

East Area Planning Committee

7 December 2016

Application Number: 16/01973/FUL

Decision Due by: 26 October 2016

Proposal: Change of use of Canterbury House, Adams House and Rivera House from Class B1(a) office use to 48 student study rooms and ancillary facilities. Full planning permission for the erection of a three storey building to provide 30 further student rooms and ancillary facilities.

Site Address: Canterbury House 393 Cowley Road, Site Plan **Appendix 1**

Ward: Cowley Marsh Ward

Agent: JPPC

Applicant: A2 Dominion Homes And
Cantay Estates Ltd

Recommendation:

East Area Planning Committee is recommended to approve the application subject to and including conditions below, and delegate to officers the issuing of the notice of permission on satisfactory completion of a S106 legal agreement to secure a contribution to affordable housing.

Reasons:

- 1 The proposed development provides student accommodation in a sustainable and appropriate location that preserves the special character and appearance of Canterbury House which is a non-designated heritage asset and the street scene. There would be no harm to adjoining neighbours. The proposal accords with the Policies contained within the Local Development Framework and NPPF.
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. Time – 3 years
2. Plans – in accordance with approved plans
3. Materials – to match
4. Construction Traffic Management Plan – details prior to construction

5. Contamination – validation report prior to occupation
6. Car parking & turning – in accordance with approved plans
7. Cycle & bin storage – further details prior to substantial completion
8. Sustainability –details of PV's/ CHP to be submitted prior to construction
9. Surface water Strategy &SUDS – details to be submitted.
- 10.Landscape plan – details of hard and soft landscape planting required; prior occupation
- 11.Landscape – planting carry out after completion
- 12.Details of boundary treatment prior to occupation
- 13.Student Accommodation and Out of Term Use (no conference use)
- 14.Student Accommodation – General Management Protocol – operated in accordance with
- 15.Travel Plan
- 16.Travel Info Pack
- 17.Students - No cars
- 18.Restrict hours of use of outside amenity space; 08:00 and 21:00
- 19.Biodiversity – measures for wildlife details of 8 swift boxes; prior commencement;
- 20.Archaeology – Photographic recording; Canterbury House; prior construction

Legal Agreements:

S106 to secure affordable housing contribution

CIL:

The development is liable for CIL: £ £167,729.51.

Principal Planning Policies:

Oxford Local Plan 2001-2016 (OLP)

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 - NR1A

TR3 - Car Parking Standards

TR4 - Cycle Parking Standards

Core Strategy (CS)

CS2 - Previously developed and greenfield land

CS9 - Energy and natural resources

CS12 - Biodiversity

CS13 - Supporting access to new development

CS19 - Community safety

CS18 - Urban design, town character, historic environment

CS22 - Housing Growth

CS24 - Affordable Housing

CS25 - Student accommodation

CS28 - Employment sites

Sites and Housing Plan (SHP)

HP5 - Location of Student Accommodation

HP6 - Affordable Housing from Student Accommodation

HP9 - Design, Character and Context

HP11 - Low Carbon Homes

HP12 - Indoor space

HP13 - Outdoor Space

HP14 - Privacy and Daylight

HP15 - Residential cycle parking

HP16 - Residential car parking

Other Material Considerations:

Affordable Housing and Planning Obligations SPD

Natural Resource Impact Analysis SPD

Parking Standards, Transport Assessments and Travel Plans SPD

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Relevant Site History:

Relevant planning history at the site is set out below:

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: 2,322m², 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). Approved: 6th August 2002.

09/01201/OUT - Outline application (seeking access and layout) for the erection of 2,092m² 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. Approved: 17th March 2010.

11/01150/RES - Reserved matters of planning permission no. 09/01201/OUT (for 2,092m² of class B1 Business floor space and 106 student study rooms), seeking approval of appearance of block B and C and of the student accommodation block. Approved: 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 Approved: 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. Approved: 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. Approved: 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.

13/02673/B56 - Change of use from office (Use Class B1(a)) to residential (Use Class C3) to provide 16 dwellings (3 x 1-bed and 13 x 2-bed). Prior approval required and refused 13th November 2013, allowed at appeal and later quashed by the courts. Appeal subsequently withdrawn.

