously developed and greenfield land

CS9_ - Energy and natural resources

CS10_ - Waste and recycling

CS11_ - Flooding

CS18_ - Urban design, town character, historic environment

CS29_ - The universities

Other Material Considerations

National Planning Policy Framework March 2012

This application is within the Central Conservation Area and affects Grade I, II and II* Listed Buildings.

Relevant Site History:

A number of applications for listed building consent for various works. No relevant planning applications relating to extensions and alterations to the library building.

Public Consultation:

Statutory Consultees:

Highway Authority: No objection. Conditions should be attached regarding the submission and approval of a Construction Travel Plan and the need to ensure that all new hard surfaces are permeable and SUDS compliant.

Thames Water: No objection on grounds of water or sewerage infrastructure.

Third Party Comments:

The Victorian Group of the Oxfordshire Architectural and Historical Society: Objection: Concern raised over the effects of the proposal on the grade II* library built in 1849-51 by John Chessell Buckler as a school room and the loss of all of Sir Giles Gilbert Scott's work. In particular the proposal will:

- destroy the carefully landscaped approach to the building and its relationship with Longwall Quad
- 'clash' with the Buckler library in terms of design
- obliterate an important phase in the building's history by removing all of the interventions designed by Scott
- result in irreplaceable damage to the historic fabric of the Buckler building by destroying the interior of the Buckler porch and schoolroom above
- a less damaging solution to the needs of the college in terms of improving the library facilities would be to build a larger new building in the Quad.

The Victorian Society: Objection:

- the proposed library extension would destroy the vertical character of the building
- it would destroy Buckler's well balanced composition
- it would destroy Scott's work
- a new larger building would be far less damaging
- Buckler's building is particularly fine even in the context of Oxford's extraordinary rich historic environment and the proposal would damage its setting and special historic interest to too great a degree

Ancient Monuments Society: No comments

English Heritage: English Heritage is satisfied that a case has been submitted to justify the remodelling of the Scott interior and to create a new wing along Longwall. E.H also accept that there is a need to improve access to the building. However the justification submitted for the extension to the basement of the grade II* Buckler building is weak and there is no evidence to substantiate the expressed need. E.H recommend that the local authority satisfy itself that the real benefits of the scheme outweigh the harm.

Officers Assessment:

Site Description

1. Magdalen College lies on the north side of High Street and Longwall Quad occupies a corner location at the junction of Longwall Street and High Street. The New Library building is listed grade II* and lies at the southern end of Longwall Quad with its rear elevation facing towards High Street. [Appendix 1 refers].
2. The New Library began life as a schoolroom for Magdalen College School. It was designed by John Chessell Buckler and built between 1849 and 1851. The space to the north, now occupied by Longwall Quad, was its playground; in 1863 a new chemistry laboratory was built in the north east corner of the playground, in 1871 a new classroom was added to the north side of the schoolroom and in 1895 a new chapel was built in the north west corner of the playground. The school vacated the site in 1928 and the site became part of the College. Between 1928 and 1931 Sir Giles Gilbert Scott demolished all the ancillary school buildings and extended the College's St. Swithun's buildings [designed by Bodley & Garner in 1880 – 1884] around the north of the playground to create the new Longwall Quadrangle. He landscaped this in a conventional fashion and converted the School into the New Library, excavating the basement and introducing a first floor which cuts across the windows to the north and south. He also raised the sills of the windows to the east and west and inserted a new staircase to the west of the main entrance. New oak bookcases were inserted to accommodate books. The Longwall Quad remains largely as Scott left it although the Library has seen a number of post-war alterations such as the introduction of rolling shelving in the basement.
3. The New Library forms part of a group of highly graded designated heritage assets located in Longwall Quad. The surrounding buildings are mostly grade II but Longwall wall is grade II* and all of the buildings and structures lie within the grade I registered Park and Garden. The library building and Longwall also occupy a prominent location in the Central City and University Conservation Area and help to tunnel the view along Longwall Street and provide a point of reference on the corner of High Street and Longwall Street. Longwall is also the historic western boundary of Magdalen College, although much of it was rebuilt in the 19th century.

