

EAST AREA PLANNING COMMITTEE

1st October 2014

Application Number: 14/01688/VAR

Decision Due by: 17th September 2014

Proposal: Variation of condition 6 (occupation by full time students) of planning permission 12/00455/FUL to allow full use of accommodation outside semester and term times for cultural and academic visitors and for conference and summer school delegates.

Site Address: Mansion Mews Glanville Road Oxford OX4 2SY

Ward: Cowley Marsh Ward

Agent: Miss Emma O Gorman

Applicant: Mansion GRCO Limited

Recommendation: East Area Planning Committee is recommended to approve the development for the following reasons and subject to and including conditions including those listed below.

Reasons

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 Resident warden
- 4 Use as student accommodation
- 5 Occupation by students 1yr full time course, out of term/ semester use
- 6 Students - No cars
- 7 Car/cycle parking provision as approved, thereafter maintained
- 8 Landscape as carried out after completion
- 9 Submit details of a management plan for the accommodation

10 Restrict hours of use of the courtyard garden area during summer months.

Principal Planning Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP19 - Nuisance

CP21 - Noise

Core Strategy

CS25 - Student accommodation

Sites and Housing Plan

HP16 - Residential car parking

Other Planning Documents

National Planning Policy Framework

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.
Approved 1st June 2012.

12/00455/FUL: 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). Approved 8th June 2012.

Public Consultation

Statutory Consultees Etc.

- County Drainage Engineer: All extensions / developments which increase the size

of the hard areas must be drained using SUDs methods, including porous pavements to decrease the run off to public surface water sewers and thus reduce flooding.

Individual Comments:

The main points raised were:

- Mansion Mews was built with just 2 or 3 Disabled Parking spaces. The impact to local residents has been massive. Access to Don Stuart Place is often blocked by inconsiderate parking on Glanville Road and the turning into Don Stuart Place. Students park their cars to the edge of the road on Glanville Road and restrict visibility for residents leaving Don Stuart Place. There are near misses every morning with students on bicycles and other car users due to poor inconsiderate parking from students and visitors to Mansion Mews. Their inconsiderate parking makes access for delivery lorries impossible. There is a significant change when students are on holidays.
- The noise and disturbance that it will create for local residents and especially those whose properties are adjacent to Mansion Mews. Current students outside term time have been extremely noisy and inconsiderate of their neighbours, till midnight in some cases. During term time the level of disturbance has been much lower and more occasional.

Officers Assessment:

Background and Proposed Development:

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). These permissions were subsequently superseded by a further new permission which varied the 11/02386/VAR to increase the number of student rooms and alter the appearance of the student accommodation block under 12/00455/FUL.

Condition 6 of permission 12/00455/FUL states:

The student accommodation hereby permitted shall only be occupied by full time students attending courses of one academic year or more at an academic institution in Oxford, and by no other person or persons. Details of the courses that the students occupying the student rooms are enrolled on and the institution which they are attending shall be submitted to the Local Planning Authority at the start of each academic year and thereafter maintained and produced to the Local Planning Authority at their request. The accommodation shall be occupied in accordance with the details submitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and in accordance with Policy CS25 of the Oxford Core Strategy 2026.

The application, which is subsequent to an enforcement investigation, seeks to vary the wording of condition 6 of 12/00455/FUL to also allow use out of semester and term time for cultural and academic visitors and conference and summer school delegates

Issues:

Officers consider the main issue is the principle of the proposed variation, impact on neighbours and parking.

Principle of Development:

The general modus operandi of most of the Oxford Colleges, University of Oxford and Oxford Brookes University and other non-university academic Institutions (languages schools etc.) involves the use of their student accommodation out of term time for foreign students and conference attendees etc. This has been accepted by the Council in many other instances across the City for existing and new College and University developments and also other non-university accommodation. It is therefore considered acceptable to vary the wording of this condition to allow the use of the student accommodation in the same way out of term time, in accordance with CS25 of the Core Strategy.

Residential Amenities:

Consultation comments from neighbouring residents state that the use of the premises particularly during summer months from the students causes substantial noise and nuisance. The existing permission has a condition requiring a resident warden on site, who is responsible for the general management of the student accommodation and who should be mindful of the neighbours and ensure there is no unreasonable or undue nuisance caused by noise, particularly late at night. The student accommodation should therefore be operated on this basis during and outside term time and semesters and this condition can be enforced. In addition, the control of noise and nuisance behaviour can also be resolved and enforced under the Environmental Protection Act or the Noise Act.

