

# Agenda

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## Planning Review Committee

Date: **Wednesday 27 July 2011**

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Time: **6.00 pm**

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Place: **St Aldate's Room, Town Hall**

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For any further information please contact:

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# Planning Review Committee

## Membership

<b>Chair</b>	<b>Councillor Tony Brett</b>	Carfax;
<b>Vice-Chair</b>	<b>Councillor Antonia Bance</b>	Rose Hill and Iffley;
	<b>Councillor Mohammed Altaf-Khan</b>	Headington Hill and Northway;
	<b>Councillor Alan Armitage</b>	North;
	<b>Councillor Laurence Baxter</b>	Quarry and Risinghurst;
	<b>Councillor Mark Lygo</b>	Churchill;
	<b>Councillor Mike Rowley</b>	Barton and Sandhills;
	<b>Councillor Ed Turner</b>	Rose Hill and Iffley;
	<b>Councillor Nuala Young</b>	St. Clement's;

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## AGENDA

**Pages**

**1 APOLOGIES FOR ABSENCE**

**2 DECLARATIONS OF INTEREST**

Councillors serving on the Committee are asked to declare any personal or prejudicial interests they may have in any item on the agenda.

**3 REAR OF 17 - 41 MILL STREET, OXFORD - 11/00927/FUL**

1 - 30

The Head of City Development submitted a report to West Area Planning Committee held on 13<sup>th</sup> July 2011. A copy of this is attached.

The application is as follows:-

*17-41 Mill Street – Application for the erection of a 3 storey building to accommodate 74 student rooms and wardens accommodation. Cycling facilities, bin store and landscaping.*

The West Area Planning Committee made the following decision:-

*Resolved to support the development in principle but defer the application in order to complete an accompanying legal agreement and delegate Officers the issuing of planning permission subject to the following conditions:-*

- 1 *Development begun within time limit*
- 2 *Develop in accordance with approved plans*
- 3 *Amended drawings*
- 4 *Samples*
- 5 *On site management of students*
- 6 *Occupancy restrictions*
- 7 *Student accommodation: out of term use*
- 8 *Tree protection plan*
- 9 *No felling, lopping, cutting*
- 10 *Landscape: underground services*
- 11 *Tree protection plan*
- 12 *Arboricultural method statement*
- 13 *Landscape plan required*
- 14 *Landscape carry out after completion*
- 15 *Landscape management plan*
- 16 *Students no cars*
- 17 *No car parking on site*
- 18 *Control of access*
- 19 *Restrict delivery / service times*
- 20 *Cycle parking*
- 21 *Bin stores: amended drawings*
- 22 *Scheme of lighting and CCTV*
- 23 *Boundary treatment*
- 24 *Ground contamination*

- 25 *Vibration: details to protect development*
- 26 *Noise from development*
- 27 *Soundproofing of development from railway noise*
- 28 *Development in accordance with Flood Risk Assessment (FRA)*
- 29 *Sustainable drainage*
- 30 *NRIA*
- 31 *Construction management plan*
- 32 *Travel plan*
- 33 *Archaeology*
- 34 *Public art*
- 35 *Further habitat survey*
- 36 *Wildlife habitats*
- 37 *Fire hydrants*

*The Committee also required details of the landscaping scheme (conditions 13 and 15 refer) be brought to a future Committee meeting for approval, and that in the event that there is additional demand for cycle parking then it should be provided accordingly.*

The decision has now been called in to this Committee for further consideration by Councillor Benjamin, supported by Councillors Wilkinson, Morton, Young, Williams, Wolff, Pressel, Hazell, Clarkson, Armitage, Brundin and Craft.

**4 MINUTES**

31 - 38

Minutes of the meeting held on 2<sup>nd</sup> June 2011 are attached.

**5 DATES AND TIMES OF FUTURE MEETINGS**

Meetings are scheduled for the following dates, starting at 6pm:-

- 27<sup>th</sup> July
- 31<sup>st</sup> August
- 28<sup>th</sup> September
- 26<sup>th</sup> October
- 30<sup>th</sup> November
- 22<sup>nd</sup> December
- 25<sup>th</sup> January 2012
- 29<sup>th</sup> February
- 28<sup>th</sup> March
- 25<sup>th</sup> April

## **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 Committee meetings

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's development plans 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: -

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material.
2. The sequence for each application shall be as follows:-
  - (a) The Planning Officer will introduce;
  - (b) Any objectors may speak for up to 5 minutes in total;
  - (d) Any supporters may speak for up to 5 minutes in total;
  - (e) Speaking times may be extended by the Chair provided that equal time is given to both sides
  - (f) Members of the Committee may ask questions (which shall be directed via the Chair to the relevant Officer or speaker);
  - (g) Members will debate and determine the application.
4. Members of the public wishing to speak must complete a "Speaker's form" and hand it to the Democratic Services Officer before the meeting commences or alternatively you can e-mail [Istock@oxford.gov.uk](mailto:Istock@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. No additional documents that were not published as part of the agenda may be referred to.
5. All representations should be heard in silence and without interruption. The Chair should discourage 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, in law, material;
  - (b) Question the personal integrity or professionalism of officers in public;
  - (c) Proceed to a vote if minded to determine an application against the officer's recommendation until the reasons for that determination have been formulated.
  - (d) Seek to re-design, or negotiate amendments to, an application (but the Committee may impose appropriate conditions).



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# Agenda Item 3

Planning Review Committee

- 27<sup>th</sup> July 2011.

**Application Number:** 11/00927/FUL

**Decision Due by:** 29th June 2011

**Proposal:** Erection of 3 storey building to accommodate 74 student rooms plus warden's accommodation. Provision of cycle and bin storage facilities and landscaping.

**Site Address:** Rear of 17 to 41 Mill Street, Oxford.

**Ward:** Jericho and Osney Ward

**Agent:** John Philips Planning  
Consultancy

**Applicant:** W.E. Black Ltd

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**Call – In:** The planning application was considered at West Area Planning Committee at its meeting of 13<sup>th</sup> July 2011 when it was resolved to support the proposals. The application has now been called up to Planning Review Committee for further consideration by Councillor Benjamin, supported by Councillors Wilkinson, Morton, Young, Williams, Wolff, Pressel, Hazell, Clarkson, Armitage, Brundin and Craft.

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**Recommendation:** Committee is recommended to support the development in principle but defer the application in order to complete an accompanying legal agreement and delegate Officers the issuing of planning permission subject to conditions on its completion.

## **Reasons for Approval.**

1. 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.
2. The development seeks to provide student accommodation in line with the requirements of Local Plan and Core Strategy policy at a brownfield site which is ill suited to family housing due to its particular configuration adjacent to the railway line, or to commercial development in view of its poor access arrangements via a residential street. The use of the site for the intended purpose has been established by a previous planning permission now lapsed. It is especially suited for occupation by students of Bellerbys College based at Trajan House a short distance from the site to the west side of Mill Street. The development would generate little traffic and reduces the need to travel. As such

the development makes good and efficient use of the land.

3. Many of the public comments received express concerns about the relationship of the proposed development to existing residential properties in Mill Street, the loss of greenery from the site and the size and form of the proposed building. The development is however located at a distance from these properties which would not give rise to unacceptable conditions or loss of amenities, whilst new tree and shrub planting would replace the existing scrub and tipping on the land and provide future habitats for wildlife. At three storeys the building would be larger than the nearby residential properties and of a different architectural form, but would not be of a size or scale unsuited to its location adjacent to the railway line. The building is sited at a sustainable location with good levels of energy efficiency included, and is safeguarded against flood risk. There are no objections to the proposals from statutory organisations.

### **Background.**

1. The planning application was considered on 13<sup>th</sup> July 2011 by West Area Planning Committee following addresses by a local resident and the applicant's agent. That Committee resolved to accept the proposals subject to conditions and an accompanying legal agreement on a vote of 6 to 1. However the application has now been called to Planning Review Committee by 12 members due to concerns that:
  - flooding conditions may arise by displacing living habitat by roofed space;
  - the height of the development would be excessive;
  - the proposals constitute overdevelopment;
  - there would be a destructive effect on a neighbourhood of small terraced houses;
  - the new building would be overbearing and out of keeping; and
  - there may be the loss of a wildlife corridor.
2. The report to West Area Planning Committee is appended in full.

### **Flooding.**

3. Part of the site is identified as falling within Flood Zone 3a as identified by the Environment Agency, where the land is vulnerable to flooding in adverse conditions in the event of future climate change. Paragraphs 26 to 29 of the main report refer. The Environment Agency had initially raised concerns in respect of the development, but following the production of a revised Flood Risk Assessment its objection was withdrawn. The Agency was satisfied that the development would not be at risk of flooding as it would be raised over 1 metre higher than ground level across the remainder of the site, and would not make matters worse for others as flood storage capacity would actually increase slightly by some 135 cu m. Paragraph 29 refers.
4. Subject to the development being undertaken in accordance with the details of the accompanying Flood Risk Assessment no objection to the proposals is now raised either by the Environment Agency or the Council's Emergency Planning Officer.