Heritage Significance

4. The New Library is listed grade II* and has high architectural, aesthetic and historical significance. It was built as a schoolroom for Magdalen College School to the designs of JC Buckler and was subsequently converted into a library by GG Scott for Magdalen College. Much of Buckler's original schoolroom survives including its timber roof and large square-headed tracery windows to the north and south. In addition, four-

centred, arched, perpendicular windows remain to the east and west and some internal panelling survives on the ground floor up to dado height. On the north side of the building a two storey projecting porch and bell turret topped with a crocketed spirelet remains complete with a spiral staircase leading up to the Master's study above.

5. The later interventions by GG Scott, including the insertion of a new first floor and the excavation of a basement, are not well executed but are from conscious design and demonstrate the reuse and evaluation of the building from schoolroom to library for Magdalen College. The fact that the first floor has a somewhat unsatisfactory arrangement with the windows is illustrative of the story of the buildings association with Magdalen College and is of architectural value. The involvement of Scott as an architect of considerable significance is also of historic interest.
6. The New Library provides physical evidence of the earlier school on the site and is part of the history of development of the College. It is not as originally designed but the building retains characteristics and features that help the understanding of Victorian values and ideals about education in the 19th century. Its aesthetic value lies in its accomplished Neo-Gothic design which fits comfortably with the rest of the College buildings.
7. Scott's landscaping of the quad changed the hard landscaped character of the playground and stable yard to that of a more verdant college quad, assisting its successful integration as part of the College's collegiate plan form.

The Proposal

8. The applications seek planning permission and listed building consent for extensions to the existing library to provide book storage, reading rooms, staff accommodation, seminar rooms, landscaping, provision of level access and bicycle storage facilities together with internal and external alterations to the existing library building.
9. In support of the application the agent states that the New Library is at the heart of the academic and communal life of the College but is no longer big enough or in a suitable condition to meet the needs of its users. The agent goes on to say that reader spaces and librarians' accommodation are limited and there is no access for disabled people.
10. The proposal involves the erection of a new freestanding structure within the existing Library, set into the void of the existing hall. In addition a new, single storey extension is proposed that would take the form of an L shaped building, partly attached to the front of the existing New Library and with a contemporary appearance. The new extension would sit alongside a sunken landscaped garden and a remodelled Quad which would provide natural pathways and areas for study.
11. The proposal also involves the provision of a large new, covered cycle

parking area at the north end of the Quad, the provision of new cast iron railings to High Street and the repair of those parts of Longwall that are in a poor state of repair

12. The application is supported by reports that indicate that the proposals have been informed by analysis and an understanding of the heritage assets. A number of pre-application meetings were carried out to secure a number of changes to address the concerns raised by officers and consultees.
13. Officers consider the principle determining issues in these cases to be:
 - Planning policy
 - Impact on Heritage assets
 - Trees
 - Archaeology

Planning Policy

14. Conservation principles, policy and practice seek to preserve and enhance the value of heritage assets. With the issuing of the National Planning Policy Framework [NPPF] in March of this year, the Government has re-affirmed its aim that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. The NPPF sets out a presumption in favour of sustainable development and explains that the purpose of the planning system is to contribute to the achievement of this. For development to be sustainable, it must, amongst other things, perform an environmental role, contributing to protecting and enhancing our natural, built and historic environment, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.
15. The NPPF states in paragraphs 131 – 132 that in determining planning applications, local planning authorities should take account of:
 - the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability
 - the desirability of new development making a positive contribution to local character and distinctiveness
16. The NPPF is supported by a Practice Guide that gives advice on the application of the historic environment policies. Paragraph 78 of the guide explains the expected outcomes and states that there are a number of potential heritage benefits that could weigh in favour of a proposed scheme as follows:
 - it sustains or enhances the significance of a heritage asset and the contribution of its setting

