

## WEST AREA PLANNING COMMITTEE

7<sup>th</sup> December 2011

**Application Number:** 11/02210/EXT

**Decision Due by:** 22nd November 2011

**Proposal:** Application to extend the time limit of planning permission 08/01741/FUL for erection of new buildings over four floors and basement to provide student accommodation (78 rooms), meeting rooms, offices, common rooms and ancillary facilities. Associated landscaping and pedestrian access and landscaping improvements to existing main quadrangle.

**Site Address:** Mansfield College Mansfield Road, **Appendix 1.**

**Ward:** Holywell Ward

**Agent:** John Philips Planning  
Consultancy

**Applicant:** Mansfield College

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**Recommendation:** Committee is recommended to support the proposals in principle, but defer the application in order to draw up an accompanying legal agreement and delegate to officers the issuing of the notice of planning permission on its completion.

### Reasons for Approval.

- 1 The principle of the development was established by the previous planning permission 08/01741/FUL. This application seeks to extend the time limit of that permission and, in light of there having been no significant changes in development plan policy context or other material considerations, the proposals are considered to remain appropriate and in accordance with the policies of the Oxford Local Plan 2001-2016 and the Oxford Core Strategy 2026.
- 2 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 Finished Building Heights
- 5 Design - Amended Plans
- 6 Landscape Plan and Planting Schedule
- 7 Landscaping to carry out by completion
- 8 Landscape management plan
- 9 Detailed Schedule of Tree Surgery
- 10 Car Parking Details
- 11 Cycle Parking Details Required
- 12 No Mud on Highway
- 13 Foul and Surface Water Drainage
- 14 Underground Services - Tree Roots
- 15 Surface Water Drainage Criteria
- 16 Students - No Cars
- 17 Restriction on Use
- 18 Development in accordance with NRIA
- 19 Archaeology
- 20 Outside Term Time Use

#### **Legal Agreement:**

Financial contributions were secured by both the County Council and City Council to offset the impact of the development permitted by 08/01741/FUL. The development has not been implemented and there has been no development plan policy change requiring changes to the level or nature of the contributions necessary. A supplemental deed connecting the existing Unilateral Undertaking with this new application has been completed and signed by the applicant in advance of Committee.

#### **Principle Planning Policies:**

##### Oxford Local Plan 2001-2016

- HE1 - Nationally Important Monuments
- CP14 - Public Art
- CP1 - Development Proposals
- CP17 - Recycled Materials
- CP18 - Natural Resource Impact Analysis
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- NE15 - Loss of Trees and Hedgerows
- CP10 - Siting Development to Meet Functional Needs
- CP11 - Landscape Design
- CP13 - Accessibility
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP9 - Creating Successful New Places
- HE2 - Archaeology
- HE3 - Listed Buildings and Their Setting
- HE7 - Conservation Areas
- HE8 - Important Parks & Gardens

HS19 - Privacy & Amenity

Oxford Core Strategy 2026.

CS1 - Hierarchy of centres  
CS13 - Supporting access to new development  
CS17 - Infrastructure and developer contributions  
CS19 - Community safety  
CS2 - Previously developed and greenfield land  
CS25 - Student accommodation  
CS9 - Energy and natural resources

Other Policy Documents.

PPS1 – Delivering Sustainable Development  
PPS4 – Planning for Sustainable Economic Growth  
PPS5 – Planning for the Historic Environment

**Other Material Considerations:**

This application site falls within the Central Conservation Area. The development affects a Grade II\* Listed Building.

