

West Area Planning Committee

8th April 2014

Application Number: 14/00163/VAR

Decision Due by: 22nd April 2014

Proposal: Variation of condition 8 (Student accommodation) of planning permission 12/02560/VAR (Variation of condition 7 (occupation by full time students) of planning permission 09/02518/OUT to allow occupation of the development by students in full time education on courses of an academic year or more) to allow occupation of the development including vacation periods.

Site Address: Former Travis Perkins Site, Chapel Street, **Appendix 1.**

Ward: St Clement's

Agent: JPPC

Applicant: A2 Dominion Homes Ltd

The planning application falls within Officers' delegated authority to determine but has been de delegated by Councillor Jones supported by Councillors Fooks, Campbell and Royce for consideration at committee due to the numbers of students involved and ongoing problems of noise and disturbance by students in the area during term time.

Recommendation: Approve, subject to conditions.

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 provides purpose built student accommodation in accordance with outline and reserved matters planning applications previously permitted. As a consequence of the development heavy goods vehicles associated with the previous use of the site as a builders yard have been removed and financial contributions received to mitigate potential impacts of the development. Extending the use during vacation periods is in line with Local Plan policy and makes efficient use of the accommodation which might otherwise be unoccupied.
- 3 Officers have given careful consideration to the single comment received in

response to public consultation, and are mindful of the concerns raised in respect of the potential impact of the development in terms of noise, parking pressures etc, and that the activities associated with the student accommodation would extend into the summer period if planning permission were granted. These concerns can be addressed by conditions already imposed on the development. No comments on the planning application have been received from statutory agencies.

Conditions

1. Time limits.
2. Maximum floorspace & student rooms.
3. Boundary treatment: student accommodation.
4. Boundary treatment: B1 offices.
5. Obscure glazing.
6. Student accommodation – vocational use.
7. Exclusion from CPZ.
8. Tenancy agreement.
9. Emergency access
10. Car parking spaces
11. Car and cycle spaces.
12. Landscape management.
13. Noise attenuation.

Principal Planning Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals
CP5 - Mixed-Use Developments
CP8 - Design Development to Relate to its Context
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
CP21 - Noise
CP22 - Contaminated Land
TR1 - Transport Assessment
TR12 - Private Non-Residential Parking
TR14 - Servicing Arrangements
NE21 - Species Protection
NE23 - Habitat Creation in New Developments
HE10 - View Cones of Oxford
HS19 - Privacy & Amenity
HS20 - Local Residential Environment
TA5 - Tourist Accommodation - Dual Use

Core Strategy

CS2 - Previously developed and greenfield land

CS9 - Energy and natural resources
CS10 - Waste and recycling
CS12 - Biodiversity
CS13 - Supporting access to new development
CS17 - Infrastructure and developer contributions
CS18 - Urban design, town character, historic environment
CS25 - Student accommodation

Sites and Housing Plan

MP1 - Model Policy
SP56 - Travis Perkins, Chapel Street
HP5 - Location of Student Accommodation
HP6 - Affordable Housing from Student Accommodation
HP15 - Residential cycle parking

Other Planning Documents

- National Planning Policy Guidance (NPPF).
- National Planning Practice Guidance (NPPG)

Public Consultation

Statutory Consultees.

None received.

Individual Comments:

One comment only received. Main points:

- Impact on neighbours' amenities.
- Increased traffic.
- Parking issues.
- Increased litter, noise etc.
- No summer relief from students.

Officers Assessment:

Summary of Planning History

1. The site was formally occupied as a builders yard, for many years known as Tuckwells Yard. Subsequently it was occupied by Travis Perkins also as a builders yard who in recent times have relocated to a site at Sandy Lane. Part of the site was developed in the early 1980s for residential purposes accessed off East Avenue at what is now Ablett Close.
2. In 2004 planning permission was sought to redevelop the remainder of the site with outline planning permission being granted in 2005 for 57 x 2 bed flats and 2044 sq m of business floorspace under reference 04/02259/OUT. At that time the outgoing 1997 Local Plan was still in force which did not allocate the site for redevelopment, though the successor Local Plan intended to identify the site as a key employment site under policy EC2. In the event the Plan was adopted in November 2005 as the 2005 Local Plan though by this time the outline permission had been granted.