### **Height of Development.**

5. Details of the height and other dimensions of the building are given in the report to West Area Planning Committee starting at paragraph 11. At its highest point the building would rise to 10.1m, though the third floor accommodation would be set back from the western facade of the building facing the rear of the Mill Street properties with the height at the leading edge being set at 7.5m. As the report to West Area Planning Committee indicates, whilst Mill Street is made up in the main of two storey terraced properties, there are a number of taller buildings in the locality, including at points close to the railway line, for example at Gibbs Crescent, Westgate Hotel, the Youth Hostel and developments north of the railway station at Roger Dudman Way. At these locations taller buildings can provide a buffer between the railway lines and the residential areas they adjoin.
6. In short Officers are satisfied that a three storey building located at this site is appropriate and for the reasons also indicated below and would not cause harm to neighbouring properties such as to warrant the refusal of planning permission.

### **Overdevelopment and Overbearing Impact.**

7. The adopted Oxford Local Plan is not prescriptive as to the optimum density for developments of student accommodation as the sites they occupy can vary greatly in context, and are often sited within tight urban environments within the city centre and elsewhere. However the Plan does expect that efficient use is made of available sites, including brownfield ones, in view of the scarcity of development land within the city. As student accommodation is not provided with individual gardens or car parking in the same way as family housing, (other than for an on - site warden, servicing needs etc), then this means that optimum use can be made of sites, squarely in line with national and local policy guidelines. That said the development must still meet the tests of neighbourliness set out in a range of Local Plan policies. In this regard the proposed building would be located at a minimum of 33m from the nearest facing window in the Mill Street properties for example, extending to as much as 39m. This compares to a commonly accepted minimum distance between facing windows serving habitable rooms of 21m. Moreover the windows serving the development are angled to further protect the privacy not only of the residents of Mill Street but also those of the young occupiers of the development itself.
8. For the reasons indicated above and at paragraphs 8 to 13 of the attached report in particular, Officers are satisfied that the location of the new building to the eastern side of the application site with retained and new tree planting to soften its appearance and mitigate the loss of existing greenery, represents a satisfactory relationship to the Mill Street properties and would not be overbearing. Moreover as rail services continue to expand along the lines to Oxford with the possibility of a southern bay platform and electrification by 2016, then the new building provides at least some protection from noise emanating from the adjacent railway lines, especially for those properties located most centrally to the development.

## **Wildlife.**

9. Surveys of the application site were undertaken by Ecoconsult Wildlife Consultancy in August 2010 and again shortly afterwards. Whilst the survey revealed potential for birds nesting there was only low potential for bat roosts and no evidence of reptiles being present or any UK priority species. Paragraph 33 of the main report refers. Nevertheless if planning permission is granted, then it is recommended that a resurvey is undertaken before commencement of the development. In the event of a further survey revealing protected species, then a licence would be required from Natural England for their removal and relocation prior to development proceeding. In addition to new habitats created as a consequence of the new landscaping referred to previously, it is also recommended that bird and bat boxes be included in the development if permitted.

## **Summary.**

10. Whilst the concerns of local residents are fully acknowledged, officers have concluded that there are no cogent reasons why the proposed development should be refused planning permission. The site is a brownfield one which although currently displaying an amount of greenery, has been subject to tipping and an unimplemented planning permission in the past. Officers are satisfied that it would not cause loss of light or privacy to neighbouring properties, or to be overbearing. The opportunity also exists to replace some of the currently poor quality trees and planting with new specimens and to include and encourage new wildlife habitats. There would be no student car parking on the site or on street, and students would be supervised around the clock. Some measure of protection from railway noise would be achieved, improvements to Osney Lane undertaken and contributions to Council services secured by legal agreement. There are no objections to the proposals from any statutory agencies. In sum the development makes good use of this brownfield site which due to its narrow configuration and location adjacent to the railway line has only limited potential to accommodate other forms of development.
11. Committee is recommended to support the proposals in line with the conditions and legal agreement detailed at the head of the 13<sup>th</sup> July 2011 report to West Area Planning Committee.

## **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions and 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 with accompanying legal agreement. Officers consider that the conditions and legal agreement 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 permission 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:** 11/00927/FUL

**Contact Officer:** Murray Hancock

**Extension:** 2153

**Date:** 18<sup>th</sup> July 2011

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**Application Number:** 11/00927/FUL

**Decision Due by:** 29 June 2011

**Proposal:** Erection of 3 storey building to accommodate 74 student rooms plus warden's accommodation. Provision of cycle and bin storage facilities and landscaping.

**Site Address:** Rear of 17 To 41 Mill Street, **Appendix 1.**

**Ward:** Jericho And Osney Ward

**Agent:** John Philips Planning  
Consultancy

**Applicant:** W.E. Black Ltd

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**Recommendation:** Committee is recommended to support the development in principle but defer the application in order to complete an accompanying legal agreement and delegate Officers the issuing of planning permission subject to conditions on its completion.

**Reasons for Approval.**

1. 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.
2. The development seeks to provide student accommodation in line with the requirements of Local Plan and Core Strategy policy at a brownfield site which is ill suited to family housing due to its particular configuration adjacent to the railway line, or to commercial development in view of its poor access arrangements via a residential street. The use of the site for the intended purpose has been established by a previous planning permission now lapsed. It is especially suited for occupation by students of Bellerbys College based at Trajan House a short distance from the site to the west side of Mill Street. The development would generate little traffic and reduces the need to travel. As such the development makes good and efficient use of the land.
3. Many of the public comments received express concerns about the relationship of the proposed development to existing residential properties in Mill Street, the loss of greenery from the site and the size and form of the proposed building. The

development is however located at a distance from these properties which would not give rise to unacceptable conditions or loss of amenities, whilst new tree and shrub planting would replace the existing scrub and tipping on the land and provide future habitats for wildlife. At three storeys the building would be larger than the nearby residential properties and of a different architectural form, but would not be of a size or scale unsuited to its location adjacent to the railway line. The building is sited at a sustainable location with good levels of energy efficiency included, and is safeguarded against flood risk. There are no objections to the proposals from statutory organisations.

### **Conditions.**

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Amended drawings
- 4 Samples
- 5 On site management of students
- 6 Occupancy restrictions
- 7 Student accommodation: out of term use
- 8 Tree protection plan
- 9 No felling, lopping, cutting
- 10 Landscape: underground services
- 11 Tree protection plan
- 12 Arboricultural method statement
- 13 Landscape plan required
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- 27 Soundproofing of development from railway noise
- 28 Development in accordance with Flood Risk Assessment (FRA)
- 29 Sustainable drainage
- 30 NRA
- 31 Construction management plan
- 32 Travel plan
- 33 Archaeology
- 34 Public art
- 35 Further habitat survey
- 36 Wildlife habitats
- 37 Fire hydrants



## **Legal Agreement.**

Financial contributions of:

1. £30,000 towards public realm improvements adjacent to entrance to site.
2. £4,725 towards library facilities within the City.
3. £4,440 towards indoor recreation facilities within the City.

## **Principal Policy Documents.**

### Oxford Local Plan 2001-2016

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP9 - Creating Successful New Places
- CP10 - Siting Development to Meet Functional Needs
- CP11 - Landscape Design
- CP13 - Accessibility
- CP14 - Public Art
- CP17 - Recycled Materials
- CP18 - Natural Resource Impact Analysis
- CP19 - Nuisance
- CP20 - Lighting
- CP21 - Noise
- CP22 - Contaminated Land
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- TR13 - Controlled Parking Zones
- NE14 - Water and Sewerage Infrastructure
- NE15 - Loss of Trees and Hedgerows
- NE16 - Protected Trees
- NE20 - Wildlife Corridors
- NE23 - Habitat Creation in New Developments
- HE2 - Archaeology
- HS20 - Local Residential Environment
- TA5 - Accommodation - out of term use

### Oxford Core Strategy 2026.

- CS2 - Previously developed and greenfield land
- CS9 - Energy and natural resources
- CS10 - Waste and recycling
- CS11 - Flooding
- CS12 - Biodiversity
- CS13 - Supporting access to new development
- CS17 - Infrastructure and developer contributions
- CS18 - Urban design, town character, historic environment
- CS19 - Community safety
- CS25 - Student accommodation

### Supplementary Planning Documents (SPDs).

1. Planning Obligations (2007)

2. Natural Resource Impact Analysis (NRIA) (2006).
3. Parking Standards, Transport Assessment and Travel Plans.(2006)

#### Other Policy Documents.

PPS1: Delivering Sustainable Communities.  
PPS3: Transport.  
PPS5: Planning for the Historic Environment.  
PPS9: Biodiversity and Geological Conservation.  
PPS22: Renewable Energy.  
PPS23: Planning and Pollution Control.  
PPG24: Planning and Noise.  
PPS25: Planning and Flood Risk.

#### **Summary of Planning History.**

Historically the application site formed part of railway sidings and landholdings, but in more recent times this and an adjacent site have been subject to a number of planning applications. Immediately to the west a smaller site than the current application site was granted planning permission for 6 flats in the 1980s at what is now Abbey Walk. In 1989 a small office development was also permitted on the same site but not implemented. On the current site a development of 24 flats was refused planning permission in the early 1990s, but a development of 19 student study rooms approved a decade later, though not implemented. That permission has now lapsed. It is accepted therefore that the principle of development for student accommodation has been established at this site.

#### **Public Consultation.**

Prior to the submission of the planning application the applicant undertook a public presentation of the proposed development on 24<sup>th</sup> February 2011 to which residents of Mill Street were invited plus local ward councillors etc. Some 22 people attended and 7 written comments were made. The principal issues raised related to the density of development, the scale and height of buildings, landscaping and the impact on car parking, noise and biodiversity.