15/00360/B56 - Change of use from office (Use Class B1(a)) to residential (Use Class C3) to provide 3 x 1-bed and 1 x 2-bed flats. This application is for determination as to whether prior approval of the Council is required and, if required, whether it should be granted. This application is assessed solely in respect of transport and highway impacts and contamination and flooding risks. Approved on Appeal 8th December 2015.

14/03204/OUT - Outline planning permission (all matters reserved) was sought for the demolition of the existing office accommodation at Rivera House and Adams House and the construction of up to 98 student study rooms with provision for disabled car parking. Dismissed on appeal on grounds of, amongst other things, relating to impact and proximity to the non-heritage asset of Canterbury House, impact on street scene and inadequate (quality/ amount of) amenity space in relation to both student accommodation and flats. However, loss of employment use for the whole of the site accepted by Inspector. Dismissed 8th December 2015.

15/00597/OUT - Outline planning permission (access, layout and scale) was sought for the erection of a four-storey building consisting of 4 x 1 bedroom and 4 x 3 bedroom flats including amenity space, car parking and waste storage. Dismissed on appeal on grounds of, amongst other things, relating to impact and proximity to the non-heritage asset of Canterbury House, impact on street scene and inadequate (quality/ amount of) amenity space in relation to both student accommodation and flats. However, loss of employment use for the whole of the site accepted by Inspector. Dismissed 8th December 2015.

15/02542/OUT - Change of use of Canterbury House, Adams House (Block B) and Rivera House (Block C) from Class B1 Business use to 36 student study rooms with ancillary facilities. Outline application (seeking access, layout and scale) for 3 storey building (Block A) to provide 24 student study rooms with ancillary facilities.(amended plans)(additional info). Approved 12th July 2016.

16/01226/FUL - Change of Use of Canterbury House, Adams House and Rivera House from Class B1(a) office use to 38 student study rooms and ancillary facilities. Erection of a part two and half, part three storey building to provide 22 further student rooms and ancillary facilities. Withdrawn 8th June 2016.

16/02406/FUL - Change of use of Canterbury House, Adams House and Rivera House from use as offices (falling within Use Class B1(a) of the 1987 Use Classes Order) to use as 48 student study rooms with ancillary facilities together with landscaping, disabled car parking, bin and cycle storage Subject to EAPC resolution to grant on 8th November 2016. Approval pending S106 agreement being satisfactorily completed.

Public Consultation

Neighbours:

Oxford Civic Society raised the following concerns:

- Concerned at the volume of student housing developments which are being introduced and the effects of these on the character of the local neighbourhood and the city as a whole, the effects of these on the higher-priority requirements of the two Universities, and the consents to such development proposals in the apparent absence of clear understanding of the total numbers of students in the city, and the differentiation as between ages, nature of studies establishment affiliation etc;
- Whilst the proposed provision of cycle parking for residents is in excess of the standards set by current Council policy, it is clear that these standards are now obsolete, and the provision is likely to be inadequate to meet demand;
- There is also an absence of provision of cycle parking for visitors to the development.

Statutory Consultees:

Natural England: Statutory nature conservation sites – no objection: Natural England has assessed this application using the Impact Risk Zones data (IRZs) and 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 Iffley Meadows and Lye Valley SSSI's have been notified. We therefore advise your authority that these SSSI's do not represent a constraint in determining this application.

Highways Authority: No objection subject to conditions relating to Travel Info Pack, Travel Plan, SUDs, Student Accommodation Management Plan, Parking and Turning Space in Accordance with Specified Plan, Students no cars to Oxford, No out of term conference use, Construction Traffic Management Plan. Further opportunities for visitor and staff cycle parking within the site.

Officers Assessment:

Application Site & Background:

