

**East Area Planning Committee:**

1<sup>st</sup> July 2015

**Application Number:** 15/01568/FUL

**Decision Due by:** 16th July 2015

**Proposal:** Change of use of existing storage area (Use Class B8) to student residential accommodation (Sui Generis) creating 20 additional bedrooms, associated living and kitchen space and a new junior common room. Erection of a new gardeners store and secure bicycle store.

**Site Address:** Cheney Hall Cheney Lane (**site plan: appendix 1**)

**Ward:** Churchill Ward

**Agent:** Mr Philip Leighton

**Applicant:** Mr Brendan Farrelly

**Application Called in by** Councillors Brown, Fry, Taylor and Sinclair on ground of concerns about scale of proposals and consider it should be determined at committee to allow local residents to raise issues.

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## **Recommendation:**

APPLICATION BE APPROVED

For the following 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. The proposal would not have a detrimental impact on the character, appearance and special significance of the Headington Hill Conservation Area. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

## Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials
- 4 Retention of tree
- 5 Arboricultural Method Statement
- 6 Students - no cars
- 7 Term time use

- 8 Management of student accommodation
- 9 Cycle parking

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016**

- HE7 - Conservation Areas
- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP10 - Siting Development to Meet Functional Needs
- CP21 - Noise

**Core Strategy**

- CS11\_ - Flooding
- CS12\_ - Biodiversity
- CS13\_ - Supporting access to new development
- CS18\_ - Urban design, town character, historic environment
- CS24\_ - Affordable housing

**Sites and Housing Plan**

- HP16\_ - Residential car parking
- MP1 - Model Policy
- HP5\_ - Location of Student Accommodation
- HP6\_ - Affordable Housing from Student Accommodation
- HP9\_ - Design, Character and Context
- HP15\_ - Residential cycle parking

**Other Material Considerations:**

National Planning Policy Framework  
This application is in or affecting the Headington Hill Conservation Area.  
Planning Practice Guidance

**Relevant Site History:**

98/01892/LH - Demolition of existing halls of residence (Amended plans) - PER

98/01893/NFH - Construction of 750 student study rooms and ancillary facilities in linked buildings on 4 storeys in phased redevelopment – PER

04/00829/FUL - Partial enclosure of existing bin store. - PER

**Representations Received:**

The report has been drafted before the end of the consultation period and therefore any further comments received will be verbally updated at the meeting.

Oxford Brooks University: Support proposal which meets the requirements of the University's strategic objectives

**Statutory Consultees:**

None

**Issues:**

- Principle of Development
- Design
- Affordable housing
- Impact on neighbouring amenity
- Access/Parking
- Flooding and Surface Water Drainage
- Trees
- Conservation Area

**Officers Assessment:****Site Description**

1. Cheney Hall is an existing development of fifteen four storey buildings used to provide 750 student bedrooms. The larger buildings are divided into two or more blocks, each block is referred to by a letter (from A-U). The site is situated near to the top of Headington Hill; Cheney Lane runs along the south side of the site and Headington Road to the north-west. To the north east of the site there is an access driveway from Cheney Lane which separates the site from the Centre for Sport Building. At the centre of the application site lie a large student accommodation building (containing blocks B and C), this building is referred to as the Gatehouse Building.
2. The site currently contains a number of areas of outdoor cycle parking as well as bin stores and amenity areas. The Gatehouse Building contains most of the communal site facilities including the main reception, vending machines, common room and launderettes. Large parts of the existing gatehouse building are used for storage associated with the management of the site.
3. In the southern corner of the site there is an existing block of covered cycle storage. This building lies between blocks J and K.
4. There is very limited car parking on the current site. This is a reflection of the conditions of the original planning approval and the management of the site which ensures that students do not bring cars to university.
5. The application site, which is referred to as the Cheney Student Village in the applicant's design and access statement is jointly funded by Oxford Brookes University and UPP (Oxford Brookes) Limited (UPP). UPP are the long-term leaseholders of the site and are therefore the applicants, they also deal with the day to day management of the site.
6. The access driveway running along the north-eastern boundary of the site terminate in a car park outside of the Gatehouse Building; the driveway continues as a paved footpath and passes over Headington Road as an attractive and ornate footbridge which is a Grade II Listed Building.

