

Application Number: 11/00927/FUL

Decision Due by: 29 June 2011

Proposal: Erection of 3 storey building to accommodate 74 student rooms plus warden's accommodation. Provision of cycle and bin storage facilities and landscaping.

Site Address: Rear of 17 To 41 Mill Street, **Appendix 1.**

Ward: Jericho And Osney Ward

Agent: John Philips Planning
Consultancy

Applicant: W.E. Black Ltd

Recommendation: Committee is recommended to support the development in principle but defer the application in order to complete an accompanying legal agreement and delegate Officers the issuing of planning permission subject to conditions on its completion.

Reasons for Approval.

1. The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
2. The development seeks to provide student accommodation in line with the requirements of Local Plan and Core Strategy policy at a brownfield site which is ill suited to family housing due to its particular configuration adjacent to the railway line, or to commercial development in view of its poor access arrangements via a residential street. The use of the site for the intended purpose has been established by a previous planning permission now lapsed. It is especially suited for occupation by students of Bellerbys College based at Trajan House a short distance from the site to the west side of Mill Street. The development would generate little traffic and reduces the need to travel. As such the development makes good and efficient use of the land.
3. Many of the public comments received express concerns about the relationship of the proposed development to existing residential properties in Mill Street, the loss of greenery from the site and the size and form of the proposed building. The

development is however located at a distance from these properties which would not give rise to unacceptable conditions or loss of amenities, whilst new tree and shrub planting would replace the existing scrub and tipping on the land and provide future habitats for wildlife. At three storeys the building would be larger than the nearby residential properties and of a different architectural form, but would not be of a size or scale unsuited to its location adjacent to the railway line. The building is sited at a sustainable location with good levels of energy efficiency included, and is safeguarded against flood risk. There are no objections to the proposals from statutory organisations.

Conditions.

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Amended drawings
- 4 Samples
- 5 On site management of students
- 6 Occupancy restrictions
- 7 Student accommodation: out of term use
- 8 Tree protection plan
- 9 No felling, lopping, cutting
- 10 Landscape: underground services
- 11 Tree protection plan
- 12 Arboricultural method statement
- 13 Landscape plan required
- 14 Landscape carry out after completion
- 15 Landscape management plan
- 16 Students no cars
- 17 No car parking on site
- 18 Control of access
- 19 Restrict delivery / service times
- 20 Cycle parking
- 21 Bin stores: amended drawings
- 22 Scheme of lighting and CCTV
- 23 Boundary treatment
- 24 Ground contamination
- 25 Vibration: details to protect development
- 26 Noise from development
- 27 Soundproofing of development from railway noise
- 28 Development in accordance with Flood Risk Assessment (FRA)
- 29 Sustainable drainage
- 30 NRA
- 31 Construction management plan
- 32 Travel plan
- 33 Archaeology
- 34 Public art
- 35 Further habitat survey
- 36 Wildlife habitats
- 37 Fire hydrants

Legal Agreement.

Financial contributions of:

1. £30,000 towards public realm improvements adjacent to entrance to site.
2. £4,725 towards library facilities within the City.
3. £4,440 towards indoor recreation facilities within the City.

Principal Policy Documents.

Oxford Local Plan 2001-2016

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP9 - Creating Successful New Places
- CP10 - Siting Development to Meet Functional Needs
- CP11 - Landscape Design
- CP13 - Accessibility
- CP14 - Public Art
- CP17 - Recycled Materials
- CP18 - Natural Resource Impact Analysis
- CP19 - Nuisance
- CP20 - Lighting
- CP21 - Noise
- CP22 - Contaminated Land
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- TR13 - Controlled Parking Zones
- NE14 - Water and Sewerage Infrastructure
- NE15 - Loss of Trees and Hedgerows
- NE16 - Protected Trees
- NE20 - Wildlife Corridors
- NE23 - Habitat Creation in New Developments
- HE2 - Archaeology
- HS20 - Local Residential Environment
- TA5 - Accommodation - out of term use

Oxford Core Strategy 2026.

- CS2 - Previously developed and greenfield land
- CS9 - Energy and natural resources
- CS10 - Waste and recycling
- CS11 - Flooding
- CS12 - Biodiversity
- CS13 - Supporting access to new development
- CS17 - Infrastructure and developer contributions
- CS18 - Urban design, town character, historic environment
- CS19 - Community safety
- CS25 - Student accommodation

Supplementary Planning Documents (SPDs).