Following receipt of the planning application and site advertisement the following comments were received.

Environment Agency: (i): Basis of Flood Risk Assessment (FRA) undertaken not appropriate and flood levels therefore underestimated; FRA should be revised; route for safe access and egress should be provided to avoid need for evacuation in time of flood. (ii): revised FRA resolves objections previously raised; FRA demonstrates that level for level compensation for lost flood water is still achievable; satisfied proposal will not increase flood risk; Emergency Planner at Oxford City Council satisfied that emergency planning issues can be managed; remove objection on access and egress grounds subject to condition requiring details of FRA to be implemented.

Thames Water: No objection to the planning application in terms of water or sewerage infrastructure; storm water flows should be attenuated or regulated into receiving public network through on or off site storage.

Network Rail: No objection but some minor concerns: NR need to consider foundation and constructional designs; trespass proof fencing required; buildings to be 2m from boundary; no discharge of surface water onto NR land; NR to be consulted on changes in ground levels; windows and scaffolding not to oversail operational railway; development to take into account noise, vibration and dust from railway; trees to be planted agreed distance from boundary.

Oxfordshire County Council Environment & Economy: Financial contribution of £4,725 required towards library facilities; costs of fire hydrants can be met by condition.

Oxfordshire County Council: Highways: No objection subject to conditions and adjusted plans; as development is at a sustainable location suggest removal of warden's car parking space; temporary Traffic Order may be required during construction; cycle parking details need to be adjusted; development to be SUDs compliant; development encroaches slightly onto highway land - plan needs adjusting; Travel Plan and Construction Travel Plan required; contribution of £30,000 towards highway / public realm works welcomed.

Environmental Development: As potentially contaminated land risk assessment, site investigation and remediation strategy is required; condition required to soundproof development from railway noise; details of measures to protect against vibration required

Oxford Civic Society: Building would be uninspiring entrance to the city; building may look monolithic and depressing; screening by trees may be effective eventually; 2 storey building would be preferred with more variety and interest but options may be limited on this narrow plot; cycle parking should be provided for all students.

Individual Comments: Main comments made:

- potential for overlooking / loss of privacy.
- density of occupation too high.
- noise intrusion.
- fear antisocial behaviour / late night activity.
- overbearing nature of development.
- loss of daylight / sunlight.
- loss of tree coverage and greenery.
- increased traffic along Mill Street, including service vehicles and taxis.
- loss of views.
- valuable wildlife corridor.
- development too large and overbearing.
- building taller than existing structures.
- would be better constructed at lower part of site.
- development out of character / not in the local vernacular.
- light pollution
- building would not reduce noise levels as suggested, which is not a problem in any event.
- restrict occupation of development.
- better street lighting, CCTV etc requested.
- S.106 agreement should make Mill Street safer for pedestrians and cyclists / traffic calming.

The applicant's response to these comments is attached as appendix 2 to this

report.

## **Background to Proposals.**

1. The planning application relates to a linear site measuring 0.3 ha (0.75 acre) to the immediate west of the railway line south of Oxford Railway Station. The land was formally occupied by railway sidings and platform but has been overgrown and unused for many years, though some access has been gained by neighbouring residents and an amount of fly tipping has also taken place. Although there are few trees of individual quality on the site, in view of its general greenery value a Tree Preservation Order had been placed on the land in 2010 to prevent removals in advance of any redevelopment proposals coming forward. Access to the site is taken from the south via the western section of Osney Lane off Mill Street. To the north is other former railway land occupied by the now closed Railway Club accessed from Mill Street via a route to the rear of the Westgate Hotel. A number of the Mill Street houses have taken vehicular access to the rear of their properties from this point.
2. To the east of the application site is the railway line with rail users car park beyond, whilst to the west are the rear gardens of 17 to 41 Mill Street. Nearby to the eastern side of the railway line unimplemented permissions exist for a new terminating “bay platform” and transfer deck linking the platform to the existing Railway Station located to the north side of Botley Road.
3. The single linear building proposed for the site would provide 74 en suite student study rooms with the intended occupiers being students of Bellerbys College who occupy teaching premises nearby at Trajan House in Mill Street. The rooms are arranged in clusters of 6 or 7, with a small kitchen / social area serving each cluster. Meals can also be taken at the cafeteria at Trajan House. Four of the rooms are to full disabled standard, with warden’s accommodation located near the entrance to the site. A small common room area is also provided at this point, but there would be no bar within the building. No car parking is provided on site other than for the warden, though access is made available for servicing purposes, collection from bin stores and for emergency vehicles. Cycle parking and bin stores are located in separate structures from the main accommodation building.
4. Students of Bellerbys College would generally be in the age range of 16 to 19 undertaking full time GCSE, A levels and foundation courses. Some 80% of Bellerbys’ students proceed on to UK university courses. The college is Ofsted inspected.
5. Officers consider the principal determining issues in this case to be:
  - planning policy;
  - built forms;
  - highways, access and parking;
  - trees and landscaping;
  - noise, vibration and air quality;
  - flood risk;
  - archaeology; and

- sustainability

## **Officers Assessment.**

### **Planning Policy.**

6. The application site bears no site specific allocation in the adopted Local Plan or Core Strategy, and falls outside the defined area encompassed by the West End Area Action Plan. Nevertheless the proposal raises a number of issues to which a range of more general Local Plan, Core Strategy and other policies relate. These are listed at the head of this report. As indicated elsewhere the application generally responds to these policy requirements by making beneficial and efficient use of brownfield land which by virtue of its narrow and linear configuration would not be well suited to family housing for example, nor to commercial use due to the restricted access arrangements via a residential street. In that context, of particular relevance to the case are those policies relating to the provision of purpose built student residential accommodation.
7. For many years successive Local Plans have supported the provision of purpose built student accommodation on sites not suited to family housing in order to reduce the pressure on the general housing market by students who might otherwise live in shared houses capable of being occupied by families permanently resident in the City. In the current Local Plan occupation of such developments had been restricted to students of the University and its constituent colleges, or students of Oxford Brookes University. However following adoption of the Oxford Core Strategy 2026 in March of this year the relevant Local Plan policy has been replaced by Core Strategy policy CS25 which seeks to relax previous policy restrictions so as to permit occupation by other institutions providing its students are enrolled on full time courses of an academic year or more. Occupation by Bellerbys' GCSE, A level and foundation course students would meet this requirement. A condition would be applied to planning permission if granted securing such a restriction in perpetuity in the event that institutions other than Bellerbys were to occupy the building in future years.

### **Built Form.**

8. The proposal consists of a single 3 storey building constructed in a linear form with facing buff coloured brickwork at lower levels and standing seam grey metal cladding in zinc or similar at upper levels and roof. Windows would possess aluminium frames and the whole development would be orientated to the west away from the railway line it adjoins. As such corridor access to individual study rooms runs along the entire eastern side of the building to the railway line at all levels, providing protection from any noise and pollution from the railway line. The main entrance to the site and building is from the southern end with two further entrances at intervals along the western side where staircases to upper levels are located. At these points the strict linear configuration of the development is broken as the building realigns slightly to adopt a more sinuous form. At these "knuckle" points the entrances are

identified by a recessed, glazed treatment to the stair towers. To the eastern elevation adjacent to the harsher environment of the railway line the applicant suggests a more robust approach is required, and which avoids over - emphasising these subtle changes of direction. The applicant argues instead in favour of a regular architectural rhythm and treatment.

9. Overall the sinuous form of the single building is in large measure a response to the very particular characteristics of the site which measures between 20m and 25m in width only, but extends some 120m in length northwards from the point of access off Osney Lane. In order to provide a satisfactory relationship with the rear of neighbouring residential properties in Mill Street the building is sited to the eastern side of the site on slightly higher ground which also allows it to be sited away from land identified as falling within Flood Zone 3 as defined by the Environment Agency, (referred to later in this report).
10. Externally the site is cleared of the scrub and tipping which has taken place on the land over the years and new planting proposed in order to provide a setting for the new development and maintain some of the greenery that the site currently possesses despite its unkempt appearance. As such a strip of landscaping is proposed along the rear of the Mill Street and Abbey Place properties measuring up to 4.4m in width with additional planting at the northern end. The landscaping would consist of new tree planting to replace those which have to be lost, retention of some trees in better condition, and the introduction of appropriate low level shrubs. More formal planting and lawns is proposed adjacent to the buildings themselves, whilst an access road runs the length of the site between these planted areas, for use by emergency vehicles. Some limited planting is also suggested east of the building where it abuts the railway line. The boundaries of the site would be maintained by a 2m timber fence along the western side to the rear of the Mill Street houses and a new low brick wall at the entrance from Osney Lane. To the east and north the existing railings would be retained.
11. The accommodation building itself is arranged on three floors rising to 10.1m along most of its length with a slight rise at the southern end of 2m in the form of a cantilevered canopy included as an angular architectural feature at the point at which the building is perhaps most visible from the public realm. The second floor accommodation is set back 1.8m from the main western face of the building along its full length however so that the leading edge at this point would rise to approximately 7.5m or about the same height as the ridge to the Mill Street houses. Whilst these properties are more modest domestic scale structures on two floors, there are a number of buildings within the street and in the locality on three floors or more, for example at the Westgate Hotel, Kite PH, Trajan House, Oxford Innovations, Youth Hostel, Gibbs Crescent and the former University Dept. of Engineering at Russell Street.
12. Generally the distance between facing windows for properties across Mill Street is approximately 12m, whilst typical minimum window to window distances at the rear of Victorian or Edwardian terraces such as these is 21m. In comparison the proposed building is located 33m from the nearest window in the rear elevation of the Mill Street properties, extending to as much as 39m

in other cases. At these distances there would be little impact on the Mill Street properties in terms of lighting conditions, nor in the officers' view would the development appear overbearing when viewed from these houses or their gardens. Window to window distances would also be similar to or greater than to be typically found in residential areas of this type close to the city centre. As such acceptable levels of privacy would be maintained. Whilst the 6 flats at Abbey Walk are closer to the proposed student accommodation, only two habitable room windows are present in the facing elevation and these currently abut the access road within that development. In any event one of the striking features of the new building is the verticality of its windows to study rooms arranged in a razor tooth form and aligned to the south - west to avoid direct views towards gardens. Such an alignment avoids direct overlooking and also has the benefit of providing good internal lighting conditions for the study bedrooms. Overall therefore officers take the view that the privacy of neighbouring householders at both Mill Street and Abbey Walk is protected and that a three storey building can be accommodated at the application site.