1. The application site comprises part of the former Oxford Bus depot and lies along the north-eastern side of Cowley Road on the corner of Reliance Way. To the southeast and east lie the modern residential properties of Reliance Way on the rest of the former bus depot. 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. However it is well served by public transport and close to supermarket amenities.
2. The site comprises 3 existing buildings: the Victorian Canterbury House which although vacant has permission to change to residential use under the recent appeal decision (15/00360/B56). It was once formerly both the home and studio of renowned Oxford photographer Henry Taunt and is a non-designated heritage asset. To the north of the site are the vacant office buildings of Adams House and Riviera House. To the front of the site is a vacant building plot adjacent to the Cowley Road.
3. Approval was granted recently earlier this year under a hybrid application for full permission for conversion of these three existing buildings and outline for a new building (on the vacant road frontage plot) for student accommodation comprising a total of 60 student study bedrooms with ancillary facilities, landscaping, bin and bicycle storage, 3 disabled car parking spaces and a new pedestrian access into the site from Cowley Road (15/02452/OUT refers). Following that East Area Planning Committee resolved to grant approval for the change of use of Canterbury House, Adams House and Riviera House from use as offices (falling within Use Class B1(a) of the 1987 Use Classes Order) to use as 48 student study rooms with ancillary facilities together with landscaping, disabled car parking, bin and cycle storage. At the time of writing the S106 is to be completed (16/02406/FUL). These applications are material considerations in determination of this case.

Description of Proposed Development:

4. This proposed application is identical in respect of the change of use and minor exterior alterations on the existing buildings on this site to create 48 rooms together with access, associated cycle & car parking, bins and landscaping (16/02406/FUL), but also proposes a new 3 storey building on the vacant plot facing Cowley Road. It provides an additional 30 single study bedrooms with shared common room and kitchen facilities bringing the total number of students on site to 78.
5. This development would result in an increase of 18 student rooms over and above the 60 previously approved in respect of all buildings under 15/02452/OUT as flows:

Approved

Canterbury house: 10 rooms

Adams House: 13 rooms

Riviera House: 13 rooms

New Building: 24 rooms

Total: 60 rooms

Proposed

12 rooms; an increase of 2 rooms

18 rooms; an increase of 5 rooms

18 rooms; an increase of 5 rooms

30 rooms: an increase of 6 rooms

Total: 78 rooms

6. Given the resolution to grant permission for identical parts of this proposed development the report concentrates where applicable on the new building and the implications of the additional students on site.
7. Officers' consider the principal determining issues in this case are:
 - Principle of Loss of Employment Site;
 - Quantity & Quality of Student Accommodation
 - Appearance
 - Affordable Housing;
 - Access and Parking;
 - Impact on Neighbouring Amenity;
 - Energy efficiency;
 - Flood risk;
 - Ecology;
 - Trees/Landscaping;
 - Land contamination;
 - Archaeology.

Principle of Loss of Employment Site:

8. The loss of employment use for the whole of the site (i.e. existing office blocks of Adams House & Riviera House, the vacant road frontage site and Canterbury House) was accepted in the determining and approval of the previous hybrid application 15/02542/OUT in July this year following the Appeal decision on the previous appeals (14/03204/OUT, 15/00597/OUT. & 15/00360/B56 refer).
9. Oxford Civic Society's comments on student numbers and speculative development in the City are noted. However in this case, the previous permission 15/02542/OUT & resolution to grant 16/02406/FUL are material considerations in this case and represent a legal fall-back position. Officers therefore advise Committee that the loss of employment use, for the reasons set out in those earlier decisions, is considered acceptable in this case. Consequently the change of use of the existing office buildings Adams House, Riviera House & Canterbury House to residential use is considered acceptable under CS28 of the CS.

Quantity and Quality of student accommodation:

10. Policy CP6 of the Local Plan seek to ensure efficient use of Land and

appropriate density relative to the site and its context. Policy CS25 of the Core Strategy encourages the provision of high quality purpose-built student accommodation buildings that do not significantly harm the amenity enjoyed by local residents. The policy also states that the Council will seek appropriate management controls to restrict students from bringing cars to Oxford through the imposition of appropriate conditions or planning obligations. Policy HP5 of the SHP and its supporting text at paragraph A2.35 requires student accommodation development of the size proposed to provide both communal indoor and outdoor space that ensures occupants have space to gather, socialise and hold events.

11. The development would result in an increase in 18 rooms over that previously approved under the outline (15/02542/OUT) and has been achieved by re-working the layout within the existing building to be converted (48 rooms as approved under 16/02406/FUL) and provide 18 rooms within the new three storey building. The outdoor space for 78 rooms would still be 10% of the overall site area and the revised landscape plan shows that this would provide an acceptable level of quality amenity space in accordance with Policy HP5(e) of the SHP.
12. It is considered that the development makes more efficient use of the existing space and would provide adequate size bedrooms, kitchen/ common rooms and outdoor space. Furthermore, an increase in 18 rooms would not a significant impact on overall student numbers previously approved on this site. The proposal is therefore considered to accord with policies CP6 of the OLP, HP5 of the SHP and CS25 of the CS.