1. Planning Obligations (2007)

2. Natural Resource Impact Analysis (NRIA) (2006).
3. Parking Standards, Transport Assessment and Travel Plans.(2006)

Other Policy Documents.

PPS1: Delivering Sustainable Communities.

PPS3: Transport.

PPS5: Planning for the Historic Environment.

PPS9: Biodiversity and Geological Conservation.

PPS22: Renewable Energy.

PPS23: Planning and Pollution Control.

PPG24: Planning and Noise.

PPS25: Planning and Flood Risk.

Summary of Planning History.

Historically the application site formed part of railway sidings and landholdings, but in more recent times this and an adjacent site have been subject to a number of planning applications. Immediately to the west a smaller site than the current application site was granted planning permission for 6 flats in the 1980s at what is now Abbey Walk. In 1989 a small office development was also permitted on the same site but not implemented. On the current site a development of 24 flats was refused planning permission in the early 1990s, but a development of 19 student study rooms approved a decade later, though not implemented. That permission has now lapsed. It is accepted therefore that the principle of development for student accommodation has been established at this site.

Public Consultation.

Prior to the submission of the planning application the applicant undertook a public presentation of the proposed development on 24th February 2011 to which residents of Mill Street were invited plus local ward councillors etc. Some 22 people attended and 7 written comments were made. The principal issues raised related to the density of development, the scale and height of buildings, landscaping and the impact on car parking, noise and biodiversity.

Following receipt of the planning application and site advertisement the following comments were received.

Environment Agency: (i): Basis of Flood Risk Assessment (FRA) undertaken not appropriate and flood levels therefore underestimated; FRA should be revised; route for safe access and egress should be provided to avoid need for evacuation in time of flood. (ii): revised FRA resolves objections previously raised; FRA demonstrates that level for level compensation for lost flood water is still achievable; satisfied proposal will not increase flood risk; Emergency Planner at Oxford City Council satisfied that emergency planning issues can be managed; remove objection on access and egress grounds subject to condition requiring details of FRA to be implemented.

Thames Water: No objection to the planning application in terms of water or sewerage infrastructure; storm water flows should be attenuated or regulated into receiving public network through on or off site storage.

Network Rail: No objection but some minor concerns: NR need to consider foundation and constructional designs; trespass proof fencing required; buildings to be 2m from boundary; no discharge of surface water onto NR land; NR to be consulted on changes in ground levels; windows and scaffolding not to oversail operational railway; development to take into account noise, vibration and dust from railway; trees to be planted agreed distance from boundary.

Oxfordshire County Council Environment & Economy: Financial contribution of £4,725 required towards library facilities; costs of fire hydrants can be met by condition.

Oxfordshire County Council: Highways: No objection subject to conditions and adjusted plans; as development is at a sustainable location suggest removal of warden's car parking space; temporary Traffic Order may be required during construction; cycle parking details need to be adjusted; development to be SUDs compliant; development encroaches slightly onto highway land - plan needs adjusting; Travel Plan and Construction Travel Plan required; contribution of £30,000 towards highway / public realm works welcomed.

Environmental Development: As potentially contaminated land risk assessment, site investigation and remediation strategy is required; condition required to soundproof development from railway noise; details of measures to protect against vibration required

Oxford Civic Society: Building would be uninspiring entrance to the city; building may look monolithic and depressing; screening by trees may be effective eventually; 2 storey building would be preferred with more variety and interest but options may be limited on this narrow plot; cycle parking should be provided for all students.

Individual Comments: Main comments made:

- potential for overlooking / loss of privacy.
- density of occupation too high.
- noise intrusion.
- fear antisocial behaviour / late night activity.
- overbearing nature of development.
- loss of daylight / sunlight.
- loss of tree coverage and greenery.
- increased traffic along Mill Street, including service vehicles and taxis.
- loss of views.
- valuable wildlife corridor.
- development too large and overbearing.
- building taller than existing structures.
- would be better constructed at lower part of site.
- development out of character / not in the local vernacular.
- light pollution
- building would not reduce noise levels as suggested, which is not a problem in any event.
- restrict occupation of development.
- better street lighting, CCTV etc requested.
- S.106 agreement should make Mill Street safer for pedestrians and cyclists / traffic calming.

