

EAST AREA PLANNING COMMITTEE

4th March 2015

Application Number: 14/03204/OUT

Decision Due by: 6th March 2015

Proposal: Demolition of existing office accommodation at Rivera House and Adams House. Construction of up to 98 student study rooms with provision for disabled car parking spaces and cycle parking. (Outline application with all matters reserved)

Site Address: Rivera House And Adams House, Reliance Way –
Appendix 1

Ward: Cowley Marsh Ward

Agent: Mr Nik Lyzba

Applicant: Cantay Estates Ltd

Recommendation:

APPLICATION BE REFUSED

Reasons for Refusal

- 1 The proposed development would result in the loss of employment accommodation in the absence of robust justification to the detriment of the economic vitality of the city and the important balance between employment and housing as a means of achieving sustainable development. Consequently the proposals fail to accord with the requirements of policy CS28 of the Oxford Core Strategy 2026 as well as the National Planning Policy Framework.
- 2 The proposals would inevitably result in a height and scale of development that would, in combination with the existing adjacent four storey development, unacceptably dominate and impose itself upon the wider Cowley Road streetscene to the detriment of the character and appearance of the surrounding area as well as a significant adverse impact on the setting of the adjacent non-designated heritage asset of Canterbury House. Moreover, the intensity of development proposed would be likely to lead to an overdevelopment of the site such that it would provide a poor quality environment within the site for future student occupiers with inadequate car parking and vehicle manoeuvring space together with insufficient quality and quantity of outdoor amenity space. Consequently, and in the absence of the submission of an appropriate indicative scheme to indicate otherwise, the

proposed development cannot reasonably be considered to be able to deliver a scheme that is of a scale, form, density and layout that is appropriate for its intended use and context. The proposals are therefore found to be contrary to the requirements of policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan 2001-2016, policies CS18 and CS25 of the Oxford Core Strategy 2026 as well as policies HP5 and HP9 of the Sites and Housing Plan 2011-2026.

- 3 Having regard to the amount of student accommodation proposed together with the existing student accommodation on the adjacent site as well as the proximity of family dwellings, the proposed development would be likely to cumulatively give rise to a level of noise and disturbance that would cause significant harm to the amenity enjoyed by occupiers of nearby dwellings and have a significant impact on the mix and balance of the local community to the detriment of the character of the immediate area and successful community cohesion. Consequently in this respect the proposals are found to be contrary to the requirements of policies CP1, CP10, CP19 and CP21 of the Oxford Local Plan 2001-2016 as well as policy HP5 of the Sites and Housing Plan 2011-2026.
- 4 As a result of the proposed redevelopment of the site there would be inadequate car parking provision to serve the adjacent retained offices of Canterbury House. Such an arrangement would only be likely to further prejudice the attractiveness and suitability of these employment premises to potential occupiers in the long-term giving rise to further harm to the overall balance between employment and housing in this city. Consequently the proposals are considered to be contrary to the requirements of policy TR3 of the Oxford Local Plan 2001-2016 as well as policy CS28 of the Oxford Core Strategy 2026.
- 5 In the absence of the submission of any information to allow the local planning authority to assess whether a final scheme could meet planning policy requirements in relation to its sustainable design and construction credentials as well as the necessary on-site renewable energy generation, it cannot be reasonably concluded that a final scheme could deliver genuinely sustainable development. Consequently the proposals are found to be contrary to the requirements of policy CP18 of the Oxford Local Plan 2001-2016, policy CS9 of the Oxford Core Strategy 2026 as well as policy HP11 of the Sites and Housing Plan 2011-2026.

Legal Agreement:

If Committee resolves to approve the application against the advice of officers then before the issuing of a decision a legal agreement would need to be completed to ensure that the necessary financial contribution is secured towards delivery of off-site affordable housing.

The development is liable for CIL though the amount is not known at this stage as this is an outline application. Actual CIL liability would only become known at reserved matters stage and it is only at this point that a liability notice would need to

be generated if the application was to be approved.

