

**East Area Planning Committee**

29<sup>th</sup> May 2012

**Application Number:** 12/00455/FUL

**Decision Due by:** 25th May 2012

**Proposal:** Erection of building to provide 112 student study rooms, 3 parking spaces, cycle parking, access, and landscaping (amended scheme to include additional study rooms from that approved under references 09/01201/OUT and 11/01150/RES).

**Site Address:** Development Site Of Former Oxford Bus Depot 395 Cowley Road, Site Plan **Appendix 1**

**Ward:** Cowley Marsh Ward

**Agent:** N/A

**Applicant:** Berkeley Homes (Oxford And Chiltern) Limited

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**Recommendation:** East Area Planning Committee is recommended to support the development in principle but defer the planning application in order to allow an accompanying legal agreement to be drawn up, and to delegate to officers the issuing of the Notice of Permission subject to conditions on its completion.

### **Reason 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. Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

### **Conditions**

- 1 Commencement
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 Resident warden
- 5 Use as student accommodation
- 6 Occupation by students 1yr full time course
- 7 Students - No cars

- 8 Car/cycle parking provision before use
- 9 Cycle parking
- 10 Landscape plan
- 11 Landscape carry out after completion
- 12 Construction Management Travel Plan
- 13 Construction no mud on highway
- 14 Soakaway - contaminated land
- 15 Foul and surface water drainage system
- 16 Sustainable drainage
- 17 Petrol / oil interceptors
- 18 NRIA

### **Legal Agreement:**

Financial contributions of

- £6,720 to City Council for indoor sports facilities
- £15,960 to City towards affordable housing provision;
- £7,056 to County Library Services within the City; and
- £15,456 to County Highways for cycling improvements.

### **Main Policy Documents:**

#### **Oxford Local Plan 2001-2016**

- CP1 - Development Proposals
- CP2 - Planning Obligations
- CP5 - Mixed-Use Developments
- CP6 - Efficient Use of Land & Density
- CP7 - Urban Design
- CP8 - Design Development to Relate to its Context
- CP10 - Siting Development to Meet Functional Needs
- CP12 - Designing out Crime
- CP13 - Accessibility
- CP15 - Energy Efficiency
- CP18 - Natural Resource Impact Analysis
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- HE6 - Buildings of Local Interest
- HS13 - Institutional Student Accommodation
- HS14 - Speculative Student Accommodation
- HS19 - Privacy & Amenity
- HS20 - Local Residential Environment
- EC1 - Sustainable Employment
- EC2 - Protection of Employment Sites
- EC7 - Small Business
- DS.21 - Cowley Road Bus Depot – Mixed Use Development

#### **Core Strategy**

- CS2 - Previously developed greenfield land
- CS9 - Energy & natural resources
- CS10 - Waste & recycling
- CS13 - Supporting access to new development

CS17 - Infrastructure & Developer contributions  
CS18 - Urban design townscape char & historic environment  
CS19 - Community safety  
CS25 - Student accommodation  
CSP27 - Sustainable economy

### **Housing DPD – Proposed Submission**

HP5 – Student Accommodation  
HP6 – Affordable Housing from Student Accommodation  
HP9 – Design, Character and Context  
HP11 – Low Carbon Homes  
HP14 – Privacy and Daylight  
HP15 – Residential Cycle Parking  
HP16 – Residential Car Parking

### **Other Material Considerations:**

National Planning Policy Framework 2012.

### **Relevant Site History:**

09/01201/OUT: Outline application (seeking access and layout) for the erection of 2092sq m of class B1 floorspace for start up businesses plus 106 student study rooms in 5 blocks on 2, 3 and 4 levels (including the retention and incorporation of Canterbury House). Provision of 28 car parking spaces accessed off Reliance Way, and 3 car parking spaces off Glanville Road, cycle parking and landscaping.  
Approved 17.03.10.

11/01150/RES: Reserved matters of planning permission 09/01201/OUT (for 2092sq.m of class B1 Business floor space and 106 student study rooms), seeking approval of appearance of block B and C and of the student accommodation block.  
Approved 27.01.12

11/02386/VAR: Variation of condition No. 7 of planning permission 09/01201/OUT for Class B1 business use and student accommodation to allow occupation and student accommodation by full time student attending courses of one academic year or more. Approved 27.01.12

12/00457/VAR: Application to vary condition 2 of planning permissions 09/01201/OUT and 11/01150/RES to allow a revised commercial parking layout. Pending decision; approval recommended subject to completion of an amended legal agreement.

### **Representations Received:**

One letter of comment has been received that comments widely on the development of the bus depot as a whole, but in respect of this proposal specifically the neighbour is concerned about overlooking, loss of privacy and light.

### **Statutory and Internal Consultees:**

Highways Authority: No objection. Increased obligation contributions required for additional 6 rooms.

Strategic Planning Consultations Team: No comments to make.

Thames Water Utilities Limited: No objection regarding sewerage or water infrastructure. Informative on water pressure provision recommended.