The applicant's response to these comments is attached as appendix 2 to this

report.

Background to Proposals.

1. The planning application relates to a linear site measuring 0.3 ha (0.75 acre) to the immediate west of the railway line south of Oxford Railway Station. The land was formally occupied by railway sidings and platform but has been overgrown and unused for many years, though some access has been gained by neighbouring residents and an amount of fly tipping has also taken place. Although there are few trees of individual quality on the site, in view of its general greenery value a Tree Preservation Order had been placed on the land in 2010 to prevent removals in advance of any redevelopment proposals coming forward. Access to the site is taken from the south via the western section of Osney Lane off Mill Street. To the north is other former railway land occupied by the now closed Railway Club accessed from Mill Street via a route to the rear of the Westgate Hotel. A number of the Mill Street houses have taken vehicular access to the rear of their properties from this point.
2. To the east of the application site is the railway line with rail users car park beyond, whilst to the west are the rear gardens of 17 to 41 Mill Street. Nearby to the eastern side of the railway line unimplemented permissions exist for a new terminating “bay platform” and transfer deck linking the platform to the existing Railway Station located to the north side of Botley Road.
3. The single linear building proposed for the site would provide 74 en suite student study rooms with the intended occupiers being students of Bellerbys College who occupy teaching premises nearby at Trajan House in Mill Street. The rooms are arranged in clusters of 6 or 7, with a small kitchen / social area serving each cluster. Meals can also be taken at the cafeteria at Trajan House. Four of the rooms are to full disabled standard, with warden’s accommodation located near the entrance to the site. A small common room area is also provided at this point, but there would be no bar within the building. No car parking is provided on site other than for the warden, though access is made available for servicing purposes, collection from bin stores and for emergency vehicles. Cycle parking and bin stores are located in separate structures from the main accommodation building.
4. Students of Bellerbys College would generally be in the age range of 16 to 19 undertaking full time GCSE, A levels and foundation courses. Some 80% of Bellerbys’ students proceed on to UK university courses. The college is Ofsted inspected.
5. Officers consider the principal determining issues in this case to be:
 - planning policy;
 - built forms;
 - highways, access and parking;
 - trees and landscaping;
 - noise, vibration and air quality;
 - flood risk;
 - archaeology; and

- sustainability

Officers Assessment.

Planning Policy.

6. The application site bears no site specific allocation in the adopted Local Plan or Core Strategy, and falls outside the defined area encompassed by the West End Area Action Plan. Nevertheless the proposal raises a number of issues to which a range of more general Local Plan, Core Strategy and other policies relate. These are listed at the head of this report. As indicated elsewhere the application generally responds to these policy requirements by making beneficial and efficient use of brownfield land which by virtue of its narrow and linear configuration would not be well suited to family housing for example, nor to commercial use due to the restricted access arrangements via a residential street. In that context, of particular relevance to the case are those policies relating to the provision of purpose built student residential accommodation.
7. For many years successive Local Plans have supported the provision of purpose built student accommodation on sites not suited to family housing in order to reduce the pressure on the general housing market by students who might otherwise live in shared houses capable of being occupied by families permanently resident in the City. In the current Local Plan occupation of such developments had been restricted to students of the University and its constituent colleges, or students of Oxford Brookes University. However following adoption of the Oxford Core Strategy 2026 in March of this year the relevant Local Plan policy has been replaced by Core Strategy policy CS25 which seeks to relax previous policy restrictions so as to permit occupation by other institutions providing its students are enrolled on full time courses of an academic year or more. Occupation by Bellerbys' GCSE, A level and foundation course students would meet this requirement. A condition would be applied to planning permission if granted securing such a restriction in perpetuity in the event that institutions other than Bellerbys were to occupy the building in future years.

Built Form.