**Relevant Site History:**

89/00790/NFH – Erection of 40 bedroom student residential and ancillary accommodation in two storey building – Permitted February 1990

91/01340/NFH - Erection of three storey block (including roof space) to provide 36 study bedrooms and ancillary facilities (Amended Plans) – Permitted August 1992

94/01368/NFH - 4 levels for 35 study beds, 4 single bed sits, ancillary accommodation for Mansfield College & for Oxford Centre for the Environmental Ethics Society. (Research & administration/meeting/seminar rooms) (Revised NFH/790/89) – Permitted November 1996

01/01498/NXH - Erection of building on 4 levels (including basement and roofspace) to provide 35 study bedrooms, 4 single bedsits, ancillary accommodation for Mansfield College, and accommodation for the Oxford Centre for the Environment, Ethics and Society. (Research and ancillary administration/meeting/seminar rooms) (Extension of time granted under permission 94/1368/NFH) – Permitted September 2003

03/02412/FUL - Erection of 24 student study rooms on 4 floors, together with seminar rooms and ancillary accommodation – Withdrawn May 2004

04/00986/FUL - Erection of 4 storey building to house 24 student study rooms, 2 seminar rooms and ancillary facilities – Permitted October 2004

08/01741/FUL - Erection of new buildings over four floors and basement to provide student accommodation (78 rooms), meeting rooms, offices, common rooms and ancillary facilities. Associated landscaping and pedestrian access and landscaping

improvements to existing main quadrangle – Permitted October 2008

### **Statutory Consultees:**

Oxfordshire County Council: A supplemental deed will be required to protect the existing legal agreement and an additional £100 administration fee will be needed to cover the cost of drafting and monitoring.

Drainage Team Manager – No comments received.

Thames Water Utilities Limited – No objection

Highways Authority – Raises no objection to the proposal; development situated in the Central Transport Area; no additional car parking is proposed; construction of building would remove /reduce the number of parking spaces which is welcomed; additional cycle parking required to full provision of 78 spaces, which should be safe, secure and sheltered; students not to bring cars to Oxford.

### **Officers Assessment:**

#### **Site Description**

1. Mansfield College is situated to the north-east of Oxford city centre close to the University science department buildings and the University Parks. A site location plan is attached as **Appendix 1**. The College is relatively small both in size and numbers of staff and students with a site area of 0.16 hectares and approximately 50 staff, 220 undergraduates, 50 graduates and 35 visiting students. Currently less than a third of graduates and undergraduates are accommodated on the site with the majority housed off-site in five College owned properties or in private rented accommodation.
2. The site is dominated by the northern range of Victorian stone buildings constructed by Basil Champneys (1887-1889) and they are Grade II\* listed. The main public rooms of Mansfield College are located within these buildings and this includes the Hall, Chapel and Library as well as a number of common rooms. The Principal's lodgings which are also Grade II\* listed are situated slightly set back from the main quadrangle and face Fellows Garden. Adjacent to the application site is the Garden building (constructed in March 2006) which provides accommodation for 24 undergraduates as well as conference and seminar rooms on the ground floor. This building is constructed of light colour stone with a timber clad upper storey and overhanging flat roof.
3. The development is proposed to take place on an area currently used as the Fellows Garden. Adjacent to the proposed building lies the now disused Love Lane and beyond that Wadham College Garden whilst to the south lies New College School.

#### **Proposals**

4. The proposal is to extend the time limit of the extant planning consent to provide a four storey building comprising 78 student rooms as well as associated staff facilities and external landscaping works. The Officers report into the previous planning application 11/02210/EXT is attached as **Appendix 2** to this report. At

present, about two-thirds of the Mansfield College undergraduates can be housed in College-owned accommodation. The proposed development would allow the College to offer close to 100% student accommodation in all three undergraduate years with on-site access to libraries as well as computing and social facilities. The ground floor level of the proposed building would also allow rationalisation of other functions within the College, bringing together administration of the College into one building with associated easier access for students, staff and visitors.

