

East Area Planning Committee

5th August 2015

Application Number: 15/01643/FUL

Decision Due by: 3rd August 2015

Proposal: Demolition of the existing single storey commercial unit. Erection of 1No. two storey building to create 16 x 1-bed student study rooms and erection of 1No. two storey building to create 1 x 1-bed warden flat and 1 x 3-bed postgraduate flat. Provision of amenity space, refuse store and covered parking for 22No. bicycles.

Site Address: 162-164 Hollow Way, Oxford (**site plan: appendix 1**)

Ward: Lye Valley Ward

Agent: Tariq Khuja

Applicant: Speedy Property Solutions

Application Called in – by Councillors – Kennedy, Fry, Sinclair and Malik for the following reasons - overdevelopment

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. 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 Development begun within time limit
- 2 Develop in accordance with approved plans

- 3 Samples
- 4 Boundary details before commencement
- 5 bikes and bins
- 6 Contaminated Land
- 7 Fire hydrants
- 8 Window restriction
- 9 No cars
- 10 Day to day management
- 11 Full time students
- 12 Student accommodation only
- 13 Sustainability measure
- 14 Travel Information Pack
- 15 Drainage
- 16 Construction Traffic Management Plan
- 17 Biodiversity enhancements

Main Local Plan 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

CP21 - Noise

RC8 - Neighbourhood Shopping Centres

Core Strategy

CS1_ - Hierarchy of centres

CS2_ - Previously developed and greenfield land

CS18_ - Urban design, town character, historic environment

CS25_ - Student accommodation

CS28_ - Employment sites

CS29_ - The universities

Sites and Housing Plan

MP1 - Model Policy

HP5_ - Location of Student Accommodation

HP9_ - Design, Character and Context

HP11_ - Low Carbon Homes

HP14_ - Privacy and Daylight

HP15_ - Residential cycle parking

HP16_ - Residential car parking

Other Material Considerations:

National Planning Policy Framework

Planning Practice Guidance

Relevant Site History:

57/05753/A_H - Extension to form warehouse and alterations to shop. PER 22nd January 1957.

57/05886/A_H - Alterations to form bathroom and addition of fuel store. PER 12th March 1957.

72/03115/P_H - Erection of illuminated fascia sign. PER 21st June 1972.

72/26036/A_H - Change of use from shop to launderette and installation of new shop front. PER 21st June 1972.

80/00825/NF - New shop front. PER 17th October 1980.

81/00836/NF - First floor extension. REF 9th February 1982.

82/00209/NF - 1. Change of use of ground floor of No. 166 to offices (with retention of 1-bed flat on first floor). 2. Formation of staff car park and loading area at rear of No. 166. 3. Change of use of offices to stores in Nos. 162/164. REF 25th May 1982.

83/00584/S - Section 53 Determination as to whether use as business for hire/sale of small plant and power tools, with retail outlet, ancillary storage and residential house for manager, constitutes a material change of use (Nos. 162/164 and 166 Hollow Way). WDN 3rd August 1983.

83/00763/S - Section 53 Determination as to whether use of premises for tool hire and sales on the retail sales by Oxford Heating Limited is lawful. PNR 5th October 1983.

09/02129/FUL - Demolition of existing building. Erection of 2x3 bed houses over two storeys fronting Hollow Way. Erection of a two storey building to east of site fronting

Horspath Road to provide 1x3 bed house, 3x2 and 2x1 bed flats. Provision of 7 car parking spaces, bin and cycle storage. WDN 17th December 2009.

11/00765/FUL - Demolition of existing building. Erection of 2x2 storey building accommodating 19 student study rooms plus warden's accommodation. Provision of cycle and bin storage. PER 12th September 2011.