8. The proposal consists of a single 3 storey building constructed in a linear form with facing buff coloured brickwork at lower levels and standing seam grey metal cladding in zinc or similar at upper levels and roof. Windows would possess aluminium frames and the whole development would be orientated to the west away from the railway line it adjoins. As such corridor access to individual study rooms runs along the entire eastern side of the building to the railway line at all levels, providing protection from any noise and pollution from the railway line. The main entrance to the site and building is from the southern end with two further entrances at intervals along the western side where staircases to upper levels are located. At these points the strict linear configuration of the development is broken as the building realigns slightly to adopt a more a sinuous form. At these "knuckle" points the entrances are

identified by a recessed, glazed treatment to the stair towers. To the eastern elevation adjacent to the harsher environment of the railway line the applicant suggests a more robust approach is required, and which avoids over-emphasising these subtle changes of direction. The applicant argues instead in favour of a regular architectural rhythm and treatment.

9. Overall the sinuous form of the single building is in large measure a response to the very particular characteristics of the site which measures between 20m and 25m in width only, but extends some 120m in length northwards from the point of access off Osney Lane. In order to provide a satisfactory relationship with the rear of neighbouring residential properties in Mill Street the building is sited to the eastern side of the site on slightly higher ground which also allows it to be sited away from land identified as falling within Flood Zone 3 as defined by the Environment Agency, (referred to later in this report).
10. Externally the site is cleared of the scrub and tipping which has taken place on the land over the years and new planting proposed in order to provide a setting for the new development and maintain some of the greenery that the site currently possesses despite its unkempt appearance. As such a strip of landscaping is proposed along the rear of the Mill Street and Abbey Place properties measuring up to 4.4m in width with additional planting at the northern end. The landscaping would consist of new tree planting to replace those which have to be lost, retention of some trees in better condition, and the introduction of appropriate low level shrubs. More formal planting and lawns is proposed adjacent to the buildings themselves, whilst an access road runs the length of the site between these planted areas, for use by emergency vehicles. Some limited planting is also suggested east of the building where it abuts the railway line. The boundaries of the site would be maintained by a 2m timber fence along the western side to the rear of the Mill Street houses and a new low brick wall at the entrance from Osney Lane. To the east and north the existing railings would be retained.
11. The accommodation building itself is arranged on three floors rising to 10.1m along most of its length with a slight rise at the southern end of 2m in the form of a cantilevered canopy included as an angular architectural feature at the point at which the building is perhaps most visible from the public realm. The second floor accommodation is set back 1.8m from the main western face of the building along its full length however so that the leading edge at this point would rise to approximately 7.5m or about the same height as the ridge to the Mill Street houses. Whilst these properties are more modest domestic scale structures on two floors, there are a number of buildings within the street and in the locality on three floors or more, for example at the Westgate Hotel, Kite PH, Trajan House, Oxford Innovations, Youth Hostel, Gibbs Crescent and the former University Dept. of Engineering at Russell Street.
12. Generally the distance between facing windows for properties across Mill Street is approximately 12m, whilst typical minimum window to window distances at the rear of Victorian or Edwardian terraces such as these is 21m. In comparison the proposed building is located 33m from the nearest window in the rear elevation of the Mill Street properties, extending to as much as 39m

in other cases. At these distances there would be little impact on the Mill Street properties in terms of lighting conditions, nor in the officers' view would the development appear overbearing when viewed from these houses or their gardens. Window to window distances would also be similar to or greater than to be typically found in residential areas of this type close to the city centre. As such acceptable levels of privacy would be maintained. Whilst the 6 flats at Abbey Walk are closer to the proposed student accommodation, only two habitable room windows are present in the facing elevation and these currently abut the access road within that development. In any event one of the striking features of the new building is the verticality of its windows to study rooms arranged in a razor tooth form and aligned to the south - west to avoid direct views towards gardens. Such an alignment avoids direct overlooking and also has the benefit of providing good internal lighting conditions for the study bedrooms. Overall therefore officers take the view that the privacy of neighbouring householders at both Mill Street and Abbey Walk is protected and that a three storey building can be accommodated at the application site.

13. In summary officers are satisfied that the built form and location of this single sinuous building responds positively to its very particular context; respects neighbouring residential amenities; and produces a distinctive architectural solution appropriate to the narrow and constrained site it occupies adjacent to the railway line.

Highways, Access and Parking.