- it reduces or removes risks to a heritage asset
 - it secures the optimum viable use of a heritage asset in support of its long term conservation
 - it makes a positive contribution to economic vitality and sustainable communities
 - it is an appropriate design for its context and makes a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment
 - it better reveals the significance of a heritage asset and therefore enhances our enjoyment of it and the sense of place
17. In relation to development affecting a designated heritage asset, the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Impact on Heritage Assets

18. The College has provided evidence with the application to demonstrate that the current library accommodation and facilities fall short of acceptable standards and that additional accommodation and improved facilities are necessary. To achieve this requires adaptation of the building. This presents the opportunity to unpick elements of the Scott interventions that are unsatisfactory for heritage and/or functional reasons.
19. The proposals include the removal of the Scott interior including the first floor, staircase and bookcases in order to insert a new, two storey, freestanding structure with a new staircase and book lift to provide much need flexible study space and book storage for the college. The new structure would have a more positive relationship with the host building than later insertions in that it would better reveal the original open plan character of the Buckler schoolroom and views of the timber roof and large tracery windows at either end of the building will be opened up.
20. The new staircase would also comply with fire safety requirements to allow the continual use of the building, something that the current Scott building cannot achieve without alteration and enclosure. The formation of a new opening between the stair tower and library at first and second floor levels is the minimum required and ensures the retention of the small spiral staircase in the south east corner of the bell turret. These alterations to the existing fabric of the building will allow full and more effective use of the space compliant with current fire and safety requirements. The works involve the removal of the inserted staircase [Scott fabric] and the modern bookcases and roller racking bookcases. Earlier bookcases will be retained for re-use in the library and elsewhere

in the college. There is only a small amount of panelling surviving on the ground floor which will have a limited value and relationship as part of the proposed layout.

21. The works to improve the building's environmental performance have been carefully considered to ensure minimum intervention to the historic fabric. The use of the spiral staircase as a ventilation duct is an innovative use of existing fabric. English Heritage agrees that these works of remodelling are justified.
22. The additional accommodation proposed is achieved by extending the basement level out into the quad and involves remodelling the plinth around the building and remodelling and re-landscaping the quad. Critical issues that have been raised in pre-application discussions and from consultees is the loss of the functioning library 'front door', the impact on the vertical characteristics of the library [the loss of a plinth] and the impact of the landscape proposals on the setting of the library.
23. The provision of the new entrance will not detract from the original entrance and doors which will be retained as an emergency exit. The new access will improve circulation and security and will provide disabled access.
24. The scale of the extensions to the north and west of the library provide a fourth side to the quad which will not be visible over the Longwall, are considered appropriate and will not obscure or harm existing features of value. The basement level extension in front of the library on the quad side is an element of the scheme which English Heritage considers harms the setting of the New Library as a result of the loss of the plinth that was part of the Buckler design. Although the plinth is an important feature of the original Buckler design adding to the sense of verticality associated with neo-Gothic design, its significance has since been eroded by subsequent windows added by Scott to provide natural light to the basement and obscured to the north by the raised pathways. Scott also re-landscaped the quad to provide a 'raised terrace' in front of the library building.
25. It is this concept of a terrace that has informed the design for this part of the scheme with the design intent that the basement extension reads as part of the landscaped quad and new terrace and not as part of the library building. The design for the new extension is disciplined, like the library building but in a different architectural language with the intention of not competing with the gothic proportions and detailing of the library. The juxtaposition of old and new is a familiar feature in many colleges and part of the story of the colleges adapting, extending and using their buildings to meet changing needs.
26. The proposal involves change that will alter the character of the quad and how the Library is experienced. Officers conclude that the works will create a form of buildings that will be experienced as a 'sunken' quad,

framed by the new basement level external walls with the extended terrace above providing a new, albeit different, plinth for the library above. Taken with other aspects of the scheme that produce heritage benefits [the re-ordered interior and the re-instatement of railings along the High Street frontage] officers have come to a different conclusion to English Heritage and consider that the scheme will sustain the heritage significance of the site.