Thames Valley Police: No objection. Pleased to see applicants have incorporated previous recommendations for reducing opportunities for crime. Encourage incorporation of physical security measures detailed in Secured By Design 2010.

Environment Agency Thames Region: No objection.

## **Officers Assessment:**

### **Background.**

1. Outline planning permission was granted for this part of the former bus garage in March 2010 for a mix of employment use and student accommodation (09/01201/OUT refers), with matters of design and landscaping reserved for further consideration. The appearance of the student accommodation and Blocks B and C of the employment accommodation were approved in August 2011 (11/01150/RES refers). The Outline permission was also varied earlier this year to allow the student accommodation to be occupied by full time students other than the two Universities (11/02386/VAR refers).
2. The application seeks to increase the number of student rooms and consequently alter the appearance of the student accommodation block as approved under the outline and reserved matters permissions.

### **Current Proposals.**

3. The applicant is seeking to provide 6 additional student rooms by converting the under-croft car parking beneath the student building which currently serves the employment buildings. The under-croft parking is filled in to match the character and appearance of the existing building approved, with windows facing on to the employment car parking. There are no other changes proposed to that already approved under the outline and reserved matters.
4. As a result of the loss of the under-croft spaces the rest of the employment car parking accommodation is re-arranged, but with a reduced provision and more cycle parking. This revised layout is considered under application 12/00457/VAR to vary the originally approved layout under 09/01201/OUT which approved 2298sqm of B1 office accommodation with 28 car parking spaces, comprised of 8 under-croft spaces and 20 surface car parking spaces and 40 cycle parking spaces. To create the new student rooms the 8 under-croft spaces are lost, however, the re-arranged car parking layout can only accommodate 2 additional spaces and there would therefore be a net loss of 4 car parking spaces. To compensate for this reduction in provision it is proposed to increase the cycle parking provision by 20 spaces to 60 spaces. The site lies on the main Cowley Road which has good public links in to and out of the city centre, with bus stops right outside. It is therefore considered to be a sustainable location. The Highways Authority has raised no objection

to this revised layout or reduced car parking provision. Officers therefore consider that this revised layout is acceptable and have recommended approval of 12/00457/VAR. The issue of the decision notice is pending completion of an amended S106.

5. The principle of student accommodation has already been approved, as has the overall character and appearance of the building under the previous planning approvals 09/01201/OUT and 11/01150/RES. It is therefore only necessary to consider the minor material changes proposed. It should be noted that some of the objections received have been to the principal of the development, not the specifics of the proposed changes.
6. Officers consider the determining issues in this case to be:
  - the increase in student bedroom numbers;
  - design and appearance;
  - cycle parking; and
  - residential amenities

#### **Increase in Student Bedrooms.**

7. The principle of 106 student bedrooms in this location has already been accepted. The increase in the number of rooms proposed is therefore the only consideration. An additional six rooms are proposed (112 in total) by converting the under-croft car parking spaces. There are no other changes to the approved building. It is considered that an additional 6 rooms could be adequately accommodated in this location and make efficient use of the site without resulting in overdevelopment. The increase would not cause any significant harm to existing residential or commercial amenities. No objection is therefore raised, subject to the imposition of conditions.

#### **Design and Appearance.**

8. The under croft spaces would be filled in brickwork to match that already approved, with each study bedroom window facing onto the car parking, providing additional surveillance and security. It would not be visible from the public realm and would be in keeping with the character and appearance of the approved building. No objection is therefore raised.

#### **Cycle Parking.**

9. Additional cycle parking for the 6 rooms would be provided within the designated cycle parking area approved. The details of the cycle parking are reserved by condition. No objection is therefore raised.

#### **Residential Amenities.**

10. No objections were actually received in relation to this application. However, one letter of comment was received on the variation to the car parking application (12/00457/VAR) but is more relevant to this

application. The Highways Authority has raised no objection to this amount of car parking.

11. In general the comments relate to the development of the whole bus depot itself, but specifically in relation to the student accommodation the neighbour is concerned about noise, overlooking and loss of light and value on her property. The latter concern unfortunately is not a planning consideration. In relation to overlooking and loss of light to neighbouring properties, the building has not changed position, height or proximity to the boundary to that already approved. The new windows to the additional 6 rooms would face the internal car parking court yard for the employment buildings. There would therefore be no increase in overlooking or loss of light from the proposal. In terms of noise, it is considered that an additional 6 rooms would not significantly increase the potential for any noise or disturbance that may or may not be felt as a result of students here in this location. It is therefore considered that there would be no significant adverse impact on residential amenities of neighbouring properties from an additional 6 rooms.

**Conclusion:** Officers recommend that the application be approved subject to a legal Agreement being completed to secure the financial contributions.

### **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

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

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

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers:** 12/00455/FUL

**Contact Officer:** Felicity Byrne

**Extension:** 2159

**Date:** 17th April 2012