14. As the application site is at a sustainable location close to public transport facilities and a short walk from the city centre, the development is intended to be essentially car free with no car parking provided on site other than for the resident warden. The site falls outside the Controlled Parking Zone in operation in Mill Street and occupiers of the development would not therefore be eligible for residents' parking permits. A condition to the planning permission would also require that a clause in students' tenancy arrangements would not permit them to bring vehicles to Oxford. As the majority of students would be in the age range of 16 to 19, few would possess a driving licence in any event. Covered cycle parking for 38 cycles is provided to meet Local Plan requirements, though space exists to provide further facilities if necessary.
15. A drop off point for smaller vehicles and taxis exists at the entrance to the site adjacent to the warden's car parking space, but measures are required to be in place to prevent other parking taking place, but to allow access for refuse collection vehicles etc. A condition is suggested requiring details. Conditions are suggested also for a limited travel plan, and construction travel plan. A minor drafting error on the submitted plans indicate encroachment over the common boundary to the public highway. Amended drawings correcting the error are required.
16. In support of the proposals, the applicant is prepared to fund alterations to the pedestrian area to the foot of the footbridge at Osney Lane which requires

improvement. This would be secured by legal agreement, along with other contributions in line with the Supplementary Planning Document (SPD) on Planning Obligations.

Trees and Landscaping.

17. The application site is thickly covered by trees, shrubs and general scrub. An arboricultural report accompanies the planning application and indicates some 34 trees or groups of trees to be present which are graded according to their visual quality using the guidance in BS5837: 2005. Of the 34 trees and groups of trees 2 are graded category B (moderate quality and value) and remainder category C (low quality and value). One further tree, a wild cherry, is not graded but recommended for felling as it is in decline, contains a fungus (*Pholiota squarrosa*), and possesses a base which forks into 3 and a heavy limb which is split and fallen. Overall the quality of individual specimens on the site is low, though they possess a collective presence when viewed from public vantage points in Osney Lane and Becket Street, and in private views from the rear of gardens to Mill Street. For this reason and to protect trees which were at risk of being felled a Tree Preservation Order was made on the land in 2010. It was not the intention of the Order to prevent appropriate development however as the principle of developing the land had previously been established. Rather it was intended to retain the greenery of the site until such time that further proposals came forward for the land.
18. Of the 34 specimens identified 20 individuals plus 2 groups of trees are proposed for removal to allow the development to proceed: 2 wild cherry; 1 crack willow; 4 individual and one group of elders; 2 goat willow; 10 individual and 1 group of sycamore and a group of mixed species saplings. The loss of these specimens would be mitigated by the retention of 12 of the specimens, including both category B ornamental cherries plus 4 sycamores, 2 purple plums, 2 goat willows, a crack willow and 1 field maple, all to be pruned where required to reduce the risk of breaking or falling, or to improve their form. The retention of these specimens would be supplemented by new tree planting supported by low level shrub planting. To the western boundary of the site a landscaping strip 4.4m wide is proposed to contain the trees and shrubs, within which are currently located the cycle and bin stores serving the development. Details of the tree species to be planted would be secured by condition, such planting to assist in mitigating the losses.
19. Whilst in the first instance the visual presence of the new planting within the 4.4m strip would be limited as generally the new trees would be only approximately 2.4m in height, as the expected species of alder, birch and pine trees mature they can be expected to strengthen the existing screening from the retained trees and ensure a succession of mature tree coverage in the future. As the bin and cycle stores are located within the root protection zone of some of the retained trees then it is suggested that their positioning is adjusted accordingly to ensure the continued viability of the retained specimens. Similarly as the precise route of underground services is not identified, then a series of planning conditions are suggested to provide protection and ensure that existing trees to be retained are not threatened.

20. Elsewhere on the site lawned areas with occasional tree planting is provided to the frontage of the new building, whilst to the east of the development a narrow strip of planting is possible adjacent to the railway line land. This is indicated to be planted with native shrubs and trees which would be managed as scrub. Again details would be required by condition

Noise, Vibration and Air Quality.

21. In November 2010 noise and vibration surveys were undertaken at the application site to inform the design of the development. The proposal which emerged was in the form of a single block of accommodation with corridor access along the eastern side of the building at all 3 levels, creating a buffer zone to railway noise. Double glazed window units to this elevation opened only for cleaning purposes further reduce internal noise levels by at least 30dB(A). With further acoustic requirements to internal walls to meet the Building Regulations, any noise emanating from the railway to habitable rooms would be low, and within the guidance levels set out in Planning Policy Guidance Note 24: "Noise" (PPG24).