27. The new extensions to the north and west of the library building into Longwall Quad are of a contemporary design and respond well to the garden landscape of the quad. The new building abutting Longwall would not be visible from Longwall Street and will provide a sense of enclosure to the 3 sided quad. The new basement extension to the north of the library building would not harm views of the building from the quad and there is the potential that an appropriate scheme of landscaping would better reveal the gothic qualities of the existing building.
28. Many listed buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses. The proposed extensions and internal alterations to the library have been designed to minimise the impact on the special character and appearance of the listed building and, subject to conditions, officers consider that the proposals will preserve this special character and historic interest.

Trees

29. The proposal involves the removal of two existing, mature, silver birch trees presently standing in the grass of Longwall Quad and these losses are a direct result of the proposal to erect an extension to the New Library. However these trees are at an advanced age and as they are relatively short lived, they have a limited future contribution to make to public amenity and views from Longwall Street.
30. The existing trees are nevertheless an important landscape feature which present large canopies to the public realm along Longwall Street in an area with little other tree cover. From the south, apart from the two birches, only a very large mature lime tree located within the Grove Building Auditorium, punctuates a view otherwise devoid of tree cover until canopies in the deer park spill out into the street at the north end of the road.
31. The proposal therefore has significant aboricultural implications involving a substantial and immediate harmful impact to the existing street scene, the character and appearance of the conservation area and to the public visual amenity provided by the birch trees. The application includes a strong element of hard and soft landscaping within the Quad; however as originally submitted the proposal did not include any new tree planting that would mitigate the loss of the two birch trees.
32. Lengthy discussions have taken place between officers and the agent

with a view to agreeing suitable mitigation measures. It has been agreed that a single, significant replacement tree to be planted in close proximity to the existing tree that lies outside the footprint of the new extension would be acceptable in principle. A single replacement tree would also assist in terms of the archaeological sensitivity of the site and the need to minimise any harmful excavations. However officers are of the view that, to satisfactorily mitigate against the loss of the two existing trees, any replacement tree must be sufficiently robust and have a long life expectancy. In detail the replacement tree must:

- be capable of reaching a top height of at least 20 metres
 - have a life expectancy of at least 150 years
 - have a track record of success in Oxford conditions
 - be deciduous
 - not have a fastigiated form
33. Whilst it has not proved possible to agree an exact tree species it is considered that a detailed condition including all the above requirements for a suitable replacement tree, which would need to be planted upon substantial completion of the development, would be appropriate and ensure the planting of a suitable replacement tree that would contribute to public amenity in an acceptable manner.
34. The proposed remodelling of the Quad and the associated hard and soft landscaping is intended to allow a fuller integration of the Longwall Quad and the New Library building and to elevate the status of the Quad to that of a social and communal heart of the college. The new garden will be an intimate space for private use by the College with plenty of outdoor sitting spaces and lawns interspersed by footpaths and artwork. The new garden will not be visible from outside the Quad and whilst the proposed landscaping will no doubt improve visual amenity for users of the Quad, it will have no direct impact on public amenity.

Archaeology

35. The application is of interest because it involves significant ground works within the historic core of Oxford in an area with potential for significant late Saxon, medieval, post-medieval and modern remains. A desk based assessment has been undertaken for this site by Oxford Archaeology and subsequent fieldwork has encompassed evaluation trenching, magnetometer survey, resistivity survey, radar survey and a watching brief during geotechnical test pits. Additional documentary research has been undertaken by the college archivist.
36. The archaeological investigation has demonstrated the presence of medieval and/or post-medieval rubbish/cess pits and stone built cellars below and to the north of the New Library. These relate to the tenements that occupied this location fronting onto High Street [formerly Bridge Street] from perhaps the 12th century until the 1840's when the College school expanded into the area. The tenements were acquired by the