Representations Received:

160, 196, a resident Hollow Way, 15, 23 Horspath Road and Likey's Lawn, Beggars Lane, Longworth

Summary of Comments:

- Concerned regarding the stability of our property should the developer be allowed to demolish 162-164 Hollow Way; worried disturbance of foundations will occur
- no reason for the lowering of the party wall at the rear of our property, this will not be blocking light from any new development and if left will give us and our neighbours some privacy in our back gardens from view from the student rooms
- car parking issues/ parking is non-existent and not having parking facilities on site is ridiculous
- too high a density of occupants for the small area proposed to be developed
- no named College for usage of this development
- good reason for more student rooms in the area
- concerned about disturbance at night, music, noisy people and vehicles coming and going
- something needs to be done with the existing 'derelict' site,
- smaller and more sympathetic housing design would seem more appropriate for this area
- overlooking/loss of privacy

Statutory Consultees:

Oxfordshire County Council: no objections subject to conditions

Natural England: no objections; biodiversity enhancements recommended

Thames Water Utilities Limited: no objections

Issues: Contributions

Principle

Design/Residential Amenity

Highway Issues

Cycle Parking

Biodiversity

Other Issues

Officers Assessment:

Site Description

1. The application site is currently occupied by a disused single storey retail unit, most recently used as a plant and tool hire company. The retail unit has a large glassed frontage onto Hollow Way and is situated between two detached residential properties to the north and south. Delivery and vehicular access into the building is from Horspath Road via a roller door as well as providing off-street parking. Access to the neighbouring property 166 Hollow Way is taken from an open area to the frontage along Hollow Way. To the east the site backs onto Horspath Road recreation ground. The character of the immediate surrounding area comprises mainly Victorian and post war residential properties. The existing building is mainly brick with metal and glass skylights.

Proposal

2. The application proposes the demolition of the existing retail unit and erection of a two storey building to create 16 x 1 bed student study rooms and the erection of a two storey building to create 1 x 1 bed warden flat and 1 x 3 bed postgraduate flat.
3. Although described slightly differently the previously approved scheme (ref.:11/00765/FUL) is identical to the current scheme. In policy terms the previous scheme was considered under the Oxford Local Plan and the Core Strategy. The Sites and Housing Plan has subsequently been adopted and is an additional material consideration in this case.

Assessment

Contributions

4. The Community Infrastructure Levy (CIL) is a standard charge on new development. The amount of CIL payable is calculated on the basis of the amount of floor space created by a development. CIL applies to developments of 100 square metres or more, or to new houses of any size. The reason that CIL has been introduced is to help fund the provision of infrastructure to support the growth of the city, for example transport improvements, additional school places and new or improved sports and leisure facilities. This application is liable for CIL. The liability is £7,759.90.

Principle

5. The principle of redeveloping the site was established by the granting of planning permission September 2011 (ref.: 11/00765/FUL). It would appear that the last use of the site was as a Tool Hire Shop/Plant Hire depot which would be classed as an A1 use and *sui generis* (of its own class) use respectively, and given the low levels of employment generated at the site, it is not considered that the site would strictly qualify as an 'employment-generating use'.

6. Therefore in policy terms the proposal would now be considered on the basis of the loss of a shop rather than an employment generating use, which in this case has been classed as being within the Hollow Way Neighbourhood Shopping Centre. The proposal therefore falls to be considered in relation to Policy RC8 of the OLP which states that planning permission will only be granted for the loss of a class A1 use in Neighbourhood Shopping Centres when
 - a) evidence of a lack of viability is demonstrated to support a change of use;
 - b) the proportion of units at ground floor level in A1 retail use does not fall below 50% of the total units in the neighbourhood shopping centres;
 - c) non-residential uses such as other commercial or community uses will be considered on their individual merits and their added value in providing additional local facilities; and
 - d) changes of use to residential use are supported with substantial proof that commercial or community uses are not viable.
7. In terms of the present mix of uses within this collection of premises, the balance comprises 50% Class A1 retail, and if this unit were lost the percentage would therefore fall below the requirement to retain at least 50%. However the site have been vacant since at least the previous planning application; previous marketing has not produced any interest and given the size of the premises involved, it is much larger than a standard retail property that would normally cater for local neighbourhood requirements it loss it not considered to be detrimental to the Neighbourhood Shopping Centre. Similarly no objection is raised to the loss of the existing building which has no merit and does not provide any positive contribution to the streetscape.
8. In terms of the principle of providing purpose built student accommodation on the site, in his report on the examination into the Oxford Core Strategy the Inspector found the policy (CS25 student accommodation) restricted the provision of student accommodation to that related to the Universities, effectively placing an embargo on student accommodation to serve the needs of the many non-university colleges in Oxford.
9. The City Council pointed to the greater emphasis of these other colleges on part-time courses and that a lot of their students take up lodging accommodation, so not adding to the pressures on the city's housing stock and limited development sites. Nevertheless, the Inspector put forward that some of the students at these other colleges will be full-time and are just as likely to require housing out in the community and put pressure on the housing market. Where full-time students are on courses of upwards of an academic year, the Inspector concluded that they are as likely as University students to be seeking their own housing as opposed to lodgings.
10. Whilst removing the policy embargo would increase the competition for any available sites, provided any new accommodation was directed to full-time students, then the impact on the overall housing market would be very limited. These colleges also make their contribution to the local economy. He (the