Appearance:

13. Local Plan policies CP1, CP6, CP8, CP9 and CP10 together seek to secure high quality, efficient, contextually appropriate, successful and functional development. Core Strategy policies CS18 and C19 reinforce those objectives and seek to protect the value of heritage assets.
14. The proposed changes to the existing buildings have been approved by committee under 16/02406/FUL and therefore this report concentrates on the new building which sits on the vacant plot fronting Cowley Road. Officers had concerns about the design and appearance of the building as originally submitted and following discussions revised plans were submitted. These show a repetitive gabled form and distinctive bays created to the Cowley Road elevation and more generous gap between Canterbury House to improve its setting.
15. It is considered that the new building as now proposed would have an appropriate relationship to Canterbury House and forms a suitable transition in height and massing between it and Reliance Way. The contemporary approach to a traditional architectural form is considered acceptable and suitably responds to the form, rhythm and domestic scale of the Canterbury House and other residential properties surrounding it. The more generous spacing between new building and Canterbury House reduces any harmful

impact on the setting of the heritage asset any harm being further mitigated with landscaping within the space. It is considered that the proposal would not be harmful to the character and appearance of the non-designated heritage asset or street scene and as such the proposal accords with the above policies. A condition would ensure suitable materials.

Affordable Housing:

16. 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. The applicant has indicated that in the event of an approval, they would be willing to enter in to a legal agreement to secure such a contribution in accordance with HP6 of the SHP.

Access & Parking:

17. The new pedestrian access and four disabled car parking spaces is as previously approved and is adequate in this sustainable location with good bus services. Students will be required not to bring cars to Oxford, HP16 of the SHP refers, and the Applicant confirms this would be the case in their submitted General Management Protocol, which can be secured via condition. This protocol also sets out how drop off and pick up at terms times will be managed (also secured via condition). The HA also state that out of terms use as a conference accommodation is not suitable in this location due to the limited parking on site and pressure for parking in the surround streets. This is considered reasonable and can be secured by condition also.
18. 60 secure and covered cycle parking spaces are proposed in two areas towards the back of the development which meets the minimum set out in HP15 of the SHP (3 spaces per 4 student rooms equal to 59 spaces). The standards also suggest 1 space per resident staff although there would be no staff as such on site but a nominated Monitor, and they will make use of the covered cycling parking proposed. The Comment of the Civic Society regarding cycle parking is noted. The HA comments that no visitor spaces are to be provided however there appears to be ample space to locate some short-stay cycle parking provision, e.g. Sheffield stands, throughout the development. Whilst Officers agree that more visitor parking spaces could be accommodated the issue, there is no policy requirement to do so under HP15 and also previous approvals for this development on this site have not included it, which is a material consideration, and therefore it could not be insisted upon in this case. Further details of the appearance of the bike stores can be secured via condition.
19. The proposal accords with Policies HP14 & HP15 of the SHP and CS25 of the CS.

Impact on Neighbouring Amenity:

20. 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 result in unacceptable noise and disturbance for neighbouring residents. 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. It also recognises that student accommodation can have an adverse impact on the character of residential areas when inappropriately sited. The supporting text to Policy CS25 of the Core Strategy states that there should be no unacceptable impact on amenity for local residents.
21. 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.
22. The principle of 60 student bedrooms has been accepted on this site under 15/02542/OUT and 48 within the existing buildings alone within this site under 16/02406/FUL. It is considered that there would be no significant increase in harm to neighbouring residential amenities in terms of noise and disturbance from 18 additional rooms within these buildings, amounting to 78 in total. The site is to be operated by A2 Dominion (joint applicant) who has their Head Office and other student accommodation nearby at Chapel Street. In addition, they have submitted a General Management Protocol which includes, amongst other things, details of how students will be staffed/ managed, arrival/ departures at term time, and restriction on use of the courtyard after 9pm for access purposes only (as previously conditioned under 15/02542/OUT & 16/02406/FUL).
23. It is considered that a condition ensuring the accommodation is occupied and managed in accordance with General Management Protocol would enable effective on-site management of the students in all regards in accordance with policies CP1, CP10, CP19, CP21 of the OLP, HP5 of the SHP and CS25 of the CS.