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
CP18 - NRIA
TR3 - Car Parking Standards
TR4 - Cycle Parking Standards

Core Strategy

CS2 - Previously developed and greenfield land
CS9 - Energy and natural resources
CS12 - Biodiversity
CS13 - Supporting access to new development
CS18 - Urban design, town character, historic environment
CS25 - Student accommodation
CS28 - Employment sites

Sites and Housing Plan

HP5 - Location of 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 Planning Documents

Affordable Housing and Planning Obligations SPD
Natural Resource Impact Analysis SPD
Parking Standards, Transport Assessments and Travel Plans SPD

Other Material Planning Considerations:

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

Public Consultation:

Statutory Consultees:

Environmental Development – The site was remediated to a commercial end use standard in 2012. To ensure that the site is suitable for a residential development a

condition requiring a phased contamination risk assessment would need to be imposed if planning permission is granted.

Thames Water – Inadequate information has been submitted to all Thames Water to determine whether there is sufficient waste water capacity in the existing sewerage networks. In the absence of this information a Grampian condition would need to be imposed if planning permission is granted preventing any development from taking place before details are provided of the means of connection to the public system and that there is sufficient capacity to accommodate it.

Environment Agency – Given the site's previous use, a condition should be imposed requiring development to cease in the event of finding unexpected contamination during construction and a remediation strategy agreed by the LPA detailing how the contamination would be dealt with.

Oxfordshire County Council (Local Highway Authority) – No objection despite concerns that delivery and servicing access together with on-site disabled car parking and loading/unloading at beginning and end of academic terms could lead to congestion within the site and further parking pressure in Reliance Way. Concern is also expressed about the indicative layout and whether this leaves sufficient space for reasonable access to bin and cycle storage. The central courtyard is also very constrained and whilst the Transport Statement indicates that small operational vehicles and could manoeuvre within the site, this has not been demonstrated by swept path analysis. It should also be confirmed that bins would only be collected from Reliance Way or Cowley Road as there is not enough space within the site for refuse vehicles. The access from Reliance Way is also very narrow with limited vision splays and could prove dangerous if used by cyclists in directions as well as pedestrians and motor vehicles. If approved, conditions would need to be imposed requiring an updated Travel Plan as well as a financial contribution towards its monitoring in addition to an on-site warden, restrictions on car ownership and limitation to full time students.

37 third party objections were received in response to public consultation and their comments are summarised below:

- The former bus depot site was an important employment hub and the redevelopment for student accommodation was only approved and found to be planning policy compliant due to the provision of these office buildings. They should therefore be retained.
- The immediate area including Glanville Road is 'overrun' with student accommodation and cannot tolerate any more without causing significant noise, car parking pressure and a complete change to the character of the area.
- The existing office buildings could be used for a variety of purposes useful to the community instead of student accommodation.
- Cowley Road/Reliance Way is one of the most densely populated parts of the city and this would cause further disturbance, traffic and parking problems.
- The development does not include sufficient car parking provision and, whilst the universities claim that students are restricted from bringing cars to the city, this is simply not the case and enforcing such car ownership is unenforceable.
- The applicant has deliberately put inadequate effort into marketing the officers

and overpriced them simply to justify their conversion to this more financially lucrative student accommodation.

- Canterbury House was the residence of important Victorian photographer Henry Taunt and the proposed development would have an adverse impact on the heritage significance of this building.
- Existing student accommodation already causes significant noise for local residents and the police have had to be called several times. A greater concentration of student accommodation would only increase this impact on the local community and change the atmosphere of the area.
- There have never been any signs up on the site advertising the offices as 'to let' and, when enquiries were made by a local business, the rates required were unreasonable particularly for start-up businesses.
- Planning conditions restricting students from bringing cars to the city are unenforceable. The Data Protection Act prevents universities and colleges finding out the owners of vehicles from the DVLA based on their registration plates.
- The development would put pressure on an already strained sewerage network.
- The adjacent Mansion Mews development proves that it is not possible to enforce against students bringing cars to the city. The area is also subject to severe parking pressure and the area cannot take any more.
- The concentration of so many students in one area will form a 'student ghetto' to the detriment of the character of the area and the living conditions of nearby residents.
- The land should instead be used to provide affordable family housing if no occupiers can be found for the offices.
- It would represent a terrible environment impact and use of natural resources to demolish recently constructed office buildings.
- The entry to Reliance Way is already hazardous due to indiscriminately parked cars, particularly for cyclists. and this development would only increase this risk to highway safety.
- The development would not aid in the creation of a mixed, balanced and cohesive community.