22. The existing trees and scrub provide some noise attenuation for residential properties backing onto the application site. Whilst the removal of vegetation is mitigated to an extent by new planting, greater benefits are derived from the building itself which is calculated by the applicants' consultants to result in a reduction in noise levels of at least 3 dB(A) measured at the upper floors of the Mill Street properties with a greater reduction of up to 6 dB(A) for those properties located opposite the central part of the development which are more effectively screened. Whilst some local residents have indicated in public comments that noise emanating from the railway is not problematical and have queried that the new development would offer the suggested noise benefit, it is recalled that in response to Network Rail's recent proposals for a bay platform to the eastern side of the railway line a specific request was made by local residents that Network Rail erect an acoustic fence along the full length of the railway line at this point. In this regard the proposed building would perform a similar role to such a fence.

23. On one other matter relating to noise, several local residents have raised concerns about noisy students potentially occupying the development, and that those properties in Mill Street currently occupied by students have caused such problems in the past. Environmental Development colleagues advise that there have been 6 such recorded complaints only received from postcode area OX20AJ since 2002 and none since 2008. In any event the students of Bellerbys College intended to occupy the proposed development would be of a younger age group than university students, generally in the age range of 16 to 19. More particularly there would be a requirement by planning condition that either a resident warden lives on the site to provide supervision and a point of contact for local residents in the event of problems arising, or that there would be some other form of 24 hour on site presence. Delivery times can also be restricted to avoid unsocial hours.

24. In terms of vibration, the survey results indicated with reference to relevant British Standard 6472 that there was likely to be only "*low probability of adverse comment*" from occupants of the development. In order to mitigate against any perceived issues of vibration the design and construction of the development would however need to take the presence of the railway fully into account so that, for example, lightweight structures with suspended wooden floors would be unlikely to be appropriate. Rather consideration would need to be given to piled foundations with construction of sufficient mass to minimise any amplification within the building. A condition is suggested requiring constructional details to be submitted and approved accordingly.
25. With the development orientated to the west, Environmental Development officers advise air quality issues would be unlikely to arise unless there were evidence of extensive idling taking place adjacent to the development, which is not the case.

Flood Risk.

26. The Environment Agency's published flood risk zones indicate parts of application site to the south and west to fall within flood zone 3a which equates to a high probability of flooding during a 1 in 100 year event with allowance for climate change. Other parts of the site are on higher ground however and fall with flood zones 1 and 2, ie being at low or medium risk respectively in a 1 in 100 year event.
27. As part of the site falls within the defined flood zone 3a, then a "*Sequential Test*" under the terms of Planning Policy Statement 25: "*Planning and Flood Risk*". (PPS25) is required to establish if in flood terms any other sequentially preferable sites are reasonably available which could potentially accommodate the development. The search undertaken by the applicant identifies no such better sites however, and officers would come to the same conclusion. In reaching this view officers have taken into account that part only of the site is within flood zone 3; that the building itself is set on higher ground; and that although other windfall sites could become available for this use, the Oxford Local Plan does not allocate sites for student accommodation for private educational institutions of this sort. Nor are there any other sites in the near vicinity which could conceivably be used for the purpose. Within the Oxford West End to the east student accommodation sites with the Area Action Plan (AAP) are identified only as part for mixed developments, (therefore involving other parties), which could not be said to be currently available for the development.
28. If the Sequential Test requirements are met for developments which fall within flood zone 3, then an "*Exceptions Test*" is then applied. To meet this test there must be other sustainability benefits from the development; the development must be on previously developed land; and an acceptable flood risk assessment (FRA) must be in place, preferably reducing the risk of flooding elsewhere. As the development is car free and at a highly sustainable location; occupies previously developed land where planning permission has also been granted for the same use in the past; and no objection is raised to

the FRA by the Environment Agency, then the Exceptions Test is also met.

29. In terms of actual measures undertaken to protect the building and not cause additional flood risk elsewhere, the finished floor level of the development is set at 57.81m AOD or 270 mm above the 1 in 100 year level plus climate change, or 520 mm above the 1 in 100 year level. External levels will be 56.685AOD. This means that the building itself would not be at risk of flooding. However a small area of the building would extend into the zone 3a area and a compensation scheme is proposed accordingly. The intrusion equates to some 106 cu m of water during a 1 in 100 year plus climate change event, in response to which flood compensation of 241 cu m is provided, or a net gain of 135 cu m. In terms of runoff a sustainable urban drainage scheme (SUDS) is also proposed, details of which can be required and agreed by condition.
30. The Environment Agency raise no objection to the proposals subject to it being undertaken strictly in accordance with the measures outlined within the FRA. A condition is suggested accordingly.