13. In summary officers are satisfied that the built form and location of this single sinuous building responds positively to its very particular context; respects neighbouring residential amenities; and produces a distinctive architectural solution appropriate to the narrow and constrained site it occupies adjacent to the railway line.

#### **Highways, Access and Parking.**

14. As the application site is at a sustainable location close to public transport facilities and a short walk from the city centre, the development is intended to be essentially car free with no car parking provided on site other than for the resident warden. The site falls outside the Controlled Parking Zone in operation in Mill Street and occupiers of the development would not therefore be eligible for residents' parking permits. A condition to the planning permission would also require that a clause in students' tenancy arrangements would not permit them to bring vehicles to Oxford. As the majority of students would be in the age range of 16 to 19, few would possess a driving licence in any event. Covered cycle parking for 38 cycles is provided to meet Local Plan requirements, though space exists to provide further facilities if necessary.
15. A drop off point for smaller vehicles and taxis exists at the entrance to the site adjacent to the warden's car parking space, but measures are required to be in place to prevent other parking taking place, but to allow access for refuse collection vehicles etc. A condition is suggested requiring details. Conditions are suggested also for a limited travel plan, and construction travel plan. A minor drafting error on the submitted plans indicate encroachment over the common boundary to the public highway. Amended drawings correcting the error are required.
16. In support of the proposals, the applicant is prepared to fund alterations to the pedestrian area to the foot of the footbridge at Osney Lane which requires

improvement. This would be secured by legal agreement, along with other contributions in line with the Supplementary Planning Document (SPD) on Planning Obligations.

### **Trees and Landscaping.**

17. The application site is thickly covered by trees, shrubs and general scrub. An arboricultural report accompanies the planning application and indicates some 34 trees or groups of trees to be present which are graded according to their visual quality using the guidance in BS5837: 2005. Of the 34 trees and groups of trees 2 are graded category B (moderate quality and value) and remainder category C (low quality and value). One further tree, a wild cherry, is not graded but recommended for felling as it is in decline, contains a fungus (*Pholiota squarrosa*), and possesses a base which forks into 3 and a heavy limb which is split and fallen. Overall the quality of individual specimens on the site is low, though they possess a collective presence when viewed from public vantage points in Osney Lane and Becket Street, and in private views from the rear of gardens to Mill Street. For this reason and to protect trees which were at risk of being felled a Tree Preservation Order was made on the land in 2010. It was not the intention of the Order to prevent appropriate development however as the principle of developing the land had previously been established. Rather it was intended to retain the greenery of the site until such time that further proposals came forward for the land.
18. Of the 34 specimens identified 20 individuals plus 2 groups of trees are proposed for removal to allow the development to proceed: 2 wild cherry; 1 crack willow; 4 individual and one group of elders; 2 goat willow; 10 individual and 1 group of sycamore and a group of mixed species saplings. The loss of these specimens would be mitigated by the retention of 12 of the specimens, including both category B ornamental cherries plus 4 sycamores, 2 purple plums, 2 goat willows, a crack willow and 1 field maple, all to be pruned where required to reduce the risk of breaking or falling, or to improve their form. The retention of these specimens would be supplemented by new tree planting supported by low level shrub planting. To the western boundary of the site a landscaping strip 4.4m wide is proposed to contain the trees and shrubs, within which are currently located the cycle and bin stores serving the development. Details of the tree species to be planted would be secured by condition, such planting to assist in mitigating the losses.
19. Whilst in the first instance the visual presence of the new planting within the 4.4m strip would be limited as generally the new trees would be only approximately 2.4m in height, as the expected species of alder, birch and pine trees mature they can be expected to strengthen the existing screening from the retained trees and ensure a succession of mature tree coverage in the future. As the bin and cycle stores are located within the root protection zone of some of the retained trees then it is suggested that their positioning is adjusted accordingly to ensure the continued viability of the retained specimens. Similarly as the precise route of underground services is not identified, then a series of planning conditions are suggested to provide protection and ensure that existing trees to be retained are not threatened.



20. Elsewhere on the site lawned areas with occasional tree planting is provided to the frontage of the new building, whilst to the east of the development a narrow strip of planting is possible adjacent to the railway line land. This is indicated to be planted with native shrubs and trees which would be managed as scrub. Again details would be required by condition

### **Noise, Vibration and Air Quality.**

21. In November 2010 noise and vibration surveys were undertaken at the application site to inform the design of the development. The proposal which emerged was in the form of a single block of accommodation with corridor access along the eastern side of the building at all 3 levels, creating a buffer zone to railway noise. Double glazed window units to this elevation opened only for cleaning purposes further reduce internal noise levels by at least 30dB(A). With further acoustic requirements to internal walls to meet the Building Regulations, any noise emanating from the railway to habitable rooms would be low, and within the guidance levels set out in Planning Policy Guidance Note 24: "Noise" (PPG24).

22. The existing trees and scrub provide some noise attenuation for residential properties backing onto the application site. Whilst the removal of vegetation is mitigated to an extent by new planting, greater benefits are derived from the building itself which is calculated by the applicants' consultants to result in a reduction in noise levels of at least 3 dB(A) measured at the upper floors of the Mill Street properties with a greater reduction of up to 6 dB(A) for those properties located opposite the central part of the development which are more effectively screened. Whilst some local residents have indicated in public comments that noise emanating from the railway is not problematical and have queried that the new development would offer the suggested noise benefit, it is recalled that in response to Network Rail's recent proposals for a bay platform to the eastern side of the railway line a specific request was made by local residents that Network Rail erect an acoustic fence along the full length of the railway line at this point. In this regard the proposed building would perform a similar role to such a fence.

23. On one other matter relating to noise, several local residents have raised concerns about noisy students potentially occupying the development, and that those properties in Mill Street currently occupied by students have caused such problems in the past. Environmental Development colleagues advise that there have been 6 such recorded complaints only received from postcode area OX20AJ since 2002 and none since 2008. In any event the students of Bellerbys College intended to occupy the proposed development would be of a younger age group than university students, generally in the age range of 16 to 19. More particularly there would be a requirement by planning condition that either a resident warden lives on the site to provide supervision and a point of contact for local residents in the event of problems arising, or that there would be some other form of 24 hour on site presence. Delivery times can also be restricted to avoid unsocial hours.

24. In terms of vibration, the survey results indicated with reference to relevant British Standard 6472 that there was likely to be only “*low probability of adverse comment*” from occupants of the development. In order to mitigate against any perceived issues of vibration the design and construction of the development would however need to take the presence of the railway fully into account so that, for example, lightweight structures with suspended wooden floors would be unlikely to be appropriate. Rather consideration would need to be given to piled foundations with construction of sufficient mass to minimise any amplification within the building. A condition is suggested requiring constructional details to be submitted and approved accordingly.
25. With the development orientated to the west, Environmental Development officers advise air quality issues would be unlikely to arise unless there were evidence of extensive idling taking place adjacent to the development, which is not the case.

### **Flood Risk.**

26. The Environment Agency’s published flood risk zones indicate parts of application site to the south and west to fall within flood zone 3a which equates to a high probability of flooding during a 1 in 100 year event with allowance for climate change. Other parts of the site are on higher ground however and fall with flood zones 1 and 2, ie being at low or medium risk respectively in a 1 in 100 year event.
27. As part of the site falls within the defined flood zone 3a, then a “*Sequential Test*” under the terms of Planning Policy Statement 25: “*Planning and Flood Risk*”. (PPS25) is required to establish if in flood terms any other sequentially preferable sites are reasonably available which could potentially accommodate the development. The search undertaken by the applicant identifies no such better sites however, and officers would come to the same conclusion. In reaching this view officers have taken into account that part only of the site is within flood zone 3; that the building itself is set on higher ground; and that although other windfall sites could become available for this use, the Oxford Local Plan does not allocate sites for student accommodation for private educational institutions of this sort. Nor are there any other sites in the near vicinity which could conceivably be used for the purpose. Within the Oxford West End to the east student accommodation sites with the Area Action Plan (AAP) are identified only as part for mixed developments, (therefore involving other parties), which could not be said to be currently available for the development.
28. If the Sequential Test requirements are met for developments which fall within flood zone 3, then an “*Exceptions Test*” is then applied. To meet this test there must be other sustainability benefits from the development; the development must be on previously developed land; and an acceptable flood risk assessment (FRA) must be in place, preferably reducing the risk of flooding elsewhere. As the development is car free and at a highly sustainable location; occupies previously developed land where planning permission has also been granted for the same use in the past; and no objection is raised to

the FRA by the Environment Agency, then the Exceptions Test is also met.