Inspector) found little reason, in terms of housing pressures, to discriminate against non-University colleges. It is not justified in equity terms and therefore the policy wording was changed to reflect this.

11. The policy (CS25) now states student accommodation will be restricted in occupation to students in full-time education on courses of an academic year or more. Appropriate management controls will be secured, including an undertaking that students do not bring cars to Oxford. These can be dealt with via conditions.
12. Along with CS25 of the OCS policy HP5 of the SHP also applies which sets out criteria for determining which locations are suitable for student accommodation, and other conditions for development (management regime and prevention of cars). The City Council considers that only sites located adjacent to a main thoroughfare are considered acceptable. Hollow Way is classed as a main thoroughfare with pedestrian and cycle access directly onto it.
13. Therefore, in policy terms, the proposed loss of A1/ *sui generis* uses and provision of speculative student accommodation and its location would be considered acceptable.

Design/Residential Amenity

14. The existing buildings on site are single storey with the elevation fronting Hollow Way giving the impression of being one and a half storey. The existing buildings are up to and on the boundary with the side elevation and garden of 160 Hollow Way and the side and rear garden boundaries of 166 Hollow Way. The existing building is set back from the footpath on Hollow Way by 5.4m and between 4m and 6m from the footpath along Horspath Road.
15. The proposal shows two separate blocks. Block 1 fronts Hollow Way and houses the warden in a self contained one-bedroom flat with its own small area of private amenity space along with three post-graduate student bedrooms, one of which is en-suite, sharing a kitchen/living room and bathroom. Block 2 fronts Horspath Road and houses the remaining 16 student bedrooms, which are en-suite, over two floors (8 per floor) with a shared kitchen/diner on each floor.
16. The two storey building fronting Hollow Way (block 1) is detached and gives the appearance of an additional dwelling within the street scene. Numbers 160 and 166 are individual properties each with their own style, one slightly older with timber sash windows and one more modern with feature bay windows at ground floor level. Number 158 Hollow Way is part of a row of terraced properties all of similar design and appearance. The proposed building sits somewhere in the middle taking its window design from the first floor at 160 and has chimneys as do all the other properties within the vicinity. Block 1 is set slightly forward than the existing building. However it has been set away from the boundary with 160 Hollow Way by 1m but remains along the boundary with 166 Hollow Way but considerably reduced in length.

17. The existing building has a maximum height of 4.6m and block 1 has a proposed height of 4.9m to the eaves and 6.7m to the ridge. It forms a rendered blank elevation with a part gable roof and part pitched. There are no windows in the side elevation of 166 Hollow Way therefore there will be no issues of loss of sunlight/daylight to habitable rooms or overlooking/loss of privacy. It is acknowledged that this elevation is higher than the existing building, however, the proposed building is nearly identical to its neighbours in terms of its height, bulk mass and design and there is considered to sit comfortably within and make a positive contribution to the street scene. Although the proposed building will be taller adjacent to the boundary with 166 Hollow Way, this is considered to be duly compensated by block 2 being set away from the rear boundary, unlike the existing building. Therefore Officers consider overall the impact will be minimal on 166 Hollow Way.
18. Block 2 is seen within the context of Horspath Road as this is where it has its frontage. It is a larger building with a rectangular footprint. The front elevation has been broken up with two square gables and the rear at first floor with angled windows to prevent any overlooking. Both add interest to the front and rear elevations. The front elevation has been brought forward compared to the existing building and is now more in line with the side elevation of 166 Hollow Way and this design approach is considered to better compliment the street scene. Block 2 does not breach the Council's daylight and sunlight guidance in terms of the 45 degree line in the horizontal plane and 25 degree line in the vertical plane when taken from habitable room windows in the rear elevation of 166 Hollow way therefore it is considered to be acceptable in terms of policy HP14 of the SHP and sunlight/daylight standards.
19. The proposal is therefore considered acceptable in terms of policy CS18 of the Core Strategy 2026, CP1, CP6 and CP10 of the Oxford Local Plan 2001-2016 and HP9 and HP14 of the Sites and Housing Plan 2011-2026 in that it respects the character and appearance of the area and creates an appropriate visual relationship with the form, grain, scale, and details of the site and the surrounding area and does not impact on the neighbouring properties in a detrimental way.

