

West Area Planning Committee

12th November 2014

Application Number: 14/02397/VAR

Decision Due by: 21st November 2014

Proposal: Variation of condition 2 of planning permission 11/02382/FUL (for 55 student study rooms) to allow inclusion of kitchen, dining room/common room, reception area etc.

Site Address: Land at Osney Lane to the rear of 17 - 41 Mill Street,
Appendix 1.

Ward: Jericho and Osney

Agent: Brookes Architects Ltd

Applicant: Cantay Estates Ltd

The planning application has been “called in” to West Area Planning Committee for determination by Councillor Pressel, supported by Councillors Fry, Upton and Clarkson, due to concerns about additional traffic generation, supervision of students and possible noise and disturbance.

Recommendation: Grant planning permission, 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 seeks a variation to an already permitted development of student accommodation located 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 variation relates to dining arrangements only by the inclusion of a dining room / common room and kitchen which allows meals to be provided for students. The use of the site for the intended purpose has been established by previous planning permissions and is well suited for occupation by students as the development would generate little traffic and reduces the need to travel. As such the development makes good and efficient use of the land for the intended purpose.
- 3 Objections to the development have related to the additional traffic generated

by daily deliveries now required, though officers consider the additional movements to be very few and insufficient to warrant refusal of planning permission for that reason.

Conditions

- 1 Develop in accordance with approved plans
- 2 Privacy louvres
- 3 Management of students
- 4 Out of term use
- 5 Tree protection
- 6 Trees - no felling, lopping, topping
- 7 Landscape - underground services
- 8 Tree protection plan
- 9 Root protection area
- 10 Landscape plan
- 11 Landscape carry out after completion
- 12 Landscape management plan
- 13 Students no cars
- 14 No car parking on site
- 15 Control of access
- 16 Delivery times
- 17 Cycle parking
- 18 CCTV
- 19 Boundary treatment
- 20 Ground contamination
- 21 Vibration
- 22 Noise attenuation
- 23 Facilities for disposal of fats, oils, grease etc from kitchen.
- 24 Flood risk assessment
- 25 Sustainable drainage
- 26 Sustainability
- 27 CEMP
- 28 Travel plan
- 29 Archaeology
- 30 Public art
- 31 Wildlife habitats

Legal Agreement and Community Infrastructure Levy (CIL):

The planning permission to which this current application seeks a variation was granted before Community Infrastructure Levy (CIL) arrangements were adopted but secured the following sums by S.106 agreement:

- £30,000 towards public realm improvements to Osney Lane adjacent to entrance of site.
- £3,583 towards library facilities within the City.
- £3,425 towards indoor recreation facilities within the City.

These sums have been paid in full and no further contributions are therefore required.

Principal Planning Policies:

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
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 - Tourist Accommodation - Dual Use

Core Strategy

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

Sites and Housing Plan

HP5 - Location of Student Accommodation
HP6 - Affordable Housing from Student Accommodation
HP9 - Design, Character and Context
HP15 - Residential cycle parking

Other Planning Documents

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance

Public Consultation

Statutory Consultees Etc.

- Thames Water Utilities Limited: No objection in respect of water infrastructure capacity; recommend installation of facilities for disposal of fats, oils and grease from kitchen.
- Environment Agency Thames Region: No objections.
- Oxfordshire County Council: No response will be given to the planning application.

Individual Comments:

The main points raised from local residents are:

- potential for noise and disturbance;
- amendments to building already undertaken;
- noise from additional deliveries;
- increased traffic and parking difficulties;
- access and parking arrangements on site;
- control of car parking outside term time;
- potential for inclusion of bar; and
- privacy louvres not shown on plan drawings. *(NB: amended drawings now received indicating privacy louvres).*

Officers Assessment:

Background to Proposals.

1. In December 2011 Committee resolved to grant planning permission for the construction of 55 student study rooms at this linear site to the rear of 17 to 41 Mill Street and to the west of the Becket Street Rail Users car park. At that time this brownfield former railway land was overgrown and not in active use. The development was permitted on two floors with its entrance at the southern end accessed from the western arm of Osney Lane near the western side of the footbridge crossing the car park and railway line. **Appendix 1** refers. The building permitted is now nearing completion and is constructed in the main of red and buff brickwork.
2. The development is intended to be managed by Cherwell Tutorial College for occupation by its pre university students, generally in the 16 to 18 age group. Although this current application seeks to vary the previous permission, it does not involve any external changes to the building as previously permitted but does propose a reorganisation of the internal space in order to provide a dining room / common room plus kitchen instead of a series of smaller kitchenettes. This would allow dining facilities to be provided for students rather than the development being self catering.
3. The provision of a kitchen and dining room would allow a cold morning breakfast to be provided for students plus a hot evening meal. Meals would be partially prepared off site and completed in the kitchen on site. At 30 sq m the kitchen is too small for full catering in any event. Some 40 covers would

be available in the dining room with student meals timed for a period of 90 minutes each morning and evening. Outside of meal times, the dining area would be available as a common room, with vending machines dispensing drinks and snacks. No bar is provided, and indeed the college will not permit alcohol on the premises. As previously each student study room would possess its own en suite shower room as well as writing desk, bookshelves, storage facilities etc. Disabled access is provided to the development and rooms available suitable for occupation by a disabled student.

4. The previous permission was subject to an accompanying legal agreement, referred to above, plus a series of planning conditions which would be carried through to this current application if permitted.

Planning Policy.