Officers fully understand neighbours' concerns. In this case, given the existing condition and other Environmental Legislation, it is considered that there are suitable measures in place to manage the development and any noise and nuisance, and therefore it would be unreasonable to refuse on this ground. However, Officers do consider it appropriate to impose a further condition requiring details of a management plan for the accommodation and restrict the hours of use of the courtyard garden area during summer months to 9pm. The proposal would therefore accord with Policies CP, CP19 and CP21 of the Oxford Local Plan.

Parking:

Consultation comments from neighbouring residents also state that students and visitors to the accommodation are parking indiscriminately on the pavement and street, causing problems for deliveries and pedestrians. This has been part of the enforcement investigation and the Applicant informed of the restrictive condition on

the permission that states students cannot bring cars to Oxford. They have addressed this and are now in compliance.

In respect of this application, the use by other delegates or students during the summer would also be bound by the condition. An informative could be placed on the permission highlighting this fact again. However, it would be unreasonable to refuse the application based on increased car parking, given the extant permission and restrictive condition. No objection is therefore raised under HP16 of the Sites and Housing Plan 2013.

Conclusion: The proposal would accord with the policies of the Local Plan and Core Strategy. Officers therefore recommend that East Area Committee approve the application.

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: 01/01688/VAR

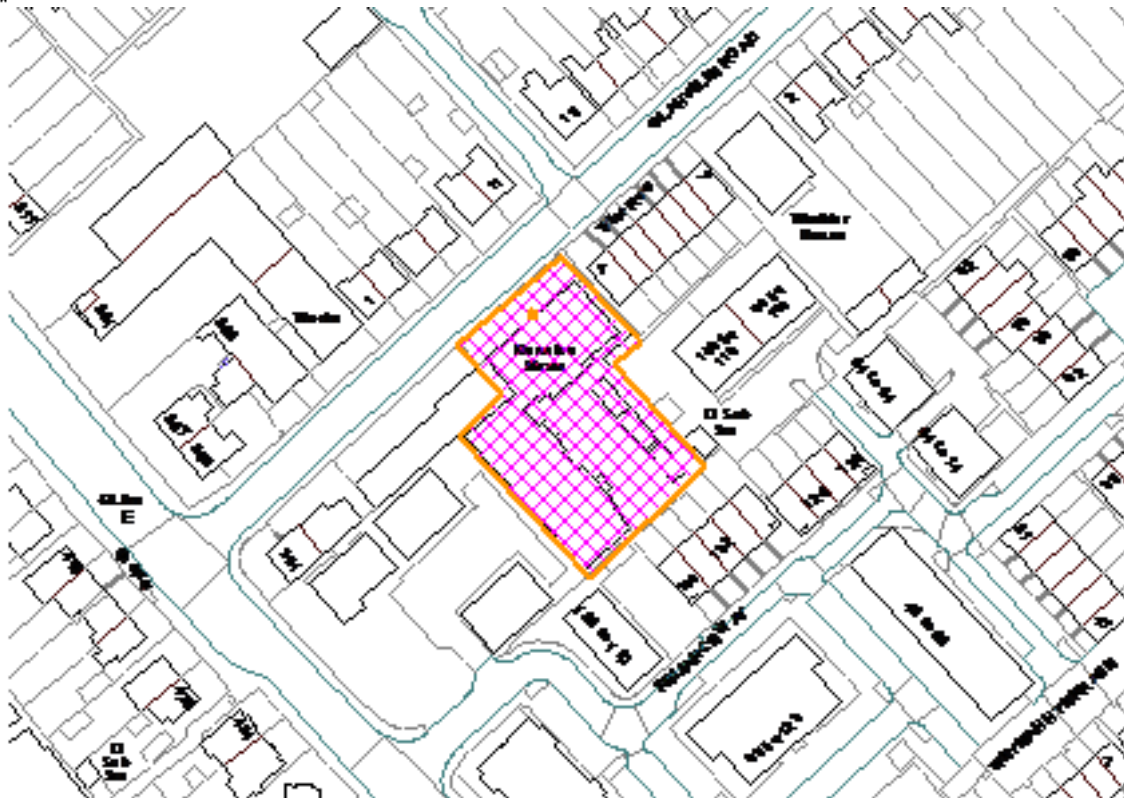
Contact Officer: Felicity Byrne

Extension: 2159

Date: 18th September 2014

Appendix 1

14/01688/VAR - Mansion Mews



© Crown Copyright and database right 2011.
Ordnance Survey 100019348