Highway Issues

20. Policy CS25 of the OCS states appropriate management controls will be secured, including an undertaking that students do not bring cars to Oxford. This can be dealt with via a condition. The accommodation shall only be let on tenancies which include a clause to prevent the students bringing or keeping motor vehicles in the city.
21. The Highway Authority also recommends a planning condition which seeks to manage car ownership amongst occupiers of the proposed student accommodation. This is particularly relevant given that Hollow Way and surrounding roads are not subject to parking restrictions such as a Controlled Parking Zone that enables control of on-street parking.

22. They also recommend a Travel Information Pack should be prepared and provided to occupants of the student accommodation to encourage sustainable travel behaviour as the development is car free. This can also be dealt with via a condition.
23. Policy HP16 of the SHP states that only operational and disabled parking should be provided for new student accommodation. Operational parking should be available for students and their families, for a limited period, arriving and departing at the start and end of semesters or terms. There is off street parking provision to the front of block 1 and management of operational parking can be included the proposed condition for appropriate management controls

Cycle Parking

24. Policy CS13 of the OCS states that planning permission will only be granted for development that prioritises access by walking, cycling and public transport. A fundamental part of encouraging cycling is the provision of secure cycle storage.
25. Sufficient, high-quality cycle parking is especially important for student accommodation, as it is car-free. The minimum standards for student accommodation reflect that more students are likely to cycle in Oxford if they live away from their place of study.
26. Policy HP15 of the SHP requires student accommodation to provide at least 3 spaces for every 4 study bedrooms. There are 19 study bedrooms therefore a minimum of 14.25 cycle parking spaces are required. 22 are proposed which is considered acceptable.

Biodiversity

27. This application is in close proximity to Lye Valley Site of Special Scientific Interest (SSSI). However, as the application site does not appear to be within the surface or groundwater catchment of the SSSI, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Other Issues

28. Extra noise has been raised as a concern. Details of the day to day management of the accommodation will be requested and a warden will be present on site. There is also other legislation to deal with excessive noise. Officers consider these measures appropriate. Environmental Health Officers have raised no objections to the application on these grounds
29. The location of the bins has been raised in terms of smells. A requirement is to

have the bins in a screened area (policy CP10 of the OLP). The proposal shows them in a covered area with doors on, although no elevational details have been provided. Officers will request such details via a condition and this will ensure the bins remain covered and secure to prevent any smells escaping.

30. Various concerns have been raised by the neighbouring properties over the impact of the build on them and their properties in terms of walls, access, making good party walls etc. These are not planning issues and need to be considered under other legislation and/or through discussions with the developer/builder.
31. The County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. There will probably be a requirement to affix fire hydrants within the development site. Exact numbers and locations cannot be given until detailed consultation plans are provided showing highway, water main layout and size. The requirement for the provision of hydrants in accordance with the requirements of the Fire & Rescue Service shall be subject to a condition.