Hospital of St. John in the 13th and 14th centuries and are known to have been rebuilt and extended in the 15th century. By the 19th century the tenement buildings were being described as 'spacious and very respectable' and housed amongst others the college Manciple. A post medieval inn known as 'The Greyhound' was located on the corner of Gravel Walk and Longwall Street until the 19th century and a number of period illustrations from the 19th century provide details of its north, south and eastern aspects. Investigations to the south of the New Library have identified the remains of the medieval and post-medieval approach to the college known as Gravel Walk.

37. Investigations in the middle of Longwall Quad have produced evidence for a well preserved medieval cemetery in use between the 12th and 15th centuries and likely to be associated with both the 1st and 2nd sites of the Hospital of St John the Baptist. The documentary research, geophysical survey and trial trenching results point to the historic presence of a rectangular plot in the northern part of Longwall Quad that may represent the extent of this cemetery or a plot within which it was located. The current application has been amended to secure the preservation-in-situ of the burials identified in the evaluation and the bulk of the northern quad under the designed garden. Nevertheless, the proposed ground works in the northern part of the quad are likely to encounter a significant number of burials. On balance, the available evidence suggests that the proposed works are unlikely to result in the substantive removal of the cemetery.
38. In addition, other archaeological features of interest [buried steps] belonging to the New Library have been discovered together with the buried remains of Victorian structures associated with the original site of Magdalen College School.
39. Archaeological conditions are recommended that would require an archaeological investigation [encompassing open area excavation, building recording and watching brief] and these need to be carried out by a professionally qualified archaeologist working to a brief issued by the City Council. The developer should note the extent and complexity of the archaeology identified by the evaluation process and allow adequate provision within the development timescale to secure appropriate investigation. The applicant and contractor should also make appropriate provision for public archaeology [for example site notices and occasional site tours for local interest groups]. The method statement for foundation design, landscaping and ground works should ensure that firstly, that the tracking of heavy plant over sensitive areas is avoided or effectively mitigated, secondly the preservation of the known burial within the quad and thirdly that building works within the New Library are undertaken in such a manner as to allow meaningful archaeological recording.

Conclusion:

40. The proposal forms an appropriate visual relationship with the existing listed building and the surrounding development which lies within the

Central City and University Conservation Area and would appear sympathetic and in keeping with the street scene. The proposal includes the provision of a substantial area of new cycling parking and the planting of a significant tree to replace the two birch trees that are to be removed. The proposal complies with adopted policies contained within both the Oxford Local Plan 2001 – 2016 and the Core Strategy 2026.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission and listed building consent 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 grant planning permission and listed building consent, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

12/00459/FUL

12/00460/LBC

Contact Officer: Angela Fettiplace

Extension: 2445

Date: 14th May 2012

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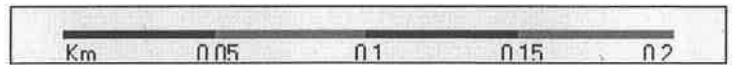
Appendix 1

Magdalen College, High Street, Oxford



Legend

Scale: 1:2500



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Organisation	Not Set
Department	Not Set
Comments	
Date	15 May 2012
SLA Number	Not Set

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PLANNING REVIEW COMMITTEE

Thursday 22 December 2011

COUNCILLORS PRESENT: Councillors Brett (Chair), Altaf-Khan, Armitage, Lygo, Rowley, Cook, Price and Tanner.

OFFICERS PRESENT: Lois Stock (Democratic and Electoral Services Officer), Murray Hancock (City Development) and Daniel Smith (Law and Governance)

27. APOLOGIES

Apologies were received from Councillor Bance (Councillor Tanner substituted); Councillor Baxter (Councillor Cook substituted); Councillor Turner (Councillor Price substituted); and Councillor Young (no substitute).