29. In terms of actual measures undertaken to protect the building and not cause additional flood risk elsewhere, the finished floor level of the development is set at 57.81m AOD or 270 mm above the 1 in 100 year level plus climate change, or 520 mm above the 1 in 100 year level. External levels will be 56.685AOD. This means that the building itself would not be at risk of flooding. However a small area of the building would extend into the zone 3a area and a compensation scheme is proposed accordingly. The intrusion equates to some 106 cu m of water during a 1 in 100 year plus climate change event, in response to which flood compensation of 241 cu m is provided, or a net gain of 135 cu m. In terms of runoff a sustainable urban drainage scheme (SUDS) is also proposed, details of which can be required and agreed by condition.
30. The Environment Agency raise no objection to the proposals subject to it being undertaken strictly in accordance with the measures outlined within the FRA. A condition is suggested accordingly.

#### **Archaeology.**

31. A desk based archaeological assessment accompanies the planning application. The site is of interest as the precinct of Osney Abbey lay just to the south and west of the site, and the presence of a Saxon Burial in the Osney area in the 19<sup>th</sup> century suggests there may be other burials in the general area. Also the route of a post Medieval or earlier road may have run through the site towards the Thames. An archaeological investigation is therefore suggested which should consist of a trial trench across the site of the projected post Medieval road and a watching brief during significant ground works. These requirements can be secured by condition.

#### **Sustainability.**

32. The development is located at a sustainable location very close to the railway station and bus interchange and within a short walk of the central bus station and city centre. It would be car free other than for the warden's accommodation with covered cycle parking also provided. In terms of the new building a BREEAM very good or excellent rating is aimed for with a score of 7 out of 11 being achieved on the Natural Resource Impact Analysis (NRIA) checklist. This is achieved via a series of measures. In terms of energy efficiency high levels of insulation is included with double glazed, naturally ventilated windows, sensors to lighting equipment etc. Renewable energy is provided by a mix of roof mounted solar hot water and photovoltaic equipment whilst part off - site construction is being considered. Timber would be obtained from sustainable sources and rainwater harvesting employed for external areas.

## **Other Matters.**

33. Biodiversity. The application site is made up mainly of scrub ground with some individual trees. Hardstandings also exist across parts of the site and the land has generally undergone a degree of fly tipping. There is therefore some potential for wildlife occupation. A full habitat survey was undertaken in August 2010 by Ecoconsult Wildlife Consultancy. Resurveys were also taken shortly afterwards. The survey identified one badger sett and 2 mammal holes, but none were in active use at the time of survey or resurvey. The surveys recorded no reptiles on the site and identified only a low potential for bat roosts. There were no UK priority species found. Nevertheless the site was suitable for nesting birds. The report recommends that native trees and shrubs are planted as part of the landscaping scheme to provide future habitats. Officers would support that recommendation and would also suggest that specific bird and bat boxes be included as appropriate. As the original survey of species was in August 2010, it is also suggested that in the event of planning permission being granted, that a further habitat survey be undertaken prior to the commencement of work on site.
34. Contamination. As previously developed land accommodating a railway platform and associated railway activities, the application site possesses a degree of contamination. A ground condition report undertaken by specialist consultants accompanies the planning application and concludes that the overall potential to generate significant contamination on the land is limited and that the geoenvironmental risks associated with the site are low. Environmental Development colleagues recommend a condition is imposed on the planning application requiring full on site investigation of the extent of contamination, together with a remediation strategy.
35. Public Art. The development qualifies for a contribution towards public art in some form. This can also be secured by condition.

## **Conclusion:**

36. The planning application relates to a parcel of former railway land which has lain unused for some years but which has been the subject of some tipping and unauthorised access in recent times. It has also been the subject of a previous planning permission which did not come to fruition. Although a Tree Preservation Order exists on the site this was imposed not because of the individual quality of trees, but in order to allow the greenery and general visual amenity provided by the site to be retained until such time as development proposals came forward. In terms of the current planning application, the development provides student accommodation conveniently placed for an intended occupier located nearby and is car free, being at a highly sustainable location close to the city centre and public transport facilities. Whilst the proposed building is constructed on 3 floors, it is located at a distance which would not impact on neighbouring residential properties such as to warrant refusal of planning permission, and indeed may assist to an extent in providing an acoustic barrier to noise emanating from the nearby railway lines. The site is sufficiently large to also allow new and supplementary planting to

soften its appearance and to provide habitats for wildlife. The development would be safeguarded from flooding.

37. Committee is recommended to support the proposals accordingly.

### **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions and 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 with accompanying legal agreement. Officers consider that the conditions and legal agreement 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 permission 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:** 11/00927/FUL

**Contact Officer:** Murray Hancock

**Extension:** 2153

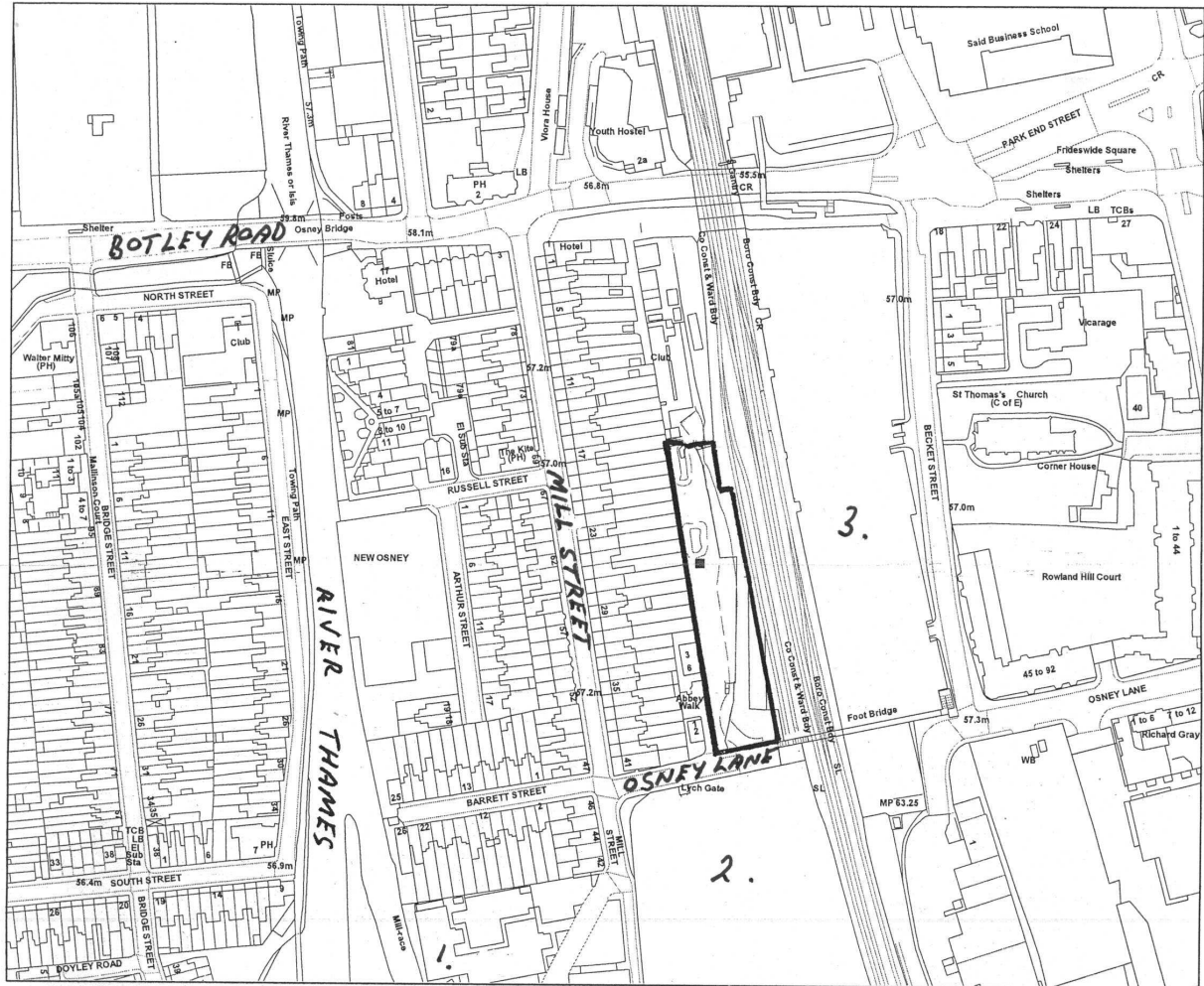
**Date:** 30 June 2011



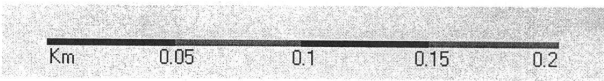
GIS by ESRI (UK)

# Rear of 17 - 41 Mill Street

11/00927/FUL



- Legend**
- 1. TRAJAN HOUSE.
  - 2. OSNEY CEMETERY.
  - 3. BECKET ST. CAR PARK



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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	30 June 2011
SLA Number	Not Set

NL/AE/4482

Mr M Hancock  
Chief Principal Planner  
Oxford City Council  
Planning Department  
Ramsay House  
10 St Ebbe's Street  
Oxford  
OX1 1PT

25<sup>th</sup> May 2011

Dear Mr Hancock

**Application Reference: 11/00927/FUL**

**Erection of 3 storey building to accommodate 74 student rooms plus warden's accommodation. Provision of cycle and bin storage facilities and landscaping. (Amended Plans)**

**Introduction**

I write in relation to the above planning application and, in particular, to the comments which have been made so far by statutory consultees and other third parties. Some of comments which have been made are repeated in number of the neighbour representation letters and so I have summarised the key issues which have been raised and provided my response to each one immediately below.