3. In 2009 a further outline application was submitted under 09/02518/OUT which was similar to the previous one but substituting student accommodation for the residential element. Although no occupier was identified for the business floorspace, the intended occupier for the student accommodation was St. Hilda's College who intended to relocate its graduate students from a number of college owned houses (along Iffley Road in particular) to this site. As part of that process it had committed to return those properties to the open market so that they could be made potentially available for family housing. This would be secured by a S.106 agreement, which would also secure financial contributions to cycling facilities, library services, indoor sports facilities and public realm improvements. The S.106 would also secure exclusion for students at the site from eligibility for residents' parking permits:
Student Accommodation:
 - Contribution of £12,000 to County Council for footway / public realm improvements.
 - Contribution of £138 per student study room to County Council for cycling improvements in the locality.
 - Contribution of £63 per student study room to County Council for library services.
 - Contribution of £60 per student study room to City Council for indoor sports facilities.
 - Contribution of £1000 to County Council's costs of excluding site from eligibility for residents parking permits in the CPZ in operation.Office Accommodation:
 - Contribution of £12,000 to County Council for footway / public realm improvements.
4. The outline permission was followed up by a reserved matters application for the student accommodation only part of the development under reference 11/01712/RES, again with St. Hilda's as the intended occupier. The S.106 commitments followed accordingly. Although St. Hilda's had been the intended occupiers at both outline and reserved matters stages, the planning permissions were not personal to the college, and subsequent to the grant of permission to 11/01712/RES the college withdrew its interest in the development. As a consequence a revised reserved matters application was submitted as 12/01388/FUL which remained essentially as the previous one but without some of the features which the college had sought, such as the central buildings accommodating fitness and meeting rooms etc. These were replaced by a central landscaped area. Again the reserved matters application related to the student part of the site only, with the S.106 requirements following.
5. In May of last year a variation to the outline planning permission was granted under reference 12/002560/VAR which permitted occupation of the development by students other than those of the University or Oxford Brookes University. This arose as the original outline permission had limited occupation to those institutions only, in line with Local Plan policy HS14 in force at the time outline permission had been granted. Subsequently however that policy was superseded by policy CS25 of the Core Strategy which widened the possible occupation to students of other institutions providing

they were on full time courses of at least a year.

6. No reserved matters application was submitted for the business part of the site fronting Chapel Street, and that part of the permission cannot now be implemented. The site remains allocated under policy SP56 of the Sites and Housing Plan however for a mix of residential and employment uses.

Current Position

7. The development has only recently been completed on site and now bears the name “Wavy Line”. Currently students of Oxford Brookes University occupy the northern block of accommodation, and students of King’s College the southern block. King’s College is an independent group of 3 colleges with establishments also in London and Bournemouth. It is registered with the Dept. for Education as an independent school for pupils aged 15 to 19. Its 3 establishments have a typical total enrolment of between 350 and 400 students. In Oxford 50% of the college’s students are enrolled on GCSE A level and foundation courses at the St. Joseph’s Campus in Temple Cowley in preparation for higher education studies. These are provided with accommodation at Wavy Line. The other 50% are enrolled on intensive English Language programmes at the college’s St. Michael’s Street and New Inn Hall Street premises. Those students are accommodated with host families.
8. Since the first occupation of the Wavy Line development last year, Environmental Development colleagues advise that no complaints have been received about its operation.