28. DECLARATIONS OF INTEREST

Councillor Brett declared a personal interest in the application for the John Allen Centre on the grounds that he knew one of the people speaking against it.

29. PLANNING APPLICATION 11/02446/FUL - CANTAY HOUSE, 36-39 PARK END STREET

The Head of City Development submitted a report (previously circulated, now appended) concerning a planning application for the demolition of the rearmost building, erection of 5 storey building consisting of 9 x 2-bed flats with cycle parking, bin stores and landscaping at Cantay House, Park End Street.

The application was approved by West Area Planning Committee as follows:-

(1) Support the development in principle, subject to the conditions in the officer's reports, but defer the application in order to complete an accompanying legal agreement as outlined in the offers' report and to delegate to officers the issuing of the notice of planning permission on its completion.

(2) Add the additional Informatives as follows:

- i. To encourage the use of solar PVT panels where possible*
- ii. Grey water*
- iii. To make provision to encourage the nesting of Kingfisher and Sand martin varieties of bird.*

The application was subsequently called in to Planning Review Committee by Councillor Cook, supported by Councillors Sinclair, Turner, Coulter, Hazell, Rowley, McManners, Wilkinson, Humberstone, Jones, Brown and Pressel; for the following reason:-

This proposal for 9 number two-bed flats i.e. one flat short of triggering a social housing requirement. It is my contention that this site is perfectly capable of taking 10no. flats and that the developers have deliberately under-developed this site in order to avoid making a contribution to social housing contrary to policy CP.6 in the Affordable Housing SPD.

Murray Hancock presented the report to the Committee. Nik Lyzba (agent for the applicant) spoke in favour of it. No-one spoke against it.

In speaking in favour of the application, Mr Lyzba made the following points:-

- The scheme has been the subject of extensive discussions with planning officers and the Conference centre;
- The development would help kick-start development in the West End; to which it was close; and the aim was to have a high quality development in that area;
- There were several constraints on the site, with buildings nearby, student accommodation, and neighbouring flats;
- It was not possible to have a larger building footprint because of the flooding risks;
- The West End Area Action Plan required a high proportion of 2-bed flats, which this development provided. These would be high quality flats with balconies or gardens. The density would be 126 per hectare, which was in excess of that demanded by the City Council's policy CP6;
- The scheme would be car free;
- The service yard would be landscaped, which would improve the view from Stream Edge properties
- The applicant was not persuaded the make changes to the scheme that would increase the density at the expense of the quality or amenity of the development.

Councillor Cook was still of the opinion that this was an underdevelopment of the site. He pointed out that Council at its meeting on 19th December 2011 resolved to send out for public consultation the Sites and Housing Development Planning Document, and he felt that the criteria outlined in this document should be applied to this development. This would allow the Council to seek a developer contribution of up to 15% of the total sale value of the development as a contribution towards affordable housing. The applicant could be given the chance to do this or explain why it was not possible. Therefore, he suggested that the application be deferred to allow such consultations with the developer to take place.

Daniel Smith (Legal) advised that a Council resolution such as that outlined above carried some weight; but as it was not yet an adopted policy of the Council that weight was limited. The developer had formulated his scheme and submitted his application before the advent of this document, and certainly before its adoption, and therefore he could be said to have a legitimate expectation that the application would be considered free from its constraints.

Murray Hancock agreed that a draft document would carry limited weight, although it might be a material consideration. The Committee had to judge how much weight to give to it. If the application was deferred, the applicant could have the right to appeal on grounds of non-determination.

The Committee RESOLVED to DEFER the application in order to allow discussions concerning the size of the developer contribution, in line with the Sites and Housing DPD, to be held; or information to be received demonstrating that the development would not be viable with such a contribution

30. PLANNING APPLICATION 11/02032/FUL - UNIT 1, JOHN ALLEN CENTRE.

The Head of City Development submitted a report (previously circulated, now appended) concerning an application for the refurbishment of Unit 1, the John Allen Centre.