5. Extensive landscaping is proposed around the site in the form of reshaping the central grassed quadrangle, reducing the gravelled areas and increasing grassed garden space. It is intended that a new Fellows Garden will be created at the front of the new building which will feature new low level shrubs and bushes as well as three young Lime trees that will be transplanted from their current location in Fellows Garden. The proposed development would however result in the loss of 12 trees from the site all of which are located within or immediately adjacent to the footprint of the proposed building.
6. In response to the difficulties associated with the economy the Government, in October 2009, amended the then General Development Procedure Order to introduce a system to enable applicants to extend the time limit of planning permission and encouraged Local Planning Authorities to extend the period of implementation beyond the normal limits where it was appropriate to do so. Officers consider the principle determining issues in this case to be:
  - the principle of development; and
  - planning obligations

### **Principle of Development**

7. Local Planning Authorities are advised, through guidance issued by the Government in October 2010 that they should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. Local Planning Authorities, when assessing applications to extend the time limits for implementation, are advised by Government that they should, in making their decisions, focus their attention on development plan policies and other material considerations which may have changed significantly since the granting of the original permission. Essentially therefore, if the circumstances are judged not to have changed to a significant extent then there is a presumption in favour of granting planning permission to extend the period of consent.
8. The original planning permission was assessed against, amongst other policies, HS13 and ED8 of the Local Plan which related to the principle of constructing new student and university accommodation. These policies provided support for purpose-built student accommodation on 'suitable sites' which do not cause harm to existing residential amenity. These policies were not 'saved' by the Council following adoption of the Oxford Core Strategy 2026 and have been superseded by policy CS25.
9. Policy CS25 of the Core Strategy encourages the provision of high quality

purpose-built student accommodation buildings that do not significantly harm the amenity enjoyed by local residents. The policy also states that the Council will seek appropriate management controls to restrict students from bringing cars to Oxford through the imposition of appropriate conditions or planning obligations. The overall essence of development plan policy with respect to student accommodation has therefore changed very little from that used to assess the previous application and consequently the principle of student accommodation development on the site is considered by officers to continue to be acceptable.

10. A number of design and land use policies of the Local Plan have also been superseded by policies contained within the Core Strategy however the nature of these policy requirements have not substantially changed and the proposals are considered to continue to comply with the development plan with respect to its design and layout. Local Plan policies NE15 and NE16 have been 'saved' and the proposed landscaping works and the potential impact on existing trees must therefore continue to be satisfactory.
11. Government guidance relating to planning and the historic environment has been updated from PPG15 in the form of PPS5. Government guidance is a material consideration in all planning decisions however this document, at its heart, retains the overall requirement for development proposals to preserve the character and appearance of the surrounding historic area and protect the setting of listed buildings. Consequently there has been little change in substance from the previous guidance contained within PPG15. The proposals are therefore considered to continue to comply with all aspects of national guidance, including the new PPS5 document, with no material change to other national policy having occurred since the granting of the original permission.

### **Developer Contributions.**

12. Policy CP2 of the Local Plan related to the planning obligations that may be necessary to off-set the impact of certain forms of development. This policy has since been superseded by policy CS17 of the Core Strategy which, at its heart, retains similar overall requirements of policy CP2 of the Local Plan. Developer contributions were paid in advance of the granting of the original planning permission and there has been no change in development plan policy with respect to the level or nature of contributions necessary. Since the financial contributions have already been paid to off-set this proposed development which has not been constructed, officers are satisfied that the proposals continue to be acceptable and no additional contributions are required. A supplemental deed to modify the original legal agreement has however already been completed to link the existing legal agreement to any new planning permission for the purposes of clarity.

### **Conclusions.**

13. For the reasons set out above, the development approved by planning permission 08/01741/FUL is considered to continue to accord with the policies of the development plan with no significant change to other material considerations. Consequently officers recommend that permission should be granted to extend

the time limit to implement the proposed development.

### **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions and an accompanying legal agreement. 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 subject to conditions and an accompanying legal agreement, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers:** 89/00790/NFH, 91/01340/NFH, 94/01368/NFH, 01/01498/NXH, 03/02412/FUL, 04/00986/FUL, 08/01741/FUL and 11/02210/EXT.

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**Date:** 28<sup>th</sup> November 2011

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