Archaeology.

31. A desk based archaeological assessment accompanies the planning application. The site is of interest as the precinct of Osney Abbey lay just to the south and west of the site, and the presence of a Saxon Burial in the Osney area in the 19th century suggests there may be other burials in the general area. Also the route of a post Medieval or earlier road may have run through the site towards the Thames. An archaeological investigation is therefore suggested which should consist of a trial trench across the site of the projected post Medieval road and a watching brief during significant ground works. These requirements can be secured by condition.

Sustainability.

32. The development is located at a sustainable location very close to the railway station and bus interchange and within a short walk of the central bus station and city centre. It would be car free other than for the warden's accommodation with covered cycle parking also provided. In terms of the new building a BREEAM very good or excellent rating is aimed for with a score of 7 out of 11 being achieved on the Natural Resource Impact Analysis (NRIA) checklist. This is achieved via a series of measures. In terms of energy efficiency high levels of insulation is included with double glazed, naturally ventilated windows, sensors to lighting equipment etc. Renewable energy is provided by a mix of roof mounted solar hot water and photovoltaic equipment whilst part off - site construction is being considered. Timber would be obtained from sustainable sources and rainwater harvesting employed for external areas.

Other Matters.

33. Biodiversity. The application site is made up mainly of scrub ground with some individual trees. Hardstandings also exist across parts of the site and the land has generally undergone a degree of fly tipping. There is therefore some potential for wildlife occupation. A full habitat survey was undertaken in August 2010 by Ecoconsult Wildlife Consultancy. Resurveys were also taken shortly afterwards. The survey identified one badger sett and 2 mammal holes, but none were in active use at the time of survey or resurvey. The surveys recorded no reptiles on the site and identified only a low potential for bat roosts. There were no UK priority species found. Nevertheless the site was suitable for nesting birds. The report recommends that native trees and shrubs are planted as part of the landscaping scheme to provide future habitats. Officers would support that recommendation and would also suggest that specific bird and bat boxes be included as appropriate. As the original survey of species was in August 2010, it is also suggested that in the event of planning permission being granted, that a further habitat survey be undertaken prior to the commencement of work on site.
34. Contamination. As previously developed land accommodating a railway platform and associated railway activities, the application site possesses a degree of contamination. A ground condition report undertaken by specialist consultants accompanies the planning application and concludes that the overall potential to generate significant contamination on the land is limited and that the geoenvironmental risks associated with the site are low. Environmental Development colleagues recommend a condition is imposed on the planning application requiring full on site investigation of the extent of contamination, together with a remediation strategy.
35. Public Art. The development qualifies for a contribution towards public art in some form. This can also be secured by condition.

Conclusion:

36. The planning application relates to a parcel of former railway land which has lain unused for some years but which has been the subject of some tipping and unauthorised access in recent times. It has also been the subject of a previous planning permission which did not come to fruition. Although a Tree Preservation Order exists on the site this was imposed not because of the individual quality of trees, but in order to allow the greenery and general visual amenity provided by the site to be retained until such time as development proposals came forward. In terms of the current planning application, the development provides student accommodation conveniently placed for an intended occupier located nearby and is car free, being at a highly sustainable location close to the city centre and public transport facilities. Whilst the proposed building is constructed on 3 floors, it is located at a distance which would not impact on neighbouring residential properties such as to warrant refusal of planning permission, and indeed may assist to an extent in providing an acoustic barrier to noise emanating from the nearby railway lines. The site is sufficiently large to also allow new and supplementary planting to

soften its appearance and to provide habitats for wildlife. The development would be safeguarded from flooding.