5. The previous planning permission had been granted before the publication of the National Planning Policy Framework (NPPF) or the adoption of the Sites and Housing Plan. The latter identifies at policy HP5 the locations where student accommodation would be considered favourably subject to other policy considerations, namely at existing university or college educational sites; at hospital or research sites; within the city centre or district centres; on or adjacent to a main thoroughfare; or at an allocated site. Whilst the development does not meet these criteria, the original permission predates these requirements with the current application representing a relatively minor variation to that permission. In any event in recommending the 2011 application to committee officers had commented that this linear brownfield site had little potential for other uses due to its adjacency to the railway line and its poor access for commercial purposes via a residential street, and that student accommodation therefore represented a good use of the site.
6. In summary Officers have concluded that the current application does not raise any land use policy issues, but rather that the key determining issues are:
 - access, traffic and parking;
 - supervision of students;
 - potential for noise and disturbance; and
 - imposed planning conditions.

Access, Traffic and Parking.

7. Access to the development, both vehicular and pedestrian, is taken from the western arm of Osney Lane with a single car parking space provided for the resident warden, some 30 cycle parking spaces for students, and turning space for delivery vehicles. Approximately 8 x 2 hour short stay visitor spaces are available near the entrance in Osney Lane within the Controlled Parking Zone in operation, with public transport facilities available at the nearby railway station. A requirement of the previous permission was that students did not bring vehicles to the site, and in any event most of the students present would not possess a driving licence. Traffic generation to the site would therefore be low, indicated by the applicant to be as follows:

- domestic waste collection by local authority - twice weekly;
 - catering deliveries - once daily by refrigerated vehicle;
 - cleaning - daily;
 - linen deliveries – weekly;
 - landscape maintenance - twice weekly; and
 - postal deliveries - as and when.
8. These arrangements are the same as intended for the previous permission, with the addition only of a daily delivery of food for the meals now to be provided. Where deliveries or collections are within the control of the applicant, they are intended to be outside of peak hours. A condition is suggested accordingly. Students would typically arrive or depart at weekends.
9. The Highway Authority did not previously object to the proposals subject to conditions, and have not chosen to comment on the current applications. Planning Officers similarly conclude that these arrangements are acceptable

Supervision of Students.

10. A resident warden's flat is provided within the development, located near the entrance. Also provided is a reception area which would be staffed each day between 8.30 am and 7.30 pm. Adult supervision is provided on site at all times. These details have already been agreed with the applicant with these requirements being carried forward to this latest application if permitted.
11. Moreover the college has a duty of care to the students it is responsible for and employs a Welfare Officer accordingly. It also has internal procedures in place for breaches of discipline or absenteeism. The college pursues its own *Personal, Social, Health and Economic Education (PSHE) Policy* and is required to deliver the National Curriculum for its students.
12. The level of supervision provided is therefore in excess of what is often provided at developments of student accommodation, and appropriate for the typical age of student present. Again officers recommend that these arrangements be accepted.

Noise and Disturbance.

13. The existing permission was granting subject to planning conditions requiring details of attenuation from railway noise and vibration to be submitted and agreed. Specialist consultants reports subsequently submitted have been scrutinised by Environmental Development colleagues and agreed accordingly. Officers are satisfied therefore that occupants of the development are protected from any nuisance caused by noise or vibration.
14. In terms of any potential for noise breakout which may impact on neighbouring properties, nearby residential properties are generally located at a good distance from the site. The nearest properties are at 3 to 6 Abbey Walk which are located at approximately 14m distance, though the facing elevation displays only 2 non habitable (bathroom) windows. Nos. 1 and 2

Abbey Walk are located at approximately 17m. The nearest point of the residential properties in Mill Street are at more generous distances, varying from 30m to over 40m. These relationships are of course as previously permitted, the only change in circumstances being the creation of a dining room and single kitchen to replace a series of smaller kitchenettes.

15. Whilst the concerns of local residents are noted, there will be no bar on site and there will be 24 hour supervision. Officers are satisfied therefore that adequate controls are in place to ensure noise and disturbance is not caused to local residents.

Planning Conditions.

16. In permitting the previous permission early in 2012 a raft of conditions were imposed on the development, a number of them requiring further details to be submitted and agreed and others imposing an ongoing requirement. These details have been agreed by officers under delegated authority in the normal way and remain in force. However as the intention now is to implement this latest variation application, then it is required that the imposed conditions carry through to this latest application if permitted.

Other Matters.

17. In the 2012 permission west facing windows to the development were angled to avoid any direct overlooking of neighbouring properties, notwithstanding that most of the Mill Street properties are located at a good distance from the development in any event. However at the southern end the closest windows were also fitted with privacy louvres to provide additional protection for the closest properties at Abbey Walk. In this current application these louvres were not indicated in the submitted floor plan drawings but were shown in the elevational ones. This error has now been corrected and a revised floor plan drawing received, though the louvres have yet to be installed on the building. A condition is therefore required that the development cannot be occupied until such time as the louvres are installed, and that they should remain in place at all times thereafter.

Conclusion.

18. The planning application represents a relatively minor variation to the permission previously granted, with the creation of dining facilities for students to replace self catering arrangements. This allows better supervision which is an important consideration as students will be enrolled on pre university courses and will therefore generally be within the 16 to 18 age group.
19. Officers are satisfied that with a resident warden and 24 supervision of students, adequate controls are in place and the proposal can be supported as a variation to the 2012 planning permission.

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, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: Applications 11/00927/FUL; 11/02382/FUL; 14/02397/VAR.

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Date: 29th October 2014