**Statutory Consultees**

**OCC Developer Funding – Financial Contributions**

The contribution towards the upgrading of the land outside of the site is dealt with in Section 5.44 of the Planning Statement. It was our understanding that the contribution towards improving this area was in lieu of the cycling improvement contribution and not additional to it (see comments from the Liaison Officer in this respect). On the issue of disabled access, the bridge is not owned by the applicant and the issue of disabled access across the bridge is something which should be visited on Network Rail rather than on those with sites adjacent to it: the improvements would not relate to the development proposed but would be for the wider community.

The applicant is prepared to pay the financial contributions towards library and fire infrastructure as requested in Oxfordshire County Council's letter dated 12<sup>th</sup> April 2011 provided that these are based on the Council's adopted SPD.

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Oxford Civic Society – 'A monolithic and uninspiring building which should only be 2 storeys'

Whilst it would be tempting to make an attention seeking building here on the approach to the station, the proposed development provides a relatively small block of student accommodation and, as such, its role is more of a backdrop than an iconic building. This is not a location where such a building would be expected. However, what is proposed will provide an attractive backdrop to the proposed new platforms to the east of the site, when viewed from the west, and will help address some of the issues raised by local residents when objecting to the new platforms.

The station, institutions (said business school) etc, are the buildings which should be outstanding. Nonetheless, the proposed building will have a presence (which it would not if it were only 2 storeys) and the striking chequerboard pattern will be quite arresting. Therefore, this comment is quite disconcerting and at variance with the general feedback received about how the façade to the railway is interesting and lively. Furthermore, the submitted video clip shows that it will come to life in movement, when the subtle kinks in the plan are emphasised.

Network Rail – No objection but comments in relation to window openings, foundations and landscaping

Network Rail has not made a formal objection to the proposal but it has raised minor concerns in relation to the window openings facing the railway, the foundation design and landscaping. In response, we can confirm that windows that open to the railway would either be fixed or with only minimum openings restricted for ventilation which would prevent litter and other detritus being thrown out of the windows by students.

In terms of the foundations, there is a covenant on the land which requires the foundations to be approved by British Rail and there is an Asset Protection Agreement entered into by the developer with British Rail. This would therefore control the foundation design in order to ensure that the railway is protected.

British Rail has made some short comments in relation to the proposed landscaping scheme and has asked that in the interests of safety, all new trees to be planted near to Network Rail land should be located at a distance of not less than their mature height from the boundary fence, and that the chosen species should be controlled by condition. As you will be aware, the tree planting and landscaping on this side of the building was requested by the Council's officers. There is existing vegetation on this boundary and, as suggested by Network Rail, the type of landscaping is able to be controlled by condition.

Environment Agency – Holding objection until the following two issues are addressed

Issue 1: The Environment Agency has requested that the applicant base the assessment of fluvial flood risk on the best available flooding information for the site. We are surprised that issues of this nature arise after pre-application consultation with the EA. Nonetheless, Glanvilles are currently pursuing this aspect with the EA but have not been able to receive the information requested from the EA or to speak with the relevant officer.

Issue 2: The Environment Agency has requested that the applicant identify a safe route of access and egress to an area entirely outside of the floodplain. As above.

Environmental Control – Contaminated Land

A Phase 1 Geotechnical and Geoenvironmental Ground Condition Report has been prepared by Peter Brett Associates and forms part of the application submission. It concludes that, based on the known history and present use of the site:

- the overall potential to generate significant contamination on the site is considered to be moderate;



- the overall potential to significant contaminants in the vicinity of the site is considered to be moderate;
- the geoenvironmental risks at the site have been estimated as LOW.

Given the conclusions of the geoenvironmental report, the Council can reasonably apply suitable conditions on a planning permission to require the submission of further (Phase 2) investigations for approval prior to the commencement of works as has been recommended by the Environmental Control Team Leader in her response letter dated 26<sup>th</sup> April 2011.

#### Environmental Health – Noise, Vibration and Delivery Collection Times

The Council's Environmental Health Department has not raised any objection to the scheme but it has recommended that a number of conditions be imposed should planning permission be granted in relation to railway noise, vibration and delivery and waste collection times. While we do not necessarily object to a condition being imposed to restrict deliveries to and waste collections from the site, we do not consider it to be necessary and there are no precedents for such a condition being imposed in similar cases.

#### Neighbour Representations

##### Density of Development

Oxford Local Plan Core Policy 6 states that:

- Permission will only be granted for developments which make maximum and appropriate use of land;
- The scale of development should be at least equivalent to the surrounding area; and
- Larger scale proposals will be encouraged where appropriate.

The development provides for the erection of 74 ensuite student rooms with shared facilities within a 3-storey building, together with the requisite cycle parking, bin storage and amenity space. In line with the requirements of Core Policy 6 of the Oxford Local Plan, the development has been designed to make maximum and appropriate use of land in a manner which is compatible with the surrounding area. It makes efficient use of the site yet provides good standards of internal and external amenity for the occupants.

The site, for the purposes of planning, is previously developed land, with excellent transport links and access to services and facilities nearby and in the City Centre. It is a highly sustainable site and suitable for a higher density development. It has the added benefit that the development can actually improve the amenity for the neighbouring properties by screening the railway and new platform from them and, on acoustic grounds, the higher and longer the building is the better it will be able to achieve this. Together these factors create a strong imperative for a building which is as dense as reasonably possible for the site, whilst respecting the amenities of neighbours. Whilst the building would be used to accommodate students, the number of bed spaces per hectare would be little different from the density of the nearby houses.

##### Scale and Height

There are two context considerations here. The wider context of development beside the railway either side of the station: all recent precedents are at least 3-storey and often 4-storey, examples being the graduate housing on Roger Dudman Way, the flats on Rewley Road, the Youth Hostel and parts of the residential development on Becket Street are all 4-storey. This is the group of buildings addressing the railway within which the new building here will be seen from the east.

The more immediate context of Mill Street: the recent precedents here are also 3 or 4 storey, with Gibbs Crescent and Millbank rising to 4 floors and Innovation House and Trajan House are both 3 storeys. However, directly adjacent to the site is Abbey Walk which is only 2 storeys and then the eastern terrace of Mill Street which varies between 2 and 3 storeys.

Taking all of these factors into account, the proposed building is designed as three storeys throughout without the conventional pitched roof which adds to height and bulk. At 3 storeys high, the building is the same scale as Mill Street; it is some 33m at closest from the rear of those houses and less than 2m higher, mostly because of the need to rise above the (1 in 100 year plus an allowance for climate change) flood level. The top floor is recessed with a change from brick to a darker roofing material matching the residential pattern of two floors plus rooms in the roof space. In this case, 3 storeys is considered the appropriate height because of the predominant factor of the relationship with the Mill Street context.

#### Design Criticisms

The two storey rhythm of brick (not concrete) and glass with a recessed roof above is similar to the long rhythm of two storey brick and glass with pitched roof above of Victorian/Edwardian terraces. The design would therefore be in keeping with the character of the neighbourhood. The proposed building is approximately half the length of the continuous east side of Mill Street (110m as opposed to 210m) and so it is similar in scale and shorter in length. The window to wall ratio and the absence of ornament is also similar to the Mill Street properties. There is more articulation in the plan with the angled bays, but this is to the benefit of the neighbours, and increases the interest in the façade with shadow and light. Overall, the proposed building is very sympathetic to its Victorian/Edwardian neighbours in terms of the use of materials, scale, height, rhythm, lack of ornament, window to wall ratio and continuity.

#### Overlooking of Properties in Mill Street

It was not claimed by the applicant that the proposed development would not result in any form of overlooking of the properties in Mill Street. However, the scheme has been carefully designed to ensure that the scale of development is in keeping with the character of the area and also to militate against any unacceptable impact on the amenities of existing neighbouring properties by reason of overbearing or overlooking. The distance between the existing properties and proposed building is much greater than the generally accepted minimum standard of 21 metres. The gap between the new building and the rear of the Mill Street properties is never less than 33 metres but, nonetheless, it was considered desirable, even at this distance, to avoid windows facing each other directly. In order to achieve this, all of the windows on the western façade have been angled to face down the site towards the cemetery at an angle of 56 degrees to the façade and, by doing so, there is no direct aspect from new windows to existing windows on Mill Street or Abbey Walk.