This had been discussed at the East Area Planning Committee where the following was agreed:-

- (a) *To support the proposals in principle and subject to the 22 conditions as laid out in the Planning Officers report with an additional condition (23) to remove Permitted Development Rights which would have allowed a change of use from café/restaurants to retail shops without the need for planning permission and to allow servicing of the food store at Unit 1A from the rear yard on Sundays and Bank Holidays and from the car park area overnight;*
- (b) *To defer the application to allow a "Deed of Variation" to be drawn up and to delegate to Officers the issuing of the Notice of Planning Permission on its completion.*

The application was subsequently called in to Planning Review Committee by Councillor Shah Khan, supported by Councillors Rowley, Cook, Turner, Price, Sinclair, Tanner, Timbs, Lloyd-Shogbesan, Darke, Humberstone, Van Nooijen and Baxter for the following reasons:-

Issues of significant public concern regarding public safety and lighting were not considered in the report and so were not addressed at East Area Planning. Local Plan policies CP9 (j) and (k) are relevant

Murray Hancock presented the report to the Committee. He drew attention to the fact that the developer had offered a financial contribution of £10,000 for safety measures, which could include including lighting on footpaths within the parkland to the east of the site.

Anne Mackintosh, Graham Jones, Hilary Grime, and Shah Khan spoke against the application and made the following points:-

- Concern was expressed about the service and delivery hours, and access to the service yard. It was felt that the current restrictions on delivery were not respected and it was feared that this would continue into the future.

The proposed hours needed to be controlled – they would be very intrusive for residents;

- Trees on the site that died were not replaced, and it was feared that this would not change;
- Footpaths that were used to gain access to the site were very dark and quite intimidating after dark. If the Committee was minded to grant this application, it should be with the £10,000 offered as a financial contribution towards safety measures;
- The footpaths were well used, including by local schoolchildren. There had been unpleasant incidents in the area, so that any approval should include conditions for lighting on the footpaths;;
- The vicinity of the site was very dark, but could be made less intimidating by the better use of light. Lights should not go out at 10pm – the area needed to be better illuminated in order to make it safer.

Jonathan Best (Agent for the Applicant) spoke in favour of the application and made the following points:-

- Conditions proposed around servicing reflect the existing position. Cafes would be serviced from the back of the site and an internal rear service corridor provided;
- The safeguarding of trees could be controlled by a condition;
- The development was in accordance with the Core Strategy and was a good thing for the Cowley area;
- Pre-application discussions had taken place with officers. The Police were also aware of this application and were happy with the proposals;
- The Applicant was happy to offer the S106 contribution of £10,000 to cover safety conditions.

The following further information was then provided by officers and the applicant in response to questions posed by members of the Committee:-

- The management and maintenance of the nearby park area had been transferred by legal agreement to the Council and therefore the provision of lighting on it was in the control of the City Council;
- The Police welcomed the idea of additional lighting, and would like the lights to remain on when the shops were open, but should be turned off once they closed in order to deter people from gathering there at night;
- The £10,000 contribution was proportionate to the proposed extension – it did not relate to the whole of the John Allen Centre because that already existed;
- If the contribution was insufficient for a full lighting scheme, it could be completed in phases. In any event, the speed of installation was in the Council's hands;
- Contributions of this sort were normally received when development began on site.

Having considered all submissions, both written and oral, the Committee RESOLVED to SUPPORT the application subject to conditions laid out in the planning officer's report, and to securing a financial contribution of £10,000 towards improvements in public safety in the adjacent parkland (which could include the introduction of lighting), and to delegate to officers the authority to

issue the notice of permission upon completion of the legal agreement, details of which are set out in the report.

31. DATES OF FUTURE MEETINGS

Resolved to note the following dates:-

25th January 2012
29th February 2012
28th March 2012
25th April 2012

The meeting started at 6.00 pm and ended at 7.20 pm

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