7. The application site slopes principally from the north east to the south west. The site incorporates many features relating to its layout that reflect this topography, particularly the use of courtyards and paths that link the different blocks at different levels throughout the site.
8. A strong feature of the application site is the presence of mature trees; this reflects the location of the application site which forms a continuation of the heavily wooded slopes of Headington Hill and the nearby South Park and Headington Hill Parks.
9. The entire site lies within the Headington Hill Conservation Area.

### **Proposed Development**

10. It is proposed to change the use of existing storage areas within the Gatehouse Building and convert these into twenty additional student bedrooms. It is also proposed to change the use of an existing ground floor storage area to create a new Junior Common Room (JCR). The proposed changes to the JCR and ground floor of the Gatehouse Building also include a proposed change to create a terrace along the southern edge of Block C and a covered link in front of the southern elevation of Block C. It is also proposed to enclose the existing covered ground floor area of the Gatehouse Building to provide a new room to house the vending machines.
11. It is important to note that some areas of the Gatehouse Building were originally proposed to be used for different purposes other than storage. Planning consent 98/01893/NFH permitted a number of uses within the building including a shop, office, storage, student TV room, bar games room, social area and wardens flat. Not all of the areas within the building were ever used for those proposed uses; specifically the student bar, games room, social area and student TV room. Instead, those parts of the building were used for storage and are now areas that are proposed to be modified and used as additional bedrooms and the JCR.
12. It was originally proposed to erect a gardeners store to the north of the Gatehouse Building on the footpath that is a continuation of the main driveway; the store was proposed to be located on the western side of the path and would be approximately 60m from the bridge over Headington Road. The store was omitted from a revised set of plans that were sought because of Officers concerns about the impact of the store on trees and specifically the loss of three trees adjacent to the path.
13. It is also proposed to convert the existing cycle store in the western corner of the site into dry storage. This would result in the loss of fifty-two cycle spaces.
14. Lastly, the proposals include a new covered and secure cycle store for sixty-two bikes. The proposed new cycle store would be situated in the western part of the site (adjacent to blocks J and K) and in an area which is currently open grass. The proposed store would be 12m in length and 5.5m in width with an overall height of 2.5m. Indicative plans have been provided relating to the building's

design which show that it would be constructed with timber cladding. A pathway is proposed to link the cycle shelter to the rest of the paved areas of the site; this would form a continuation of the main path from the centre of the site towards blocks J and K). The proposed store would therefore create a net gain of ten cycle spaces on the site.

### **Principle of Development**

15. The principle of the development is assessed in relation to Policy HP5 of the adopted Sites and Housing Plan (2013). The policy states that planning permission will only be granted for student accommodation in locations '*on or adjacent to an existing university or college academic site...*' On this basis the proposed development would be acceptable in principle as the application site is adjacent to the Headington Hill Campus. The proposal chiefly relates to the increased concentration of the existing accommodation on the site; there is a relatively small amount of new building proposed as part of the application. As a result, the proposed use of existing storage areas of the building as new student rooms and the relocation of those stores to purpose built structures would result in a more efficient use of the site which can be broadly supported in principle by Policy CP6 of the Oxford Local Plan 2001-2016.