One comment of support was received highlighting the overall benefits of students to the vibrancy and economy of Oxford.

No details of any pre-application consultation by the developer was submitted with the application and so it is not thought that any such consultation was carried out by the applicant.

Relevant Site History:

00/01326/NOY - Demolition of depot building, offices, hostel/social club and ancillary buildings. Outline application for residential development of 227 dwellings (houses and flats) and 287 parking spaces: 2,322 sq.m. managed business space (starter units) and associated parking. Provision of 1.52 acres grassland area adjoining Barracks Lane. Closure of 1 vehicular access to Cowley Road and alterations to second vehicular access. Extension of Saunders Road into site, new vehicular accesses between 17 and 18 Saunders Road. Provision of vehicular access to

Glanville Road (means of access only). Amended site area and plans. **Permitted 6th August 2002.**

00/01327/NOY - Demolition of depot building, offices, hostel/social club and ancillary buildings. Outline application for residential development of 227 dwellings (houses and flats) and 287 parking spaces: 2,322 sq.m. managed business space (starter units) and associated parking. Provision of 1.52 acres grassland area adjoining Barracks Lane. Closure of 1 vehicular access to Cowley Road and alterations to second vehicular access. Extension of Saunders Road into site, new vehicular accesses between 17 and 18 Saunders Road. Provision of vehicular access to Glanville Road (means of access only). (Amended site area and plans). **Withdrawn 2nd August 2002.**

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 space off Glanville Road, cycle parking and landscaping. **Permitted 17th March 2010.**

11/01150/RES - Reserved matters of planning permission no. 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. (Amended plans). **Permitted 12th August 2011.**

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. **Permitted 1st February 2012.**

12/00457/VAR - Application to vary condition 2 of planning permission 09/01201/OUT and condition 1 of planning permission 11/01150/RES to allow a revised commercial parking layout. (Additional Information). **Permitted 1st June 2012.**

11/01150/NMA - Application for a non-material minor amendment to planning permission 11/01150/RES involving alterations to Commercial Buildings B and C.. **Permitted 25th June 2012.**

13/01925/B56 - Application for prior approval for change of use from offices (use class B1(a)) to 3 x 1-bed and 13 x 2-bed dwellings (use class C3). **Refused 11th September 2013, allowed and appeal and later quashed by the courts. Awaiting re-determination at appeal though it is now expected that the Planning Inspectorate will decline to determine the appeal.**

Officer's Assessment:

Application Site and Locality

1. The application site comprises part of what was formerly Oxford bus depot until this was redeveloped in recent years to provide 106 student bedrooms in five blocks

to the rear of the site as well as three storey office blocks at the front. Whilst the student accommodation element of the development has been completed (and now known as Mansion Mews), only two of the three approved office buildings have been constructed. These two existing office buildings have barely been occupied since their construction and the site has been left looking incomplete with hoarding still left around it, both hard and soft landscaping not fully laid out and the third approved building not constructed.

2. The site lies along the northern side of Cowley Road between the residential roads of Reliance Way and Glanville Road. It is approximately midway along Cowley Road between The Plain at one end and Cowley district centre at the other. Its location is such that it is not located within any of the City's designated transport district areas.

3. Contiguous with the northwest boundary of the site lies the Victorian era double-gabled two storey building of Canterbury House that has been in office use for many years though now vacant. It was once formerly both the home and studio of renown Oxford photographer Henry Taunt. Abutting the site to the northeast lies the existing timber-clad four storey student accommodation block of Mansion Mews and to the southeast lies the modern residential properties of Reliance Way.

4. The site can be seen within its location on the site location plan attached as **Appendix 1**.

Description of Proposed Development

5. The application is in outline and seeks consent for the demolition of the existing two office buildings (Rivera House and Adams House) as well as part of the existing Canterbury House and the erection of buildings comprising up to 98 student study rooms as well as associated disabled car parking, cycle parking and landscaping. All matters have been reserved and so no details are provided of either the scale, layout, external appearance or landscaping and whilst access is also reserved some details of the access arrangements must be shown as minimum. Vehicular access is proposed from Reliance Way as well as pedestrian links to Cowley Road. As the application is in outline all submitted visualisations, massing models and proposed site layout plans are for indicative purposes only with the exception of clarifying access points to the site.