Variation of Planning Permission

9. The current application seeks to allow the accommodation to be occupied separately during vacation periods by students of summer schools, conference delegates etc in line with policy TA5 of the Oxford Local Plan, which refers to the dual use of accommodation. TA5 reads as follows:
“Planning permission will only be granted for the dual use of established visitor accommodation by students if this will not lead to a substantial loss of visitor accommodation.
Planning permission will be granted for dual use of student accommodation for short - stay visitors and conferences during vacations, provided that the planning application includes a package of sustainable transport measures that would be secured by planning conditions or a planning obligation. Where appropriate, the City council may only allow a temporary change of use.” (My emphasis).
10. The supporting text to the policy reads:
“Dual use of student accommodation during vacation periods for tourist - related uses such as conferences and language schools makes the best use of existing resources. However the City Council will need to ensure that the adverse impact of additional parking on amenity of surrounding properties is properly controlled.”

11. Vacation use in this fashion is common, indeed almost standard, practice for most developments of student accommodation in Oxford but was not sought at the time of the original outline planning application being granted permission as St. Hilda's College as the intended occupier had intended to place its graduate students here who would require accommodation for the whole year.
12. Condition 8 to planning permission 12/02560/VAR which it is now ought to be varied currently reads:

"The student accommodation hereby permitted shall only be occupied by students in full time education on courses of an academic year or more. Management of the development shall be as agreed in compliance with condition 8 of planning permission 09/02518/OUT, namely in the form of a resident caretaker supplemented by 24 hour student warden cover, and a staffed office open from 9.00 am to 5.00 pm Monday to Friday. The telephone number of the student warden service and of A2 Dominion's Customer Service Centre will be displayed at the entrance to the development at all times. These requirements shall in in place upon first occupation of the development and retained at all times thereafter unless otherwise agreed in writing beforehand by the local planning authority.

Reason: In order to maintain the availability of appropriate student accommodation and controls on its management in the interests of amenity, in accordance with policy CS25 of the adopted Oxford Core Strategy 2026."
13. In order to accommodate vocational use as now sought the wording of the condition would be required to be amended by the addition of the following after the first sentence:

"Outside of term time the permitted use may be extended to include accommodation for cultural and academic visitors and for conference and summer school delegates"
14. Although the types of summer school would doubtless vary over the coming years in the event of planning permission being granted for the current variation, the immediate intention is that two groups of students would be attending summer schools and be accommodated at Wavy line, namely the Oxford Summer Academy and Oxford Science Studies Summer School. Both are operated by Oxford International College based at London Place in St. Clements. Attached as **Appendix 2** to this report are details of the two programmes.
15. Whilst the planning application represents a variation to previous permissions granted at this site, it remains a fresh permission in its own right. Where conditions previously imposed have now been satisfied or which are no longer relevant, (eg implementation of agreed landscaping, arrangements during construction) then they have been excluded from the list of conditions suggested above. Where however there is an ongoing requirement (eg landscape management, management of students) they are repeated, but with the amended in the case of condition 8 of permission 12/02560/VAR, as indicated above. As the financial contributions arising from the student accommodation have also now been paid in full, then no further legal

agreement or Community Infrastructure Levy is required.

Conclusion

16. The planning application seeks the modification of condition no. 7 of outline permission 09/02518/OUT and condition no. 8 of permission 12/02560/VAR in order to bring it into line with permissions granted for other developments of student accommodation, as supported by policy TA5 of the Local Plan. In all other respects the intention is to implement the development in accordance with outline permission 09/02518/OUT as varied and reserved matters permission 12/01388/RES and the conditions imposed on them.
17. The application can be supported accordingly, subject to the imposition of the conditions listed at the head of this report.

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 grant planning permission subject to conditions, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: Applications 04/02259/OUT, 09/02518/OUT, 11/01712/RES, 12/01388/RES, 12/02560/VAR & 14/0163/VAR.

Contact Officer: Murray Hancock

Extension: 2153

Date: 27th March 2014

This page is intentionally left blank