### **Affordable Housing**

16. The proposals have been assessed in relation to Policy HP6 of the Sites and Housing Plan (2013) which requires a financial contribution towards student accommodation where there are twenty or more bedrooms proposed. There are specific exceptions to the requirement to provide a financial contribution. The applicant's agent has provided a specific response relating to the policy and has suggested that a financial contribution would not be necessary as the exception (a) of the policy applies, this reads '*the proposal is within an existing university or college academic site or hospital and research site, as defined in the glossary;*'

17. The glossary referred to in the policy refers to university or college academic sites where teaching is the main use. It is not considered that the Cheney Student Village would be considered a site where teaching was the main use and on this basis Officers consider that exception (a) to Policy HP5 does not apply. However, Officers do consider that exception (c) of the policy applies and as a result there is no need for the proposals to provide a financial contribution towards affordable housing. Exception (c) reads: '*The proposal is for the redevelopment and/or intensification of a site, including proposals for the extension of a site on contiguous adjoining land, where the main existing use is student accommodation.*'

18. As the site involves the increased use of existing buildings and the intensification of the use of the Cheney Student Village site the exception (c) above is clearly applicable. As a result, no financial contribution towards affordable housing is required.

## **Design and Living Conditions**

19. It is considered that the proposed link and enclosure areas are acceptable in design terms. The proposed link area would be mainly glazed and would not have a substantial impact on the overall appearance of the building. The enclosing of the existing covered vending machine area would also be acceptable; this development would provide a better entrance area in the Gatehouse Building and mirror the design of the reception office at the adjacent part of the building.
20. The proposed cycle store would be acceptable in terms of its overall appearance; though the elevations and details of the store are only indicative at this stage the proposed use of timber means that the store would soften in terms of its appearance over time. The store would also be a fairly low building that would be sited amongst other buildings so it would not have a significant impact on the appearance of the area. The proposed development would result in a net gain of ten cycle spaces reflecting the additional requirement for cycle parking arising from the new student bedrooms; the proposals would therefore accord to the Council's adopted planning policy for cycle parking as set out in Policy HP15 of the Sites and Housing Plan (2013).
21. It is considered that all of the developments proposed are acceptable in the context of their impact on the character, appearance and special significance of the Headington Hill Conservation Area. The proposed development would be sited in amongst an existing built site and would therefore not be visible in the wider landscape. There are specific issues relating to trees which form an important consideration in terms of the Conservation Area, these matters are addressed later in the report.
22. The living conditions of the proposed student bedrooms are an important consideration for this application. Officers have assessed the proposed bedrooms and flats and consider that the quality of accommodation proposed would meet the requirements of Policy HP5 of the Sites and Housing Plan. One of the requirements of the policy is that some indoor and outdoor amenity spaces are provided; the proposed flats would have some communal living space in the kitchens provided. Outdoor amenity space is already available at the Student Village; there are large and pleasant outdoor spaces and terraces around the site which do appear to be used by student residents. Another requirement of Policy HP5 is the agreement of a management regime at the property; it is envisaged that the occupation of the student bedrooms would be on the same basis as the existing student accommodation on the site and this is required as part of Condition 9. The final requirement of Policy HP5 relates to parking which will be addressed later on in this report.
23. The proposed accommodation is referred to as a cheaper budget option for students that do not wish to pay for their own en-suite shower rooms; this has been justified by the applicant's agent in their Design and Access Statement as an opportunity to widen the budget options available to prospective students. Despite this lower specification of student rooms the overall quality of accommodation proposed would be acceptable and would meet the specifications of Oxford City Council's Amenities and Facilities for Houses in

Multiple Occupation good practice guide.

24. Some of the accommodation provided would meet the needs of disabled students and there are specific larger rooms shown on the plans that would provide adequate circulation space within the room for students with reduced mobility. The Design and Access Statement submitted with the application suggests that the provision of disabled rooms within the whole Student Village has exceeded the demand over the history of the site.
25. In addition to the above, the proposed communal areas incorporate features which ensure that they are accessible for disabled people.
26. The application includes information relating to waste management on the site. The Design and Access Statement submitted with the application states that waste and recycling are collected from outside student blocks with communal bins provided. As a result, the proposed development would appear to meet the requirements of waste and recycling management.