#### Loss of Views and Natural Light

The houses on the east side of Mill Street have long gardens, all being over 24m. The context elevation drawing shows that a building on the site of 4 storeys would not breach the 25 degree code of practice for sunlight and daylight standards as set out in Appendix 6 of the adopted Oxford Local Plan (and which generally follows the BRE report on Sunlight and Daylight). Similarly, the 45 degree plane from the front block ground floor bedroom window in Abbey Walk suggests that the building at the south end of the site should move towards the east. With the building positioned as proposed the guidance is complied with but, more importantly, there is a generosity of space between the existing and proposed buildings which means that there would be no substantive negative impact on light, especially when the existing impact of the mature trees on the boundary line is taken into account.

Just to briefly pick up on the comments that have been made in some of the neighbour representations in respect of this issue, it is worth highlighting that a resident of the east side of Mill Street standing in their ground floor back room will only have to raise their eyes some 12 degrees to see the sky, not 45 degrees as has been suggested and, on the upper floors this would be reduced to 8 and 4 degrees. The properties in Mill Street would still get winter sun in their gardens since the direct angle to their patios is 14 degrees and winter sun is not due east but south-east anyway. One final point to make is that the view to east from these gardens is likely to be lost when the Becket Street car park is developed as proposed in the West End Area Action Plan.

For the reasons outlined above (as amplified in the original application submission), it is considered that the proposal would not have an adverse impact upon the privacy or amenity of adjoining properties in terms of a sense of enclosure, loss of light or overlooking into habitable rooms in accordance with Policy HS.19 of the Oxford Local Plan.

#### Loss of Trees and Ecological Impact

The trees on the site are the subject of a Tree Preservation Order which was served in order to allow control over the trees on site pending the submission of proposals for its redevelopment; **not** because they were considered to be of high quality and therefore should be retained at all costs. The trees on the site are not high quality but it is accepted that the substantial tree cover is a positive feature of the site and this would be retained as part of the proposals, but not with the existing trees. There is a Tree Management Strategy which was discussed with the Council's Tree Officer, Kevin Caldicott and it covers the retention and phased replacement of some of the trees to maintain and enhance the tree cover.

There is also an ecological report which does not raise any substantive issues and concludes that there would be no significant impact on any protected species of flora or fauna. Under this development proposal, the ecological benefits would remain but the replacement trees and new landscape planting would provide greater biodiversity and would be better maintained. Any contaminants on the land would be remediated.

#### Increase in Vehicular Traffic and Parking

The application site is located close to the City Centre with excellent pedestrian access to services and facilities nearby and in the City Centre. There are also excellent public transport links within a 2 minute walk which provide access to all parts of the City. The site is therefore situated in a sustainable location where the occupants can access all the facilities they require by public transport or by bicycle or on foot.

A Transport Assessment formed part of the original application submission. This details that the development will be car free with no allocated car parking for students. There will be 38 covered cycle spaces in accordance with the Council's standards and virtually all of the traffic to and from the site will be pedestrian or by bicycle. The current intention is that the student accommodation would be occupied by Bellerbys' students at Trajan House which is within a 5 minute walk of the proposed development site. The students attending Bellerbys College do not acquire motor vehicles, and as the proposed accommodation is so close to the school, there would be no additional pressure placed upon the City's infrastructure.

The site also adjoins a controlled parking zone (the Highway Authority has indicated that it is within it) and the applicant has agreed that whatever the position, the site should be excluded from the ability for occupiers to obtain parking or visitor parking permits. In addition to this, it would also be intended that each student tenant be issued with a numbered key/swipe card that when used will register the time it was used to enter the accommodation and that CCTV be installed on the premises to record access to and egress from the accommodation. In that way, a local resident who saw a student park a

car in the locality and then enter the accommodation could lodge a complaint and ask the resident student representative or the appointed Warden or the City Council to investigate the situation by reference to the description of the car and student and the time the car was parked. We do not expect that this will be necessary.

The development would not therefore add motorised traffic to the local road network or result in a loss of on-street parking in the locality including the surrounding streets of Osney Lane, Mill Street, Becket Street and Barrett Lane. The site is ideally located for this type of development.

The Highway Authority refers to the warden's car parking space and suggests that it should be removed. The space is required in order that the warden will be able to deal with any emergencies and collect or deliver any items. It is a minimal provision consistent with the Council's policies and the practice adopted by the Council in similar student accommodation developments.

It seems entirely unnecessary for a Travel Plan to be produced given the lack of car parking, the modes of travel available to students, and the restrictions on students bringing to or keeping cars in Oxford.

In relation to construction, any temporary changes which may be necessary would be dealt with outside the realm of the planning application in the normal way. Consequently, there would be no need for a "UU" to cover temporary arrangements as suggested.

#### *Increase in Noise and Antisocial Behaviour*

The current intention is that the student accommodation will be occupied by Bellerbys and as far as we are aware, there have been no formal complaints about students going back and forth from Trajan House on Mill Street. The development makes provision for Wardens' accommodation and the appointed person would be responsible for overseeing the day to day operation of the site and to act as an initial point of contact for students and local residents. A Housing Management Plan will also be put in place to ensure that unreasonable levels of noise or other forms of antisocial behaviour would not occur.

As is made clear in the Council's own Local Plan, it is more appropriate and preferable for students to be housed in purpose built accommodation such as that being proposed here than in private rented housing as it is easier to monitor the students and also avoids putting additional pressure on Oxford's housing stock.

#### *Impact on Existing Drainage Systems*

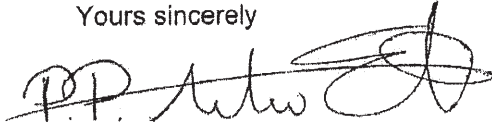
As part of the application consultation process, Thames Water were asked to provide advice in relation to the impact that the proposed development would have on the existing waste and water infrastructure and, in an email response dated 6<sup>th</sup> May 2011, it confirmed that it had no objections to the application in either regard.

#### **Conclusion**

We feel that we have satisfactorily addressed all of the concerns and issues which have been raised by third parties during the consultation process and, suffice to say, we remain of the opinion that the proposal is wholly acceptable and would comply with all of the relevant local and national planning policies. It has been clearly demonstrated through this letter and the original application submission that the proposal would not cause any discernible harm and there appear to be no other material considerations which would weigh against the application. It is hoped therefore that the application will be supported by the Council.

If you require any further information please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nik Lyzba', with a stylized flourish at the end.

Nik Lyzba DipTP DipCP MRTPI

Cc. Mr T Nolan



## PLANNING REVIEW COMMITTEE

**Thursday 2 June 2011**

**COUNCILLORS PRESENT:** Councillors Altaf-Khan, Armitage, Bance, Baxter, Rowley, Brown, Morton, Tanner and Van Nooijen.

**OFFICERS PRESENT:** Lois Stock (Democratic Services Officer), Michael Crofton-Briggs (Head of City Development) and Murray Hancock (City Development)

### **1. ELECTION OF CHAIR FOR THE COUNCIL YEAR 2011/2012**

Resolved to elect Councillor Tony Brett as Chair of the Committee for the Council Year 2011/2012.

In the absence of Councillor Brett, it was resolved that Councillor Antonia Bance should Chair the meeting on this occasion.

### **2. ELECTION OF VICE CHAIR FOR THE COUNCIL YEAR 2011/2012**

Resolved to elect Councillor Antonia Bance as Vice Chair of the Committee for the Council Year 2011/2012

### **3. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Ed Turner (Councillor John Tanner substituted), Councillor Tony Brett (Councillor Stephen Brown substituted), Councillor Mark Lygo (Councillor Oscar van Nooijen substituted), and Councillor Nuala Young (Councillor Matt Morton substituted)

### **4. DECLARATIONS OF INTEREST**

The following declarations were made:-

- (1) Councillor Van Nooijen declared a personal interest in the planning application for the new swimming pool at Blackbird Leys (minute 5 refers); on the grounds that he had been a member of the old Strategic Development Control Committee which had previously considered this application, however he was approaching the application before the Committee tonight with an open mind. He had also been lobbied by the Save Temple Cowley Pools Group but had not stated any position;
- (2) Councillor Antonia Bance declared a personal interest in the planning application for the new swimming pool at Blackbird Leys (minute 5 refers) on the grounds that she had been a member of the old South East Area Committee which had previously considered this application; however she was approaching the application before the Committee tonight with

an open mind. She had also been lobbied by the Save Temple Cowley Pools Group but had not stated any position;

**5. 11/00242/CT3 - NEW SWIMMING POOL, PEGASUS ROAD, BLACKBIRD LEYS, OXFORD.**

The Head of City Development submitted a report (previously circulated, now appended), concerning an application for a new swimming pool at the Blackbird Leys Leisure Centre, Pegasus Road.

Before consideration of this item began, Cathryn Yeagers (Lawyer, Law and Governance) clarified that there was nothing in law to prevent members of the City Executive Board from determining this application. They would only be precluded from participation in the event that they had pre-determined how they intended to vote. It was essential that the application was approached with an open mind.

Michael Crofton Briggs (Head of City Development) explained the route that this application had taken. It was considered by the former Strategic Development Control Committee (SDCC) on 28<sup>th</sup> April 2011, and was then called in for further consideration by 12 members of the Council. Under new arrangements, put in place by Council on 18<sup>th</sup> April, it had been agreed that the application would be looked at afresh by the new Planning Review Committee and would not be called into Council.