37. Committee is recommended to support the proposals accordingly.

Human Rights Act 1998

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

Background Papers: 11/00927/FUL

Contact Officer: Murray Hancock

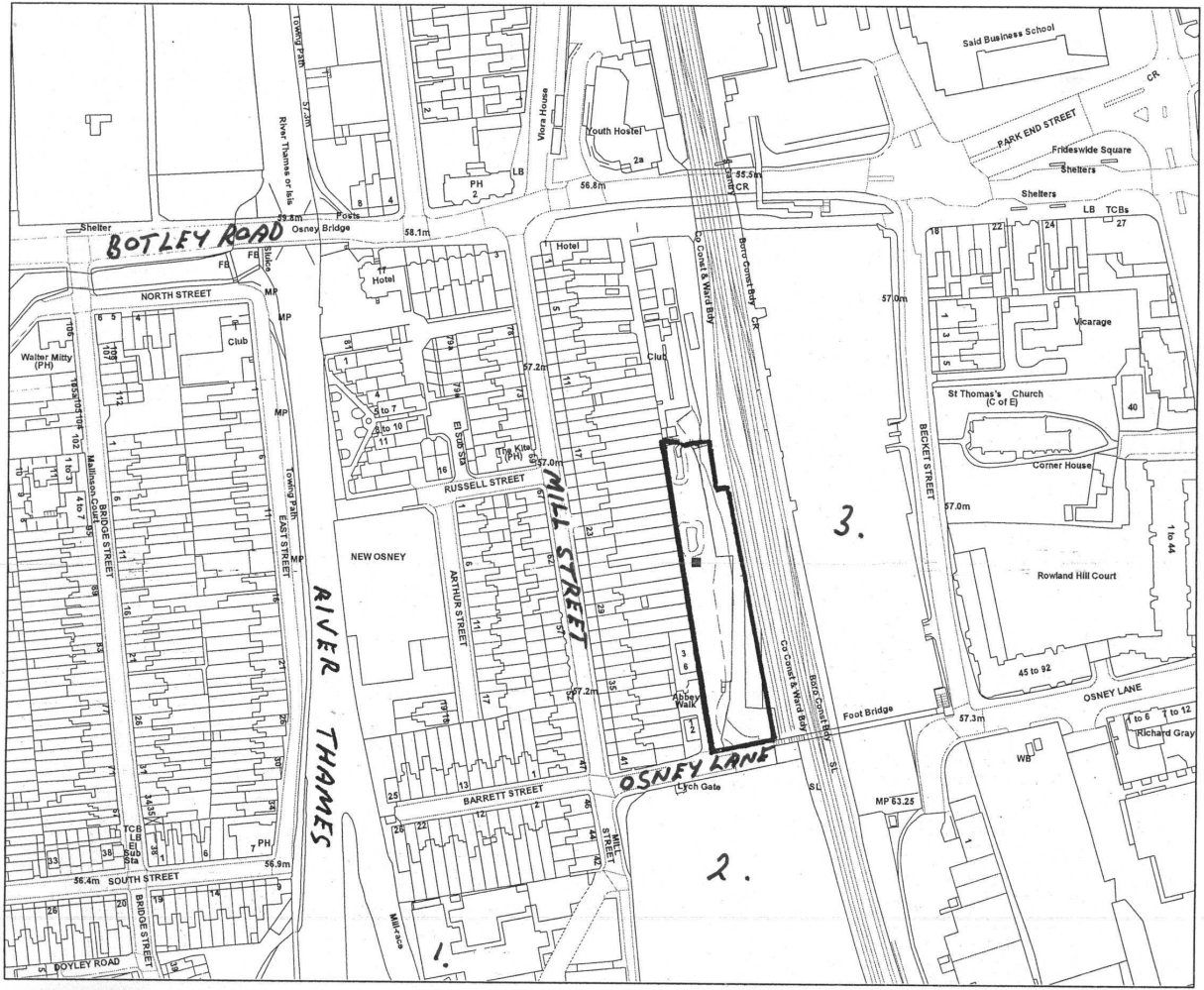
Extension: 2153

Date: 30 June 2011

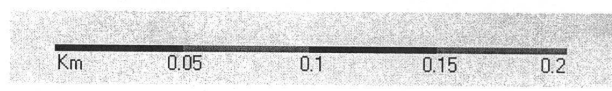


Rear of 17 - 41 Mill Street

11/00927/FUL



- Legend**
- 1. TRAJAN HOUSE.
 - 2. OSNEY CEMETERY.
 - 3. BECKET ST. CAR PARK



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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	30 June 2011
SLA Number	Not Set