6. Officers' consider the following to be the principal determining issues in this case:

- Principle of Loss of Employment Site;
- Principle of Student Accommodation;
- Urban Design;
- Affordable Housing;
- Car Parking and Access;
- Impact on Neighbouring Amenity;
- Quality of Student Accommodation;
- Energy efficiency;
- Flood risk;
- Ecology;
- Trees/Landscaping;

- Land contamination.

Principle of Loss of Employment Site

7. The application site is currently in a lawful employment use with its buildings (both those existing and those approved but not constructed) providing office space (Use Class B1a). These buildings were required to be constructed to mitigate the loss of employment generating land as a result of the redevelopment of the majority of the former bus depot site for student accommodation. The use of these buildings for office use in addition to Canterbury House is secured by both condition and legal agreement. The recent quashing of an appeal decision in the courts clarifies that there are no permitted development rights available for these buildings to be converted to a use outside Class B1 purposes.

8. Policy CS28 of the Core Strategy resists the loss of employment sites such as this except where either:

- Overriding evidence is produced to show the premises are causing significant nuisance or environmental problems;
- No other future occupier can be found despite substantial evidence to show the premises have been marketed appropriately.

9. This policy seeks to ensure that the important and sustainable balance between job opportunities and housing is maintained and preferably enhanced within the city. In this respect the policy reflects that set out in the NPPF which emphasises the importance of sustainable economic growth and encourages local planning authorities to plan for balanced communities with job creation matching housing growth.

10. The two existing office buildings have been genuinely occupied in part and for only a very short duration. Their previous use or the likely impacts of they were brought into use would not in officers' view give rise to significant harm to neighbouring amenity in terms of noise, disturbance or indeed car parking pressure. The applicant has not made this claim either and indeed has instead attempted to rely on providing evidence that there is no interest in occupation of the building.

11. In this respect a document produced by Carter Jonas has been submitted to support the application. However, this document does not detail all expressions of interest or provide evidence for the rates and tenancy conditions under which the officers were offered to the market. There is at least anecdotal evidence from one of the third party representations that an interest was expressed in occupation of part of the office building yet 'unreasonable' rates were offered dissuading them from viewing the premises. The document therefore is not sufficiently comprehensive and detailing all enquiries about the premises and the reasons why these enquiries did not proceed further. Moreover officers' themselves, have rarely seen any signage or advertising at the site indicating that office premises were available to let. This view is supported by the comments of a number of third parties in their consultation responses.

12. Of equal concern to officers is the overall condition of the site and its incomplete appearance that will inevitably reduce its attractiveness to potential

occupiers. It is thought that the offices would typically appeal to small and start-up businesses that would often wish to move into fitted out offices. Many of the offices have no fixtures and fittings which would dissuade some businesses. Of greater concern is the poor quality hardsurfacing of the car parking and circulation areas, the sporadic planting and the failure to complete the development leaving hoarding and construction materials on the site. In this context and with the clear lack of genuine marketing attempts it is not surprising that the officers have not been occupied. Consequently officers simply cannot conclude that these offices, particularly given their sustainable location close to a large potential employment base, are not of interest to potential business occupiers. Officers recognise general planning policy support for student accommodation to alleviate pressure on existing house stock however a supply of appropriate business accommodation in sustainable locations is essential to securing the sustainable growth of the city and prosperity of its residents. For this reason the principle of their loss is not accepted by officers and in this respect is found to be contrary to the requirements of policy CS28 of the Core Strategy as well as national policy set out in the NPPF.

Principle of Student Accommodation

13. Notwithstanding officers' in principle objection to the loss of this employment site, the principle of constructing student accommodation in this location must also be considered. In this respect policy HP5 of the SHP is material and supports the development of student accommodation on, inter alia, main thoroughfares including Cowley Road. Such support is predicated on the basis that these roads are better served by public transport and within easier reach of education establishments, amenities and facilities. Such roads are also generally more suited to student accommodation as they are less likely to feature quiet residential areas which would be more susceptible to noise and disturbance associated with the transitory nature of student occupation and therefore potentially detrimental to its character.