Councillor Bance then confirmed that no “whip” system was in force amongst any of the political groups on the Council. She added that the meeting was a “meeting held in public” and not a “public meeting”. Public participation was permitted at the appropriate point as outlined in the Code of Practice for Planning Committees. Should anyone wish to speak during the public speaking spot they would be required to complete and submit a speakers’ form.

Application for a new swimming pool, Pegasus Road, Blackbird Leys

Murray Hancock (Planning) presented the report to the Committee.

Speaking against the application,

Nigel Gibson and Susan Heeks made the following points:-

- Why was the meeting being held on 2<sup>nd</sup> June and not on 29<sup>th</sup> June?
- Representations from residents of Dene Road should have been responded to point by point;
- Had the recommendations made at SDCC on 28<sup>th</sup> April been fully taken into account – for example, the production of a travel plan?
- There were concerns about the Sequential assessment – Temple Cowley, in Mr Gibson’s view, was a primary destination centre and a transport hub, and there were a number of sites in this area that would be available for a new pool;
- The site at Blackbird Leys was not suitable because it was outside the ring road and on only one bus route (Policy CP3);
- There were doubts about the accessibility of the site by foot, bicycle and public transport (Policy CS14)



- The new site would most probably be accessed by people in cars or on buses, leading to congestion in the adjacent area. Parked cars in the roads around the site resulted in the roads being reduced to a single carriageway;
- Concern that the issue was not being judged independently as the Council had consistently voted for the creation of a new pool at Blackbird Leys;
- The proposed site was the subject of an application for Town Green status;
- The site was unsustainable in terms of materials, costs etc;
- Existing facilities in the City could be improved in preference to this proposal. It would be cheaper to improve the old rather than create new facilities;
- Temple Cowley pool was more accessible by people who really needed such accessibility. Lots of people would not wish to, or be able to, travel to Blackbird Leys;

### Speaking in favour of the application

Hannah Keilloh (Driver Jonas Deloitte, planning agents) made the following points:-

- The Council's Core Strategy supported a new competition pool in the Blackbird Leys area. It would help to deliver regeneration objectives;
- The pool would meet the needs of the local and the wider community, and would be suitable for all ages;
- It would fit in well with the existing leisure centre, and having a movable floor would provide space for a wide range of activities;
- It would help promote health amongst the population and help remove inequalities;
- Consultation had been extensive and the majority of comments were generally supportive. Refinements had been made to the plans as a result of the consultation;
- PPS1 was concerned with sustainability and sustainable communities. Environmental sustainability had been considered as part of the design process, and suitable measures were part of the design; therefore PPS1 was met;
- Officers were satisfied that PPS4 – economic growth - had also been met as outlined in their report;
- The suggestions made by the South East Area Committee had been noted – for example, a management plan would be provided as requested, and materials would be defined by conditions, in full co-operation with the Council.

### Questions to planning officers

Members of the Committee asked questions of the planning officers concerning the following issues:-

1. Sequential assessment and the possible use of the site south of Oxpens Road, close to the ice rink;
2. Cowley Marsh site – possible use as a site for a new pool?

3. Further guidance on the Human Rights Act and its implication here;
4. Status of the travel plan;
5. Clarification of parking spaces, including usage at peak periods;
6. Traffic to and from the site;
7. Use of any S106 contribution on highways issues;
8. What is policy CS14?
9. Accuracy of images shown as part of the presentation – do they reflect the width of the road correctly?
10. Environment Agency reaction to movement of the football pitch to accommodate the new pool;
11. Have comments from South east Area Committee been answered?
12. Materials to be used on the front of the building;
13. Replacement trees;
14. Need for an archaeological survey;
15. Improvement of travelling facilities from other parts of the City, including Quarry and Risinghurst – can the Council do anything to encourage the bus companies to look at this?
16. Have the Councillors who called this in any additional suggestions to make about conditions that might be attached to this application?
17. Policy CS21 – what does it mean and would it apply here?
18. Creation of a “green roof” and use of water harvesting technology – has that been considered?

*The meeting was suspended at 5.50pm owing to disruption from a member of the public. It reconvened at 6pm*

#### Response to questions

The following additional information was provided in answer to the questions above:-

#### Sequential assessment as use of other sites.

The site at Oxpens was not considered appropriate for reasons outlined in the report. This land was owned by the City Council and the British Rail Residuary Body, and discussions between them have been ongoing for many years. They were now at an end and the British rail Residuary Body was seeking to sell its land. Therefore the site would not be available to the City Council. The ice rink has in any case been recently refurbished and improved.

The Cowley Marsh site was not sufficiently close to the district centres, hence it was not considered. It was roughly equidistant between Cowley Road and the Cowley Centre.

#### Traffic, access and parking issues

The original report to SDCC made it clear that a travel plan was required as one of the conditions of granting permission. Work on this has begun. 168 parking spaces, including overspill parking, would be available at the site, along with parking for 4 coaches. Both Planning and Highways officers were satisfied by this. Highways officers were also satisfied by the information provided on projected traffic movements, and had not made any objection to the plan on the

grounds of traffic congestion. They agreed with the estimate of 58 traffic movements in peak hours.

The bus companies were aware of the proposals and were of the view that the area was well served by buses.

### Human Rights Act

It was clarified that Article 6 of the Human Rights Act was concerned with the right to a fair hearing – that is, where an individual was on trial. That was not the case here. The report had dealt with the Human Rights Act and concluded that this was not infringed by this proposal.

The legal department of the Council would be asked to write to the residents who had raised this, and confirm the above points.

### Section 106 contribution

It had previously been indicated that this should be spent on the immediate locality. There was no firm decision about what the contribution should be spent upon, and there would not be until discussions on the issue were concluded.

### Accuracy of drawings

The drawings were accurate to the best of the planning officers' knowledge and belief. Additional photographs had been submitted and presented that showed the street exactly as it was.

### Environment Agency

The Environment Agency had raised no objection to the planning application. It took a strong line on flooding but had not objected to this, or to the relocation of the football pitch.

### Concerns raised by South East Area Committee

These had been addressed in the report that went to SDCC on 28<sup>th</sup> April. The planning officers were satisfied that all queries raised had been answered.

### Material, trees, archaeological survey and the "green roof"

The materials to be used on the frontages of the building were timber and aluminium. The Tree Officer would be involved with the issue of planting new trees. These would have the aim of softening the appearance of the building in an aesthetically pleasing manner.

The proposals had been examined by the City Council's archaeologist, who was satisfied with them. It was not anticipated that anything of significance would be found on the site.

A Natural Resource Impact Analysis (NRIA) had been carried out. A "green roof" had been considered, but discounted because of the slope of the roof. Also, it might be that the roof would be used for the installation photovoltaic

cells at some point in the future. There was a full plan for rainwater harvesting and drainage.

### Meaning of policies CS14 and CS21

CS14 was a general policy within the Core Strategy concerned with improving the quality of access in the City centre and district centres.

CS21 (green spaces, leisure and sport) was not relevant to the issue before the Committee this evening. This policy would only be engaged if Temple Cowley pool was to close and alternative uses were to be sought for the site. Members were not required to take into account what may or may not happen to other facilities (such as Temple Cowley Pool) on this occasion. The only issue was the planning application that was before the Committee, and it was upon this that the Committee should focus.

### Debate

Councillors present then debated the issues and stated their views. The following points were made during the debate:-

- The application was reasonable and met planning policy as required;
- This would create a multi function centre and there should be consideration of the benefits of the whole building;
- The application would enhance the existing leisure centre and would be a fabulous facility in an area of the City that required regeneration. It was accessible by public transport, well served by buses and within 1 mile of a large number of people;
- The concerns raised by the South East Area Committee had been taken into account and adequately answered in the report that went to SDCC on 28<sup>th</sup> April. However, it was felt that the management plan could be added as a condition to any permission granted;
- It was important that any contribution towards highway improvements should be spent within Blackbird Leys and not elsewhere, and that should be noted. Any discussion should involve City Council ward members as well as those from the County Council;
- Public transport in the area was good and Blackbird Leys was very accessible;
- It was important that such a world class facility was to be built in one of the City's deprived areas. It was hoped that it would encourage young people from all areas of the City to take up exercise;
- Concern remained about the outcome of the Sequential Assessment. There was still an argument that other areas of the City could be considered for this type of facility;
- The issue of accessibility remained and there was still concern that the nearby carriageways would be too narrow for the volume of traffic expected;
- There was still a feeling that this was a pool for Blackbird Leys – but was it the right pool for Blackbird Leys? It might be considered to be too big;

Resolved to:-

- (1) Grant planning permission, subject to a legal agreement in the terms outlined in the report presented to SDCC on 28<sup>th</sup> April 2011, and with the conditions outlined within the same report;
- (2) Add to the above a condition requiring the provision of a management plan as requested by South East Area Committee at its meeting on 4<sup>th</sup> April 2011.

**6. DATES AND TIMES OF FUTURE MEETINGS.**

Resolved:-

- (1) To note the dates of meetings as listed;
- (2) To start meetings of the Planning Review Committee at 6pm.

**The meeting started at 5.00 pm and ended at 7.10 pm**

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