### **Impact on Neighbours**

27. The proposed development is not visible in the wider public realm and would not have an impact on the amenity of neighbouring residents. As a result, Officers consider that the development would comply with Policy HP14 of the Sites and Housing Plan.

### **Trees**

28. It has already been set out that the site lies in an area where there are a large number of mature trees and these contribute strongly to the overall appearance of the area. Mature trees are also a strong aspect of the special significance of the Headington Hill Conservation Area. As a result of the sensitivity of this element of the site the application includes significant detail relating to this issue. A detailed arboricultural report includes an arboricultural method statement and tree protection plan; the recommendations of these plans set out how the proposed development would impact upon trees and how existing trees on the site would be protected.
29. The proposed changes of use to the storage areas in the Gatehouse Building and erection of terrace and link areas would not have an impact on trees on the site.
30. The proposed cycle store would be in close proximity to a cluster of trees in the western corner of the site. Three particular trees would be in the vicinity of the path connecting the proposed store with the rest of the paved areas of the site (thereby providing access to the cycle shelter). The proposed cycle store and the path would lie within the root protection area of a mature oak tree. It is considered that the originally proposed cycle store would have had an adverse impact upon the oak tree. As a result, revisions were sought to the plans and a condition has been recommended that seeks an amended design for the cycle shelter in a similar location where the design of the structure will be lightweight and not affect any tree roots. In a similar way, the proposed path linking the shelter to the rest of

the paved areas of the site will be required to be lightweight and not intrusive to the underlying roots of nearby trees.

31. As already mentioned, a gardeners store was originally proposed to the north of the gatehouse building but this has been removed from the plans at the request of Officers following concerns about the proposed removal of three trees that would be required as part of that development.
32. On the basis of the above Officers consider that the development would not have a detrimental impact on trees in the application site. Any potential impacts on trees can be adequately mitigated against by the use of appropriate building techniques and precautions. Specific conditions have been recommended to deal with proposed development within the root protection areas of trees.

### **Flooding and Surface Water Drainage**

33. The application site does not lie in an area of high flood risk. Officers consider that the small scale of developments proposed on the site would not have an impact on surface water drainage on the site and would therefore comply with the requirements of Policy CS11 of the Core Strategy.

### **Access/parking**

34. The proposed development does not include any modifications to existing access arrangements on the site. The proposed cycle parking area would be connected to the network of paths around the Cheney Student Village as referred to previously.
35. Policy HP5 of the Sites and Housing Plan (2013) requires that new student accommodation must not result in more cars being brought into Oxford. This is also reflected in Policy CS25 of the Core Strategy (2011). The applicant's agent has provided details about the proposed measures that have already been adopted in terms of the management of the Cheney Student Village in relation to preventing students from bringing cars to university. An extract from the agreement signed by students on arrival at the hall of residence can be found in page 14 of the submitted design and access statement; this includes penalties for any student who is found to have brought a car to university.
36. Officers consider that adequate arrangements have been proposed in relation to access and parking at the site.

### **Biodiversity**

37. Officers have considered the impact of the proposed development on biodiversity. The majority of development proposed would be the conversion of existing buildings; where those buildings are already in use. The other developments proposed would be small scale and in amongst the built up areas of the site. As a result Officers consider that the development would not give rise to a detrimental impact in terms of biodiversity and the proposals meet the requirements of Policy CS12 of the Core Strategy.



## **Conclusion**

38. On the basis of the above, Officers recommend that the application be approved subject to the conditions referred to in the above report. In reaching this recommendation Officers have had regard to the consultation responses received in relation to the proposed development. Specific amendments have been sought to address some of the concerns raised in the first consultation.

### **Human Rights Act 1998**

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve 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 grant planning permission subject to conditions, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

### **Background Papers:**

14/02182/FUL

**Contact Officer:** Rob Fowler

**Extension:** 2104

**Date:** 18<sup>th</sup> June 2015

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