14. Whilst in principle student accommodation is appropriate on this site, officers have concerns about the level and intensity of student accommodation in this more residential part of Cowley Road particularly given the cumulative effect taken together with that of Mansion Mews on the character of the immediate area and enjoyment of family homes in Glanville Road and Reliance Way. However, such impacts will be discussed later within the report when officers consider the impact on neighbouring amenity.

Urban Design

15. Policies CP1 and CP8 of the Local Plan require new development to create an appropriate visual relationship with the surrounding area in terms of scale, form, layout and design detailing. Policy CP8 of the Local Plan stresses that new development in prominent locations should enhance the character of the area by responding positively to features of local distinctiveness. Policy CS18 of the Core Strategy requires high standards of architecture and urban design generally that respects the sites and its surroundings. Policy HP9 of the SHP is residential specific though reflects other design related development plan policy requirements including that new development should exploit opportunities to sustain and enhance the significance of heritage assets and make a positive

contribution to local character and distinctiveness. Together these development plan policies reflect that set out in the NPPF which emphasises the importance of good design in sustainable development and adds that *“development that refuses to take the opportunities available to improve the character and quality of an area and the way it functions should be refused”*. It also adds that local planning authorities should require applicants to describe the significance of any heritage assets affected including any contribution made by its setting. It also adds that the significance of non-designated heritage assets should be taken into account in decision making and that the weight afforded to it should have regard to the scale and harm to its significance.

16. Whilst the proposals are in outline only, 98 student study rooms would be provided on site and the submitted indicative drawings indicate that this number of rooms could realistically only be achieved on the site through an arrangement of four storey buildings. Officers consider the very principle of four storey buildings on the site, particularly along the Cowley Road frontage to be objectionable. A building (or buildings) of this height and mass would introduce a long stretch of particularly high rise development when seen in combination with the adjacent four storey residential complex off Glanville Way. Indeed from the submitted indicative plans the proposed buildings could be even higher than this. The visual impact on the streetscene would be dominant and cumulatively result in a fundamental change to the character of the surrounding area which is more typically residential in scale and nature along this part of Cowley Road. In combination with the existing large scale student accommodation to its rear (Mansion Mews) and the adjacent four storey flatted complex this would give rise to a level and therefore appearance of urbanisation that is beyond that appropriate for the site's context.

17. Adjacent to the site is Canterbury House, a traditional two storey double-gabled Victorian building that was once the home and studio of renowned Oxford photographer Henry Taunt. It is therefore of architectural as well as historical interest. Part of this building, perhaps a later extension to it, is proposed to be demolished as part of the development. Officers consider Canterbury House to represent a non-designated heritage asset to which due weight should be given to the desirability of preserving it and as well as its setting in accordance with the NPPF. The applicant has not submitted any kind of heritage assessment as part of the application which should appraise the heritage significance of this building and assess the impact of the proposed development on its significance. In the absence of any such assessment, which in itself is contrary to the requirements of the NPPF, officers have made their own assessment on the likely impact of a development of the scale proposed. It is clear to officers that the erection of a four storey building along the Cowley Road frontage that is set forward of the building line of the Canterbury House building would overbear this existing building and create a stark, incongruous and ultimately unsympathetic transition from the four storey student accommodation down to the two storey Canterbury House that would dramatically affect appreciation of it in views from Cowley Road. The demolition of part of the existing building is also a concern as in the absence of a detailed assessment of its heritage significance, officers cannot conclude that this part of the building is of little value. In this respect, and in the absence of the submission of a heritage assessment or indicative scheme

demonstrating otherwise, officers find that the proposals would be likely to cause significant harm to the setting of a non-designated heritage asset, an impact not outweighed by public benefits contrary to the requirements of the NPPF.

18. Whilst the layout of the proposed development is left to a reserved matter, an indicative proposed layout has been submitted as part of the application. Whilst this does not necessarily indicate the final layout it is clear to officers that a development involving a combination of three and four storey buildings is likely and these would need to be set around a central courtyard. The space available within the site is however very limited and it would be overshadowed and heavily enclosed by the new buildings as well as the existing Mansion Mews student accommodation to the northeast.