Energy Efficiency:

24. 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. Policy HP11 of the SHP is specified to residential development including student accommodation and requires developments of this size to generate at least 20% of its total energy use through on-site renewable energy generation unless not feasible or financially viable.
25. An Energy & Efficiency Statement has been submitted and the amended plans show the location of PV panels on the pitched gabled roofs of the new building fronting Cowley Road only and not the roofs of Adams House and

Riviera House. Approximately 132m² of PV's would be installed on the S SE roof slope(s) of the new building and would appear more integrated into the design. The E & E Statement concludes that by considering high efficient condensing gas fired boilers in conjunction with CHP for space heating and hot water and solar PV panel, energy consumption and CO₂ emissions savings will be in the range of 70587kWh/yr and 341812kg/yr accordingly. This will be 32% reduction in CO₂ emissions & 21% reduction in energy demand from on-site renewable/ Low or Zero Carbon technology. The proposal therefore accords with CS9 and details of the CHP and PV's could be secured by condition.

Flood Risk:

26. Policy CS11 of the Core Strategy reflects national policy in the NPPF by resisting development that increases flood risk. A Flood Risk Assessment has been submitted as this is a more vulnerable use (residential) within an area of with in Flood Zone 1 (low risk of flooding). The FRA concludes that there would not be an unacceptable risk form fluvial flooding; the development would not increase risk of flooding elsewhere; and would employ a surface water drainage strategy based on SUDs to ensure the development would meet the minimum reduction in surface water runoff for brownfield sites and store the balance of water for all events up to and including 1 in 100 year event allowing for a 30% increase in rainfall as a result of climate change. The surface water drainage strategy based on SUDs can be secured via condition, as before, in accordance with Policy CS11 of the CS.

Ecology:

27. 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 8 swift boxes to be installed on the existing buildings and 2 in the new building fronting Cowley Road in locations to be agreed first by the Council.

Trees/Landscaping:

28. The site is currently barren with no vegetation of note that would be affected by the proposed development. A revised landscape plan has been submitted, following comments from Officers showing tree planting & lawn along the Cowley Road frontage and extended lawn, shrub planting & seating areas, within the site. The plan is acceptable however further details are required of proposed tree and shrub species/ size and tree pits/ raised beds, seating etc. These details can be secured by condition in accordance with the requirements of policy CP11 of the Local Plan.

Land Contamination:

29. A Contaminated Land Assessment has been submitted. This assessment outlines the remedial measures taken during the redevelopment of the site for commercial end use, and provides an updated conceptual site model for the proposed change of use to residential. No risks are identified as significant for a residential end use, and it is proposed to mitigate any risks from soft landscaped areas by the provision of a 300mm clean capping layer underlain by a geotextile membrane. Verification measures are outlined in the assessment including photographic evidence of the depth of cover system and certification that the imported material is clean.
30. Appendix 2 contains correspondence with the local authority, which states that any excavated materials from the proposed new building will be removed from site and the duty of care documentation will be provided as verification.
31. Officers agree with this updated assessment and to secure the validation requirements a full validation report should be submitted and approved by the Council and secured by condition in accordance with CS22 of the CS.

Archaeology:

32. This application is of interest because it involves works to a Victorian town house associated with the prominent local photographer Henry Taunt and is a non-designated heritage asset for that reason. Therefore, bearing in mind the small scale of the proposed works to Canterbury House, an archaeological requiring building recording should be imposed to mitigate any harm on known or suspected elements of the historic environment of the people of Oxford and their visitors, including Victorian building detail, resulting in accordance with HE.2 of the OLP.

Conclusion:

33. In light of the recent approval for change of use of these building to student accommodation under 15/02542/OUT and committee resolution to grant 16/02406/FUL for part of the same proposal, and for the reasons set out in the report above Officers' recommend East Area Planning Committee approve the application subject to and including conditions and the satisfactory completion of a S106 to secure a contribution to affordable housing.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the

rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 16/01973/FUL

Contact Officer: Felicity Byrne

Extension: 2159

Date: 12th October 2016

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