Conclusion:

32. For the reasons given above and taking into account all other matters raised Officers conclude that the proposal accords with all the relevant policies within the Oxford Core Strategy 2026, the Oxford Local Plan 2001-2016 and the Sites and Housing Plan 2011-2026 and therefore recommends committee approval 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 grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

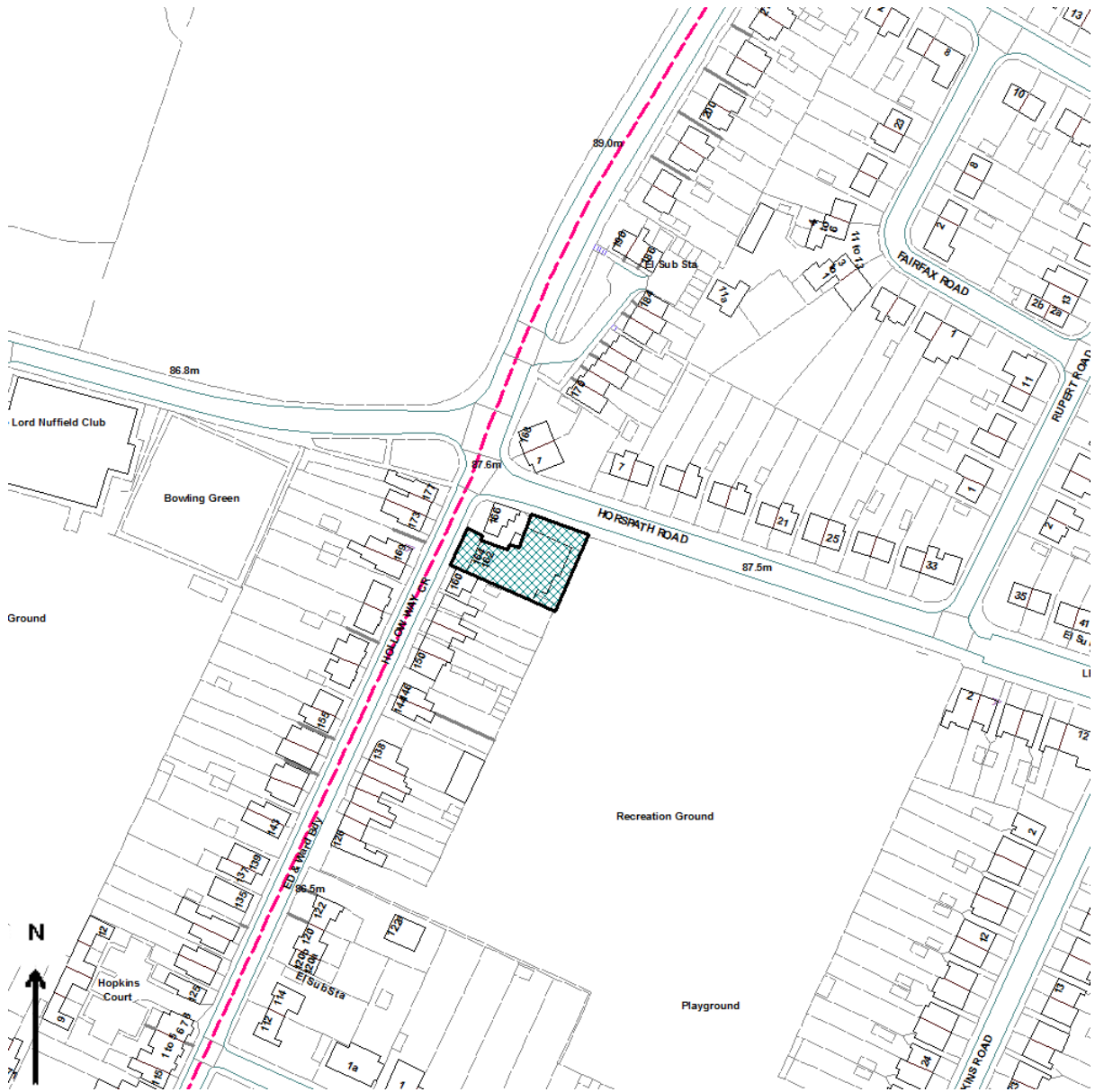
Contact Officer: Lisa Green

Extension: 2614

Date: 22nd July 2015

Appendix 1

15/01643/FUL - 162-164 Hollow Way



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Ordnance Survey 100019348