19. The result would be a poor quality external environment for future occupiers with completely inadequate provision of outdoor amenity space that would not be likely to be used due to its position, shadowing and overbearing mass of surrounding buildings. The proposed indicative layout is also considered to be poor given that its utility is adversely affected by that fact that it is bisected by a path leading to a large and probably unpleasant-looking mass of cycle storage that dominates the rear part of the site. This area would be particularly poor as space for meaningful recreation space and soft landscaping would be limited whilst it would also be overborne by the large flat roof mass of the existing Mansion Mews building. Whilst development plan policy discourages the provision of car parking facilities for students, it is necessary to include appropriate car parking for disabled students as well as delivery and servicing areas together with capacity for loading/unloading of cars at the beginning and end of academic terms. Given the level of development proposed officers are not convinced that this provision could be adequately met with the likelihood that there would be a poor quality and congested arrangement within the site giving rise to unnecessary additional parking and turning within Reliance Way which is already subject to parking pressure. The overall inadequate size and poor quality of the outdoor environment within the site is a strong indication that the proposals are simply attempting to overdevelop the site beyond that which is appropriate given its context and the use proposed.

20. In conclusion, officers are of the view that the proposals would be unacceptable in this respect given that the proposals would result in a poor quality, incongruous overdevelopment of the site such that it would not be visually appropriate to its context or of a layout likely to be suitable to serve the intensity of student occupation proposed.

Affordable Housing

21. Policy HP6 of the SHP requires student accommodation providing 20 or more bedrooms to make a financial contribution towards off-site provision of affordable housing in the interests of creating mixed and balanced communities. Such a contribution equates to £140/sq m which would need to be secured as a planning obligation though would depend on the scale of the final development proposed. The applicant has agreed to enter into a legal agreement to secure the necessary contribution if planning permission was to be granted. If Members resolve to grant planning permission contrary to officer recommendation, the final

decision should be deferred to officers to allow for the satisfactory completion of this legal agreement.

Car Parking and Access

22. Policy HP16 of the SHP does not support the provision of dedicated car parking to serve student accommodation so that car ownership is not supported in the interests of reducing parking and traffic congestion for residents. To achieve this where outside a controlled parking zone, a management regime would need to be agreed with the Council in advance of the occupation of the development including details of how the enforcement of car parking would take place. However, some operational car parking would be required as well as disabled parking provision.

23. Whilst the indicative site layout plan shows sufficient provision of wheelchair accessible parking spaces, there is very little usable space remaining within the site in which delivery and servicing vehicles could manoeuvre. Furthermore, there is almost no space at all for operational parking to serve students and their families arriving and departing at the start and end of terms. All of this is likely to give rise to a particularly congested internal environment within the site and numerous conflicts between users of the site. As the surrounding roads are not covered by a controlled parking zone, on-street parking is not enforced so any operational parking would only exacerbate existing parking pressure within Reliance Way and Glanville Road. Whilst the indicative site layout is not necessarily the final design, there is no evidence submitted to convince officers that the car parking and access needs of the proposed development could reasonably be adequately addressed by submissions as part of reserved matters.

24. As a minimum, applications for outline planning permission must show in detail the means of access to the site. The Highway Authority has raised concerns about the adequacy of the existing vehicular access point from Reliance Way and officers share these concerns. Whilst the access may be wide enough to serve a typical car it is not really suitable to serve larger operational vehicles particularly with pedestrians and cyclists potentially using this access point too. Whilst this arrangement is likely to be able to be sufficiently improved as part of a reserved matters scheme as well as controlled by suitable conditions, it does rather add weight to officers' overall concerns that the proposed overdevelopment of the site would create poor quality access arrangements both into and within the site.

25. Notwithstanding the concerns previously expressed by officers about the potential appearance of large areas of covered cycle parking within the site, the level of cycle storage provision proposed does meet the requirements of policy HP15 of the SHP. There is also a reasonable prospect of such provision being able to be delivered in a more visually appropriate way as part of reserved matters. Consequently, with respect to cycle parking, officers have no objection to the proposals. In terms of pedestrian access, this is shown via a gated entrance to be provided between the proposed frontage building and Canterbury House so that there is access from and to Cowley Road. Officers have no objection to this arrangement which should be able to form a reasonably safe and efficient route into and out of the site.

26. The existing Canterbury House has a lawful office use though currently vacant and one which is now subject to an application seeking prior approval for a change of use to residential. The site is outside a designated district centre where reduced levels of car parking provision are encouraged. The development proposed would result in the loss of any car parking spaces to serve the offices of Canterbury House which would prejudice its attractiveness to potential business occupiers and which could therefore adversely affect the City's overall supply of appropriate employment sites. Given the applicant's clear desire to convert this building to a residential use, such a lack of car parking could only bolster later claims that there is a lack of interest in office use of Canterbury House. Having regard to the requirements of policy TR3 of the Local Plan as well as the parking standards set out in Appendix 2, the offices of Canterbury House should be served by approximately 3 car parking spaces. The scheme would leave no car parking provision which officers find to be unacceptable having regard to development plan policy.

Impact on Neighbouring Amenity

26. Policies CP1 and CP10 of the Local Plan require new development to adequately safeguard neighbouring amenity. Policies CP19 and CP21 of the Local Plan resist development where it would have an unacceptable impact on noise and disturbance for neighbouring uses. The supporting text to policy HP5 of the SHP recognises the problems that large numbers of inappropriately sited student rooms can have, given the increased activity on quieter residential streets. Moreover it also recognises that student accommodation can have an adverse impact on the character of residential areas is inappropriately sited. Supporting text to policy CS25 of the Core Strategy also states that there should be no unacceptable impact on amenity for local residents.

27. Subject to appropriate siting and design at reserved matters stage, the proposed buildings themselves are unlikely to give rise to a significant effect on either the privacy, outlook or light experienced by occupiers of the existing Mansion Mews student accommodation development to the north. Moreover, given the separation distances to nearby residential properties, it is likely that a detailed scheme could be delivered that avoids undue impact on neighbouring residential amenity. Consequently officers are not concerned at this stage about the potential impact of the proposed buildings on neighbouring living conditions.

28. Policy HP5 seeks to concentrate non-allocated new student accommodation on existing academic sites, in city/district centres or along main thoroughfares which includes Cowley Road. This is to prevent speculative student accommodation developments taking place in residential areas which can have a significant impact on the character of an area and the quiet enjoyment of surrounding homes.

29. The existing student accommodation at Mansion Mews that adjoins the site to the north has already created significant additional disturbance for occupiers of neighbouring residential properties. This is evidenced by comments raised in objection to the proposed development as well as complaints about noise made to the Council over the past couple of years. Whilst Cowley Road is a mixed use

street well served by public transport, only parts of it feature regular activity during the day and night time. Further away from the district centre it becomes more residential in nature both on Cowley Road itself as well as its side streets. In combination with the recently constructed student accommodation of Mansion Mews the proposals would result in over 200 student rooms set between the relatively quiet residential roads of Reliance Way and Glanville Road.

29. The proposed further intensification of student accommodation at this site is such that it would concentrate the potential to generate significant noise and disturbance for local residents not to mention a likely increase in indiscriminate on-street car parking (from visitors, family members and occasionally students flouting agreed management rules) to the detriment of neighbouring amenity. Furthermore, the intensification of student accommodation across the former bus depot site would significantly increase student comings and goings along, in particular, Glanville Road which is part of a shortcut to the Brookes' Headington campus. Officers' therefore have concerns that cumulatively the character, mix and balance of these residential streets would be materially altered making them less attractive to family occupation in the future. Whilst officers have no in principle objection to some student accommodation on the former bus depot site, it is imperative that this is at a level capable of integrating successfully into the local community. However, the proposals are a step too far for the character and amenity of neighbouring residential streets and as such officers find the proposals unacceptable and contrary to the requirements of policies CP1, CP10, CP19 and CP21 of the Local Plan as well as supporting text to policy HP5 of the SHP and policy CS25 of the Core Strategy.

Quality of Student Accommodation

30. Policy HP5 of the SHP and its supporting text in paragraph A2.35 requires student accommodation developments of the size proposed to provide both communal indoor and outdoor space that ensures occupants have space to gather, socialise and hold events. Policy CS25 of the Core Strategy adds that student accommodation should be purpose-built and designed and managed in a way that attracts students to take it up. As the application is in outline, detailed floor plans have not been provided and the layout could change at reserved matters stage. It would therefore be necessary to assess the acceptability of the internal communal facilities as part of a reserved matters application if applicable.

31. Whilst the overall site layout could also change from that proposed in the indicative site layout plan, officers have wider concerns about the scale of development on the site and the ability to adequately serve the amenities required by students. In particular, the communal outdoor space is small in size and poor in quality and it is difficult to see a way in which such provision could be made in an appropriate way on this site to serve as many as 98 student bedrooms. The combination of the substantial cycle parking requirement together with operational and disabled parking leaves very little usable outdoor space for future student occupiers such that it would be unlikely to be used. For this reason officers cannot conclude that there is a reasonable prospect of a reserved matters scheme being able to provide the necessary standard of student living conditions that the Council expects through its development plan policies. This is further evidence to support officers' contention that the proposals are attempting

to inappropriately overdevelop the site beyond its capacity such that it cannot provide the quality of environment that the Council would expect.

Energy Efficiency

32. Policy CS9 of the Core Strategy requires all developments to minimise their carbon emissions and are expected to demonstrate how sustainable design and construction methods would be incorporated. Furthermore, on qualifying sites such as this one, proposals should demonstrate through an NRA how they would minimise the use of energy, deliver renewable energy on site, incorporate recycled/reclaimed materials and minimise water consumption. Policy HP11 of the SHP is specified to residential development including student accommodation and requires developments of this size to generate at least 20% if its total energy use through on-site renewable energy generation unless not feasible or financially viable.

33. No Energy Statement or other details have been submitted that demonstrate how these policy requirements could be met in the final detailed scheme. In the absence of any such information it is simply not possible for officers to conclude that there is a reasonable prospect of there being a suitable proposal available that would accord with the planning policy requirements and therefore genuinely amount to sustainable development

Flood Risk

34. Policy CS11 of the Core Strategy reflects national policy in the NPPF by resisting development that increases flood risk. Whilst residential development is a more vulnerable use than the existing office development, the site is at a low risk of flooding and so no objection is raised to in this respect to residential development on the site. However, if approved a condition should be imposed requiring details of a surface water drainage system to be submitted to and approved by the Council to ensure no increase in surface water run-off and the potential for localised flash flooding.

Ecology

35. It is very unlikely that the proposed development would have an adverse impact on protected species. However, policy CS12 of the Core Strategy reflects the Council's statutory duties to give due regard to the need to enhance biodiversity when carrying out its functions. A development of the size proposed could make a meaningful contribution towards providing an improved habitat for swifts and so, if approved, a condition should be imposed requiring at least 10 swift boxes to be installed on the final buildings in a location to be agreed first by the Council.

Trees/Landscaping

36. The site is currently barren with no vegetation of note that would be affected by the proposed development. The appearance of the site, particularly when viewed from Cowley Road, could certainly benefit from some planting and this could be secured by condition if the application was to be approved in accordance with the requirements of policy CP11 of the Local Plan.

Land Contamination

37. The site was remediated to a standard suitable for a commercial end use back in 2012. The development however proposes a more sensitive residential use and involves significant ground works that could act as a pathway for contaminants to bring them back in contact with future occupiers of the site. Consequently, and in accordance with the requirements of policy CP22 of the Local Plan, a condition would need to be imposed if planning permission was to be granted requiring a phased contamination risk assessment to be carried out together with all necessary remediation measures.

Conclusion:

38. The proposals would result in the loss of an employment site in a sustainable location without robust justification and introduce a significant increase in student numbers into a residential area that would adversely affect local residential amenity and the character of the area. Furthermore, the proposals would inevitably result in an unacceptable overdevelopment of the site leading to a poor visual relationship with the surrounding area as well as a poor and congested environment for future student occupiers. Consequently, whilst the overall need for additional student accommodation is recognised, for the reasons set out, the proposals would be unacceptable and fail to represent sustainable development contrary to the requirements of policies of the development plan and national policy set out in the NPPF. Committee is therefore recommended to refuse planning permission for the reasons set out at the beginning of this report.

Human Rights Act 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

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

Background Papers:

00/01326/NOY
00/01327/NOY
09/01201/OUT
11/01150/RES
11/02386/VAR

12/00457/VAR
11/01150/NMA
13/01925/B56
14/03204/OUT

Contact Officer: Matthew Parry

Extension: 2160

Date: 26th February 2015

This page is intentionally left blank